

ORDINANCE NO. NS-2294

AN ORDINANCE AMENDING THE BEND DEVELOPMENT CODE TO CREATE THE 37.4 ACRE RIVER VALE MASTER PLAN AREA. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF THE DESCHUTES RIVER, AT THE WEST END OF RIVER RIM DRIVE.

Findings

- A. On December 2, 2016, River Vale Limited Partnership submitted a Type III Quasi-judicial application for Development Code Amendments to create the 37.4 acre River Vale Master Planned Development. The Master Plan includes single-family detached housing, open space tracts, and trails. The subject property is zoned Residential Low Density (RL) on the Bend Zoning Map, and it is designated Residential Standard Density (RS) on the Bend Comprehensive Plan.
- B. On June 26, 2017, the Bend Planning Commission held a public hearing on the proposed Master Plan. The Planning Commission voted to recommend approval of the Development Code Amendments for the River Vale Master Planned Development.
- C. The Bend City Council held a public hearing on July 19, 2017 to take testimony and consider the Bend Planning Commission's recommendation.
- D. The requested amendments to the Bend Zoning Map and Bend Development Code meet all applicable Development Code criteria, policies of the Bend Comprehensive Plan, the applicable Oregon Statewide Planning Goals, and the Transportation Planning Rule (TPR).

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend Development Code is amended to create the 37.4 acre River Vale Master Plan Area as contained in Exhibit B and shown in Exhibit C.
- Section 2. The City Council adopts the Findings in support of this ordinance as contained in Exhibit A.
- Section 3. The conditions of approval at the end of Exhibit A shall be met with subsequent development within the River Vale Master Plan Area.

First reading: July 19, 2017.

Second reading and adoption by roll call vote: August 2, 2017.


YES: Casey Roats, Mayor
Sally Russell
Bill Moseley
Bruce Abernethy
Nathan Boddie
Justin Livingston
Barb Campbell

NO: NONE



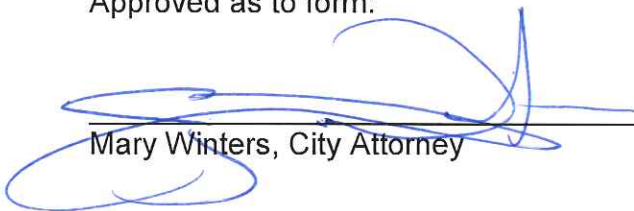
Casey Roats, Mayor

Attest:



Robyn Christie, City of Bend Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT A

**CITY OF BEND PLANNING COMMISSION
FINDINGS AND RECOMMENDATION**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PZ-16-0954 (Master Planned Development)

REPORT DATE: June 26, 2017

**APPLICANT/
OWNER:** River Vale Limited Partnership
c/o Dennis Pahlisch

ATTORNEY: Michael Robinson
Perkins Coie LLP

CONTACT: Greg Blackmore
Blackmore Planning

LOCATION: 19462 Pine Drive (181113C001300) & Part of 60778 River Bend Drive
(181113C001400), between the River Rim PUD and the Deschutes River

REQUEST: Type III amendments to the Bend Development Code and Zoning Map to
create a 37.4-acre Master Planned Development for River Vale, a 78-lot
residential development in the Residential Low Density (RL) zone.

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

APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

City of Bend Development Code (in effect December 2, 2016)

- Chapter 2.1, Residential Districts (RS)
- Chapter 2.7, Special Planned Districts
- Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
- Chapter 3.4, Public Improvement Standards
- Chapter 4.1, Development Review and Procedures
- Chapter 4.5, Master Planning and Development Alternatives
- Chapter 4.6, Land Use District Map and Text Amendments
- Chapter 4.7, Transportation Analysis

The Bend Area General Plan (in effect December 2, 2016)

Oregon Administrative Rules

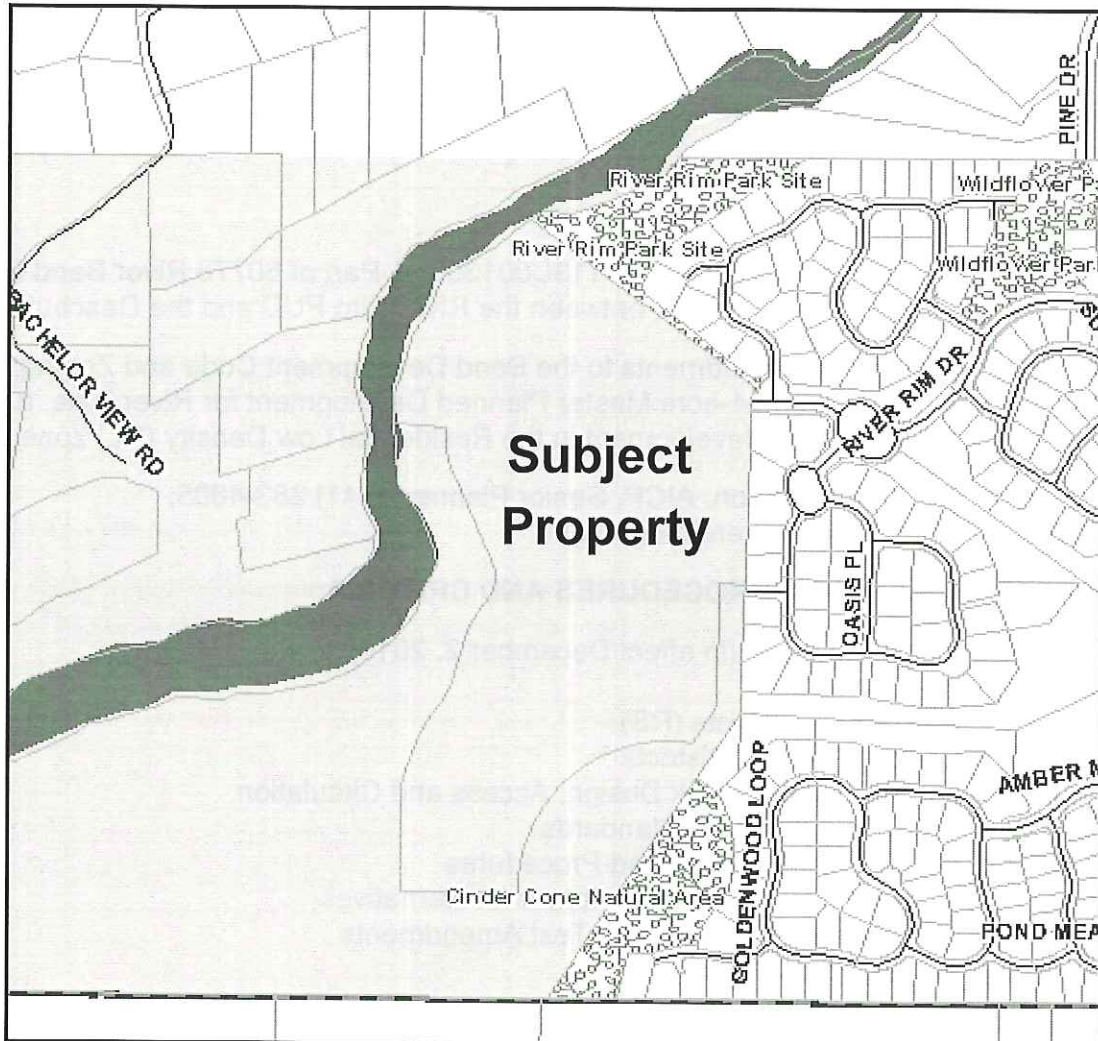
- Chapter 660-012-060, Plan and Land Use Regulation Amendments
- Chapter 660-015, Division 15, Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

1. **LOCATION:** The subject property is located on the east side of the Deschutes River, at the west end of River Rim Drive, further identified as 19462 Pine Drive (181113C001300) and part of 60778 River Bend Drive (181113C001400).

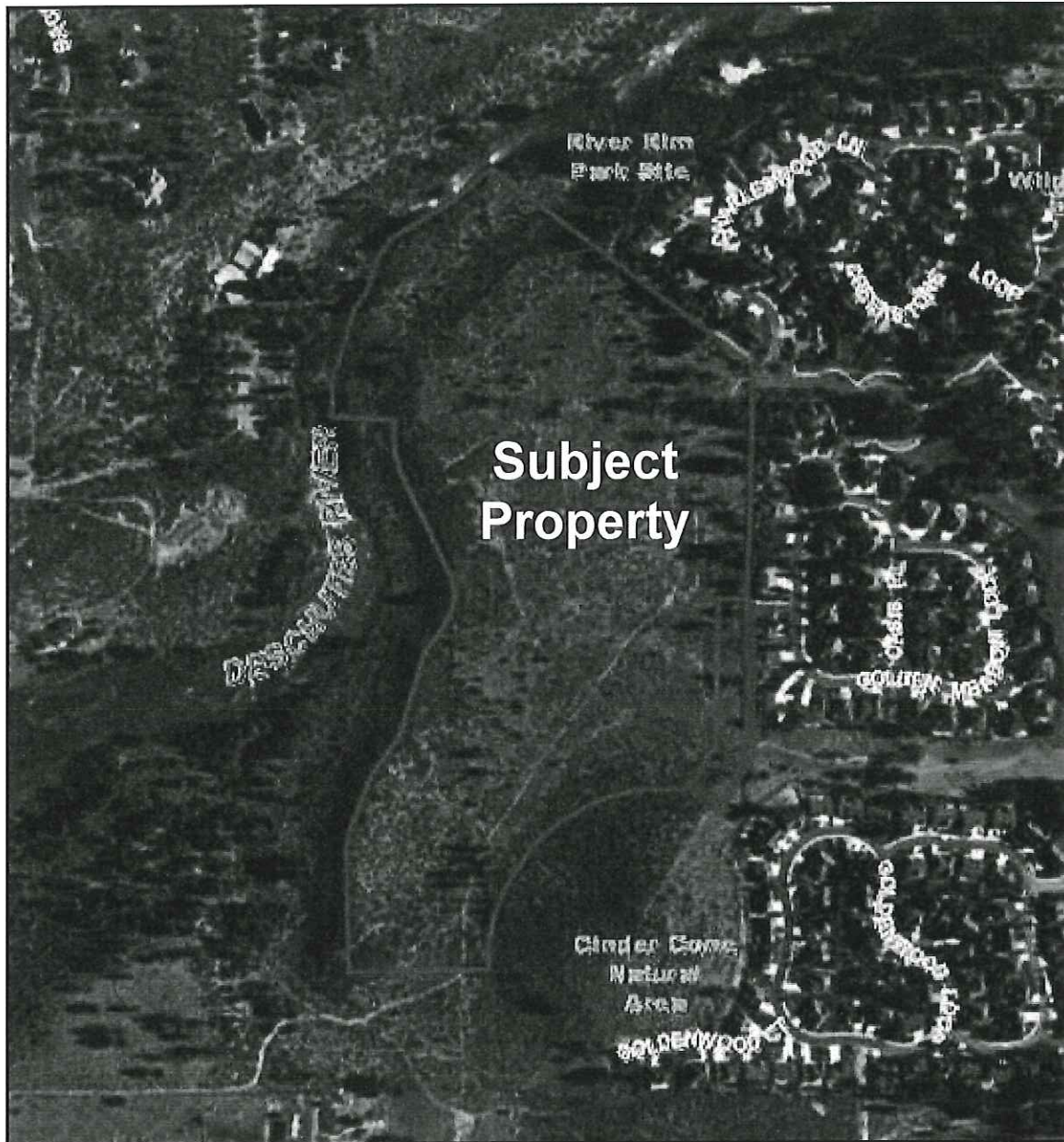
- 2. ZONING AND PLAN DESIGNATION:** The subject property is zoned Residential Low Density (RL), and it is designated Residential Standard Density (RS) on the City of Bend Comprehensive Plan. The south end of the property is located within an Upland Area of Special Interest (ASI) and the northwestern portion of the property is located within the Waterway Overlay Zone (WOZ).

The subject property is bordered by RS zoned properties to the north and east, RL zoned (and RS designated) property to the south, and RL zoned and designated properties to the west across the Deschutes River.



- 3. SITE DESCRIPTION & SURROUNDING USES:** The development site is approximately 37.4 acres in size and irregular in shape. The northern 839 feet of the subject property has over 800 feet of frontage on the Deschutes River, while the remaining 1,581 feet of the site's western boundary is separated from the river by 150 to 700 feet. The site and surrounding area slopes upward from the river to a band of rimrock. The rimrock defines the western property boundary in the southern portion of the site, and transects the northern (river fronting) portion of the site, at a distance of approximately 200 to 350 feet from the river.

Vegetation on the lower bench (between the river and the rimrock) includes a variety of riparian vegetation, grasses, and brush. The subject property is generally a geologic bench that is situated 30 to 60 feet above the Deschutes River and features Manzanita, sagebrush, bitterbrush, native grasses, and a few Ponderosa Pine trees. Access to the subject property is provided by River Rim Drive and Amberwood Place, existing private streets with public access easements.



Properties to the north and east are located within the River Rim PUD and developed with detached single-family houses at standard urban densities. Properties to the south and west are developed with single-family homes, at low densities. The Bend Park District also owns and maintains three properties in the area: Wildflower Park to the northeast, the River Rim Park Site to the north, and the Cinder Cone Natural Area to the southeast.

4. **PROPOSAL:** Type III amendments to the Bend Development Code and Zoning Map to create a 37.4-acre Master Planned Development for River Vale, a 78-lot residential development in the Residential Low Density (RL) zone.
5. **PUBLIC NOTICE AND COMMENTS:** The applicant held a neighborhood public meeting on Tuesday, November 29, 2016 at AmeriTitle, Inc. in accordance with the requirements of BDC 4.1.215. Dozens of neighbors and the designated representative of the Southwest Bend Neighborhood Association attended that meeting, and these individuals expressed concerns regarding traffic and road maintenance; fencing; parking; construction vehicles, dust, and noise; open space and trails; and impacts to their views. Notice of the proposed amendments was sent to the Department of Land Conservation and Development (DLCD) on May 8, 2017. Notice for an initial public hearing that was originally scheduled for the Planning Commission meeting on June 12, 2017 was mailed on May 16, 2017. At the applicant's request, the public hearing was rescheduled to June 26, 2017 and a new notice was mailed to the Southwest Bend Neighborhood Association, the Century West Neighborhood Association, property owners within 250 feet of the subject property, and other parties to the record. Notices were sent via ePlans 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 recommendation. The Planning Division received about a dozen emails and letters from the general public. Those comments were uploaded to ePlans and were considered by the Planning Commission, along with testimony submitted at the hearing.
6. **APPLICATION SUBMITTAL:** The River Vale Master Plan application was submitted on December 2, 2016 and it was deemed complete on May 3, 2017. Because the application includes a request for 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 4.5 Land Use District Map and Text Amendments

4.5.300 Master Planned Developments.

- A. **Applicability.** The Master Planned Development designation may be applied over any of the City's land use districts for any property or combination of properties three acres or greater in size. For projects consisting of one or more properties totaling 20 acres or larger at the date of adoption of this code, a Master Neighborhood Development Plan shall be required in conformance with BDC 4.5.400, Master Planned Neighborhood Development.

FINDING: The proposed Master Planned Development covers 37.4 total acres. Therefore, BDC 4.5.400 is addressed further on in this report.

B. Review and Approval Process.

1. **Review Steps.** There are three required steps for Master Planned Development approval:

- a. **Step 1 – the approval of a concept development plan. The concept development plan shall include an area plan that depicts the development site concept including the surrounding area within 500 feet, and a facilities plan for sewer, water and transportation, and park facilities;**
 - b. **Step 2 – the approval of a tentative development plan. A tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes, zoning designations and other features; and**
 - c. **Step 3 – the approval of preliminary subdivision plat(s) and/or site development review application(s).**
2. **Approval Process. A Master Planned Development seeks to change one or more of the development standards contained in this code, the underlying zoning and/or Bend Area General Plan designation. Therefore, a Master Planned Development concept plan application shall be reviewed using the Type III procedure in accordance with BDC Chapter 4.1, Development Review and Procedures. The tentative development plan may be reviewed using the Type II procedure in accordance with BDC Chapter 4.1, Development Review and Procedures, and shall ensure substantial compliance with the approved/proposed MPD concept development plan. In order to expedite the process, the review steps, notification and hearings may be combined. The applicant shall submit an application in conformance with the following provisions:**

FINDING: The applicant's request includes Steps 1 & 2. Once the Master Plan is adopted, staff will review the applicant's land division application (PZ-16-0955) as required to complete Step 3. This application for Steps 1 & 2 is being processed using the Type III procedure. The corresponding land division application will be processed using the Type II procedure.

- a. **The Master Planned Development shall include, but not be limited to, the informational requirements of BDC 4.3.200, General Requirements, as well as the following elements:**
 - i. **Existing and planned major street network plans, including proposed arterial, collector and local street alignments within the master planned area and where the streets will connect with the existing street system.**
 - ii. **Existing and planned water and sewer facilities to serve the master planned area, including line sizes, general location or routes and how the lines will tie into adjacent areas and facilities.**
 - iii. **Existing and planned pedestrian and bicycle corridors within the master planned area and where these facilities will connect with existing facilities.**
 - iv. **Public and/or private parks, open space or common areas.**
 - v. **Planned densities and types of uses within the affected area.**

vi. A written narrative that explains or describes:

- (A) How the proposed water, sewer and street system will be adequate to serve the size and type of development and uses planned for this area;**
- (B) How the location and sizing of water and sewer facilities on site will be consistent with the existing and planned facilities;**
- (C) How adequate water flow volumes will be provided to meet fire flow and domestic demands; and**
- (D) The function and location of any private utility system.**

FINDING: The above requirements are included in the plans, narrative, and proposed text submitted with the application. Sewer, water, and transportation system analyses were submitted which include proposed infrastructure to serve the Master Planned Development. The analyses show that with the infrastructure improvements and conditions proposed, there will be adequate sewer, water, and transportation system capacity to serve the proposed 78-lot residential development. These requirements are addressed in detail further on in this report.

vii. Draft Development Code text in a format prescribed by the City, which provides special development standards intended to implement the proposed MPD.

FINDING: Draft Development Code text was provided with special development standards intended to implement the proposed MPD.

- b. No application for a Master Planned Development shall be approved unless the applicant can explain in a written narrative how the following requirements are met:**

FINDING: The requirements below were addressed in the applicant's narrative and analyses submitted with the application, and are addressed in detail further in this report.

- i. The MPD contributes to orderly development and land use patterns in the area, will be compatible with adjacent developments and will not adversely affect the character of the area.**

FINDING: The applicant's proposal contributes to orderly development and land use patterns in the area by proposing development at densities and uses contemplated in the Bend Area General Plan and implemented through the Bend Development Code.

- ii. The MPD will not create excessive demand on public facilities and services required to serve the development.**

FINDING: The applicant proposes to construct sewer and water system improvements to provide adequate capacity to serve the proposed development. The record contains an updated Utility Availability Memo (BP-16-6339-SWA) prepared by the Private Development Engineering Division dated April 28, 2017 (signed by the City Engineer on May 3, 2017) with the findings and conditions for sewer facilities listed below.

Sewer: The development must be served by the 8-inch PVC sewer main located east of the property within River Rim Drive. The sewer main discharges to manhole CMH004659. The River Rim Lift Station and downstream force main have reached operating capacity, meaning no additional flows can be discharged to them¹. Engineered construction plans will be prepared for the development, which shall be reviewed by the City Engineer for compliance with City Standards and Specifications. The River Vale Master Planned Development will not create excessive demand on public facilities and services required to serve the development, provided that the following conditions of approval are imposed.

Condition of Approval: The River Rim Lift Station has reached its operational capacity and cannot serve the additional sewage flows proposed by the development as-is. Therefore, the Lift Station shall be upgraded to the latest City of Bend Standards and Specifications, including new pumps to serve the basin area and development assumptions for the additional available vacant land within the basin. The upgrade shall also analyze of the existing Lift Station to determine the additional equipment (i.e. rails, valves, control panels, generator, fencing, and access) that will be required to bring the station to current City standards and consistent with Project ID #29 in the City of Bend Collection System Master Plan. The Engineer of Record shall request a scoping meeting with the City prior to initiating any design work in order to ensure all required elements of the upgrade are determined.

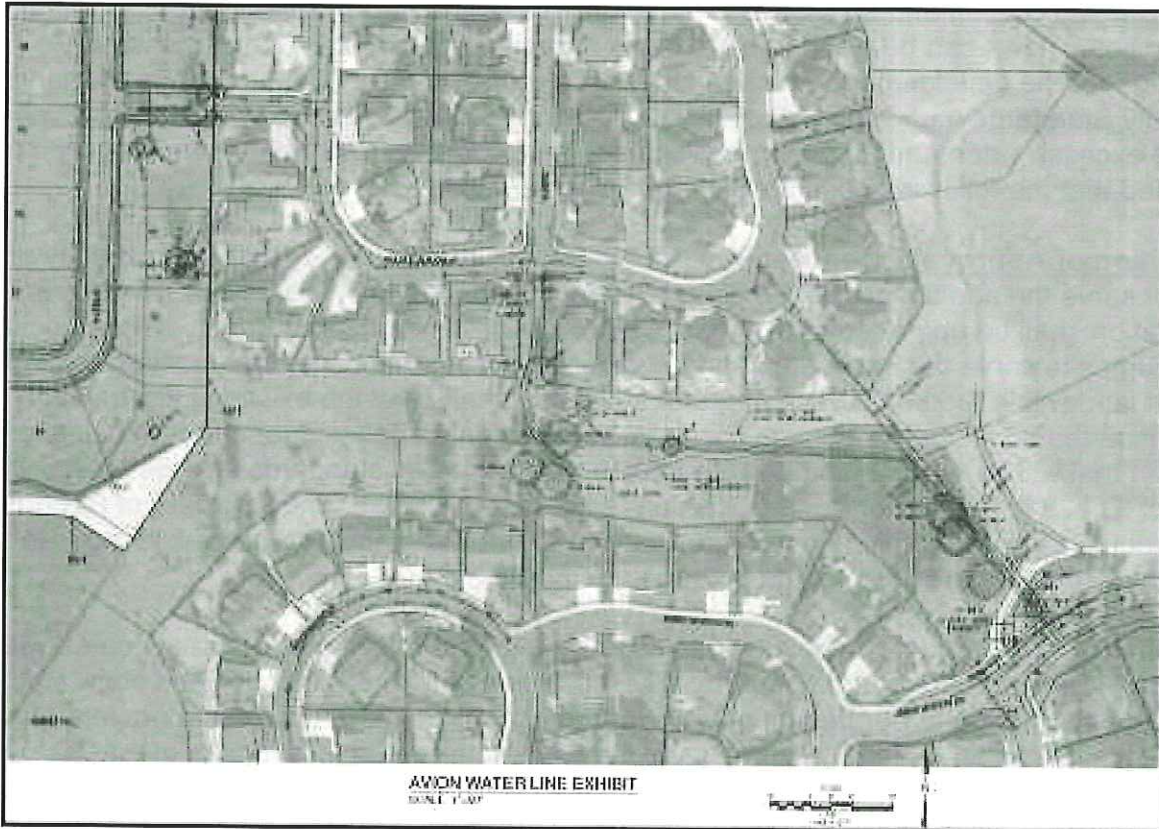
Condition of Approval: The development shall extend the 8-inch gravity main located within River Rim Drive throughout the property. The new main shall meet City of Bend standards and be extended through a Tier III right of way (Infrastructure) permit. All sewer improvements are conceptual at this time. Final alignments of the sewer mains and locations of manholes will be finalized with the infrastructure plans based on final review by City Engineering.

Condition of Approval: Each lot shall be served by a single sewer lateral that meets City of Bend standards.

Water: The submitted UAM mistakenly states that the subject property is served by Roats Water Company. The applicant submitted a letter from Avion Water Company, Inc. dated November 29, 2016 which states that it is willing and able to provide potable water for the River Vale MPD, provided that all Avion Water Company requirements are met and monies due are paid. Specifically, Avion can supply a fire flow of 1,000 gallons per minute at a residual pressure of 20 pounds per square inch. On June 5, 2017, the applicant's engineer informed the City that Avion Water Company is requiring a water main connection from Amber Meadow Drive through the open space to Golden Meadow Loop to increase water system performance for the entire area, but also to serve the River Vale project.

¹ The Planning Division has been assured by City Engineer Ryan Oster that the existing 8-inch force main in River Rim Drive has adequate capacity for River Vale. Only the lift station needs to be upgraded, not the force main.

Avion was granted an easement for this main connection in 2009. The developer's engineer staked the water main route on-site, and found that installing a new water main in the existing easement location would take or kill significant pine trees. Therefore, the developer proposed a new route for the water main that saves the trees, and reviewed this in the field with Avion and River Rim Community Association staff. The developer also presented this information at a River Rim Community Association meeting on June 1, 2017. The following exhibit shows the existing easement route in black cross-hatching, and the proposed easement route in blue.



Stormwater: The submitted Tentative Grading & Drainage Plan identifies the proposed methods to handle stormwater produced by site development. Proposed storm drainage systems include catch basins and drywells. Runoff will be accommodated in appropriately sized stormwater drainage facilities, designed per City standards and the Central Oregon Stormwater Manual (COSM) to prevent storm drainage from leaving the site.

Condition of Approval: A final drainage report shall be submitted with a Tier III right of way (Infrastructure) permit application. The report shall include basin delineation, stormwater runoff calculations, proposed retention facilities and design volume, and storm water facility maintenance.

1. **Condition of Approval:** The developer shall apply for a 1200C permit from DEQ because of work being done in close proximity to the river. If DEQ determines that a 1200C permit is not required, correspondence shall be provided to the City. Otherwise, an approved 1200C permit shall be submitted to the City.

Condition of Approval: Upon completion of improvements, the Engineer of Record shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements. Documentation of site inspections may be required as supporting information.

iii. The MPD contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities, and does not conflict with existing public access easements within or adjacent to the development.

FINDING: An orderly extension of the existing street network is proposed to create streets meeting block length and block perimeter requirements to the maximum extent practical given existing residential development patterns to the north and the east, the Upland ASI to the east and the south, and the River Corridor ASI to the west. Bicycle, pedestrian, and sidewalk connections are proposed through the site.

The Traffic Impact Analysis (TIA) developed by Kittelson & Associates, Inc. (KAI) dated December 2, 2016, was submitted to the Private Development Engineering Division for the proposed Master Planned Development. A supplemental Technical Memorandum from KAI evaluating the Brookswood Boulevard / River Rim Drive intersection dated January 4, 2017 was also submitted to the Private Development Engineering Division. Based on these studies, the proposed 78-lot residential development is estimated to produce 78 Weekday PM Peak Hour Trips (49 in, 29 out) or 744 Average Daily Trips (ADT).

Trips from the proposed development are expected to distribute onto the public roadway system and travel mostly to/from the City Center and Bend Parkway to the north. The assumed trip distribution pattern is summarized below:

- Hwy 97/Bend Parkway/3rd Street (via Murphy Road/Powers Road in the north): 40%
- Brookswood Boulevard/Bond Street (north): 45%
- Brookswood Boulevard (south): 10%
- Brookswood Market: 5%

As the River Rim Drive / Brookswood Boulevard intersection is the primary ingress / egress to the site, all generated trips are anticipated to use this intersection with the exception of the trips to / from Brookswood Market. Those trips are expected to utilize the existing River Rim roadway network. BDC 4.7.500 requires a Traffic Impact Analysis (TIA) when a proposed development is expected to generate 100 or more average daily trips, which the subject property is expected to exceed. Most of the traffic generated by River Vale is expected to use the River Rim Drive/Brookswood Boulevard intersection for access to/from the public roadway system. The winter of 2016/2017 was harsh, which made collecting accurate traffic counts impossible. But KAI worked with the City to locate recent traffic counts at nearby locations for the purpose of estimating traffic demand at the Brookswood Boulevard/River Rim Drive intersection. Inbound and outbound flow counts were located at the Brookswood Boulevard/Lodgepole Drive intersection from 2013 and 2016. Those counts were used as the basis of estimating 2016 turning movement counts. The estimated turning movement counts are shown in the table on the following page.

| Brookwood Boulevard | | | | River Rim Drive | |
|---------------------|------------------|-----------------|-----------------|-----------------|-----------------|
| Southbound Thru | Southbound Right | Northbound Thru | Northbound Left | Eastbound Left | Eastbound Right |
| 650 | 40 | 400 | 26 | 40 | 14 |

KAI estimated the traffic demand at the study intersection during the applicable study years by growing the estimated 2016 traffic counts by 2% per year. "With project" conditions were derived by adding the expected River Vale trips at this intersection previously identified with the TIA. Operational analysis of these scenarios is shown in the table below.

| Scenario | Delay (sec) | LOS | V/C | Meets Standard? ¹ |
|--|-------------|-----|------|------------------------------|
| Existing (2016)- No Project | 22.9 | C | 0.21 | Yes |
| Year of Completion (2020) – No Project | 26.5 | D | 0.26 | Yes |
| Year of Completion (2020) – With Project | 34.0 | D | 0.41 | Yes |
| Year of Completion + 5 Years (2020) – With Project | 46.3 | E | 0.53 | Yes |

Note: Analysis results reported for River Rim Drive approach

¹City of Bend Standard for Two-Way Stop Control intersection is "Average delay for the critical lane group for approaches of an arterial or collector to another arterial or collector with greater than 100 peak hour trips is greater than or equal to 50 seconds during the peak hour"

As shown, the study intersection meets applicable operational standards under all scenarios. No significant impacts were identified.

Safety

KAI reviewed the safety of the surrounding intersections using data from the ODOT Crash Analysis and Reporting database. Crashes required for reporting include those that involve at least one motor vehicle and result in \$1,500 or more in property damage or some level of personal injury. KAI's analysis summarized reported crashes that had occurred between January 2009 and December 2014. This 6-year period was assumed to reflect current conditions surrounding the proposed development. Review of the crash database showed there was one crash reported in the River Rim neighborhood within the study period. The sideswipe crash occurred on Amber Meadow Drive and resulted in property damage only. One crash also occurred on Brookwood Boulevard 700 feet south of the River Rim Drive. The crash was caused by a road departure and occurred during icy conditions. The crash resulted in "moderate" injuries. These two crashes do not provide a discernable crash pattern within the study area.

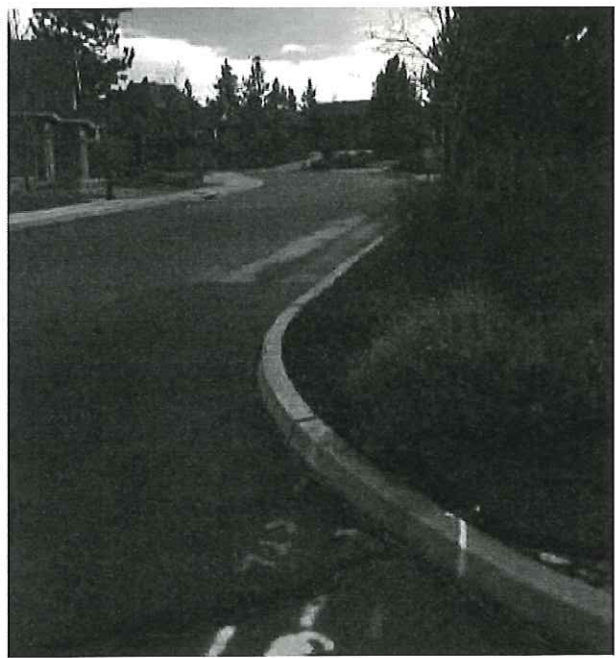
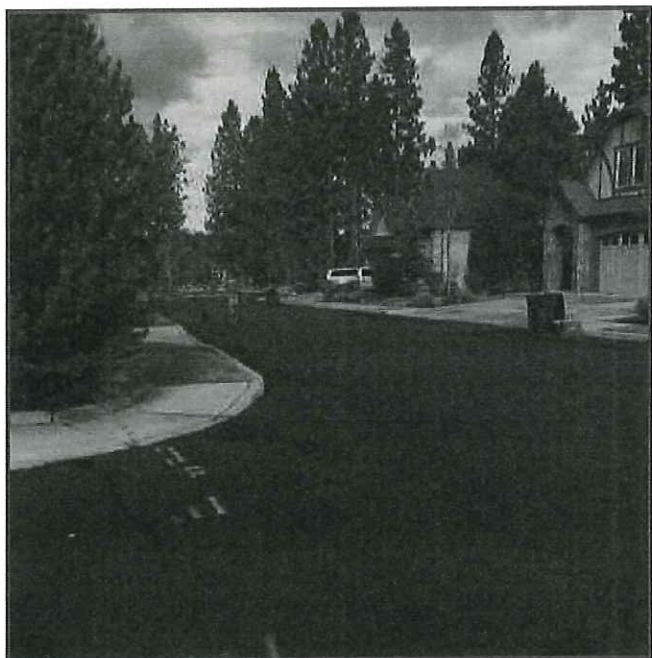
Intersection Sight Distance

The subject property will have access via River Rim Drive and Amberwood Place. Both are existing private roads within River Rim, and stubbed into the subject property. Both roadways that the subject property will gain access from connect to other private roads within River Rim. As such, KAI reviewed available sight distance in the vicinity of the subject property boundary.

The City of Bend typically applies the minimum recommended sight distance criteria based on the standard reference *A Policy on Geometric Design of Highways and Streets, 6th Edition* published by the American Association of State Highway and Transportation Officials (AASHTO) in 2011 (commonly referred to as the *Green Book*). This reference provides the recommended sight distances as measured from a height of 3.5 feet and 14.5 feet from the edge of travel way at the access point serving the proposed development, based on the speed of the roadway. The AASHTO reference is based on conflicts between vehicles traveling along the roadway and vehicles completing movements at the intersection. Intersection sight distance recommendations are based on vehicles being able to identify gaps in traffic and accelerate into the traffic flow without impeding other drivers. While appropriate for highways, such standards are often inappropriate for low speed environments such as neighborhoods. In lieu of those recommendations, stopping sight distance recommendations can be considered which evaluate the ability for a vehicle to identify and react to a potential conflict in time to stop. Given the low speed environment and neighborhood character of the existing River Rim community, KAI evaluated available sight distance against stopping sight distance recommendations.

Amberwood Place Access

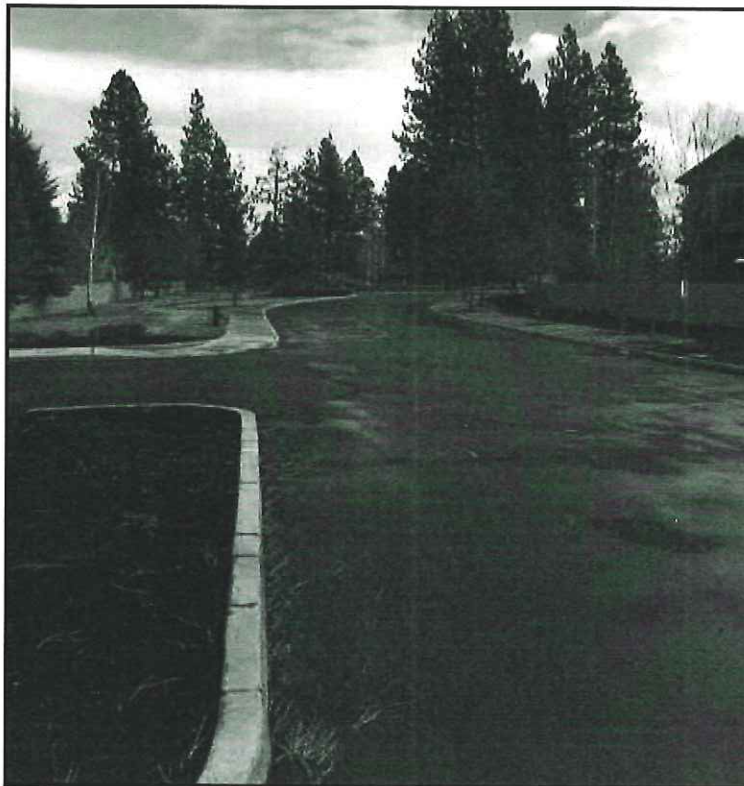
The access onto Amberwood Place will connect just west of Golden Meadow Loop. KAI reviewed available sight distance at the existing intersection of Amberwood Place and Golden Meadow Loop. No posted speed was observed on Golden Meadow Loop. KAI assumed a speed of 20 mph for traffic based on the neighborhood environment. The photos below illustrate the available sight distance at the intersection of Amberwood Place and Golden Meadow Loop. No notable sight distance restrictions were observed at these locations. In both directions, the sight distance extended to the adjacent horizontal curve on Golden Meadow Loop (~250 feet to the north and ~200 feet to the south). Both directions exceed the recommended stopping sight distance of 115 feet for a 20 mph road.



Several neighbors have requested the installation of a gate at the Amberwood Place access. BDC 3.1.400(K) states: "Except as otherwise provided in an approved Master Planned Development, gates, barricades or other devices intended to prevent vehicular and/or pedestrian access shall not be installed across any approved driveway or private street that provides access to multiple properties except when required by the City to restrict vehicle access to an arterial or collector street." The Amberwood Place access provides access to multiple properties, and a gate on Amberwood Place is not needed for safety reasons, or to restrict vehicle access to an arterial or collector street. Therefore, the Planning Commission recommends against the installation of any gate at the Amberwood Place access.

River Rim Access

The subject property will also connect to the west end of River Rim Drive. That location is currently stubbed into the subject property. The proposed layout extends River Rim Drive into the subject property. As shown in the photo below, the section of River Rim Drive adjacent to the subject property is straight and has no sight distance constraints.



River Rim Drive / Brookwood Boulevard

The intersection of River Rim Drive and Brookwood Boulevard is adjacent to Elk Meadow Elementary School. Maintaining sight distance is critical throughout a school zone as children may utilize the pedestrian crossing on Brookwood Boulevard and other pedestrian facilities to reach the school. During school days from 7:00 a.m. to 5:00 p.m., Brookwood Boulevard has a posted speed of 20 mph. The posted speed at other times is 35 mph. The two photos on the following page show the sight distance available for right and left turning movements,

respectively. AASHTO indicates that the right turn movement should provide 335 feet of sight distance to maintain an adequate time gap for a vehicle approaching at 35 mph. Over 500 feet of sight distance is available from right turn movements.



AASHTO indicates that the left turn movement should provide 390 feet of sight distance to maintain an adequate time gap for a vehicle approaching at 35 miles per hour. Over 400 feet of sight distance is available for left turn movements. A partial obstruction may occur as a result of a utility box positioned in the sight line facing south. Trees and bushes should be trimmed to maintain the line of vision as noted in the BDC clear vision area requirements. Adequate sight lines may be achieved by pulling forward toward the intersection before making a movement in either direction.

River Rim Drive is a private road which is operated and maintained by the River Rim Community Association. It has 32 feet of pavement and a striped centerline offset 11 feet from one curb. The applicant's traffic engineer recommends working with the River Rim Community Association to restripe River Rim Drive to have a centerline that is in the middle of the road (not offset) or identify other options to address modal conflicts. Dedicated bike lanes or striped shoulders could also be considered on River Rim Drive to accommodate high bicycle traffic and reduce the risk of bicyclists riding against traffic.

South End of River Rim Drive

BDC 3.4.200(l)(3) states:

“Streets shall be extended to the boundary lines of the property to be developed, when the Review Authority determines that the extension is necessary to give street access to, or permit a satisfactory future development of, adjoining land.”

The proposed Master Planned Development extends River Rim Drive to an adjacent RL zoned parcel to the south, which is currently vacant. BDC 2.1.500 also requires all RL zoned parcels to have at least a minimum street frontage of 50 feet except on an approved cul-de-sac, in which case the minimum street frontage is 30 feet. The proposed street stub to the adjacent property to the south satisfies the requirement to provide at least 50 feet of street frontage. The adjacent property to the south has no other street frontage.

BDC 3.4.200(l)(3) further states:

“The point where the streets temporarily end shall conform to subsections (l)(3)(a) through (c) of this section:

- a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs, since they are intended to continue as through streets when the adjoining property is developed.*
- b. A City-approved barricade shall be constructed at the end of the street by the developer and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The Review Authority may also require signs that indicate the location of a future road connection.*
- c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.”*

The proposed Master Plan Development provides a street stub to the adjacent vacant parcel to the south as required by the Bend Development Code, which may continue south in the future, if the adjoining property is ever developed. Leslie Hopper’s letter dated June 15, 2017 states:

“Several people at the homeowners meetings commented on the stubbed out ‘road to nowhere,’ which would be unsightly and seems to assure that the adjacent property will eventually be developed. This property is a special wildlife habitat that deserves long-term protection. It includes Buck Canyon, which the owner has designated as the Helen M. Thompson Wildlife Sanctuary. It is designated as an Area of Special Interest (ASI) in the comprehensive plan. It is a natural wildlife corridor where deer and elk move freely to and from the river. The stubbed out road implies that the city assumes this area will be developed in the future, which would be a terrible loss. The city should preserve this special wildlife habitat for future generations. Instead of a stubbed out road, please consider providing a small parking lot for those who wish to enjoy the open space and to access the proposed Deschutes River Trail. It would supplement the River Trail parking lot proposed by BPRD along Buck Canyon Road. Conditions of approval could specify that if and when the Thompson property is developed, the parking lot would be converted to the road extension at the developer’s expense.”

Mr. Thompson's adjacent vacant parcel to the south is indeed special; The Bend Zoning Map and the Bend Comprehensive Plan show that a large portion of the adjacent property falls within a River Corridor Area of Special Interest (ASI) and an Upland Area of Special Interest (ASI). But some of the adjacent property is developable, and BDC 2.7.700(D)(2) states:

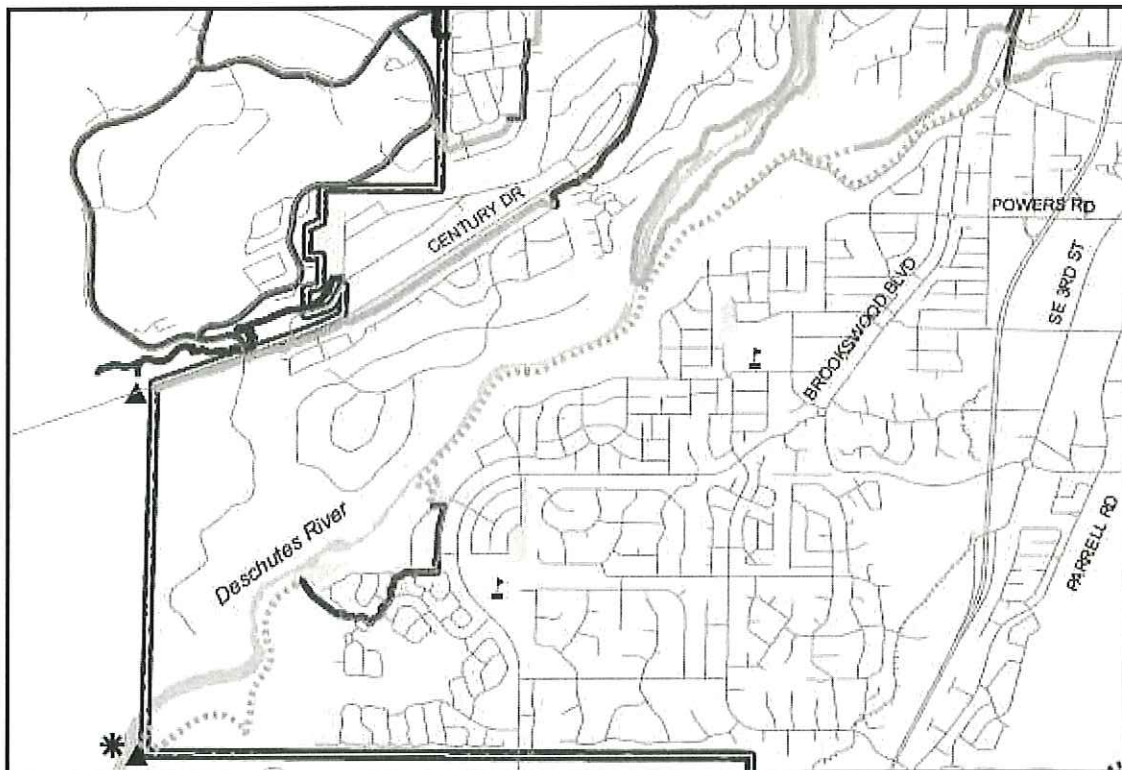
"Public or private streets and driveways may be placed within an Upland Area of Special Interest to access development activities if it is shown that no other practicable method of access exists."

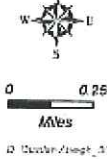
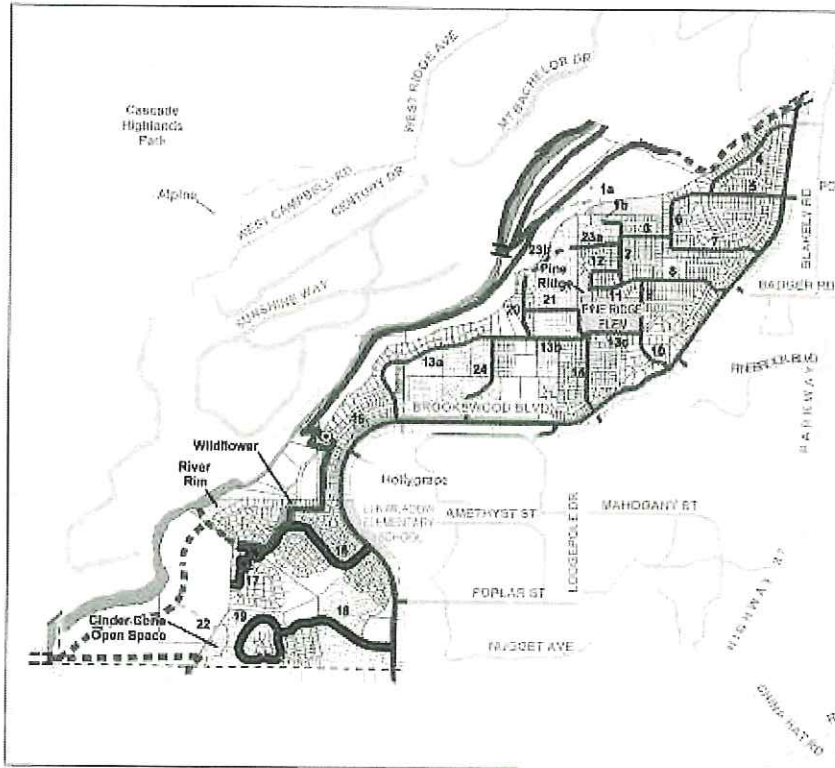
Furthermore, the River Rim street stub as currently designed will provide a few on-street parking spaces for those who wish to enjoy the proposed open space tracts in River Vale and potential future access to the proposed Deschutes River Trail. The Engineering Division has commented that a turnaround for emergency use on River Rim Drive shall be approved by the City of Bend Fire Department and the Engineering Division, and a fire gate shall be constructed at the end of the street at the south property line.

Condition of Approval: A turnaround for emergency use on River Rim Drive shall be approved by the City of Bend Fire Department and the Engineering Division, and a fire gate shall be constructed at the end of the street at the south property line.

Deschutes River Trail

The City's Transportation System Plan (TSP) shows a future primary multi-use path across a portion of the subject property, as shown in the maps below.





Bend Urban Area Bicycle and Pedestrian System Plan
Neighborhood 30
 October 20, 2008

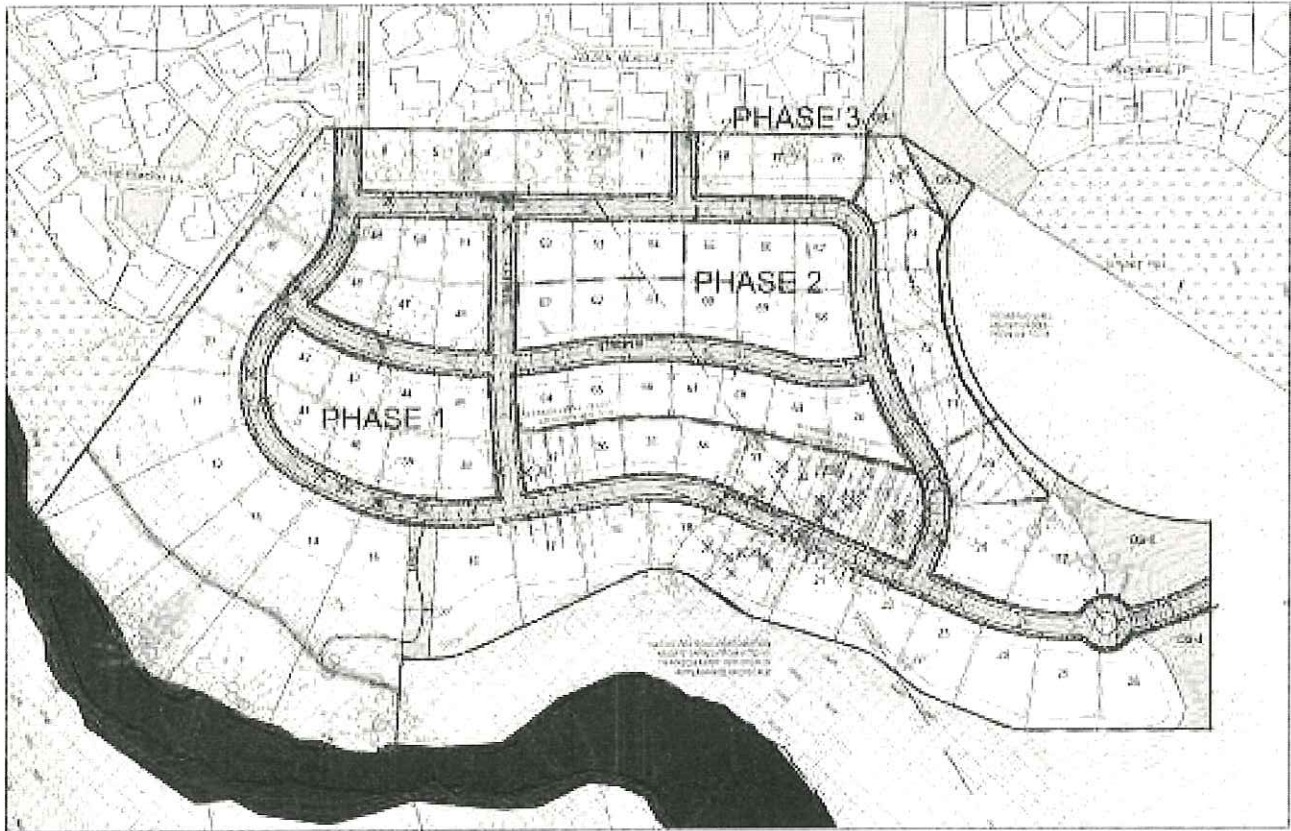
BDC 3.1.300(C)(1) states:

“Developments subject to development and having an access corridor alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan shall dedicate either right-of way or an access easement to the public for a primary or connector multi-use as outlined below.

- a. *Primary multi-use paths shall be in the alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan to the greatest degree practical unless, with consideration of recommendations from the Bend Park and Recreation District, an alternate alignment is approved by the City through the development review process.”*

Initially, the applicant submitted a Master Development Plan for River Vale which provided a primary multi-use path through Lots 11 - 15 following the alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan, as highlighted on the map below. However, Mr. Tim Phillips entered an email to the record on December 13, 2017, which objected to this trail alignment, and asserted that was not consistent with “Bridge Option 3 and Trail Option 3C” as recommended by the Deschutes River Trail Extension Citizens Advisory Committee (CAC)

in 2015. An attorney representing Cliff Curry also entered a letter into the record dated January 6, 2017, informing the City of his ownership interest in Lots 11 - 15, and which further stated, in part: "Mr. Curry will not support any Land Use Application for this property that would result in the imposition of a trail system across that portion of the property."



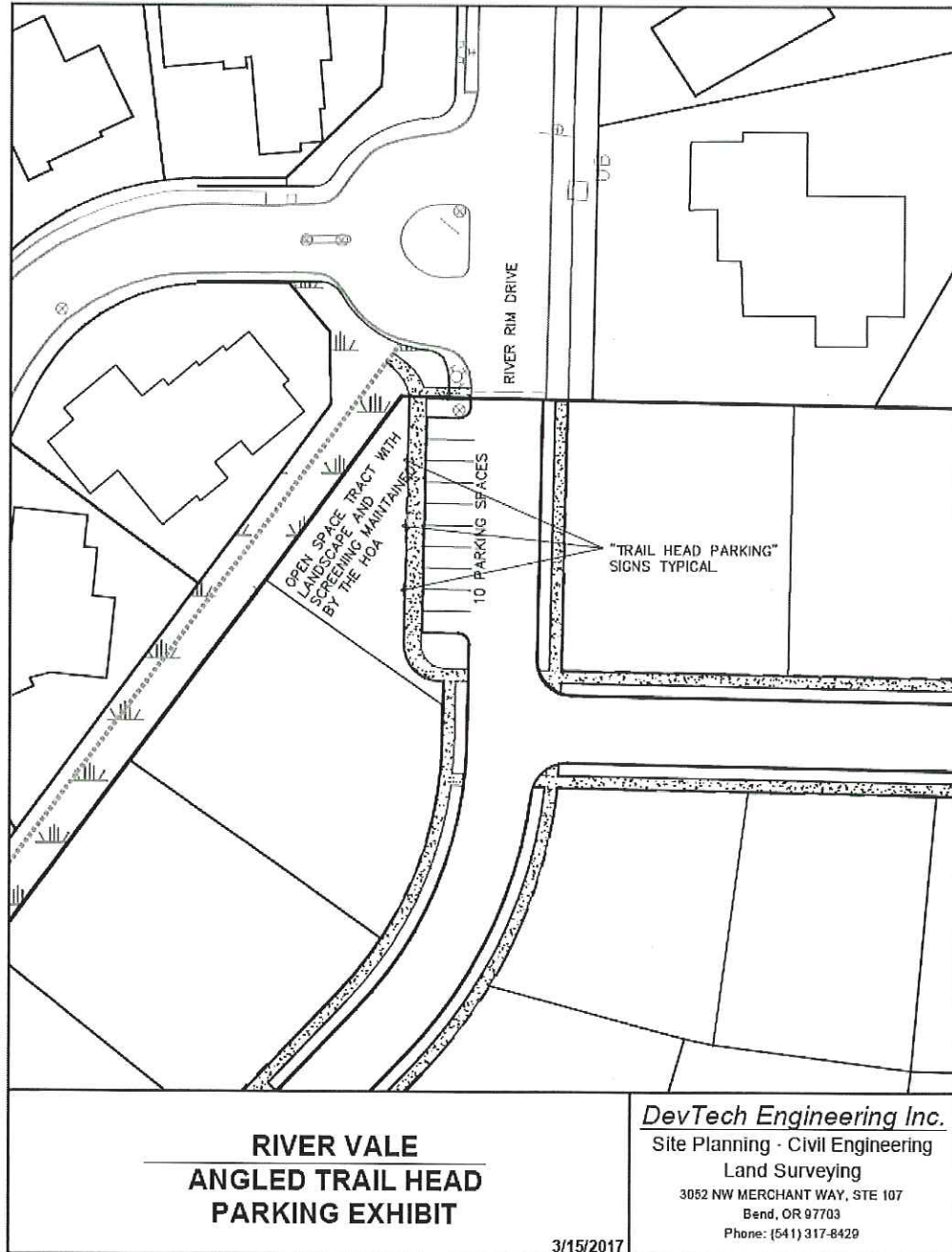
In response, the applicant worked with the Bend Park and Recreation District (BPRD) on an alternate alignment for the primary multi-use path. As explained in a letter from BPRD dated March 22, 2017:

"The identified trail and property issues are numerous and complex, and would not have been resolved in the limited time available before the property sale [from Mr. Thompson to Mr. Pahlisch d.b.a. River Vale Limited Partnership] was completed. Along with BPRD, the property owner (Thompson) signed a Letter of Intent (LOI) agreeing to meet with BPRD representatives on the property as soon as is reasonably practicable following the winter season to identify areas of concern and to discuss possible locations for new public trails to be developed on the property.

BPRD's original land use comments were based on an earlier version of the subdivision plan. These revised comments reflect the modified lot numbers on the revised River Vale subdivision plan. BPRD would like the following edited comments to be entered into the record and replace the comments provided earlier.

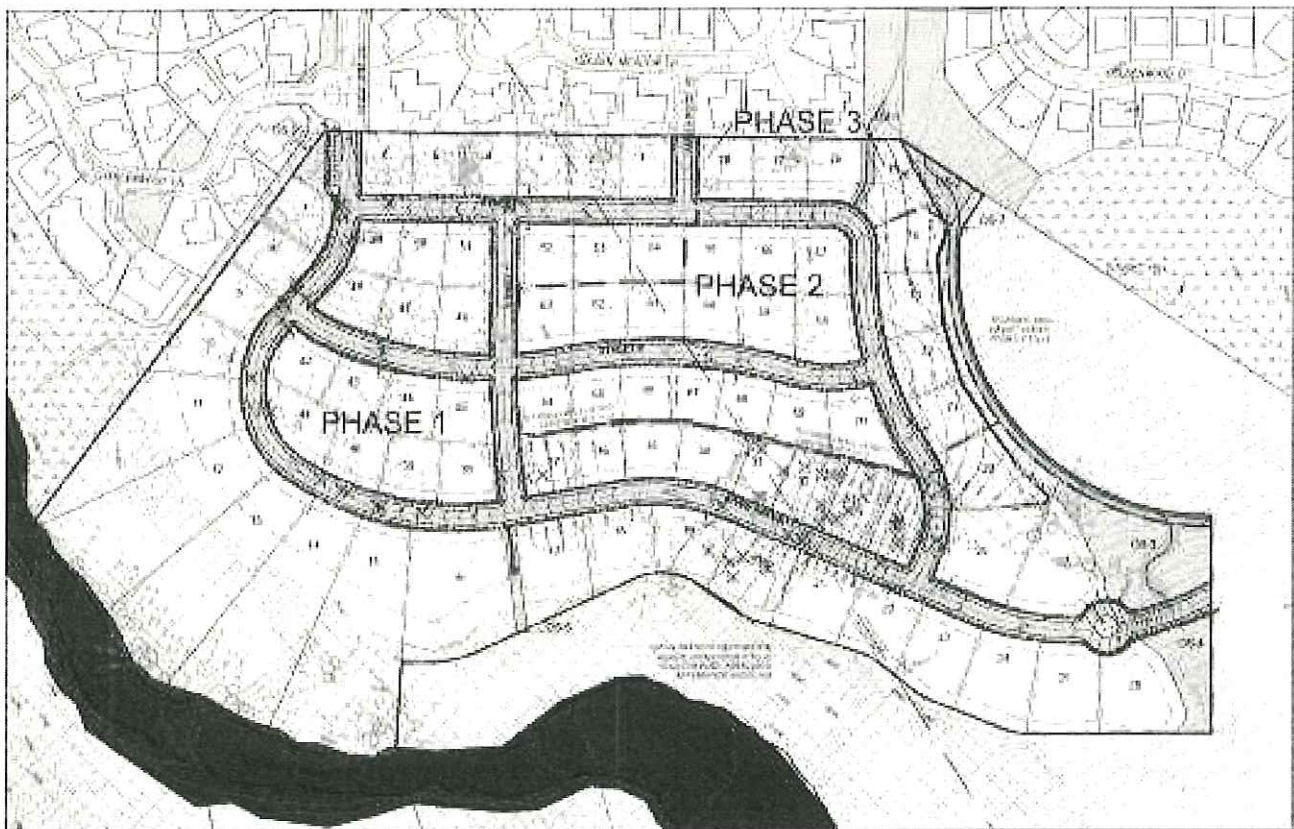
The revised River Vale Tentative Subdivision Plan:

- No longer identifies Reserve Lot #7 as a trailhead parking area. The new trailhead parking is now shown in and adjacent to open space lot #6 (OS-6) which will serve future public trail users with 10 head-in parking spaces. The parking area will not need to be developed until such time that a trail connection to the river is established. The applicant will develop, and the eventual [River Vale] homeowners association (HOA) will maintain the parking, signs and landscaping as detailed on the River Vale Parking Exhibit.



- Identifies a minimum of a 20'-wide trail easement between Lots 75 and 76 to connect to the current trail within the Elk Meadow Wildlife Corridor. This is necessary to provide for safer passage of mixed users such as cyclists and pedestrians, and thereby avoiding a "canyon" effect depending on what styles and height of fencing the adjacent neighbors are allowed to install. The applicant will develop, and the HOA will maintain the new trail to a standard acceptable to BPRD.
- Identifies a new open space area #7 (OS-7) to allow for a new 20'-wide trail corridor between the planned retaining wall and fencing on the Thompson property, thus ultimately connecting OS-1 and OS-2 with OS-3 and OS-4. The applicant will develop, and the HOA will maintain the new trail to a standard acceptable to BPRD. Placing the new trail adjacent to the south side of OS-7 and adding native vegetation between the retaining walls and the trail should negate the need for any fencing above the planned retaining wall. This trail will serve residents and the public with a trail connection that follows the contour of the Upland ASI (cinder cone) and also provide an additional corridor for wildlife moving through the area. The new trail could be graded during the construction of the retaining wall."

The revised primary multi-use path alignment is highlighted on the map below. It follows the natural contour lines near the base of the Cinder Cone (a.k.a. Sunset Hill) for a more gradual elevation gain/loss. The proposed trailhead parking area is located on the north side of River Rim Drive at the entrance to River Vale. Pedestrians can access the River Rim Park Site from the parking area, or use sidewalks on River Rim Drive or Street A to access the Cinder Cone.



As further clarified in an email from BPRD dated May 18, 2017:

“Rather than follow the conceptual trail alignment that is identified in the TSP, our intention (and our Park Board’s direction) is to explore a trail alternative that will attempt to satisfy all parties, including riverfront property owners located on the west side of the Deschutes River across from the proposed River Vale development. We are still interested in pursuing the Deschutes River Trail connection but just not on the alignment shown on the TSP (which was negotiated as part of the previous Renaissance Development). Our LOI with Mr. Thompson clearly states that we will cooperate with him to develop a new trail connection across his property that is satisfactory to all parties. The portion of the TSP alignment that crosses the Pahlisch property [River Vale] is not anticipated to be part of the new trail alignment, which will likely originate at the end of an existing trail in the Elk Meadow area of the River Rim development at the “Wildlife Corridor”. Therefore, a condition of approval or exaction of the TSP-specified ROW or trail easement across the Pahlisch property is not necessary nor desired from the District’s perspective at this time.”

On May 30, 2017, Mr. Curry submitted an email stating: “I own property directly across the river from this proposed development and the four “to-be-lots” (12, 13, 14, 15) that are part of this development that border the Deschutes on the west. I have had a chance to review the plan in some detail. With the trail off my lots I am comfortable with the subdivision development. We really appreciate the efforts that Pahlisch made to act in a neighborly way and negotiate a subdivision that will be a good addition to the Bend community.” On June 7, 2017, Mr. Phillips submitted another email stating: “We support Dennis [Pahlisch] and River Vale as long as there is no trail on Cliff Curry’s property (ASI) as negotiated by Dennis, BPRD, Cliff [Curry] and Stosh [Thompson].”

Staff’s only concerns with the proposed alternate path alignment were that: (a) the applicant wasn’t originally proposing to build the path until Phase 3, and (b) the submitted Master Plan didn’t indicate whether the applicant proposes to dedicate a 20’ wide access easement to the public for the primary multi-use path as required by BDC 3.1.300(C)(1). On June 21, 2017, the applicant decided to develop the entire 37.4 acre project in one single phase. Therefore, the Planning Commission recommends the following conditions of approval:

Condition of Approval: The 37.4 acre River Vale Master Planned Development shall be completed in one phase, as proposed by the applicant on June 21, 2017.

Condition of Approval: For any portion of a primary multi-use path that is not adjacent to a street and situated within a right of way, the applicant shall dedicate a 20’ wide public access easement, as required by BDC 3.1.300(C)(1).

Access to the Rim of the River

As stated in Leslie Hopper’s letter dated June 15, 2017:

“The plans provide access by way of a 20-foot-wide path between homes along the river rim. Ideally there would also be a footpath along the rim for all to enjoy. The proposed path between the homes should be enhanced with landscaping similar to that provided along the existing path in River Rim from the meadow to Golden Meadow Loop. (See photo below.)



The proposed access to the rim of the river should be fenced and landscaped in a manner similar to this attractive path leading from the meadow in RiverRim to Golden Meadow Loop. It is approximately 20 feet wide, with a gravel surface down the middle and landscaping on each side. A 3-foot-high fence separates the homes from the path. Trees and shrubs make it inviting and pleasant to walk along. In the new subdivision, benches at the end of the path would provide a nice place to sit and enjoy the view.

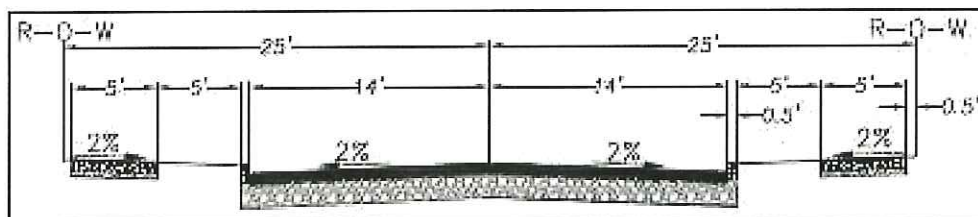
In addition, benches along the rim would provide a nice amenity allowing residents of both River Vale and River Rim to sit and enjoy the view. Perhaps the path could be widened into a semi-circle at the rim to accommodate the benches. The developer would be wise to make the most of this unique and scenic feature of the subdivision."

The Planning Commission agrees that the proposed pedestrian path between Lots 16 & 17 to the river rim should be enhanced with new landscaping similar to the existing landscaping along the path in River Rim from the meadow to Golden Meadow Loop. In addition, the Planning Commission finds that at least two benches would be a nice amenity, allowing future residents of River Vale and the general public to sit and enjoy the view.

Condition of Approval: The applicant shall dedicate a 20' wide public access easement for the proposed path between Lots 16 & 17 from River Rim Drive to the river rim. The path shall be enhanced with new landscaping similar to the existing landscaping along the path in River Rim from the meadow to Golden Meadow Loop. In addition, at least two benches shall be provided, allowing the residents of River Vale and the general public to sit and enjoy the view.

Roadway Design

As shown on the submitted plans, the proposed streets in River Vale will be 28' wide public streets with 5' wide sidewalks on both sides, located within 50' wide public rights of way.



**PUBLIC STREET
TYPICAL SECTION**

The Engineering Division has commented that the proposed roadway design is acceptable: "Where right of way is 50 feet, street widths are not to exceed 28 feet."

Condition of Approval: All streets are to be constructed in compliance to City of Bend standards and specifications, to the widths proposed on the River Vale Master Plan, including paving, curbs, sidewalks, and ADA ramps. Street striping, signage and design shall be reviewed and approved during Infrastructure permit review by the City Engineer.

The Executive Director of the Bend Park and Recreation District has requested that the trailhead parking lot be located wholly within the River Rim Drive street right of way or in an easement to the public, and that the trailhead parking lot should be built in the first phase.

Condition of Approval: The 10-space trailhead parking lot shown on the River Vale Master Plan shall be located wholly within the River Rim Drive street right of way. BPRD has agreed on the record to take sole responsibility for the parking lot, including but not limited to all maintenance.

- iv. **The MPD provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, designated areas of special interest, and other natural resources to the maximum degree practicable. Preservation shall be considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term prevent in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection shall not in itself be considered to prevent development.**

FINDING: A portion of the subject property borders the Deschutes River, and falls within the Waterway Overlay Zone (WOZ). A portion of the subject property also falls within an Upland Area of Special Interest (ASI). Therefore, the following WOZ and ASI standards apply, in addition to the MPD standards pertaining to the preservation of natural features listed above.

2.7.620 Riparian Corridor Sub-Zone.

A. Riparian Corridor Boundary. The width of the Riparian Corridor Sub-Zone adjacent to various waterway segments is specified in Tables 2.7.620.A, 2.7.620.B and 2.7.620.C. Boundary distances shall be measured from the ordinary high water mark, or from the upland edge of any designated wetlands, whichever is more landward. For purposes of riparian corridor boundary determination, steep slopes are considered to exist in an area having:

- **Sixty percent or greater slope; and**
- **A vertical rise of 20 feet or more; and**
- **A continuous horizontal length of 50 feet or more.**

Table 2.7.620.B – East Side Riparian Corridor Boundary: Deschutes River

| Deschutes River – East Side | Distance |
|--|-------------------------|
| From the South UGB line to the COID intake | 30/75 feet ¹ |

¹ Where steep slopes are present within 75 feet horizontally of OHW, the riparian corridor boundary is 30 feet from OHW. Where steep slopes are not present within 75 feet horizontally of OHW, the riparian corridor boundary is 75 feet from OHW.

B. Activities Subject to Review and Approval. Within the Riparian Corridor Sub- Zone, permanent alteration by grading, removal of native vegetation, excavation or fill of soils or rocks, or by placement of structures or impervious surfaces is prohibited, except as provided in subsections (C), (E), (F) and (G) of this section.

FINDING: While a portion of the subject property is located in the Riparian Corridor, the proposed development does not include the permanent alteration by grading, removal of native vegetation, excavation or fill of soils or rocks, or by placement of structures or impervious surfaces within the Riparian Corridor. Therefore, the development is not subject to review under this section of the code.

2.7.630 River Corridor Areas of Special Interest Sub-Zone.

A. Approval Criteria. Proposed development or land use actions on property subject to the River Corridor Areas of Special Interest Review shall be subject to the following provisions:

- 1. The proposal shall be designed and constructed so as to maintain the integrity of the existing natural features and biological system by utilizing exterior building materials that have earth tone colors. Removal of native vegetation shall be limited to the minimum amount necessary to accommodate the proposed development or land use action; any vegetation removed in excess of this standard shall be nonnative species.**
- 2. Structures located along the canyon rim of the river shall be set back a minimum of 30 feet from the River Corridor Area of Special Interest boundary for a building 20 feet or less in height. For buildings over 20 feet in height, the building shall set back one additional foot for every additional foot over 20 feet. The maximum building height shall not exceed that of the underlying zone.**

FINDING: The current application is for a Master Planned Development. It does not include any structures located along the canyon rim of the river, and the proposal does not include the removal of any vegetation in the River Corridor ASI area. However, any future homes near the River Corridor ASI boundary will be subject to the standards listed above. Conformance with the standards listed above will be reviewed in association with future home construction.

- 3. The permanent alteration of a River Corridor Area of Special Interest by grading, excavation or fill, the placement of structures or impervious surfaces, or by the removal of existing vegetation is only permitted as authorized within the Riparian Corridor Sub-Zone, or as provided as follows:**

- a. **Streets and Crossings.** Public or private streets and river crossings may be placed within a River Corridor Area of Special Interest to access development activities if it is shown that no other practicable method of access exists. If allowed, the applicant shall demonstrate that...

FINDING: No streets or crossings are proposed within the River Corridor ASI. Therefore, this subsection is not applicable to the proposed Master Development Plan.

- b. **Utilities, Irrigation Facilities, and Drainage Facilities.** Public and private utilities, irrigation facilities, or drainage facilities may be placed within a River Corridor Area of Special Interest when it is shown that no other practicable alternative location exists. If allowed, the applicant shall demonstrate that...

FINDING: No utilities, irrigation facilities, or drainage facilities are proposed within the River Corridor ASI. Therefore, this section is not applicable.

- c. **Removal of Vegetation.** Removal of existing vegetation from a River Corridor Area of Special Interest is prohibited, except as indicated below...

FINDING: The proposal does not include the removal of vegetation within the River Corridor ASI. Therefore, the proposal complies with this subsection.

D. River Corridor Areas of Special Interest Mitigation Requirements...

FINDING: The proposed Master Development Plan has no impacts on the River Corridor ASI. Therefore, no mitigation plan is required.

2.7.640 Floodplain Combining Zone.

FINDING: Although a flood plain exists on a portion of the property, the Master Plan does not include any development within or near the flood plain. Therefore, the standards of this subsection are not applicable to the current review.

2.7.650 Deschutes River Corridor Design Review Combining Zone.

- C. **Design Review Procedure.** All new development, structures, additions and exterior alterations to structures, including outside storage and off-street parking lots within the Deschutes River Corridor, are subject to a design review process.

FINDING: Although a portion of the property is located within the Deschutes River Corridor, the Master Development Plan does not include the development of any structure, addition, or exterior alteration within the Corridor, so the standards of this section are not applicable to the current review. Conformance with the Deschutes River Corridor Design Review standards will be reviewed in association with future home construction.

2.7.700 Upland Areas of Special Interest Overlay Zone.

B. Applicability.

- 1. Affected Property.** The procedures and requirements of the Upland Areas of Special Interest Overlay Zone apply to any real property designated as having an ASI as mapped on the Bend Area General Plan Map and the City Zoning Map. These standards shall be in addition to the standards of the underlying zone.

FINDING: The southern portion of the subject property is mapped as an Upland Area of Special Interest (ASI), thus these standards apply.

- 2. Activities Subject to Review.** Unless specifically exempted from review as described in subsection (B)(3) of this section, activities subject to review and which require a permit shall include all development on properties described below:

- a. Partitioning and subdividing of land.**

FINDING: Master Planned Developments are not listed as an activity subject to review. However, as previously noted, the applicant submitted an application for Tentative Plan approval of a subdivision, in addition to this Master Plan application. Therefore, the applicable provisions of the Upland Areas of Special Interest Overlay Zone shall be reviewed with the subdivision application. BDC 2.7.700(D)(1) requires a 25 ft. setback from the ASI boundary for all structures requiring a building permit. As depicted on the Master Plan, building envelopes on lots near the Upland ASI are at least 25 feet from the Upland ASI, ensuring conformance with this standard. Conformance with this standard will be further reviewed in association with future home construction.

BDC 3.3.200 Landscape Conservation.

FINDING: BDC 3.3.200 applies to all development sites containing significant vegetation. Significant vegetation is defined as deciduous trees measuring 6 inches dbh or greater, and coniferous trees measuring 10 inches dbh or greater. BDC 3.3.200(B) requires significant vegetation to be inventoried, and BDC 3.3.200(C) requires a Tree Protection Plan. As shown on the applicant's Grading and Drainage Plan, all significant have been mapped. Furthermore, the only trees that are planned to be removed for the proposed subdivision are those located within the area of the planned right of way improvements and the southwest quadrant where grading is needed to accommodate building envelopes. All other trees will be retained at this time. Further review of removal or retention of trees on individual lots will be completed when final homes designs are completed on the lots. As proposed, the applicant's Tree Protection Plan conforms to the standards of this section.

In conclusion, the River Vale Master Planned Development provides for the preservation of natural features and resources such as the river, natural vegetation, designated areas of special interest, and other natural resources on the site to the maximum degree practicable, considering the development plans and the installation of the necessary infrastructure to serve the 78-lot residential development.

- v. **The MPD conforms to the Bend Area General Plan Map, or amendments to the General Plan Map, text or policies shall be proposed and approved as part of the Master Planned Development plan in conformance with BDC Chapter 4.6.**

FINDING: The proposed Master Planned Development conforms to the Bend Area General Plan Map. No amendments to the General Plan Map, text, or policies are proposed. The proposed amendments to the text of the Bend Development Code and the Bend Zoning Map are addressed further on in this report.

C. Applicability of BDC Title 3, Design Standards. The development standards of BDC Title 3 apply to all Master Planned Developments, unless otherwise specified as part of a MPD concept proposal.

FINDING: The River Vale Master Planned Development includes a street system plan with specific standards to serve the 78-lot residential development. The proposed street plan meets the requirements of Chapter 3.1 Lot, Parcel and Block Design, Access and Circulation to the maximum extent practical. The proposed street plan and block layouts in the Master Plan will supersede the requirements in Chapter 3.1 for lot, parcel and block design. The proposed street standards also generally comply with the street standards in BDC Chapter 3.4, although as previously discussed, the proposed streets are designed within 50 feet of right of way, which is 10 feet less than the standard 60 feet established for local streets. Conformance with BDC Title 3 will be reviewed by staff in Step 3 (subdivision tentative plan review), and all requirements of BDC Title 3 will be required to be met, except as otherwise specified in the River Vale Master Planned Development code text.

1. Concept Development Plan Submission.

- a. **General Submission Requirements. The applicant shall submit an application containing all of the general information required for a Type II or III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures. In addition, the applicant shall submit the following information:**

- i. **A statement of planning objectives to be achieved by the Master Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.**

FINDING: The planning objectives to be achieved by the Master Planned Development are detailed in the proposed code text and in the River Vale Master Plan building form and massing examples submitted with the application.

- ii. **A concept schedule indicating the approximate dates when construction of the Master Planned Development and its various phases are expected to be initiated and completed.**

FINDING: The applicant anticipates that Phase 1 will be completed within 1 year of the date that the Phased Tentative Plan is approved, and that Phases 2 and 3 will be completed within 5 years of the date that the Phased Tentative Plan is approved.

- iii. Narrative report or letter documenting compliance with the applicable approval criteria contained in this code.

FINDING: The applicant's narrative addresses compliance with the applicable approval criteria.

- iv. Special studies or reports prepared by qualified professionals may be required by this code, the City Planning Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

FINDING: The applicant submitted a Traffic Impact Analysis (TIA) prepared by Kittelson and Associates, Inc., as well as a City sewer analysis. No other special studies or reports are required for the River Vale Master Planned Development.

- b. Additional Information. In addition to the general information described above, the concept development plan application shall include the following exhibits and information:

- i. Site analysis map, as defined in BDC 4.2.300, Design Review;
- ii. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
- iii. Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);
- iv. Landscape concept plan and tree preservation plan in accordance with BDC Chapter 3.2;
- v. Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials);
- vi. Sign concept plan (e.g., locations, general size, style and materials of signs);
- vii. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
- viii. Facilities plan showing how the planned development will be served by streets, sewer and water.

FINDING: All of the above requirements were submitted with the application.

2. Concept Development Plan Approval Criteria. The applicant shall submit a narrative and plans detailing how the following criteria are satisfied. The City shall make findings demonstrating that all of the following criteria are satisfied when approving, or approving with conditions, the concept plan. The City shall make findings demonstrating that one or all of the criteria are not satisfied when denying an application:

- a. **Bend Area General Plan.** All relevant provisions of the Bend Area General Plan are met except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.

FINDING: The relevant provisions of the Bend Area General Plan are met and are addressed further on in this report under BDC 4.6.300.

- b. **Land Division Chapter.** All of the requirements for land divisions, as applicable, shall be in conformance with BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments; except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.

FINDING: Compliance with BDC Chapter 4.3 will be reviewed by staff in Step 3 of the Master Plan approval process.

- c. **Applicability of BDC Chapters 2.0 and 3.0.** All of the land use and design standards contained in BDC Chapters 2.0, Land Use District Administration, and 3.0, Development Standards Administration, are met, except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.

FINDING: In general, the proposed Master Plan conforms to the uses and development code standards for the RL and RS zones in BDC Chapter 2.0.

BDC Title 2, Land Use Districts

BDC Chapter 2.1, Residential Districts (RS, RL)

FINDING: The standards of the River Vale Master Planned Development area are proposed to supersede the standards of the underlying RL zone where they vary. Where no special standards are provided, the applicable standards of the underlying RL zone shall apply. The proposed development standards for the River Vale Master Plan are as follows.

2.7.xxx *Development Standards.*

A. *Building Setbacks*

1. ***Front Yard Setbacks.*** A minimum front yard setback of 10 feet is required, provided that the garage is set back a minimum of 20 feet from the front property line.
2. ***Rear Yard Setback.*** The minimum rear yard shall be five feet.
3. ***Side Yard Setback.*** The minimum side yard shall be five feet.

FINDING: The proposed building setbacks for the River Vale Master Plan are consistent with the standard setbacks of the RS zone which implements the General Plan designation of the subject property.

B. Lot Area and Dimensions

- 1. Lot Size – The minimum lot size is 8,000 square feet.**
- 2. Lot Width – The minimum lot width is 70 feet.**
- 3. Lot Depth – The minimum lot depth is 100 feet.**

FINDING: All lots in the River Vale Master Planned Development are proposed to exceed 8,000 sq. ft. in size (double the 4,000 sq. ft. minimum lot size of the RS zone), with a lot width of at least 70 feet (30 feet wider than the minimum lot width of the RS zone), and have a lot depth of at least 100 feet (20 feet deeper than the minimum lot depth of the RS zone).

C. Density - The density range is 2 - 2.2 units / gross acre

FINDING: The proposed density of the River Master Plan is 78 units on 37.4 acres or 2.1 units per acre, which (up until the Bend Development Code was amended on December 6, 2016) was the maximum density of the RL zone and the minimum density of the RS zone.

D. Lot Coverage

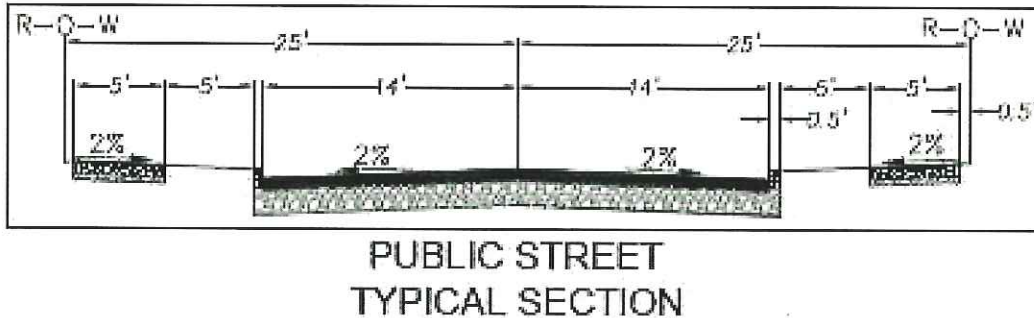
- 1. For lots over 15,000 square feet the maximum lot coverage is 35%**
- 2. For lots under 15,000 square feet the maximum lot coverage is:**
 - a. 50% for single-story homes**
 - b. 35% for all other uses**

FINDING: The applicant's proposed lot coverage standard for River Vale lots over 15,000 square feet in size is consistent with the lot coverage standard for all lots in the RL zone, and the proposed lot coverage standards for River Vale lots under 15,000 square feet in size is consistent with the lot coverage standard for all lots in the RS zone.

2.7.xxx Street Standards. The River Vale Master Planned Development has limited access; it is constrained by two ASI's, topographical features to the west, and existing development to the east. Internal roads will be public local roads within 50 feet of right of way, as noted in Figure 2.7.xxxx.

A. River Vale Master Plan Street Standards. Two-way travel road 28 feet in width, with 8 foot wide parking bays on one side, with standard curbing. Sidewalks will be a minimum of 5 feet in width on both sides of the street. Sidewalk location may meander to fit the need given trees, topography, drainage, and housing access.

Figure 2.7.xxx – River Vale Master Plan Street Standards



FINDING: As previously noted, the proposed 28 ft. wide streets of are designed within 50 feet of right of way, which is 10 feet narrower than the standard 60 feet established for local streets, but The Engineering Division has commented that the proposed roadway design is acceptable.

BDC Title 3, Design Standards

FINDING: As noted above, the proposed River Vale Master Planned Development will supersede some of the requirements of BDC Chapter 3.0. In general, the proposed master plan conforms to the Development Code standards of Chapter 3.0. Conformance with Title 3 will be reviewed by staff in Step 3 (subdivision tentative plan review) and all requirements of Title 3 will be required to be met, except as otherwise approved in the River Vale Master Plan.

4.5.300 Master Planned Developments, Concept Development Plan Approval Criteria (continued)

- d. **Requirements for Open Space. Public and private open space within a development is highly encouraged as a public benefit. Open space, consistent with the purpose of this chapter, shall be designated within a Master Planned Development when:**
 - i. **The Master Planned Development area is 40 acres or greater; or**
 - ii. **The applicant is seeking exceptions to Bend Area General Plan, zoning designations or the standard Development Code provisions and/or density.**

FINDING: The proposed Master Planned Development is less than 40 acres, but the applicant is seeking exceptions to the zoning designations and the standard Development Code provisions. Therefore, open space shall be designated in the River Vale Master Plan.

- e. **Standards for Open Space Designation. The following standards shall apply:**
 - i. **The open space area shall be shown on the concept development plan and recorded with the final plat or separate instrument; and**
 - ii. **The open space shall be conveyed in accordance with one of the following methods:**

(A) By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;

(B) By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

FINDING: The proposed open space tracts shown on the River Vale concept development plan, which contain approximately 5% of the total land area of the project, shall be recorded with the final plats for each phase in which they are located, and they shall be conveyed to a homeowners association.

f. **Standards for Approval. In granting approval for a Master Planned Development concept development plan the applicant must demonstrate that the proposal is consistent with the criteria for land division approval in BDC 4.3.300, Tentative Plan.**

FINDING: Compliance with the approval criteria of Section 4.3.300 will be checked when staff reviews the corresponding Tentative Plan for the River Vale phased subdivision. In general, the proposed Master Planned Development concept plan appears to meet the requirements of BDC 4.3.300.

g. **Additional Approval Criteria for Master Planned Development Applications. A recommendation or a decision to approve, approve with conditions or to deny an application for a MPD application shall be based on the criteria listed in BDC 4.6.300(B), Criteria for Quasi-Judicial Amendments.**

FINDING: BCD 4.6.300(B) is addressed further on in this report.

h. **Transportation Analysis Chapter. The proposal complies with BDC Chapter 4.7, Transportation Analysis.**

FINDING: A Traffic Impact Analysis (TIA) developed by Kittelson & Associates, Inc. (KAI) dated December 2, 2016, was submitted to the Private Development Engineering Division for the proposed Master Planned Development. A supplemental Technical Memorandum from KAI evaluating the Brookwood Boulevard / River Rim Drive intersection dated January 4, 2017 was also submitted to the Private Development Engineering Division. The key findings of these studies were as follows:

- The proposed residential development will reside on a 36-acre plot, west of the existing River Rim neighborhood in southwest Bend.
- The site is anticipated to include 78 single family detached houses.

- Access to the development will only be available through the existing River Rim neighborhood.
- All River Rim roadways and sidewalks are built to private standards as agreed upon by the developer and the City.
- River Rim Drive will provide the main ingress/egress to the site. The roadway is private and has 32 feet of pavement. A centerline is striped 11 feet offset from one curb.
- There is one transit stop located at Brookwood Boulevard / River Rim Drive that is within ½ mile of the site.
- The site is expected to generate 744 daily trips and 78 weekday p.m. peak hour trips. The development exceeds the City's Average Daily Traffic (ADT) threshold of 100 vehicles and 15 vehicle trips per lane group at River Rim Drive/Brookwood Boulevard. The intersection meets applicable operational standards under all scenarios. No significant impacts were identified.
- No discernable crash patterns were identified within the historical crash data, and field observations did not identify any deficiencies.
- No sight distance conflicts were noted within the study area.
- Review of the site plan does not indicate any anticipated complications involving truck circulation throughout the development.
- No transportation planning rule analysis is required.

D. Administrative Procedures.

Land Use District Map Designation. After a Master Planned Development concept development plan and tentative development plan have been approved, the approved Master Planned Development designation for the subject development site shall be shown on a map maintained by the City that illustrates the location of approved Master Planned Developments and the approved MPD overlay text will be added to BDC Chapter 2.7 as a new planned district. As a condition of approval, the applicant shall record a deed restriction on the subject properties and all future lots and parcels created, noting inclusion in the approved Master Planned Development area.

FINDING: The above items are required for all Master Planned Developments.

Condition of Approval: Once the City Council has approved the River Vale Master Plan, the approved Master Planned Development designation for the subject property shall be shown on the Bend Zoning Map and the approved Master Planned Development text shall be added to BDC Chapter 2.7 as a new planned district. Furthermore, the applicant shall record a deed restriction on the subject properties and all future lots and parcels created, noting their inclusion in the approved River Vale Master Planned Development area.

1. **Time Limit for Filing a Tentative Development Plan.** Within three years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a tentative development plan, in conformance with the requirements of this chapter. If the tentative development plan is not submitted within three years, the Master Planned Development concept plan shall expire.

FINDING: The applicant has already filed a Tentative Plan application (PZ-16-0955).

2. **Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year; provided, that all of the following are satisfied:
 - a. No changes have been made on the original conceptual development plan as approved;
 - b. There have been no changes to the applicable Bend Area General Plan policies and ordinance provisions on which the approval was based.

FINDING: The applicant originally submitted a Tentative Plan application for a phased subdivision. However, on June 21, 2017, the applicant decided to develop the entire 78-unit project in one single phase. Therefore, once the Tentative Plan for River Vale is approved, the final plat for River Vale shall be completed within 2 years, unless a written extension of not more than 1 year is granted in conformance with the above requirements.

3. **Tentative Development Plan Submission Requirements.** The applicant shall submit an application for a tentative development plan. The contents of the application information shall be determined by the conditions of approval for the concept development plan. At a minimum, the tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., Land Division, Development Review, Site Development Review, etc.). The tentative development plan shall be reviewed using a Type II procedure in conformance with BDC Chapter 4.1, Development Review and Procedures.

FINDING: The applicant has already submitted a Tentative Plan for a 78-lot subdivision, which shall be reviewed by staff following the City Council's approval of the proposed River Vale Master Planned Development.

4. **Tentative Development Plan Approval.** The City shall approve the tentative development plan upon finding that the final plan conforms to the concept plan and all required conditions of approval. Minor changes to the approved concept development plan may be approved with the tentative development plan, if consistent with all of the site development review standards set forth in this code and the following criteria:
 - a. Increase or decrease of residential densities or lot coverage by no more than 15 percent, when such change conforms to the Bend Area General Plan;

- b. A reduction to the amount of open space or landscaping by no more than 10 percent;
- c. An increase in lot coverage by buildings or changes in the amount of parking by no more than 15 percent. Greater changes require approval of a modification in conformance with BDC Chapter 4.1, Development Review and Procedures;
- d. No change in land use shall be permitted without approving a modification to an approved concept development plan in conformance with BDC Chapter 4.1, Development Review and Procedures;
- e. No change that places development within environmentally sensitive areas including ASIs or areas subject to a potential hazard shall be approved without approving a modification to an approved concept development plan in conformance with BDC Chapter 4.1, Development Review and Procedures;
- f. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept development plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 50 feet shall require approval of a modification, in conformance with BDC Chapter 4.1, Development Review and Procedures; and
- g. Other changes made to the approved concept development plan shall require approval of a modification, in conformance with BDC Chapter 4.1, Development Review and Procedures.

FINDING: The submitted Tentative Plan shall be reviewed by staff in accordance with the above requirements following the City Council's final approval of the proposed River Vale Master Planned Development.

- 5. **Development Review and Building Permit Approvals.** Upon receiving tentative development plan approval, the applicant may apply for one or more development reviews (e.g., Land Division, Development Review, Site Development Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.
 - a. **Development Review.** BDC Chapter 4.2, Site Plan Review and Design Review, applies to developments requiring Site Development Review or Architectural Design Review. BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments, applies to land divisions (partitions and subdivisions).

FINDING: These code sections list procedural requirements, not MPD approval criteria.

4.5.400 Master Planned Neighborhood Development.

A. Applicability. This section applies to all properties comprised of one or more lots, parcels, and/or tracts, in any zoning district which totals 40 acres or larger at the date of this code adoption.

FINDING: This section is not applicable because the River Vale Master Plan encompasses less than 40 acres of land.

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.

FINDING: The applicant is not requesting a General Plan Amendment or a Zone Change. Rather, the applicant is requesting a few minor amendments to the Bend Development Code text and the Bend Zoning Map to create a 37.4-acre Master Planned Development in the Residential Low Density (RL) zone. The requested quasi-judicial amendments have been reviewed under the Type III review procedure.

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 previously determined, the 78-lot River Vale Master Planned Development does not significantly affect a transportation facility.

CONCLUSIONS: Based on the findings in this report, the proposed amendments to the Bend Development Code text and the Bend Zoning Map to create the 37.4-acre River Vale Master Planned Development in the Residential Low Density (RL) zone meet all applicable criteria.

RECOMMENDATION: The Bend Planning Commission recommends that the City Council adopt an ordinance amending the Bend Development Code and the Bend Zoning Map in order to create the River Vale Master Planned Development, based on the findings in this document and the recommended conditions of approval listed below.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The River Rim Lift Station has reached its operational capacity and cannot serve the additional sewage flows proposed by the development as-is. Therefore, the Lift Station shall be upgraded to the latest City of Bend Standards and Specifications, including new pumps to serve the basin area and development assumptions for the additional available vacant land within the basin. The upgrade shall also analyze of the existing Lift Station to determine the additional equipment (i.e. rails, valves, control panels, generator, fencing, and access) that will be required to bring the station to current City standards and consistent with Project ID #29 in the City of Bend Collection System Master Plan. The Engineer of Record shall request a scoping meeting with the City prior to initiating any design work in order to ensure all required elements of the upgrade are determined.
2. The development shall extend the 8-inch gravity main located within River Rim Drive throughout the property. The new main shall meet City of Bend standards and be extended through a Tier III right of way (Infrastructure) permit. All proposed sewer improvements are conceptual at this time. Final alignments of the sewer mains and locations of manholes will be finalized with the infrastructure plans based on final review by City Engineering.
3. Each lot shall be served by a single sewer lateral that meets City of Bend standards.
4. A final drainage report shall be submitted with a Tier III right of way (Infrastructure) permit application. The report shall include basin delineation, stormwater runoff calculations, proposed retention facilities and design volume, and storm water facility maintenance.
5. The developer shall apply for a 1200C permit from DEQ because of work being done in close proximity to the river. If DEQ determines that a 1200C permit is not required, such correspondence shall be provided to the City. Otherwise, a copy of the approved 1200C permit shall be submitted to the City.
6. Upon completion of improvements, the Engineer of Record shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements. Documentation of site inspections may be required as supporting information.
7. A turnaround for emergency use on River Rim Drive shall be approved by the City of Bend Fire Department and the Engineering Division, and a fire gate shall be constructed at the end of the street at the south property line.
8. The 37.4 acre River Vale Master Planned Development shall be completed in one phase, as proposed by the applicant on June 21, 2017.
9. For any portion of a primary multi-use path that is not adjacent to a street and situated within a right of way, the applicant shall dedicate a 20' wide public access easement, as required by BDC 3.1.300(C)(1).

10. The applicant shall dedicate a 20' wide public access easement for the proposed pedestrian path between Lots 16 & 17 from River Rim Drive to the river rim. The path shall be enhanced with new landscaping similar to the existing landscaping along the path in River Rim from the meadow to Golden Meadow Loop. In addition, at least two benches shall be provided, allowing the residents of River Vale and the general public to sit and enjoy the view.
11. All streets are to be constructed in compliance to City of Bend standards and specifications, to the widths proposed on the River Vale Master Plan, including paving, curbs, sidewalks, and ADA ramps. Street striping, signage and design shall be reviewed and approved during Infrastructure permit review by the City Engineer.
12. The 10-space trailhead parking lot shown on the River Vale Master Plan shall be located wholly within the River Rim Drive street right of way. BPRD has agreed on the record to take sole responsibility for the parking lot, including but not limited to all maintenance.
13. The proposed open space tracts shown on the River Vale concept development plan, which contain approximately 5% of the total land area of the project, shall be recorded with the final plats for each phase in which they are located, and they shall be conveyed to a homeowners association.
14. Once the City Council has approved the River Vale Master Planned Development, the approved Master Planned Development designation for the subject property shall be shown on the Bend Zoning Map and the approved Master Planned Development text shall be added to BDC Chapter 2.7 as a new planned district. Furthermore, the applicant shall record a deed restriction on the subject properties and all future lots and parcels created, noting their inclusion in the approved River Vale Master Planned Development area.

EXHIBIT B

2.7.3400 River Vale Master Planned Development.

2.7.3410 Applicability.

The area regulated by the River Vale Master Plan is approximately 37.4 acres of land located on the east side of the Deschutes River, at the west end of River Rim Drive. It is bounded on the north by the River Rim Park Site; to the west by the Deschutes River and private land; to the south by an Upland Area of Special Interest, a River Corridor Area of Special Interest, and private land; and to the east by River Rim PUD.

2.7.3420 Purpose.

The purpose of this section is to create the River Vale Master Planned Development. In addition, the Master Planned Development creates overlay development standards that will supersede the development standards of the underlying zoning district within the Master Plan boundaries. Where no special standards are provided, the applicable standards of the underlying zone shall apply.

2.7.3430 Development Standards.

A. Building Setbacks

1. Front Yard Setbacks. A minimum front yard setback of 10 feet is required, provided that the garage is set back a minimum of 20 feet from the front property line.
2. Rear Yard Setback. The minimum rear yard is five feet.
3. Side Yard Setback. The minimum side yard is five feet.

B. Lot Area and Dimensions

1. Lot Size – The minimum lot size is 8,000 square feet.
2. Lot Width – The minimum lot width is 70 feet.
3. Lot Depth – The minimum lot depth is 100 feet.

C. Density - The density range is 2 - 2.2 units / gross acre.

D. Lot Coverage

1. For lots over 15,000 square feet, the maximum lot coverage is 35%
2. For lots under 15,000 square feet, the maximum lot coverage is:
 - a. 50% for single-story homes.
 - b. 35% for all other uses.

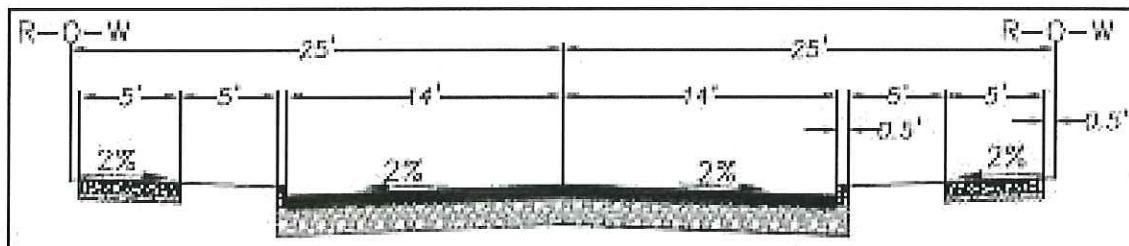
2.7.3440 Street Standards.

The River Vale Master Planned Development has limited access; it is constrained by Areas of Special Interest, topographical features to the west, and existing development to the north and the east. Internal streets will be local public streets within 50 feet of right of way as shown in Figure 2.7.3440.

- A. River Vale Master Plan Public Street Standards. Two-way road 28 feet in width, with 8 foot wide parking bays on one side, and standard curbing. Sidewalks will be at least 5 feet in width on both sides of the street. Sidewalk location may meander to fit the need given trees, topography, drainage, and housing access.

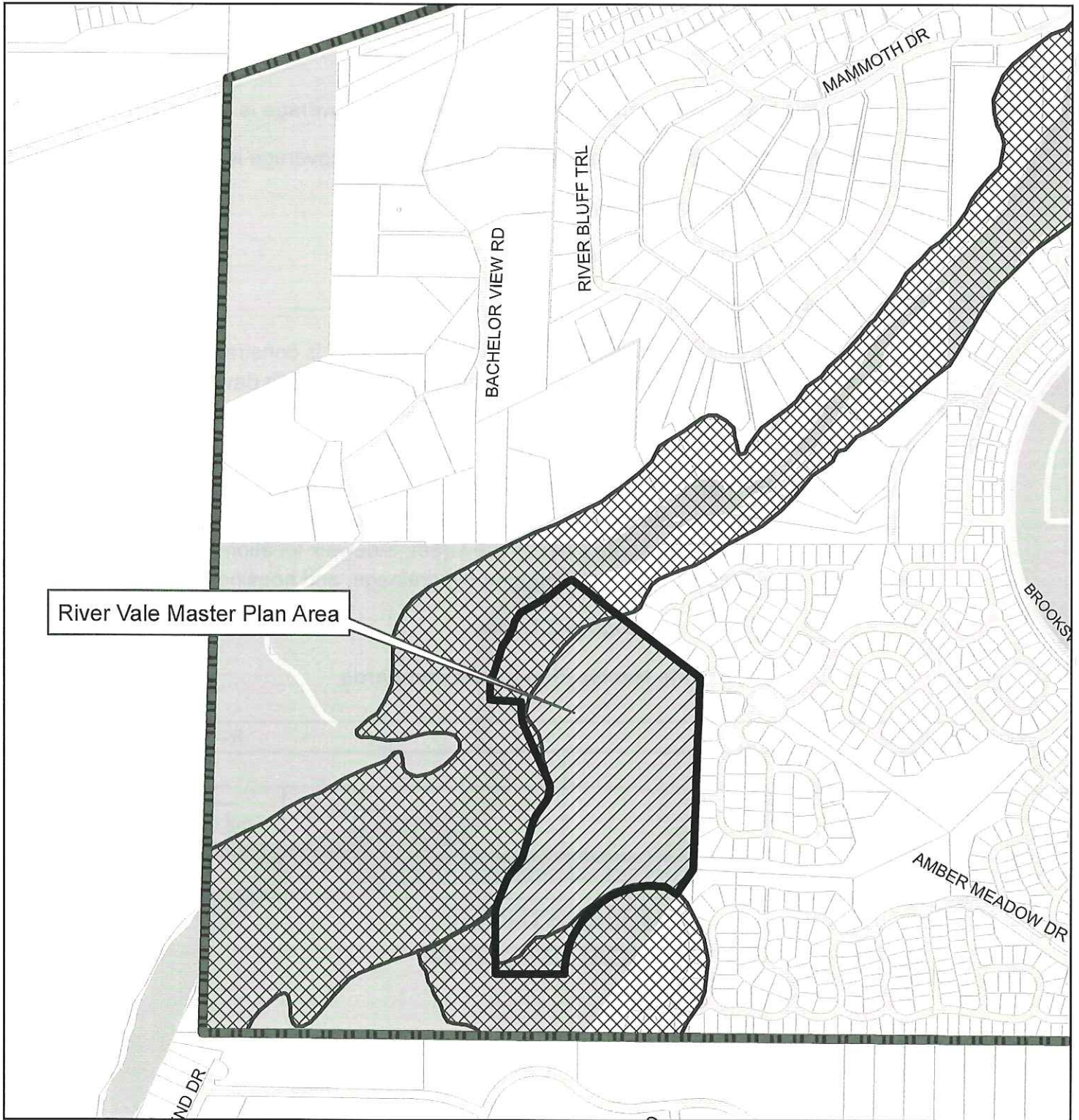
Figure 2.7.3440

River Vale Master Plan Street Standards




**PUBLIC STREET
TYPICAL SECTION**

Exhibit C - River Vale Master Plan Area



 City Limits

 Urban Growth Boundary

 Upland Areas of Special Interest

 River Corridor A.S.I.

 Special Planned Districts

Zoning

 CL - COMMERCIAL LIMITED

 RL - RESIDENTIAL URBAN LOW DENSITY

 RM - RESIDENTIAL URBAN MEDIUM DENSITY

 RS - RESIDENTIAL URBAN STANDARD DENSITY

 UAR - URBAN AREA RESERVE

Map prepared by City of Bend, 7/11/2017

