

ORDINANCE NO. NS-2341

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP TO CHANGE 1.5-ACRES OF LAND LOCATED AT 21085 DON STREET AND 20186 BEAR CREEK ROAD FROM MIXED EMPLOYMENT (ME) TO RESIDENTIAL MEDIUM DENSITY (RM), TO AMEND AN 8.79 ACRE PORTION OF THE DEAN SWIFT REFINEMENT PLAN, AND TO AMEND THE DEAN SWIFT REFINEMENT PLAN DEVELOPMENT STANDARDS.

Findings

- A. On February 14, 2019, Mountain West Senior Housing, LLC d/b/a Bonaventure Senior Housing initiated an amendment to the Comprehensive Plan Map and Zoning Map to change 1.5 acres of land located at 21085 Don Street and 20186 Bear Creek Road from Mixed Employment (ME) to Residential Medium Density (RM), to amend an 8.79-acre portion of the Dean Swift Refinement Plan, and to amend the Development Standards of BDC 2.7.400(B).
- B. On May 13, 2019, the Planning Commission held a 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 map amendments in Exhibits A and B, the requested text amendments in Exhibit C, and the findings in Exhibit D.
- C. The Bend City Council held a public hearing on June 5, 2019 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, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

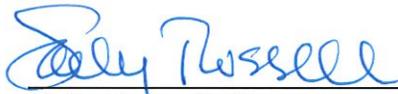
THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend Comprehensive Plan Map is amended to change a 1.5-acre portion of the subject property from Mixed Employment (ME) to Residential Medium Density (RM) as shown in Exhibit A.
- Section 2. The Bend Zoning Map is amended to change a 1.5-acre portion of the subject property from Mixed Employment (ME) to Residential Medium Density (RM) as shown in Exhibit B.
- Section 3. The Dean Swift Refinement Plan is amended as shown in Exhibit C.
- Section 4. The text of BDC 2.7.400(B) is amended as shown in Exhibit D.
- Section 5. The City Council adopts the Findings in support of this ordinance as contained in Exhibit E.

First reading: June 5, 2019.

Second reading and adoption by roll call vote: June 19, 2019.

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper



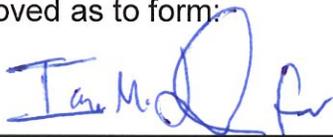
Sally Russell, Mayor

Attest:



Robyn Christie, City of Bend Recorder

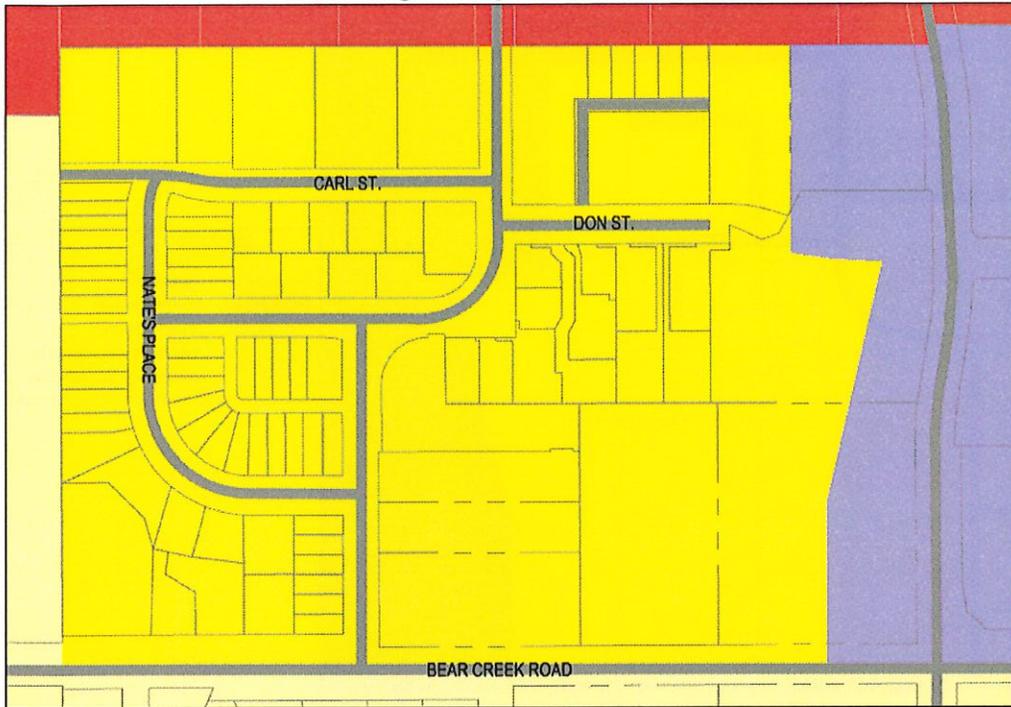
Approved as to form:



Mary Winters, City Attorney

EXHIBIT A

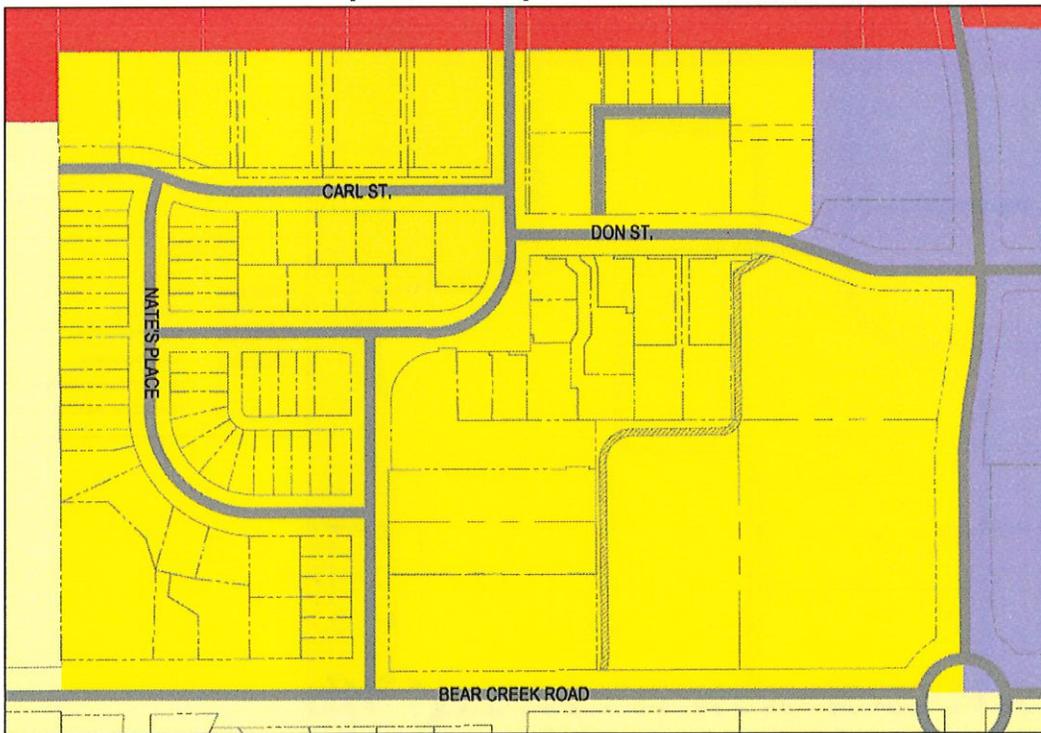
Existing Comprehensive Plan



MAP LEGEND

	EXISTING TAX LOTS
	EXISTING ROADWAY
	CG - COMMERCIAL GENERAL
	ME - MIXED EMPLOYMENT
	RM - RESIDENTIAL URBAN MEDIUM DENSITY
	RS - RESIDENTIAL URBAN STANDARD DENSITY

Proposed Comprehensive Plan

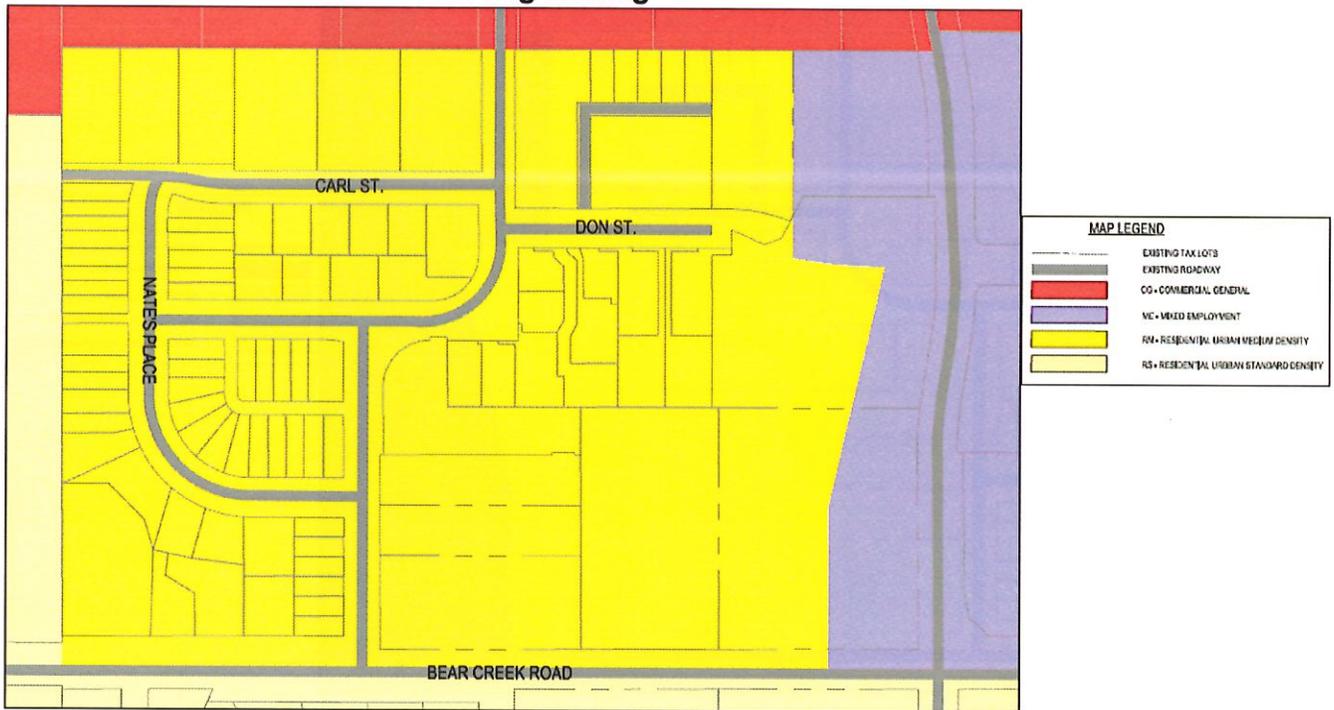


MAP LEGEND

	TAX LOTS
	ROADWAY
	MULTI-USE PATH
	CG - COMMERCIAL GENERAL
	ME - MIXED EMPLOYMENT
	RM - RESIDENTIAL URBAN MEDIUM DENSITY
	RS - RESIDENTIAL URBAN STANDARD DENSITY

EXHIBIT B

Existing Zoning



Proposed Zoning

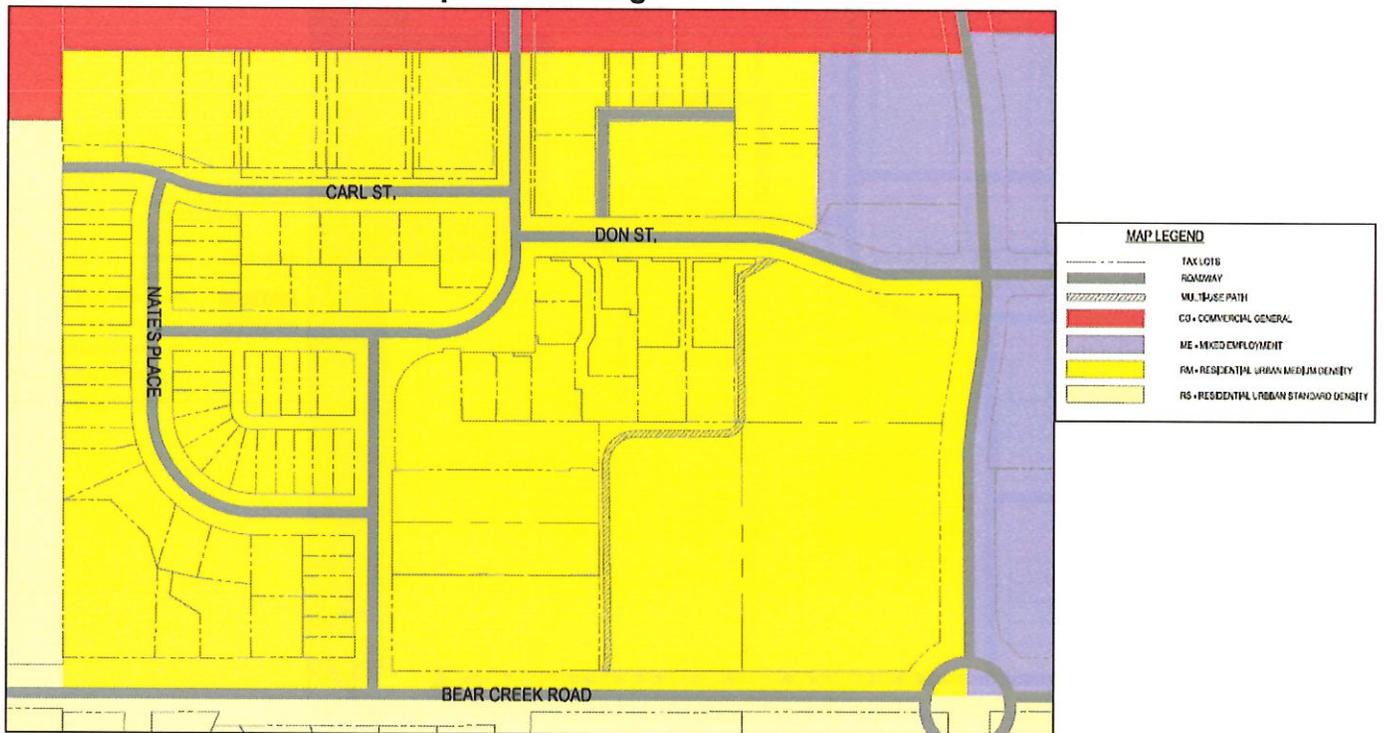
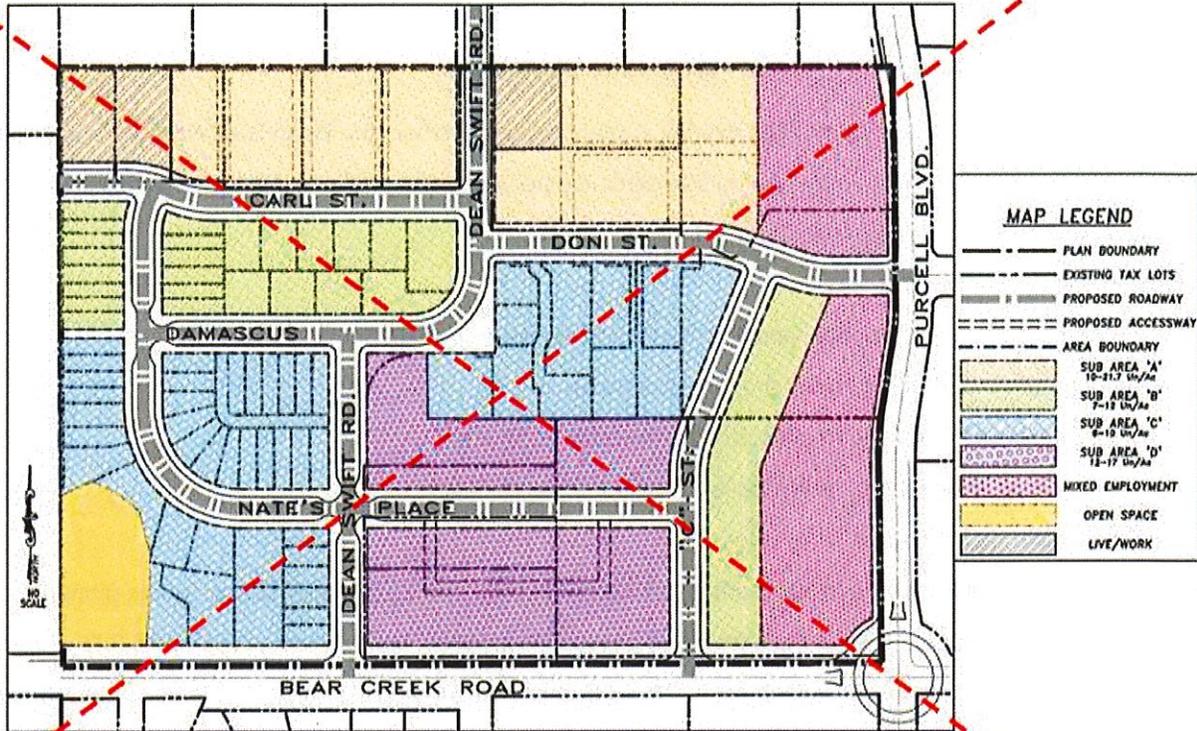


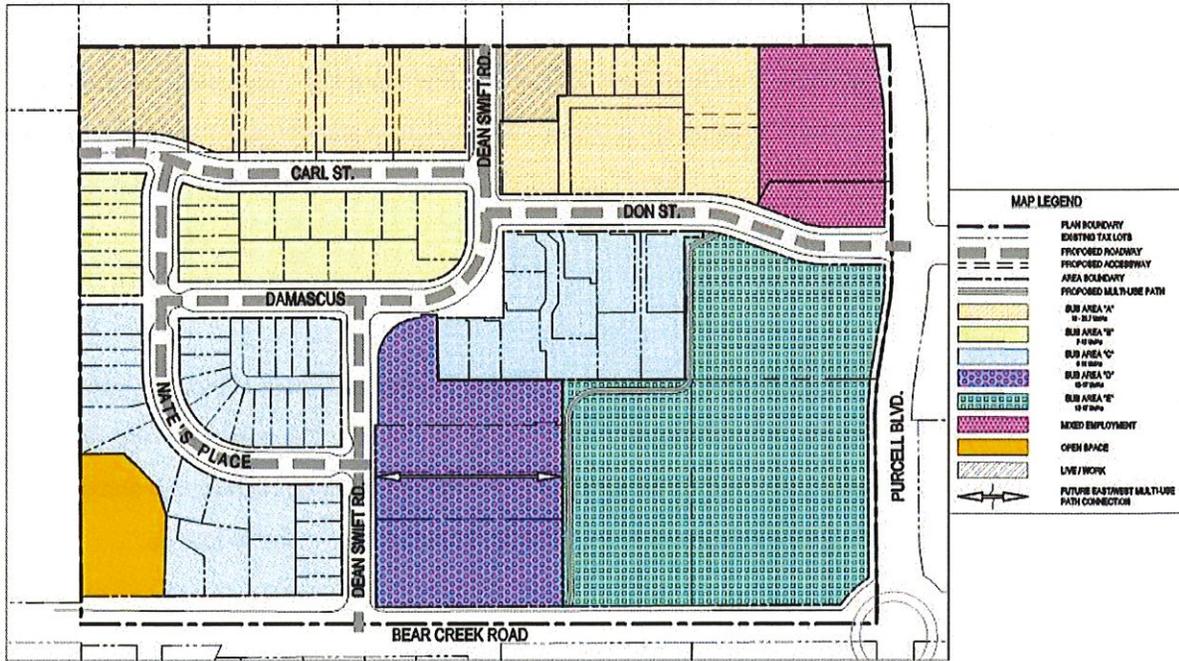
EXHIBIT C

Existing Refinement Plan



DEAN SWIFT
REFINEMENT PLAN UPDATE
2013

Proposed Refinement Plan



DEAN SWIFT
REFINEMENT PLAN UPDATE
2019

EXHIBIT D

Red underlines indicate new text, and red strikethroughs indicate deleted text.

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 ~~3.55 acres~~ 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 shall supersede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone shall 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 50 percent to allow flexibility to develop higher residential densities.

- 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. ~~A second portion of sub-area “B” is located along the east side of the proposed north/south “C Street” that parallels Purcell Boulevard between Don Street and Bear Creek 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 the largest sub-area and~~ 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 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 at the northeast corner of Bear Creek Road between and Dean Swift Road and the north/south extension of “C” Street. This area shall be developed with multifamily housing. 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 predominant housing type shall be multifamily buildings not to exceed six units per building.
- The maximum building height is 40 feet.
- The maximum lot coverage is 45 percent.

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 feet.
- The maximum lot coverage is 55 percent.
- The minimum number of vehicle parking spaces for residential care facilities is 0.8/unit.

e-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.

EXHIBIT E

FINDINGS IN SUPPORT OF COMPREHENSIVE PLAN MAP, ZONING MAP, AND TEXT AMENDMENTS PZ-19-0105

PROJECT NUMBER: PZ-19-0105

HEARING DATE, June 5, 2019, 7:00 p.m.
TIME & LOCATION: Council Chambers, 710 NW Wall Street, Bend, OR 97703

APPLICANT: Jason Muth
Mountain West Senior Housing, LLC
d/b/a Bonaventure Senior Housing
3425 Boone Road SE
Salem, OR 97317

OWNERS: Robert Marken
Sterling & Gretchen Williver
Bend Bear Creek, LLC c/o Daniel Hedrick
Mays Adventures, LLC c/o Stephen & Janine Toomey

CONTACT: Kevin Brady, Cardno
6720 SW Macadam Avenue, Suite 200
Portland, OR 97219

LOCATION: 21085 Don St (171234DC00700), 21086 Bear Creek (171234DC01400),
21050 Bear Creek (171234DC01500), 62010 Dean Swift (171234DC01602 &
171234DC01603), 62024 Dean Swift (171234DC01600)

REQUEST: Type III amendments to the Dean Swift Refinement Plan, Comprehensive Plan Map, Zoning Map, and Bend Development Code. The amendments to the Refinement Plan include: deleting "C" Street between Don Street and Bear Creek Road; deleting the portion of Sub Area "B" adjacent to "C" Street; deleting Nate's Place east of Dean Swift Road; deleting the portion of the Modified Mixed Employment Overlay adjacent to Purcell Boulevard between Bear Creek Road and Don Street; and adding Sub Area "E" adjacent to Purcell Boulevard between Don Street and Bear Creek Road to facilitate a senior living facility containing up to 170 units. The proposed Comprehensive Plan Map and Zoning Map amendments will, once factoring out rights of way, replace 1.5 acres of Mixed Employment (ME) designated land with 1.5 acres of Residential Medium Density (RM) designated land. The proposed text amendments to BDC 2.7.400(B)(1) will add Use Standards in the Modified RM Residential Overlay to regulate density, housing type, building height, lot coverage, and parking in Sub Area "E".

STAFF REVIEWERS: Aaron Henson, AICP, Senior Planner; (541) 383-4885;
ahenson@bendoregon.gov

Deanna Fraley, PE, Project Engineer; 541-385-6169;
dfraley@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

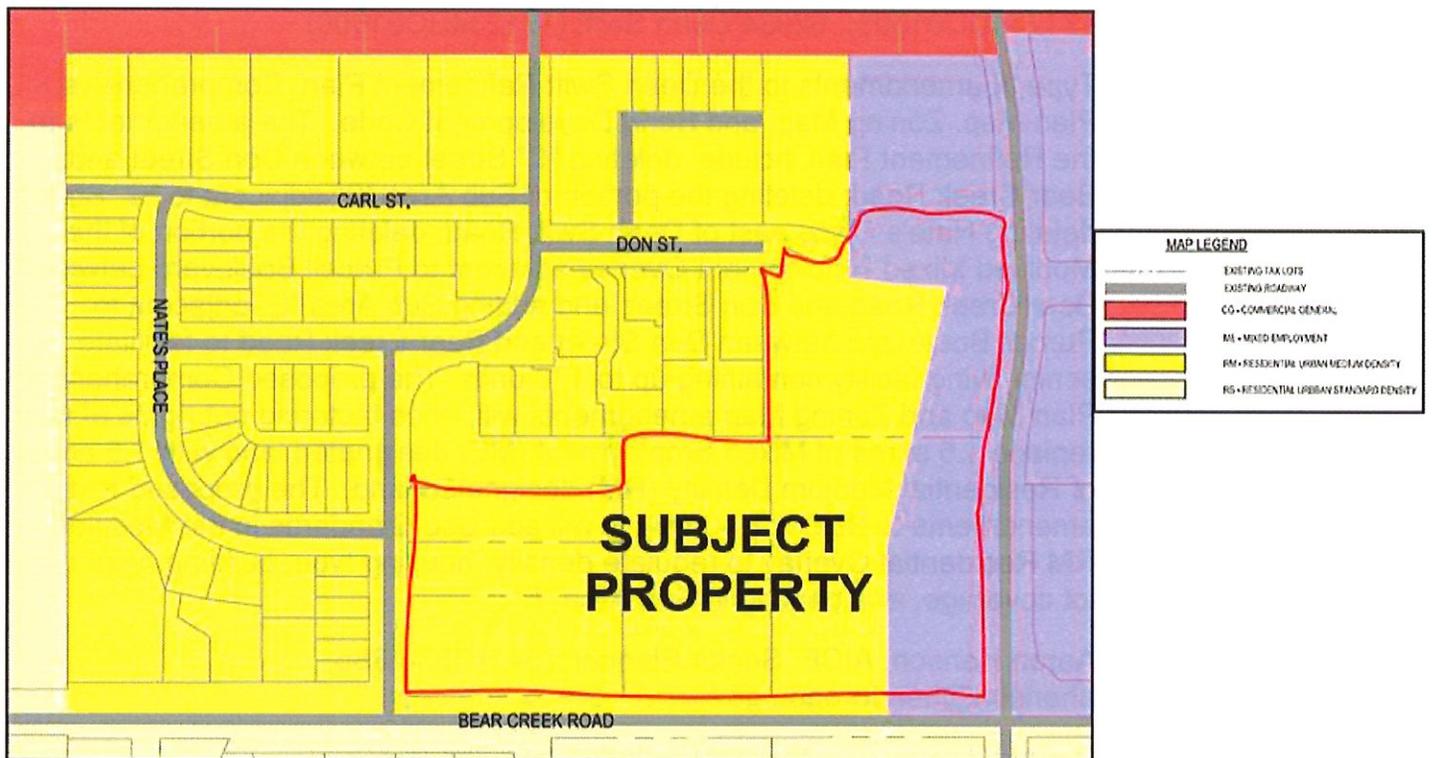
Bend Area Comprehensive Plan

Oregon Administrative Rules

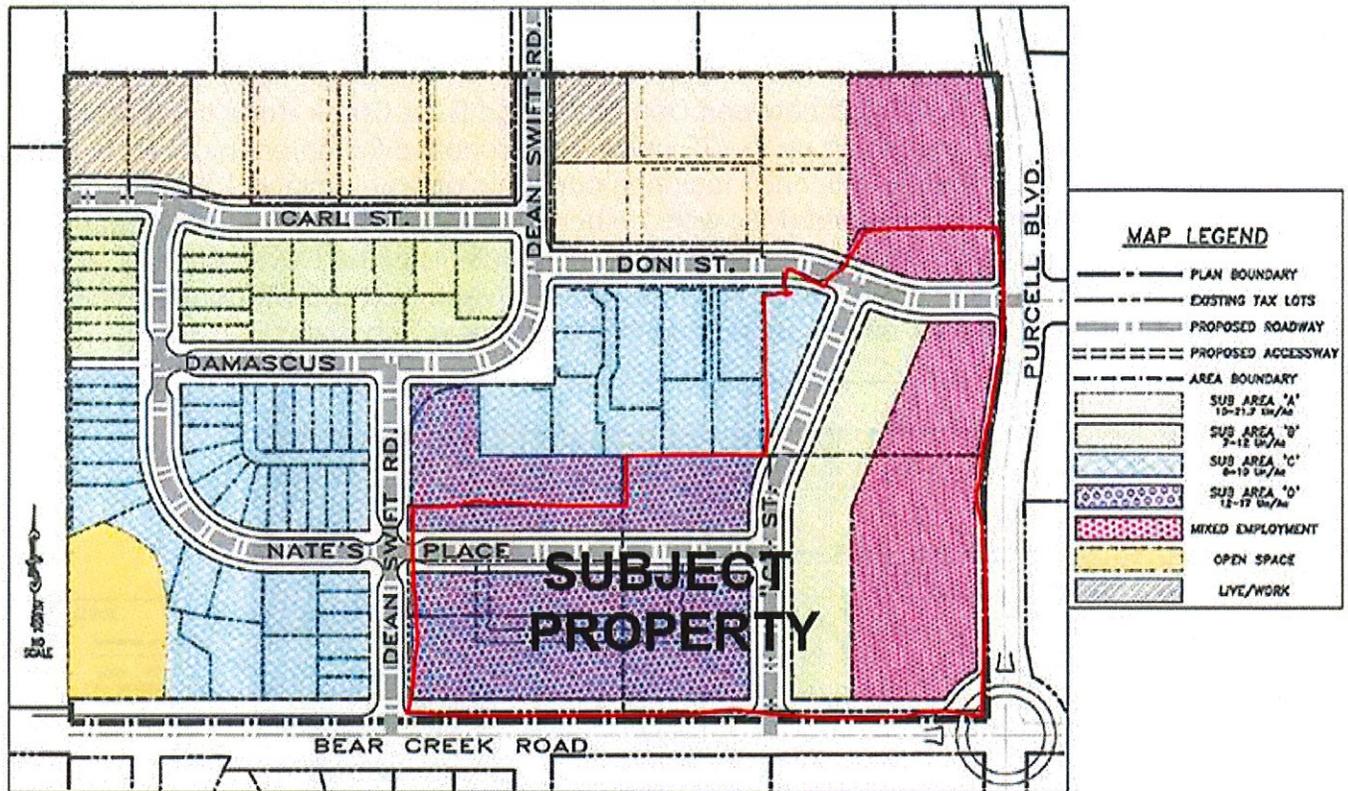
Chapter 660-012-060, Plan and Land Use Regulation Amendments
Chapter 660-015, Division 15, Statewide Planning Goals and Guidelines

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.

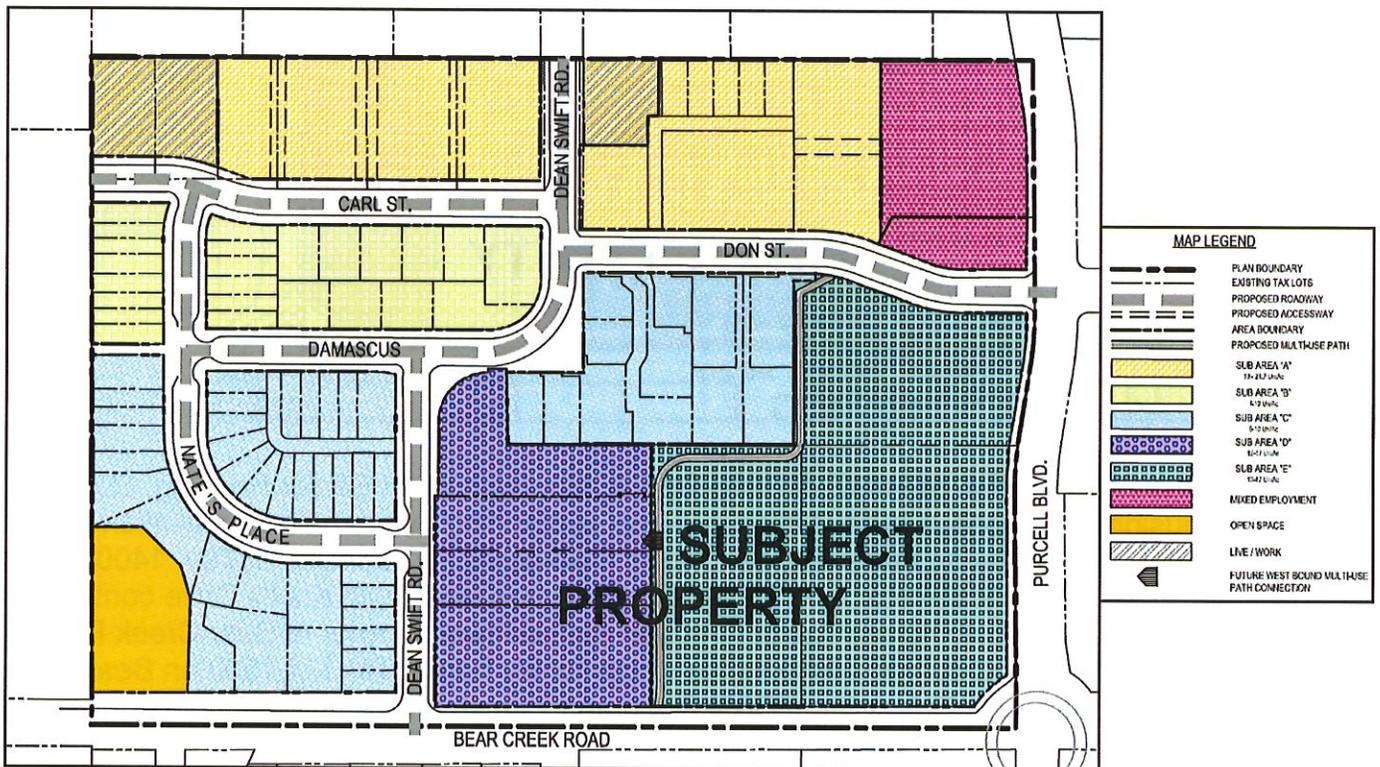


As shown below, the subject property also falls within four different areas of the Dean Swift Refinement Plan: **Sub-Area B** (7-12 Un/Ac), **Sub-Area C** (6-10 Un/Ac), **Sub-Area D** (12-17 Un/Ac), and **Modified Mixed Employment (ME)**.



2. SITE DESCRIPTION & SURROUNDING USES: Mountain West Senior Housing, LLC, doing business as Bonaventure Senior Housing, is planning to submit an application for a residential care facility on three parcels totaling 6.66-acres (171234DC TL 700, 1400, and 1500). Tax Lot 700 at the east end of Don Street across from Twin Knolls Drive contains an existing single-family home; Tax Lot 1400 at the northwest corner of Bear Creek Road and Purcell Boulevard contains an existing single-family home; Tax Lot 1500 on Bear Creek Road halfway between Dean Swift Road and Purcell Boulevard also contains an existing single-family home. Three other parcels containing a total area of 2.13 acres are included in this Type III application, but will not be part of the future Type II Site Plan Review application for the residential care facility (171234DC TL 1600, 1602, and 1603). TL 1600 is owned by Rob Marken, and it contains an existing single-family dwelling and an ADU on Dean Swift Road across from Nate's Place; TL 1602 & 1603 at the northeast corner of Bear Creek Road and Dean Swift Road are owned by Mays Adventures, LLC, and both parcels are vacant. 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:** Type III amendments to the Dean Swift Refinement Plan, Comprehensive Plan Map, Zoning Map, and Bend Development Code. The amendments to the Refinement Plan include: deleting “C” Street between Don Street and Bear Creek Road; deleting the portion of Sub Area “B” adjacent to “C” Street; deleting Nate’s Place east of Dean Swift Road; deleting the portion of the Modified Mixed Employment Overlay adjacent to Purcell Boulevard between Bear Creek Road and Don Street; and adding Sub Area “E” adjacent to Purcell Boulevard between Don Street and Bear Creek Road to facilitate a senior living facility containing up to 170 units. The proposed Comprehensive Plan Map and Zoning Map amendments will, once factoring out rights of way, replace 1.5 acres of land designated Mixed Employment (ME) with 1.5 acres designated Residential Medium Density (RM). The proposed amendments to Section 2.7.400(B)(1) of the Development Code will add Use Standards in the Modified RM Residential Overlay to regulate density, housing type, building height, lot coverage, and parking in the new Sub Area “E”.



DEAN SWIFT
REFINEMENT PLAN UPDATE

5. **PUBLIC NOTICE AND COMMENTS:** The applicant held a public meeting at 6 p.m. on Thursday, December 13, 2018 at Comfort Inn & Suites in accordance with the requirements of BDC 4.1.215. Approximately a dozen neighbors and the designated representative of the Larkspur Neighborhood Association attended the meeting, and these individuals expressed concerns regarding traffic and road safety (mainly focused on Bear Creek Road and Purcell Boulevard); utilities / sewer; vehicle parking and access; construction schedule; and facility operation. A notice of the proposed amendments was sent to the Department of Land Conservation and Development (DLCD) on April 5, 2019. Notice for the public hearing before the Planning Commission on May 13, 2019 was mailed on April 22, 2019. Notice of the public hearing before the City Council on June 5, 2019 was mailed on May 24, 2019. A “Notice of Proposed Development” sign was also posted on the site near the intersection of Bear Creek Road and Purcell Boulevard on April 8, 2019.

Notices were also sent to participating City Departments and other affected agencies. The public comments and agency comments that the Planning Division received in response to the City's notices are contained in the project file and were considered by the City Council.

- 6. APPLICATION SUBMITTAL:** This application was submitted on February 14, 2019 and deemed complete on April 3, 2019. Because it includes a Post Acknowledgement Plan Amendment (PAPA), it is not subject to the 120-day statutory time limitation for review.

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 plan amendment, zone change, 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 requires a Type III review procedure, using the standards of approval in Subsection B (Criteria for Quasi-Judicial Comprehensive Plan Map Amendments) and Subsection C (Criteria for Quasi-Judicial Zone Changes).

- 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 public meeting was held on December 13, 2018 at the Comfort Inn & Suites hotel. 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 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 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 will be retained. 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, because the proposed reduction in buildable ME land is only 1.5 acres. Therefore, it is not necessary to demonstrate consistency with the most recent Economic Opportunities Analysis as required by OAR 660-009-0010(4) for map changes of employment lands in excess of two acres. The proposed senior living facility will also create 45 to 60 new full-time jobs. Therefore, this goal will be satisfied.

GOAL 10, HOUSING

Goal 10 is intended to “Provide for the Housing Needs of the citizens of the State”. This Goal generally requires local governments to assess the amount of buildable land within urban growth boundaries and then to insure through the adoption and application of residential zoning districts that there are “appropriate types and amounts of land within urban growth boundaries.” Goal 10 provides that “such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.”

Through the adoption of the City’s Buildable Lands Inventory (BLI), its Housing Needs Analysis (HNA) and the Urbanization Report in conjunction with the 2016 UGB expansion, the City demonstrated compliance with Goal 10. These plans have been acknowledged as being in compliance with Goal 10. Consequently, provided that the proposed change is consistent with the adopted and acknowledged BLI, HNA and Urbanization Report, the present proposal is consistent with Goal 10.

Overall, the proposal includes a change from an employment designation to a residential designation. Specifically, the Comprehensive Plan Map and Zoning Map amendments are a change of map designation from Mixed Employment (ME) to Residential Medium Density (RM). Factoring out rights of way, this change decreases employment land by 1.5 acres and increases residential land by the same amount. Therefore, the proposed change will not decrease the amount of residential land in the Buildable Lands Inventory (BLI). In fact, the change will increase the amount of residential land in the BLI by 1.5 acres.

Per Figure 5 of the BLI, the ME portion of the site is designated "Developed." Therefore, the proposed change will not decrease the amount of residential land in the BLI. (See Figure 5, Page 20 of the Bend Buildable Lands Inventory.) Moreover, residential uses in the ME zone are limited, with residential uses permitted only if they are part of a vertical or horizontal mixed-use development. (See BDC Table 2.3.200.)

The change from ME to RM in many ways can be considered a "wash" for purposes of available residential density. Under BDC 2.3.300(C)(1), residential uses in the ME zone are generally required to meet the minimum density standards of the RM zone. Consequently, whether zoned ME or RM, residential development on the subject property will be required to meet the same minimum housing density standards on the 1.5 acres of rezoned property.

Senior Housing in the City's 2016 Housing Needs Analysis (HNA) is included in the category "Persons in Group Quarters." Based on the HNA, 461 additional multifamily units will be required to provide adequate capacity for the "Persons in Group Quarters" category of multifamily housing. The up to 170 units proposed for this application will contribute towards the total of 461 additional units needed for the "Persons in Group Quarters" category of multifamily housing in the HNA. The City included the need for "Persons in Group Quarters" housing units in the total estimate of needed multi-family attached housing units in the 2016 HNA. (See Table 20, Page 83, City of Bend Housing Needs Analysis.)

Additional proposed projects in Bend contributing towards the 461 additional units needed for the "Persons in Group Quarters" category of multifamily housing in the HNA include: The Alexander at 1125 NE Watt Way, which is building 136 units of senior housing; and the Mountain West project at Mt. Washington Drive and Shevlin Park Road, which is proposing 122 units of senior housing.

Because the proposal, which converts 1.5 acres of employment land to medium density residential land, is consistent with the city's BLI and HNA and provides land suitable for "Persons in Group Quarters" housing consistent with the needs analysis set forth in the City's acknowledged HNA, the proposal is consistent with Goal 10.

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 73 independent living units on 6.66 acres, which is 11.1 units per acre. This is within the allowable density range of the RM zone and the density prescribed by the Comprehensive Plan, as well as the average density in the Dean Swift Refinement Plan.

Citizen Involvement

A public meeting was held on December 13, 2018. Proper notice of the meeting was given to property owners within 500 feet of the subject site. All requirements of BDC 4.1.215.A and 4.1.215.B have been met. In addition, the required Public Meeting Verification forms were signed by the neighborhood association representative. 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. 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 senior housing as a portion of the housing mix demand.

Housing Mix, Density, and Affordability

This proposal provides for a housing alternative that increases the diversity of housing options in the neighborhood. Though not subject to residential density standards, the proposal falls within the density range envisioned in the Dean Swift Refinement Plan.

Residential Compatibility

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

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 three street elevations:

- Dormers
- Recessed entries
- Eaves (minimum 12-inch projection)
- Offsets in the building face or roof by a minimum of 18 inches
- Gables
- Pillars or posts; and
- Decorative patterns on the exterior finish.

Transportation Connectivity

The applicant is proposing improvements along Bear Creek Road and Purcell Boulevard, and an easterly extension of Don Street to provide a connection to Purcell Boulevard envisioned in the Dean Swift Refinement Plan. The applicant proposes to delete future "C" Street, but the applicant also proposes a 10-foot wide public multi-use path from Don Street to Bear Creek Road, therefore assuring a north-south connection for pedestrians and bicyclists in this portion of the neighborhood. The applicant proposes to delete a future easterly extension of Nate's Place from Dean Swift Road to deleted "C" Street. Therefore, as a condition of approval, staff recommends adding a 10 ft. wide future multi-use path within a 15 ft. wide public easement from the north-south public multi-use path at the west side of the Robert Marken parcel (21050 Bear Creek, 171234DC01500) across the north side of the Mays Adventures parcel (171234DC01603) to Dean Swift Road. This will assure an east-west connection for pedestrians and bicyclists where Nate's Place was previously planned.

Condition of Approval: The updated Dean Swift Refinement Plan shall show a 10 ft. wide future multi-use path located within a 15 ft. wide public easement from the north-south public multi-use path at the west side of the Robert Marken parcel (21050 Bear Creek, 171234DC01500) across the north side of the Mays Adventures parcel (171234DC01603) to Dean Swift Road. (Condition #1)

Public Utilities and Services

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 will be provided to the site by extending an existing 8-inch diameter sanitary sewer line in Twin Knolls Drive. Water for domestic use and fire suppression will be provided by existing 8-inch diameter water main in Purcell Boulevard. A 12-inch diameter water main will be constructed in Bear Creek Road along the site frontage. The connections will occur at existing gate valves in Dean Swift Road and Purcell Boulevard. 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. These improvements include:

- Construction of full street improvements on Don Street from the existing easterly terminus of Don Street through the project site to Purcell Boulevard.
- Completion of frontage improvements along Purcell Boulevard. This will retain the existing pavement section and curbing, but will add new planter strips and sidewalks between Bear Creek Road and the extended Don Street.
- Transportation improvements at the intersection of Bear Creek Road and Purcell Boulevard, per the recommended mitigation measures provided in the Transportation Impact Analysis.
- Right-of-way dedications are intended to accommodate all improvements, including a future roundabout at the intersection of Bear Creek Road & Purcell Boulevard.

Refinement Plan Areas

The applicant is proposing an update to the existing refinement plan. This update includes changes to the boundaries of the existing Sub-areas, and a new Sub-area "E" as part of the Dean Swift Refinement Plan. Specifics of the update are addressed above.

CHAPTER 6, ECONOMY

POLICIES

General Policies

Overall, the proposal will provide housing to an important segment of the population. To a lesser extent, the economy will also be boosted by construction jobs, as well as jobs required for the ongoing operation of the facility. Other indirect positive impacts to the community include spending by visitors associated with residents of the facility.

Short Term Supply Policies

The proposed reduction in buildable Mixed Employment (ME) land under this Plan Amendment and Zone Change application is only 1.5 acres. Unlike standard multi-family housing, the proposed senior housing facility will also provide 45-60 new full-time jobs. Therefore, the City's short term supply policies will be met.

Mixed Use Development

Although the applicant is proposing to remove 1.5 acres of Mixed Employment land from the subject site, some jobs will be retained due to the operational needs of the facility. In addition, the residential policy components of the Mixed Employment designation will be substantially met through the development of a residential care facility.

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 submitted Transportation Impact Analysis 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 as identified in the City's June 2018 Fiscally-Constrained SDC list. The project's Transportation System Development Charges (SDCs) will contribute to the long-term intersection needs. The project also completes local streets 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 pedestrian connections through this area as envisioned within the plan, and the lower trip intensity of senior housing will reduce impacts compared to typical mixed-employment and residential uses that will be replaced by the development. The submitted Transportation Facilities Report, Transportation Impact Analysis, Transportation Planning Rule analysis, changes to the street layout of the Dean Swift Refinement Plan, and requests for waivers to modify the adjacent roadway cross-sections address all relevant transportation requirements within BDC 4.7.400 (Transportation Facilities Report), 4.7.500 (Transportation Impact Analysis), 4.7.600 (Significant Impacts), and 4.7.700 (Pro-Rata Contributions).

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 will be provided to the site through an existing 8-inch diameter sanitary sewer line in Twin Knolls Drive that will be extended to serve the subject site. Water for both domestic use and fire suppression will be provided by an existing 8-inch diameter water main in Purcell Road. A 12-inch diameter water main will be constructed in Bear Creek Road along the project's frontage. The connections will occur at existing gate valves located in Dean Swift Road and Purcell Boulevard. 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, Cascade 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 plans to submit the Type II application at some point during the City's review of this Type III application, per direction from City staff on appropriate timing.

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: 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 will be provided by an existing 8-inch diameter sanitary sewer line in Twin Knolls Drive that will be extended to serve the subject site. Water for both domestic use and fire suppression will be provided by an existing 8-inch diameter water main in Purcell Boulevard. A 12-inch diameter water main will be constructed in Bear Creek Road along the project's frontage. The connections will occur at existing gate valves located in Dean Swift Road and Purcell Boulevard.

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:

- Full street improvements on Don Street from its existing easterly terminus through the project site to Purcell Boulevard.

- Frontage improvements along Purcell Boulevard. This will retain the existing pavement section and curbing, but will add new planter strips and sidewalks between Bear Creek Road and the extended Don Street.
 - Improvements at the intersection of Bear Creek Road and Purcell Boulevard, per the recommended mitigation measures provided in the Transportation Impact Analysis.
 - Right-of-way dedications to accommodate all improvements, including a future roundabout at the intersection of Bear Creek Road and Purcell Boulevard.
- 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, this corner has not developed with commercial or mixed employment uses. Only a parking lot for Bend Honda has been built. The subject property has remained underdeveloped with single-family dwellings. Recently, changes in regional and national demographics and trends in housing demand have resulted in an expansion of the senior housing portion of the overall housing market. Overall, there is reduced market demand for mixed-use development at this location, and stronger market demand for commercial and mixed employment development in other areas.

- 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: As detailed in the Transportation Impact Analysis (TIA) and the Traffic Analysis Memo (TAM), the proposed Comprehensive Plan Amendment from Mixed Employment (ME) to Medium Density Residential (RM) reduces the trip generation potential of the site. Since the trip generation potential is reduced, the Comprehensive Plan Amendment does not change the functional classification of any roadway facilities, or degrade operational conditions at off-site intersections. As such, the proposed Comprehensive Plan Amendment does not create a significant effect on the transportation system, and therefore it complies with the Transportation Planning Rule (TPR).

C. Criteria for Quasi-Judicial Zone Changes. The applicant must 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 zone change must be based on meeting both of the following criteria:

- 1. The amendment will bring the Zoning Map into conformance with the Comprehensive Plan Map.**

FINDING: The applicant proposes to remove 1.5 acres of Mixed Employment land, once factoring out rights of way, from both the Comprehensive Plan Map and the Zoning Map. Through the proposed changes to both the Comprehensive Plan Map and the Zoning Map from ME to RM, the Zoning Map will be in conformance with the Comprehensive Plan Map.

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

FINDING: The 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. Sewer service will be provided by an existing 8-inch diameter sanitary sewer line in Twin Knolls Drive that will be extended to serve the subject site. Water for both domestic use and fire suppression will be provided by an existing 8-inch diameter water main in Purcell Boulevard. A 12-inch diameter water main will be constructed in Bear Creek Road along the project's frontage. The connections will occur at existing gate valves located in Dean Swift Road and Purcell Boulevard. 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:

- Full street improvements on Don Street from its existing easterly terminus through the project site to Purcell Boulevard.
- Frontage improvements along Purcell Boulevard. This will retain the existing pavement section and curbing, but will add new planter strips and sidewalks between Bear Creek Road and the extended Don Street.
- Improvements at the intersection of Bear Creek Road and Purcell Boulevard, per the recommended mitigation measures provided in the Transportation Impact Analysis.
- Right-of-way dedications to accommodate all improvements, including a future roundabout at the intersection of Bear Creek Road and Purcell Boulevard.

CONCLUSIONS: Based on these findings, with the City Council's conditions of approval, the proposed amendments to the Dean Swift Refinement Plan Map, Comprehensive Plan Map, Zoning Map, and Bend Development Code will meet all applicable criteria.