



# Oregon

John A. Kitzhaber, M.D., Governor

**Department of Land Conservation and Development**

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

Date: 11/06/2014  
Jurisdiction: City of Bend  
Local file no.: PZ 14-0624  
DLCD file no.: 007-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/03/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 42 days prior to the first evidentiary hearing.

### Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

### DLCD Contact

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



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

<b>FOR DLCD USE</b>
007-14
File No.: {22419}
Received: 11/3/2014

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

Jurisdiction: City of Bend

Local file no.: **PZ 14-0624**

Date of adoption: 10/9/14

Date sent: 11/3/2014

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/14/14

No

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

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

**No**

Local contact (name and title): Amy Barry

Phone: 541-693-2114

E-mail: [abarry@bendoregon.gov](mailto:abarry@bendoregon.gov)

Street address: 710 NW Wall Street

City: Bend

Zip: 97701-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

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

#### **For a change to a comprehensive plan map:**

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

**For a change to a zoning map:**

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

Change from RS	to RM	Acres: 0.36
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 651 SE Reed Market Road; 18-12-04CD-00600

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

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

## DECISION OF THE CITY OF BEND HEARINGS OFFICER

**PROJECT No:** PZ 14-0624

**APPLICANT/  
OWNER:** Jamey Julius  
1528 NE 8<sup>th</sup> Street  
Bend, Oregon 97701

**ENGINEER:** Sun Country Engineering  
Chris Munson  
920 SE Armour Road  
Bend, OR 97702

**LOCATION:** 651 SE Reed Market Road; 18-12-04CD-00600.

**REQUEST:** Type III Zone Change for a 15,505 square foot parcel from Standard Density Residential (RS) to Medium Density Residential (RM) in conformance with the RM General Plan designation.

**STAFF  
REVIEWER:** Amy Barry, AICP, Senior Planner; (541) 693-2114;  
[abarry@bendoregon.gov](mailto:abarry@bendoregon.gov)

**HEARING DATE:** September 25, 2014

**HEARINGS OFFICER:** Ken Helm

### APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

Bend Code Chapter 10, City of Bend Development Code  
Chapter 4.1, Land Use Review and Procedures  
Chapter 4.6, Land Use District Map and Text Amendments

The Bend Area General Plan

Oregon Administrative Rules

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

### BACKGROUND INFORMATION:

- 1. LOCATION:** The subject property is located at 651 SE Reed Market Road, and is identified as tax lot 600 on Deschutes County Tax Assessor map 18-12-04CD.
- 2. ZONING AND PLAN DESIGNATION:** The subject property is zoned Standard Density Residential (RS) and is designated Medium Density Residential (RM) on the General Plan map.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The subject property is 15,505 square feet and is currently undeveloped. It is located on the south side of Reed Market Road and bounded by the COIC canal to the south. Surrounding properties are also zoned RS and designated RM on the Bend Area General Plan.



4. **PROPOSAL:** The applicant requests a Type III Zone Change to change a 15,505 square foot parcel from Standard Density Residential (RS) to Medium Density Residential (RM) in conformance with the RM General Plan designation.
5. **PUBLIC NOTICE AND COMMENTS:** Notice of the proposed Zone Change was sent to DLCD on August 14, 2014. Notice for the Public Hearing was mailed on August 28, 2014. Notices were also sent to City Departments and other affected agencies for comment. Various agency comments and recommendations are contained in the project file and were considered in this staff report. As of the writing of this staff report, no public comments were received in response to the notice.

#### **CONCLUSIONS OF LAW:**

#### **HEARINGS OFFICER'S OVERVIEW**

A public hearing was held on September 25, 2014, at approximately 9:00 a.m. At the beginning of the hearing, the Hearings Officer made the declaration required by ORS 197.763. The Hearings Officer disclaimed any *ex parte* contacts, bias or conflicts of interest. The Hearings Officer stated that the only relevant criteria were those identified in the Staff report, that participants should direct their comments to those criteria, and failure to raise all arguments may result in waiver of arguments at subsequent appeal forums.

Planner Amy Barry provided an overview of the application and recommended approval.

The applicant's representative Chris Munson stated agreement with the findings and conclusions set forth in the staff report.

No party testified in opposition to the application. The applicant waived the right to submit a final argument, and the record closed on September 25, 2014 at the close of the hearing.

Since there were no contested issues of law or fact, the Hearings Officer adopts the staff report as set forth below by this reference.

## **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) of this section, Criteria for Quasi-Judicial Amendments. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.
- B. Criteria for Quasi-Judicial Amendments.** The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

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

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

**Goal 1, Citizen Involvement,** *"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."*

The City adopted a citizen involvement program in compliance with this Goal, codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC Section 4.1.215, which the applicant conducted on August 14, 2014. Notice of the public meeting was provided to owners of record of property located within 500 feet of the boundary of the proposal as well as the designated representatives of the Larkspur and Old Farm District Neighborhood Associations.

In conformance with the notice requirements of Section 4.1.423 for Type III land use applications, the City of Bend Planning Division mailed notice of the application and the public hearing to surrounding property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property.



Notices were sent to City Departments and other affected agencies for comment. Various agency comments and recommendations are contained in the project file and were also considered in this staff report.

**Goal 2, Land Use Planning,** *“To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”*

Goal 2 emphasizes the importance of involving citizens and affected governments, and providing them with the opportunity to review and comment on proposed plan changes.

The proposal is to amend the zoning map to change a 15,505 square foot parcel from RS to RM in conformance with the RM General Plan designation. The proposal will be reviewed in conformance with the City of Bend established planning process and the Comprehensive Plan goals and policies implemented by the Bend Development Code whereby establishing a factual basis. Therefore, the proposal complies with Statewide Planning Goal 2.

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

**Goal 6** is not applicable because the proposed changes 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.

**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.”*

Goal 9 and its implementing administrative rules in OAR Chapter 660, Division 9, require the City to provide an adequate amount of commercial and industrial land within its Urban Growth Boundary (UGB) to meet its identified economic development needs. The City's comprehensive plan addresses this requirement by designating commercial, industrial, and mixed employment land on the general plan map. The subject property is zoned RS and designated RM. Therefore Goal 9 is not applicable.

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

Goal 10 and its implementing administrative rules in OAR Chapter 660, Division 8, require the City to provide an adequate amount of residential land within its Urban Growth Boundary (UGB) to meet its identified residential needs. The subject property is currently designated Residential Medium Density on the Bend Area General Plan map. The proposed zone change from RS to RM will bring the site into conformance with its current General Plan designation.

**Goal 11, Public Facilities and Services,** *“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”*

The City of Bend has adopted sewer, transportation and water master plans intended to guide the development of public facility services within the urban growth boundary. The Bend Development Code (BDC) contains provisions that ensure an orderly and efficient arrangement of public facilities will be provided. City sewer and water services are being provided to the subject site with the City's GO Bond project for Reed Market Road. Street, curb, sidewalk and bike lane improvements, including a driveway apron for the subject site, are being constructed with the GO Bond project as well. The proposed zone change will not have additional impact to public facilities and services and is consistent with Goal 11.

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

In addition to local land use regulations, Goal 12 is implemented through the Transportation Planning Rule OAR 660-12-0060 (TPR). The TRP is addressed in findings further on in this staff report. Because the proposed zone change is in conformance with the General Plan and Transportation System Plan (TSP), the zone change is also consistent with Goal 12 and the TPR. The site will have access to Reed Market Road which is designated as a major arterial on the TSP. This section of Reed Market Road is currently being improved to City Standards and Specifications with the City GO Bond project.

**Goal 13 Energy**, *"To conserve energy."*

Goal 13 is not directly applicable. However, the zone change will allow the property to develop at its planned, higher RM density. In general, higher density development helps to limit urban sprawl, which in turn can reduce trip lengths and therefore conserve energy.

**Goal 14 Urbanization**, *"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."*

The subject property is located within the urbanized city limits, in an area currently served by City sewer, water and transportation systems. The zone change will enable efficient infill development along an existing transit corridor. The applicant intends to develop the subject property dwelling units at RM zone densities in conformance with the Bend Area General Plan.

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

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

**FINDING:** The proposed zone change will bring the site into conformance with the General Plan Designation for the site. Specific relevant policies of the Comprehensive Plan (Bend Area General Plan) are addressed below.

***Bend Area General Plan***

***Chapter 1: Plan Management and Citizen Involvement***  
***Development within the Urban Growth Boundary***



4. *New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the capital improvement plan.*

**FINDING:** Sewer, water and transportation facilities are currently provided to the subject site and are adequate to serve development of the property at RM zone density.

5. *The city and county will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.*
6. *The city and county will encourage infill and redevelopment of the core area of the city.*

**FINDING:** The zone change will allow redevelopment of the site at the higher RM zone density, which will allow more compact, infill redevelopment in an area within the core of the City.

#### *Citizen Involvement*

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

**FINDING:** As previously stated, the City of Bend has developed a comprehensive public involvement process to ensure that citizens may be involved in land use issues and policies that affect their community. The applicant has fulfilled every measure necessary to ensure compliance with this policy.

#### **Chapter 2: Natural Features and Open Space**

#### **Chapter 3: Community Connections**

#### **Chapter 4: Population and Demographics**

**FINDING:** There are no policies in these chapters that are applicable to the proposed zone change.

#### **Chapter 5: Housing and Residential Lands**

##### *Neighborhood appearance*

13. *Above-ground installations, such as water and sewer pumping stations, power transformer substations or natural gas pumping stations, shall be screened and designed to blend with the character of the area in which they are located.*
14. *All new developments shall include trees, as practical, in the planter strip between the curb and sidewalk. Such trees shall be consistent with the city's Urban Forestry Plan.*
15. *Walls and fences along arterial or collector streets shall be subject to special design standards. The fence or wall, and the area between the fence or wall and the curb or pavement, shall be landscaped and maintained by abutting property owner(s) or homeowners association.*
16. *Walls and fences in the setback area between the front of the house and the adjacent street shall not exceed 3½ feet in height.*
17. *All residential development should respect the natural ground cover of the area insofar as possible, and existing and mature trees within the community should be preserved.*

18. *The city encourages flexibility in design to promote safety, livability and preservation of natural features. Lot sizes as small as 4,000 square feet may be applied for in the RS zone to meet these objectives.*
19. *To encourage flexibility in design and preservation of natural features in areas planned for medium density housing, lots as small as 2,500 square feet shall be allowed in the RM-10 and RM zoning districts.*

**FINDING:** Most of the applicable policies in Chapter 5 have been codified in the Bend Development Code. Any proposed development of the site will be reviewed for conformance with the Bend Development Code through the Land Division, Site Plan Review, and/or Building Permit review processes.

*Housing density and affordability*

21. *Densities recommended on the Plan shall be recognized in order to maintain proper relationships between proposed public facilities and services and population distribution.*
23. *The city shall rezone residential lands to the designated General Plan densities when sewer service is available to the area.*

**FINDING:** The proposed zone change will bring the zoning into conformance with the RM General Plan designation, allowing the property to develop at the appropriate RM density. Sewer service is available to the site and there is adequate sewer and water capacity to develop the site at RM density.

*Transportation connectivity*

31. *Medium-and high-density residential developments shall be located where they have good access to arterial streets and be near commercial services, employment and public open space to provide the maximum convenience to the highest concentrations of population.*
36. *Sidewalks shall be required in all new residential developments. Separated sidewalks shall be required, as practical, on streets that provide or will provide access to schools, parks, or commercial areas. However, an alternative system of walkways and trails that provide adequate pedestrian circulation may be approved.*
37. *Efforts shall continue to complete or connect existing walks along routes to schools, parks, or commercial areas.*
38. *Bikeways shall be considered as both a circulation and recreation element in the Plan, and adequate facilities should be obtained for this purpose in all new development.*
39. *Efforts shall be made to extend trails, pedestrian ways, and bikeways through existing residential areas.*
40. *To encourage connectivity and pedestrian access, residential block length shall not exceed 600 feet except for topographic constraints. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.*
41. *Residential local streets shall be developed whenever practicable to increase connectivity within and between neighborhoods.*

**FINDING:** The site fronts Reed Market Road which is a designated major arterial street. New curbs, sidewalks, and bike lanes are being constructed adjacent to the site with the GO Bond project. There is an existing multi-use path along the rear of the property adjacent to the COID canal, and the existing bridge across the canal to the west is being reconstructed as a pedestrian/bicycle connection to the path with the Stone Creek Master Planned Development.

A new American Lane bridge is also being constructed with the GO Bond project to the east of the site. No other street or pedestrian connections are feasible due to the existing COID canal.

*Public utilities and services*

44. *All residential areas shall be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.*
45. *Residential development shall be coordinated with other land use elements and community facilities which are consistent with projected housing densities.*
46. *Electric power, telephone, and cable TV distribution and service lines shall be located underground in new developments. Efforts shall be made to place existing utility lines underground in established residential areas.*
47. *Street lighting shall be provided in all new subdivisions at the time of development. Street light fixtures shall be shielded to direct light down.*

**FINDING:** This area is provided with City water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with RM density. The BDC requires that all new utilities including electric power, telephone, and cable TV distribution, as well as service lines be provided underground at the time of development. Street lighting is addressed through the Land Division review process.

**Chapter 6: The Economy and Lands for Economic Growth**

**FINDING:** Chapter 6 is not applicable and the site is not designated or proposed to be utilized as part of the economic land inventory.

**Chapter 7: Transportation Systems**

**6.9.1 TRANSPORTATION AND LAND USE**

Policies:

1. *Medium and high-density residential development shall be located where they have good access to arterial streets and be near commercial services, employment and public open space to provide the maximum convenience to high concentrations of population.*
3. *The City shall consider potential land needs for long-range transportation system corridor improvements and related facilities including transit during the review of subdivisions, partitions, and individual site applications.*
7. *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.*

**6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS**

4. *The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3<sup>rd</sup> Street, the Bend Parkway and the railroad.*
6. *Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall*

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

- 7. Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.*
- 9. The City's top priorities for pedestrian improvements are:
  - a) Sidewalks and trail system in-fill and school walking routes,*
  - b) Retro fitting existing sidewalks along select collectors and arterials into property tight sidewalks and*
  - c) The construction of pedestrian-oriented improvements (other than regular sidewalks, e.g., curb extensions) and elimination of pedestrian barriers.**These projects will be identified and prioritized in the CIP.**
- 10. Bicycle and pedestrian facilities shall be designed and constructed to minimize conflicts between transportation modes.*
- 11. Bicycle and pedestrian facilities shall be maintained in a manner that promotes use and safety. The City shall analyze the impacts of the use of cinders and consider alternatives to mitigate the impacts. Street repair and maintenance shall be performed in a manner that does not negatively impact bicycle and pedestrian facilities and their use.*
- 15. The City, school and park districts shall work together to inventory, designate and protect access corridors and connector trails. City standards will be developed for such trail corridors.*
- 17. The City shall refer to the Park District, for its review and recommendation, all development proposals that include or are adjacent to existing or proposed parks or trails.*

**FINDING:** As stated in previous findings, the site fronts Reed Market Road which is a designated major arterial street. New curbs, sidewalks, and bike lanes are being constructed adjacent to the site with the GO Bond project. There is an existing multi-use path along the rear of the property adjacent to the COID canal, and the existing bridge across the canal to the west is being reconstructed as a pedestrian/bicycle connection to the path with the Stone Creek Master Planned Development. A new American Lane bridge is also being constructed with the GO Bond project to the east of the site.

## **Chapter 8: Public Facilities and Services**

### **POLICIES**

#### *Sanitary Sewer Facilities and Systems*

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

#### *Water Facilities and Systems*

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

#### *Storm Drainage Facilities and Systems*

**FINDING:** City water and sewer services are being provided to the site with the GO Bond project, and there is adequate capacity to serve the site at RM zone density. Any development of the site will be required to retain drainage on-site in conformance with Bend Code Title XVI Grading Excavation and Stormwater Ordinance, which implements the Storm Drainage Facilities and Systems policies of the Bend Area General Plan.

*Chapter 9: Community Appearance*  
**POLICIES**

2. *Community appearance shall continue to be a major concern and the subject of a major effort in the area. Major natural features, such as rock outcrops or stands of trees, should be preserved as a community asset as the area develops.*

**FINDING:** The proposed zone change will not impact the policies of Chapter 9. There are no major rock outcroppings on the site and the proposed driveway apron is being sited so as to provide a shared driveway access for future land division and development of the site in a manner that will allow for the maximum preservation of the existing trees on the site.

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

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

**FINDING:** As discussed above in the policy section, City sewer and water services are being provided to the site with the GO Bond project, along with new curb, sidewalk, bike lane and street improvements to the Reed Market Road corridor. Therefore, this criterion is met.

**Criterion #4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use District Map regarding the property that is the subject of the application; and the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.**

**FINDING:** The property is currently zoned RS which is not consistent with the RM General Plan Designation. The proposed zone change will resolve this inconsistency.

**4.6.600 TRANSPORTATION PLANNING RULE COMPLIANCE**

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

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

***(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures***

as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.

**(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.**

- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;**
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and**
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.**

**FINDING:** The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map. The City of Bend has an acknowledged TSP that accounted for urbanization of the area, and the proposed zoning is consistent with the TSP. Therefore, the proposed zone change does not significantly affect an existing or planned transportation facility.

**CONCLUSION:** Based on the findings above, the proposed Zone Change meets all applicable Development Code criteria, policies of the Bend Urban Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

**DECISION:** The Hearings Officer approves the zone change from RS to RM as proposed.

Signed this 8th day of October, 2014.



Mailed this \_\_, day of October, 2014.

**DURATION OF APPROVAL:** In accordance with Section 4.1.1310, this land use approval shall lapse, and a new approval shall be required if a building permit is not issued within two (2) years of the date that the Hearings Officer's decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes.

**THE HEARINGS OFFICER'S DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY A PARTY OF INTEREST TO THE CITY COUNCIL.**

## NOTICE OF DECISION

**DATE MAILED:** October 9, 2014  
**FILE NUMBER:** PZ 14-0624  
**APPLICANT:** Jamey Julius  
**STAFF REVIEWER:** Amy Barry, AICP, Senior Planner  
(541)693-2114, [abarry@bendoregon.gov](mailto:abarry@bendoregon.gov)



The City of Bend Hearings Officer has issued a decision on the above referenced file. The request is **approved** subject to the conditions of approval and duration of approval contained in the decision. You are receiving this notice because you participated in the proceedings.

The Hearings Officer decision can be viewed in ePlans from the City of Bend website. A copy can also be obtained at a reasonable cost from the City of Bend Permit Center, City Hall, 710 NW Wall Street, Bend, Oregon.

To access ePlans, go to the City of Bend website at [www.bendoregon.gov](http://www.bendoregon.gov). From the **ONLINE SERVICES** menu at the top of the webpage, select **ePlans (Public Viewer)**. Pop-up blockers may cause issues opening eplans so you may have to disable your pop-up blocker for this site. Then enter the file number **PZ-14-0624** in the eplans search bar to find the project. The decision can be found in the project's **R&D – Approved Drawings** folder.

This decision may be appealed by filing a notice of appeal with the Planning Division within 12 days of the date this notice was mailed. An appeal application must be submitted to the City of Bend Community Development Department along with the appeal fee in accordance with Bend Development Code Section 4.1.1115. The appeal application can be found on the City of Bend website at [www.bendoregon.gov](http://www.bendoregon.gov). From the **DEPARTMENTS** menu at the top of the webpage, select **Application Library and Fees** under Community Development, then select **Planning Services Forms**.

If you have any questions or need help access the project in eplans, please contact the Staff Reviewer listed above, or call our office at (541) 388-5580 and choose option 3 to reach the planner on duty. An eplans troubleshooting guide can also be found here: <http://bendoregon.gov/Modules/ShowDocument.aspx?documentid=7861>



c: Chris Munson, Sun Country Engineering

Via E-Mail:

Colleen Miller

Larry Medina, Fire Marshal

Robin Lewis, Transportation Engineer

Nan Loveland, Old Farm Neighborhood Association

Sent by: Sandy Parnell