

ORDINANCE NO. NS -2338

AN ORDINANCE AMENDING THE BEND DEVELOPMENT CODE TO ADOPT THE DISCOVERY WEST MAJOR COMMUNITY MASTER PLAN, ARTICLE XIX.

Findings:

- A. On December 17, 2018, Brooks Resources, on behalf of NWX2, LLC and Tree Farm LLC, submitted a Type III Quasi-judicial application for a Development Code amendment to create the Discovery West Major Community Master Plan.
- B. On March 11, 2019, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend the Development Code to include Article XIX for the Discovery West Master Planned Development.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On April 25, 2019, notice was mailed by the Planning Division to surrounding owners of record of property within 250 feet of the subject properties, and to the Summit West and Century West Neighborhood Association representatives. On April 26, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at three locations, visible from adjacent rights of way.
- D. The Bend City Council held a public hearing on May 15, 2019, to consider the Planning Commission recommendation.
- E. The Development Code amendment for the Discovery West Major Community Master Plan approved by this Ordinance meets all applicable Development Code criteria, policies of the Bend Area General Plan, and Oregon Statewide Planning Goals.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Development Code is amended to codify the Discovery West Master Planned Development as contained in Exhibit A.


Section 2. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.

First Reading: May 15, 2019

Second reading and adoption by roll call vote: June 5, 2019

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Chris Piper
Gena Goodman-Campbell

NO: none



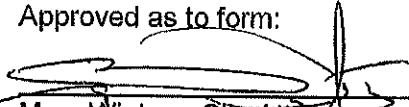
Sally Russell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT A

Article XIX. Discovery West Master Planned Development

2.7.3700 Discovery West Master Planned Development.

2.7.3710 Purpose.

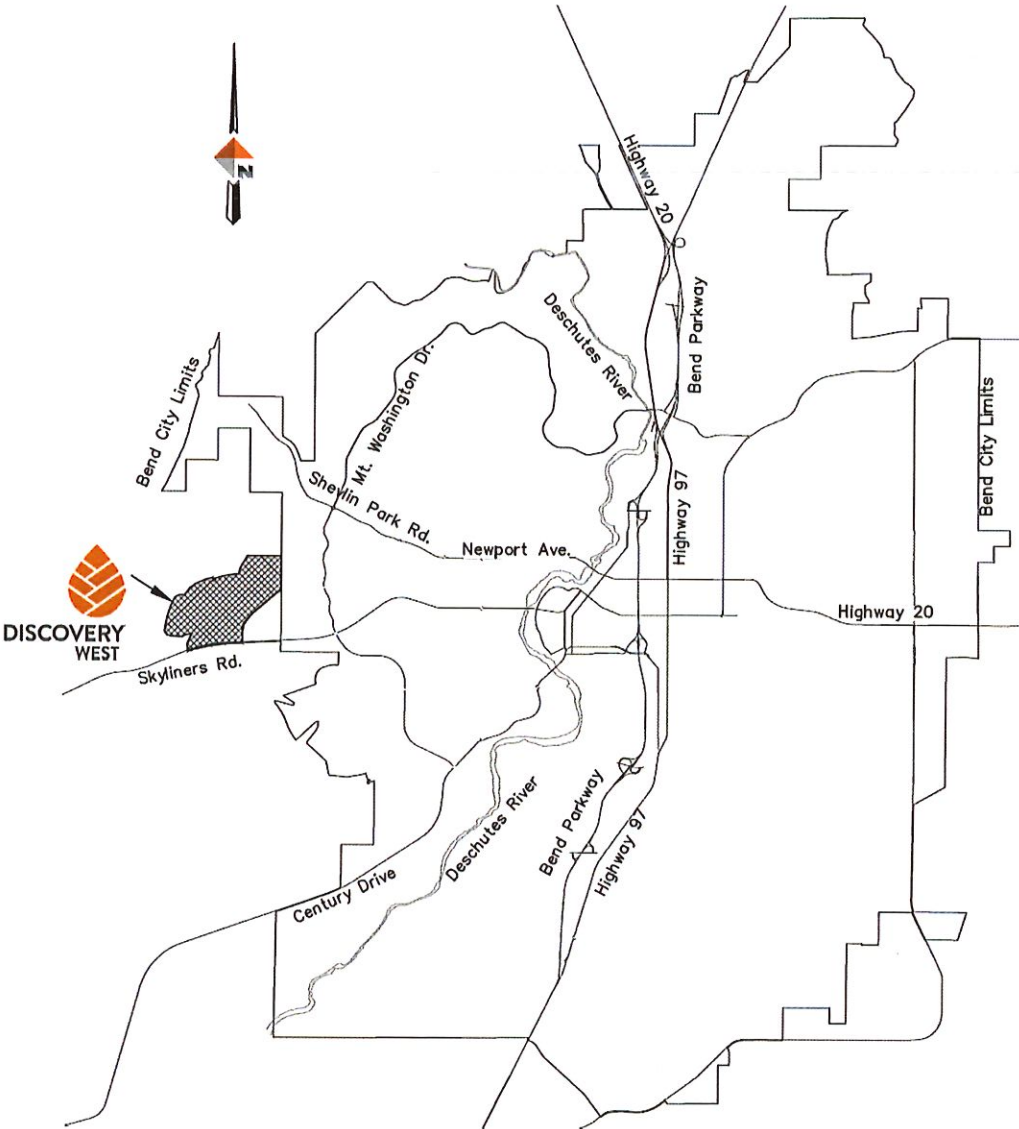
The purpose of the Discovery West Master Planned Development is to implement Bend Comprehensive Plan policies regarding the West UGB Expansion Area (Master Plan Area 1 under Chapter 11 of the Bend Comprehensive Plan), and to create overlay development standards for the Residential, Commercial and Employment Districts within the Discovery West Master Plan area. The development standards will:

- Provide a variety of housing types and employment opportunities.
- Locate higher density housing and employment lands adjacent to collector and arterial streets or public parks.
- Create opportunities for live/work townhomes and small-scale businesses in selected locations to foster a mixed-use residential neighborhood.
- Promote pedestrian and other multi-modal transportation options.
- Ensure compatibility of uses within the development and with the surrounding area.
- Create an interconnected system of streets with standards appropriate to the intensity and type of adjacent land use.
- Create safe and attractive streetscapes that will meet emergency access requirements and enhance pedestrian and bicycle access and safety.
- Implement the relevant policies of the Bend Comprehensive Plan:
 - The central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that began with NorthWest Crossing with the existing concentration of schools, parks, commercial and employment lands; and creates a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.
 - Establishing appropriate development regulations to implement the transect concept; develop measures to make the development and structures fire resistant; and implement RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.
 - Provide up to 650 housing units, including a minimum of 9% single family attached units (minimum of 54 to 60) and a minimum of 21% multifamily and duplex/triplex units (minimum 128 to 142 units). The minimum required units (total and by housing type) is 90% of the specified maximum, or 585 total dwelling units.

2.7.3720 Applicability.

The Discovery West Master Planned Development standards apply to the property identified in Figure 2.7.3720, further identified as West Area Master Plan Area 1 in BCP Chapter 11. The special standards of the Master Plan supersede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone apply. The final determination of the zone or district boundary will be established at the time of subdivision platting and right of way dedication.

Figure 2.7.3710 Discovery West Master Planned Development.



2.7.3730 Districts.

Figure 2.7.3730 Districts.



A. Large Lot Residential District.

1. Purpose. The purpose of the Large Lot Residential District is to implement the low-density single-family residential lot component of the west side transect as identified in the Bend Comprehensive Plan. The increased setbacks in this District are intended to serve as greater buffers for wildlife passage and greater separation between structures for increased wildfire resilience.
2. Density. The Large Lot Residential District will accommodate approximately 50 single family residential lots.

B. Standard Lot Residential District.

1. Purpose. The purpose of the Standard Lot Residential District is to allow higher density detached single family lots on smaller lots than otherwise permitted in the underlying Low-Density Residential Zone (RL) zone to off-set the larger lots and lower density necessary for the Large Lot Residential District which implements the transect concept.
2. Density. The Urban Density Residential District is intended to accommodate approximately 400 detached single-family residential lots.

C. Residential Mixed-Use District.

1. Purpose. The Residential Mixed-Use District is applied in locations adjacent to collector or arterial streets, Commercial Limited or Mixed Employment zones, or public parks to satisfy BCP Policy by allowing a variety of housing types, higher density residential uses, and live/work housing to form the highest density residential component of the transect along with some limited small-scale commercial opportunities in the live/work townhomes.

2. Density. The Residential Mixed-Use District will accommodate at least 54 to 60 attached single-family units and at least 128 to 142 multi-family, duplex, or triplex residential units as required by BCP Policy 11-104.

D. Commercial/Mixed Employment District.

1. Purpose and Applicability. The Commercial/Mixed Employment District applies to all land zoned Commercial Limited and Mixed Employment within the Discovery West Master Planned Development. The purpose of this district is to establish smaller-scale commercial and employment uses than might otherwise be found in the CL and ME zones by limiting building height on lots abutting Skyliners Road. The Commercial/Mixed Employment District will also limit direct vehicular access to Skyliners Road.

D. Definitions.

The following definitions apply to uses, building types and standards that are specific to the Discovery West Master Planned Development:

Attached Single-Family as used in Bend Comprehensive Plan Policy 11-104, and as applicable to the Discovery West Master Planned Development, refers to townhomes, live-work townhomes, and any type of cluster housing development (both mews and cottages).

Cluster housing development refers to detached single-family cottages or attached mews houses in a cluster around a central shared open space. Cottages or mews houses must be located on platted lots or as condominium units.

Cottage means a detached dwelling unit in a cluster housing development.

Live/work townhome means a residential townhome in which a business may be operated on the ground floor. A live/work dwelling is allowed instead of, or in addition to, home business as defined by this code.

Mews house means an attached dwelling unit in a cluster housing development, with common walls on one or both side lot lines.

Transect as used herein refers to a gradient from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire, pursuant to BCP Policy 11- 101.

2.7.3740 Review Procedures.

The following review procedures are applicable to uses within the Discovery West Master Planned Development:

- A. Design Review.** Townhomes, live/work townhomes, cluster housing, duplexes, triplexes and fourplexes located on lots specifically approved as such, are subject only to design review through the Discovery West Architectural & Landscape Review Committee.
- B. Site Plan/Design Review.** Multi-family development greater than four units and buildings in the Commercial/Mixed Employment District will not be subject to the provisions of 4.2.600, Design Review, but will be subject to BDC Chapter 4.2.500, Site Plan Review and design review through the Discovery West Architectural & Landscape Review Committee.
- C. Conditional Use Permit.** Conditionally permitted uses require a Conditional Use Permit in accordance with BDC Chapter 4.4.

2.7.3750 Large Lot Residential District.

A. Permitted Uses.

1. Detached single-family dwelling.
2. Accessory uses and structures.
3. Accessory Dwelling Unit.
4. Family Childcare home (16 or fewer children).
5. Neighborhood, Community, and Regional parks.
6. Home business (Class A, Class B) subject to the provisions of BDC 3.6.200.N.
7. Duplexes and triplexes on lots specifically designated for development as such on an approved subdivision tentative plan.

B. Height Standards. The height standards of the RL Zone apply.

C. Lot Area and Dimensions. The lot area and dimensions of the RL Zone apply.

D. Lot Coverage. The lot coverage standards of the RL Zone apply.

E. Setbacks. The setbacks of the RL zone apply, with exception that a 20 foot side yard setback is required as a wildfire protection measure.

2.7.3760 Standard Lot Residential District.

A. Permitted Uses.

1. Detached single-family dwelling.
2. Accessory uses and structures.
3. Accessory Dwelling Unit.
4. Family Childcare home (16 or fewer children).
5. Neighborhood, Community, and Regional parks.
6. Home business (Class A, Class B) subject to the provisions of BDC 3.6.200.N.
7. Duplexes and triplexes on lots specifically designated for development as such on an approved subdivision tentative plan.

B. Height Standards. The height standards of the RS Zone apply.

C. Lot Area and Dimensions. The lot area and dimensions of the RS Zone apply.

D. Lot Coverage. The lot coverage standards of the RS Zone apply.

E. Setbacks. The setbacks of the RS zone apply, with exception of the following special side setbacks:

Table 2.7.3760 Side Setbacks in the Standard Lot Residential District.

Setback	Lot Width (frontage)	
	Less than 65 feet	65 feet or greater
Side	7.5 feet	10 feet

2.7.3770 Residential Mixed-Use District.

A. Permitted Uses.

1. All uses permitted or conditionally permitted in the Standard Lot Residential District.
2. Multifamily housing.
3. Attached single-family/townhome
4. Live/work townhome subject to the provisions of this district.
5. Cluster housing development.

B. Setbacks. The setbacks of the RM zone apply unless otherwise specified in the special use standards below (e.g. zero setback for common walls of townhome or mews houses.)

C. Height Standards. The following height standards apply in the Residential Mixed-Use District.

Table 2.7.3770 Height Standards in the Residential Mixed-Use District.

Use	Building Height
Single-family detached	30 feet
Townhome, live-work townhome, duplex, triplex	35 feet
Multifamily housing	45 feet
Cluster housing – Cottage	25 feet
Cluster housing – Mews	35 feet

D. Lot Area and Dimensions. Except as otherwise specified in this section, the standards of the RM zone apply.

E. Lot Coverage. The lot coverage standards of the RM zone apply to detached single-family dwellings, duplexes, and triplexes. There is no lot coverage limitation for other uses in the Residential Mixed-Use District.

F. Platting Lots for Specific Uses. The following standards apply for the Residential Mixed-Use District.

1. The tentative plan application for a subdivision phase in the Residential Mixed-Use District must specify the housing type and a minimum and maximum number of residential units intended for each lot.
2. A deed restriction must be recorded with each lot in the RMUD intended for duplex, triplex, multifamily or attached single-family housing specifying a minimum and maximum range of housing units to ensure BCP Policy 11-104 is satisfied as to the type and total number of housing units specified for the West UGB Expansion Area Master Plan Area 1.

G. Special Standards for Live/work Townhomes.

1. The location of lots where live/work dwellings may be sited must be specified in the tentative plan application for that development phase.
2. The commercial or office portion of the building may not exceed 50 percent of the square footage of the entire building, excluding any garage.

3. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. No more than 4 off-street parking spaces must be provided for each live/work townhome
4. No outside storage of materials or goods related to the work occupation or business is permitted.
5. If the business is open to the public, public access must be through the work area front door and the business may not be open to clients or the public before 7:00 a.m. or after 7:00 p.m.
6. The following commercial uses are allowed in Live/Work Townhomes:
 - a. Offices and Clinics
 - b. Child care facility (13 or more children)
 - c. Food and beverage services less than 2,000 square feet (with or without alcohol) excluding automobile-dependent and automobile-oriented, drive-in, and drive-through uses
 - d. Laundromats and dry cleaners
 - e. Retail goods and services
 - f. Personal services (e.g., barber shops, salons, similar uses)
 - g. Repair services, conducted entirely within building; excluding vehicle repair, small engine repair and similar services
 - h. Home Business (Class A, B and C) subject to the provisions of BDC 3.6.200.N

H. Special Standards for Cluster Housing Developments. Cluster Housing Development provides an alternative housing type to satisfy the attached single-family housing requirement of BCP Policy. The cluster housing development type supports the following principles:

- The development standards for cottage and mews houses fosters the creation of a small community within the larger overall Discovery West Master Planned Development.
- The site is designed with a coherent concept in mind, including shared functional open space, off-street parking areas, access within the site and from the site, and consistent landscaping;
- A cluster housing development must have a homeowners' association for the ownership and management of shared open space and any common parking areas.

1. General Development Requirements.

- a. There is no minimum lot size for cluster housing developments
- b. Cottages or Mews houses must be located on platted lots or as units in a condominium development and may share use of common facilities such as, but not limited to, a party room, tool shed, garden, workshop and parking areas;

- c. New lots created as a part of a cluster housing development within Discovery West are not required to have frontage on either a public or private street.
- d. Setbacks. A minimum setback of 10 feet and a maximum of 20 feet is required from any property line abutting a street. A minimum setback of 5 feet is required abutting all other outer boundaries of the cluster housing development.
- e. Interior Separation. There must be a minimum separation of 10 feet between all buildings with the exception of the common wall of attached mews houses.
- f. Accessory structures, garages or carports must be set back a minimum of 20 feet from property lines fronting a public street.
- g. Rear yard setbacks must be a minimum of five feet to the outer boundary of the cluster housing development.

2. Size Limitations.

- a. The total floor area of each cottage unit may not exceed 1,200 square feet, and the total floor area for each mews dwelling unit may not exceed 1,600 square feet. Attached garages are not included in the calculation of total floor area.
- b. Cottage and mews areas that do not count toward the total floor area calculation are:
 - i. Architectural projections, such as bay windows or fireplaces;
 - ii. Attached roofed porches;
 - iii. Detached garages or carports;
 - iv. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second-floor area under the slope of the roof, or storage space under the main floor.
- c. The maximum main floor area for cottages is 1,000 square feet. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
- d. Cottages must have a roofed porch at least 80 square feet in size with a minimum dimension of 6 feet on any side.

3. Required Open Space.

- a. Shared Open Space.
 - i. Shared open space must provide a centrally located, focal area for the cluster housing development.
 - ii. Shared open space must total a minimum of 500 square feet per cottage or mews when all shared open space areas are combined.
 - iii. Shared open space must abut at least 50 percent of the cottage or mews lots.
 - iv. Each cottage or mews lot must be connected to the shared open space by a pedestrian pathway.

- v. Each cottage or mews lot must be within 75 feet of shared open space.
 - vi. Common parking areas are not counted in the shared open space area requirements.
- b. Private Open Space.
- i. Each unit must have a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage or mews resident.
 - ii. The private open space must be located on slopes of less than 10 percent.

4. Parking.

- a. A minimum of one parking space and a maximum of two parking spaces are required for each cottage or mews dwelling unit.
- b. A parking area is a location for two or more contiguous vehicle spaces not within a garage or carport. Any common parking area must be located in the cluster housing development.

2.7.3780 Commercial/Mixed Employment District.

A. Development Standards. The development standards of the underlying zone apply within the Commercial/Mixed Employment District, with the exception of the additional limitations below for lots with frontage on Skyliners Road.

- 1. **Height Limitation.** For lots that abut Skyliners Road, the maximum building height is 35 feet.
- 2. **Site Access.** No vehicular access driveways are allowed onto Skyliners Road.

2.7.3790 Special Street Standards.

Figure 2.7.3790 depicts the street type, tentative street location and alignment in the Discovery West Master Planned Development. Table 2.7.3790 defines the standards to correspond to the street type shown in Figure 2.7.3790. The precise street alignment will be established through the approval of tentative subdivision plans. These street types and standards will be applied to the Discovery West Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process.

Any City street standard adopted after the effective date of the ordinance codified in this chapter, which permits a lesser street standard, may be applied to the Discovery West Master Planned Development during the subdivision review process.

Figure 2.7.3970.A Discovery West Street and Circulation Plan

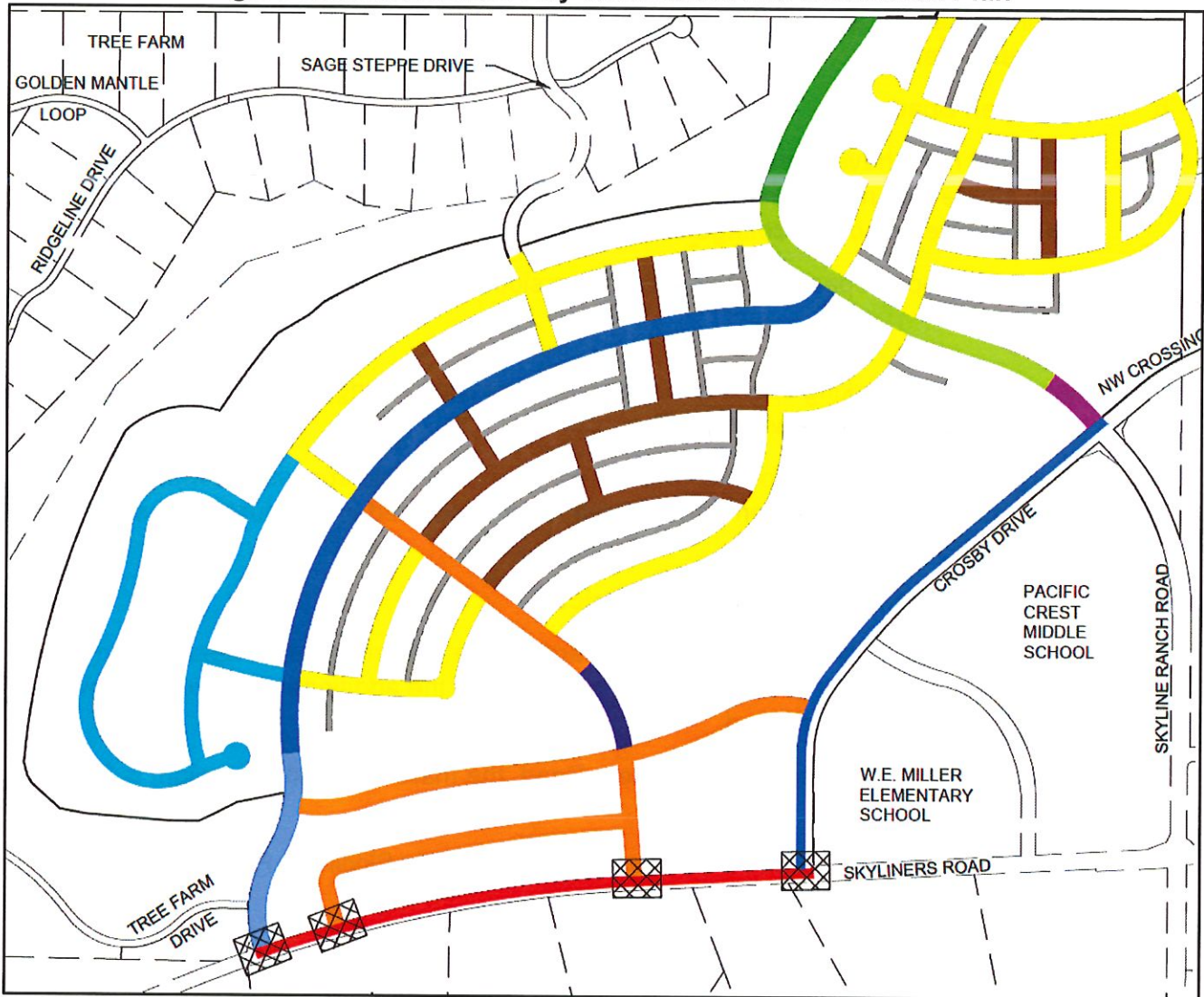














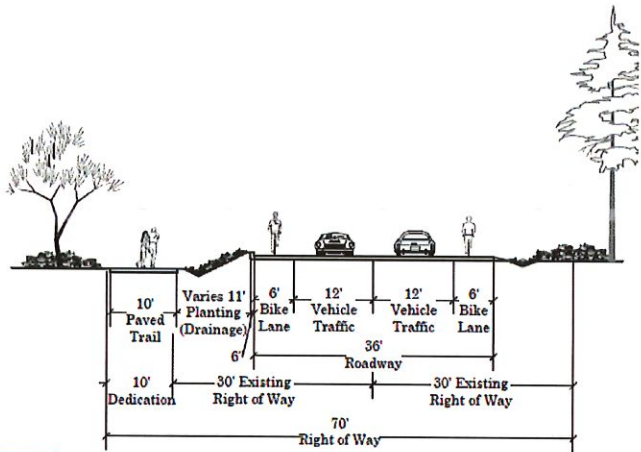
Table 2.7.3970 Discovery West Street Types and Standards with Cross Sections

STREET LEGEND AND SPECIFICATIONS:								
STREET TYPE	RIGHT OF WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANTER WIDTH	SIDEWALK WIDTH	
	SKYLINERS RD. ARTERIAL	40 FT. (HALF WIDTH)	36 FT.	12 FT.	6 FT.	0 FT.	VARIES ~12 FT.	10 FT. ASPHALT TRAIL (1 SIDE)
	COLLECTOR A	70 FT.	48 FT.	11 FT.	6 FT.	7 FT. (BOTH SIDES)	4 FT.	6.5 FT.
	COLLECTOR B	70 FT.	44 FT.	10 FT.	5 FT.	7 FT. (BOTH SIDES)	6 FT.	6.5 FT.
	CANYON COLLECTOR	70 FT.	38 FT.	11 FT.	6 FT. + 2 FT. BUFFER	0 FT.	VARIES ~12 FT.	10 FT. ASPHALT TRAIL (1 SIDE)
	PARK COLLECTOR A	70 FT.	34 FT.	11 FT.	6 FT.	0 FT.	0 FT.	6.5 FT. CURB TIGHT
	PARK COLLECTOR B	70 FT.	30 FT.	10 FT.	5 FT.	0 FT.	9.5 FT. - 13 FT.	10 FT AC - 6.5 FT.
	LOCAL	60 FT.	36 FT.	10 FT.	0 FT.	8 FT. (BOTH SIDES)	6.5 FT.	5 FT.
	LOCAL PARK	60 FT.	24 FT.	12 FT.	0 FT.	0 FT.	11 FT.	6.5 FT. CURB TIGHT
	LOCAL RESIDENTIAL STANDARD A	60 FT.	32 FT.	9 FT.	0 FT.	7 FT. (BOTH SIDES)	8.5 FT.	5 FT.
	LOCAL RESIDENTIAL STANDARD B	60 FT.	* 28 FT.	* 10 FT.	0 FT.	8 FT. (BOTH SIDES)*	10.5 FT.	5 FT.
	LOCAL RESIDENTIAL STANDARD C	55 FT.	28 FT.	10 FT.	0 FT.	8 FT. (ONE SIDE ONLY)	8 FT.	5 FT.
	ALLEY	20 FT.	15	15 FT.	0 FT.	0 FT.	0 FT.	0 FT.

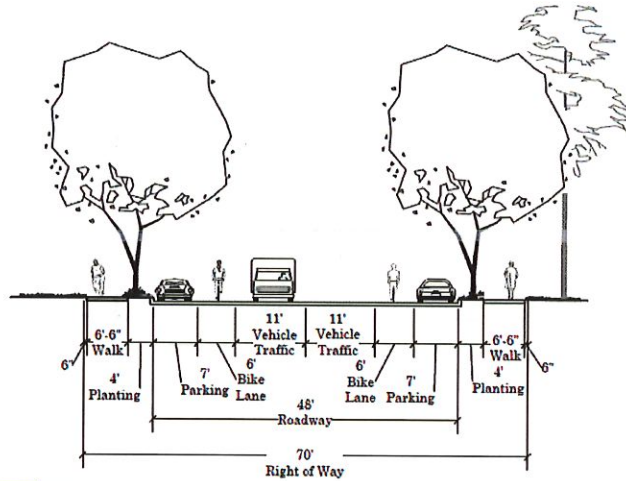
 FULL MOVEMENT ARTERIAL STREET INTERSECTION

*Performance standards for Local Residential Street "B"

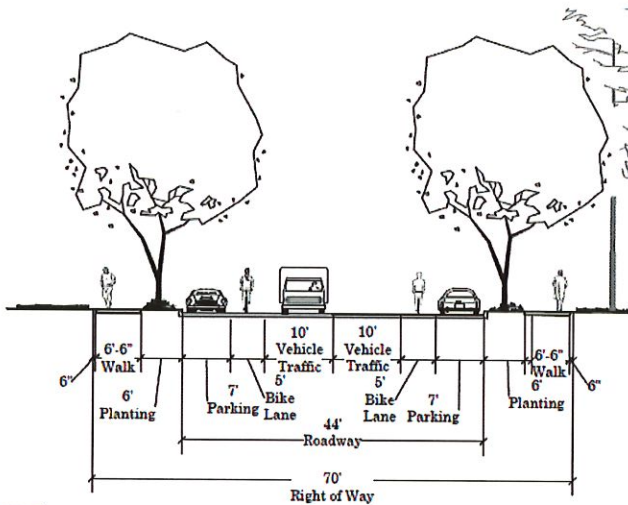
1. Average daily traffic volume on do not exceed 300 ADT.
2. The street is connected to a grid street pattern at both block ends.
3. Blocks must have dedicated public alley access constructed to Discovery West standards.
4. "No Parking" zones must be established 55 feet from the centerline of intersecting local streets.
5. For block lengths exceeding 300 feet, "No Parking" zones must be established on both sides of the street spaced no greater than 250 feet apart. Each zone must be a minimum of 30 feet in length.



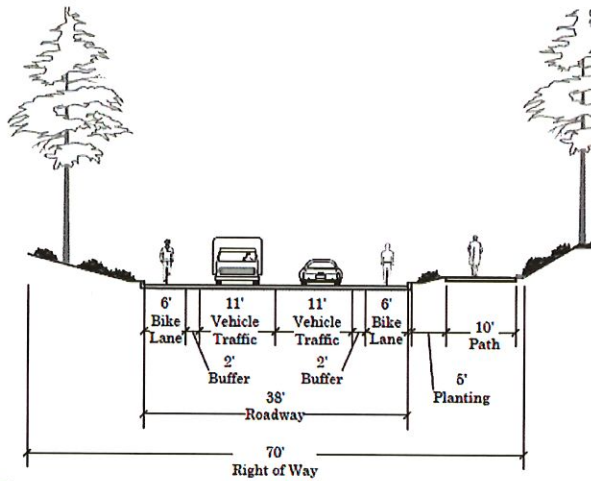
Skyliners Road Arterial (Half Width)



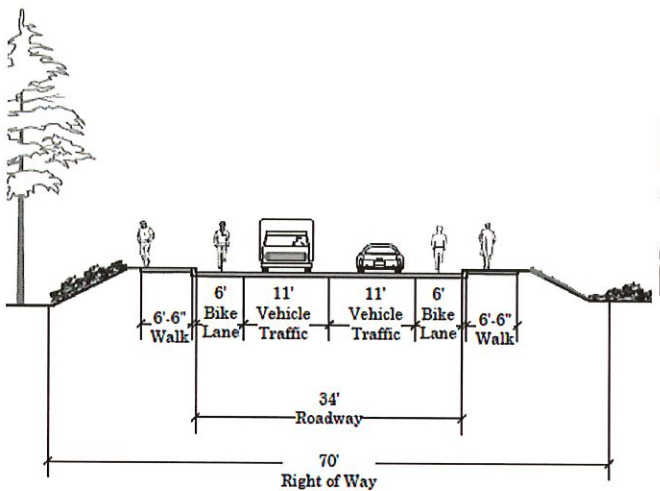
Collector A



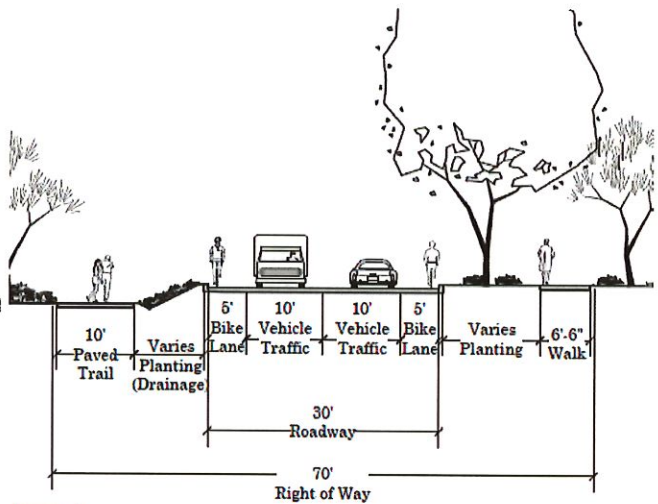
Collector B



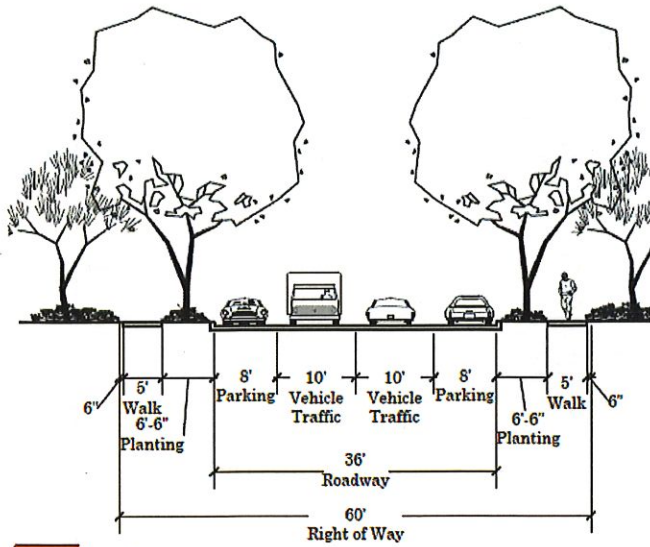
Canyon Collector



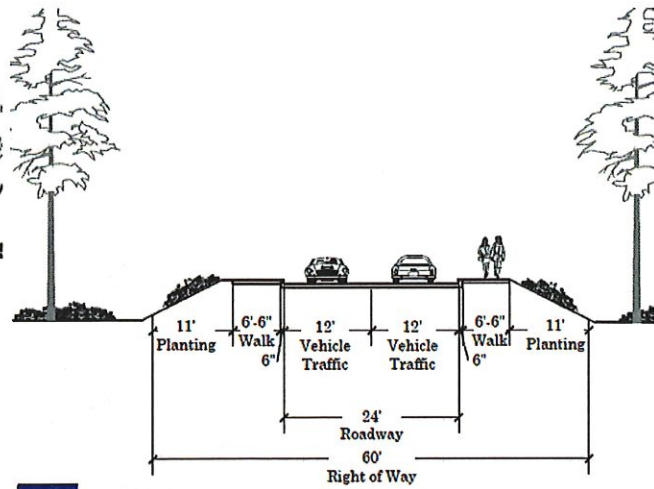
Park Collector A



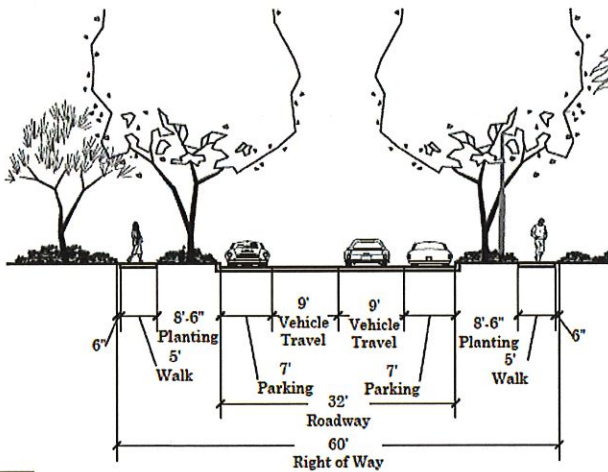
Park Collector B



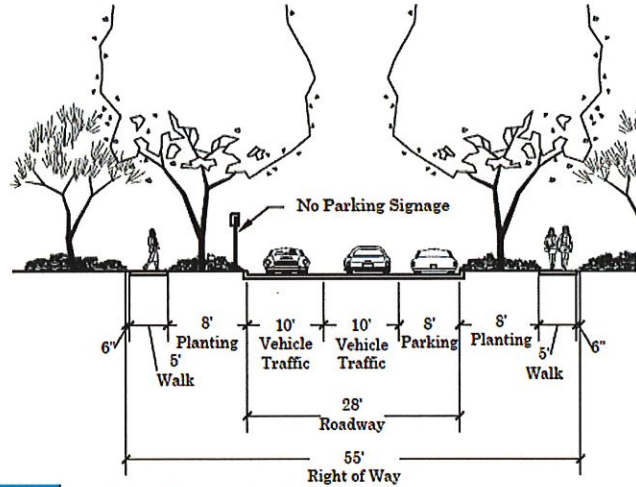
Local



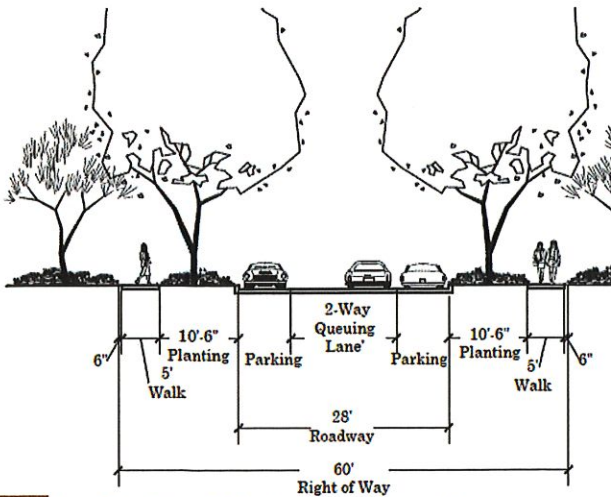
Local Park



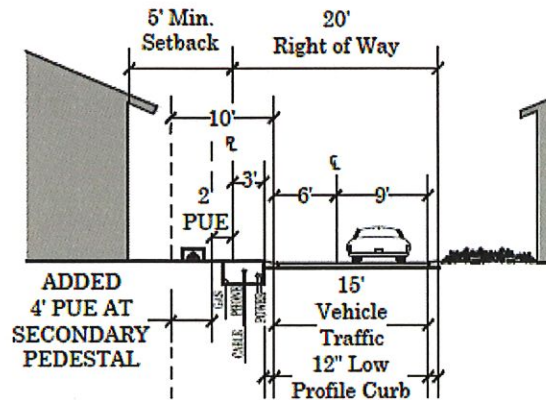
Local Residential Standard A - Parking Both Sides



Local Residential Standard C



Local Residential Standard B (Queuing Street) *



Typical Alley With Utilities

Figure 2.7.3970.B Discovery West Pedestrian and Bicycle Circulation Plan

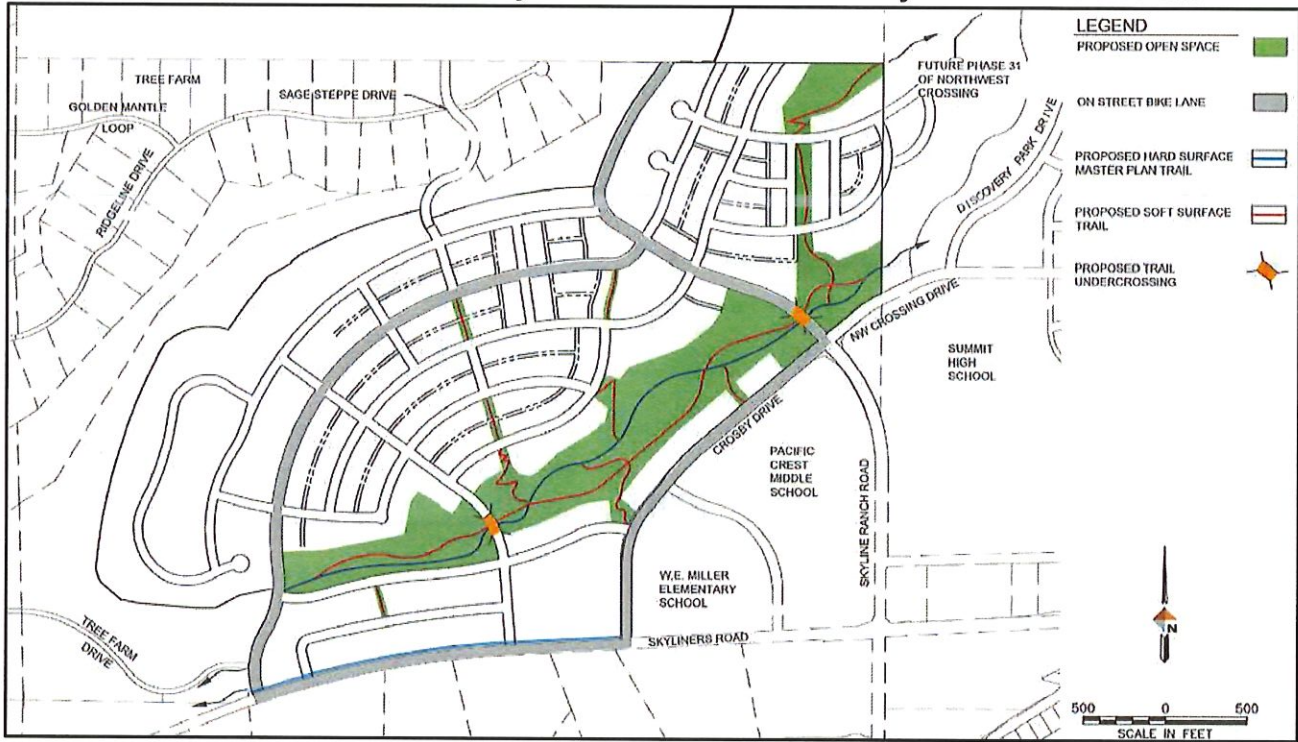


EXHIBIT B
DISCOVERY WEST MAJOR COMMUNITY MASTER PLAN FINDINGS

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Development Code

Criteria

Chapter 4.5, Master Planning and Development Alternatives

Standards

Chapter 2.1, Residential Districts

Chapter 2.2, Commercial Zoning Districts (CL)

Chapter 2.3, Mixed-Use Zoning Districts (ME)

Chapter 2.8, Urbanizable Area District (UA)

Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation

Chapter 3.4, Public Improvement Standards

Chapter 4.7, Transportation Analysis

Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan

Chapter 11, Growth Management

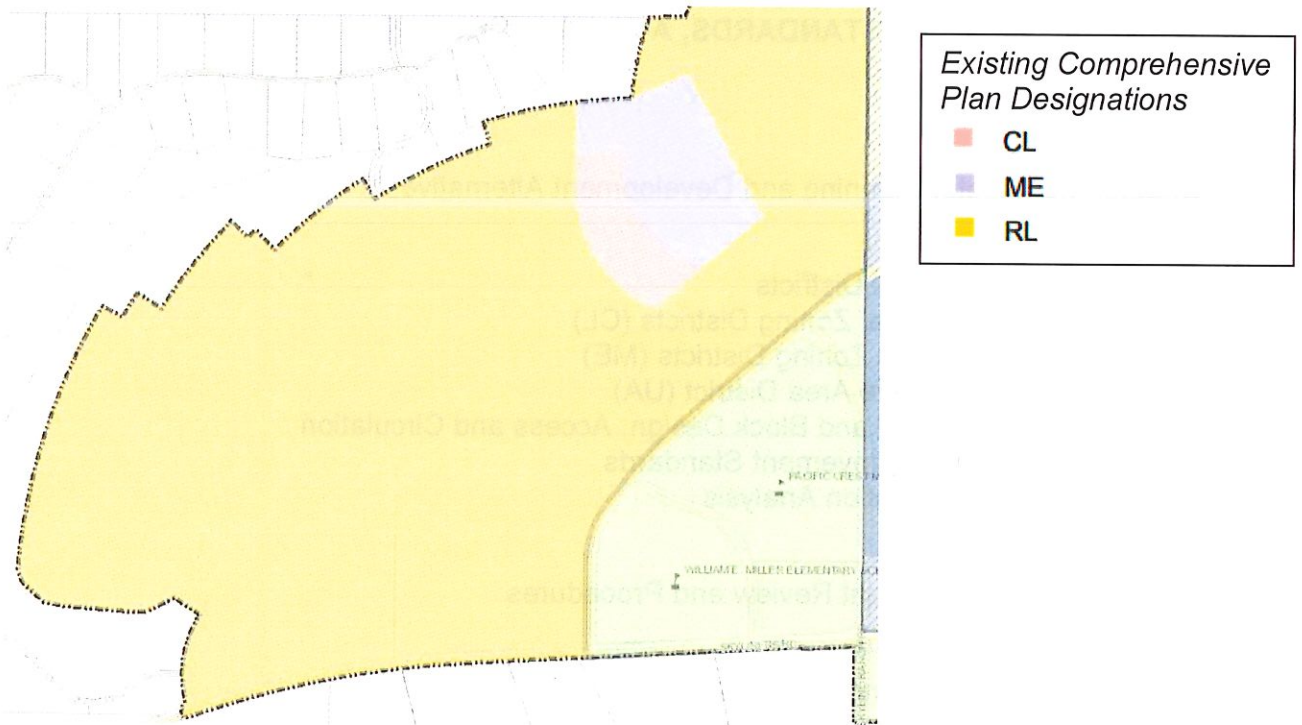
Oregon Administrative Rules

Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

- 1. LOCATION:** The 245-acre Discovery West property is located directly west of NorthWest Crossing, and immediately northwest across NW Crossing Drive from the existing William E. Miller Elementary and Pacific Crest Middle Schools. Skyliners Road forms the southern boundary, while the Tree Farm rural planned development abuts the west and northwest boundaries. The northeast boundary of the subject property is adjacent to a 370-acre property owned by Rio Lobo Investments, LLC.

- 2. ZONE AND PLAN DESIGNATION:** The Discovery West property is within the West Area of the 2016 Urban Growth Boundary (UGB) expansion, further identified as West Area Master Plan Area 1. The property consists of 245 total acres, currently zoned Urbanizable Area (UA), and designated Residential Urban Low Density (RL - 224 Acres), Mixed Employment (ME – 14 acres) and Commercial Limited (CL – 7 acres) by the Bend Comprehensive Plan Map.



3. SITE DESCRIPTION & SURROUNDING USES: The subject property is currently undeveloped, but has a long history of resource management and extraction through both surface mining activity and forest management (the property is known as the “Miller Tree Farm” and has been managed for several generations by the Miller Family of the Miller Lumber Company). Vegetation on the site consists primarily of Ponderosa Pine, both mature and juvenile, with an understory of native brush. There are some juvenile Western Juniper trees, but their numbers are lower than typical due to active management to remove them over the years. There are open areas, primarily in the western portion of the property, that are devoid of mature trees where the 1990 Awbrey Hall fire burned across the property. A shallow draw crosses the southern portion of the property from west to east featuring filled terrain reclaimed from past use as a pumice surface mine. This draw continues to the east where it crosses the City Limits and becomes Discovery Park, itself a reclaimed pumice mine developed as a part of NorthWest Crossing.

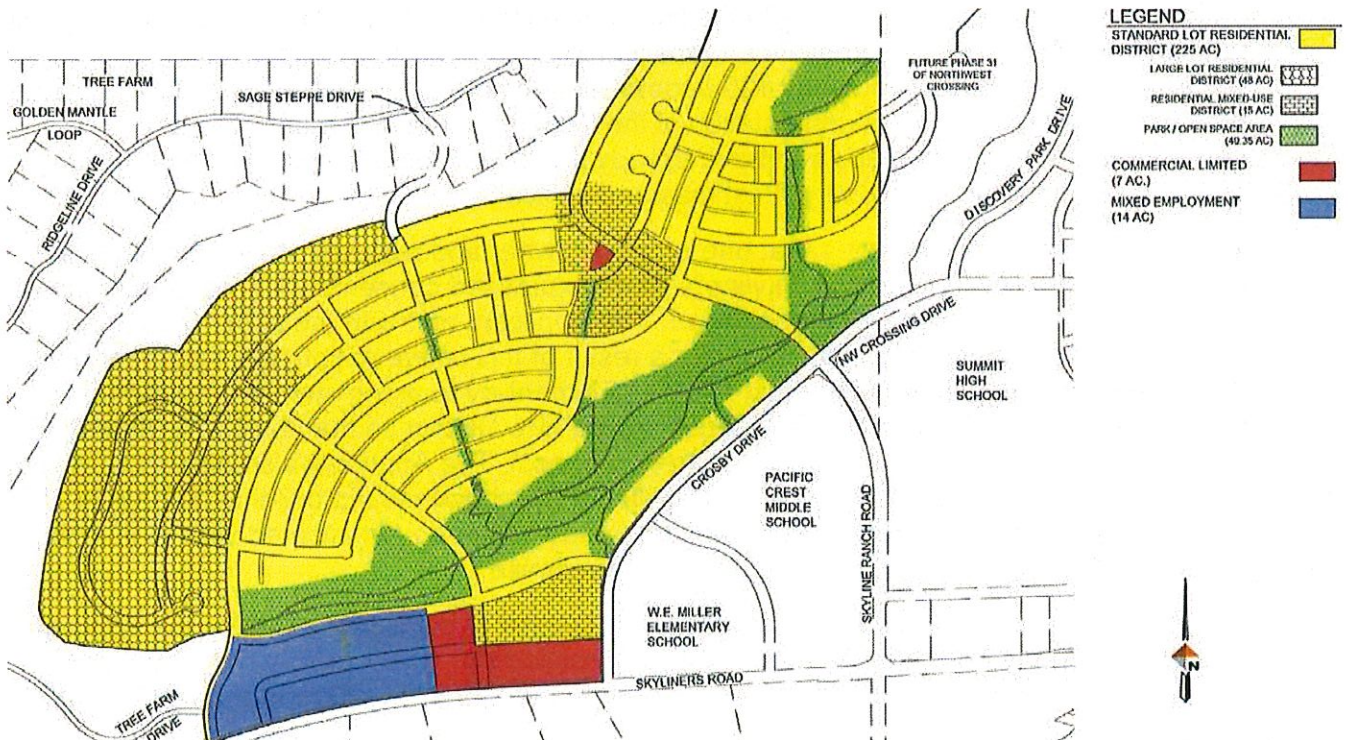
The surrounding land uses include NorthWest Crossing to the east, with Summit High School, Discovery Park, single-family residential lots and a vacant future residential development area, referred to as “the plateau” overlooking Discovery Park, that will be accessed through Discovery West rather than NorthWest Crossing due to topography. To the southeast across NW Crossing Drive and Crosby Drive are Pacific Crest Middle School and William E. Miller Elementary School.

The southern property boundary is defined by Skyliners Road and the Highlands at Broken Top rural residential development consisting of large homes on 10 acre lots outside of the Urban Growth Boundary. To the west and northwest is the Tree Farm residential cluster development, consisting of fifty 2-acre lots and 440 acres of open space, much of which is now owned by the Bend Park and Recreation District. Streets connect from the Discovery West property into the Tree Farm at Tree Farm Drive on the far western end of the property and at Sage Steppe Drive directly to the north.

Undeveloped land owned by Rio Lobo Investments, LLC forms the rest of the northern property boundary east of the Tree Farm. The applicant has coordinated with Rio Lobo on the location of a northward Skyline Ranch Road extension through a canyon feature that is further to the west than the alignment as depicted on the City's TSP Map. The westward shift of Skyline Ranch Road will also shift the Urban Growth Boundary to the west in this area to coincide with the new road alignment. These actions are the subject of a concurrent but separate Post Acknowledgement Plan Amendment filed jointly between the Applicant, Rio Lobo Investments, LLC, and Anderson Ranch, LLC. The proposed alignment and UGB are as depicted on the submitted master development plan exhibits.

To the east of the realigned Skyline Ranch Road are two additional local street connections, including an extension of NW Celilo Lane from NorthWest Crossing Phases 29 & 30. The Rio Lobo land east of the Skyline Ranch Road extension is within the recently expanded UGB, while to the west that property is not within the UGB. The Rio Lobo land outside the UGB is the subject of a pending land use proposal to Deschutes County for rezoning and development at a density of 1 unit per 2.5 acres. The areas subject to the PAPA UGB adjustment include a portion of the alignment of Skyline Ranch Road that crosses the westernmost area of Tree Farm open space. The plat for Tree Farm includes a notation in this area acknowledging that Skyline Ranch Road would cross this area in the future and reserves it for such purposes.

- PROPOSAL:** This proposal is for a Major Community Master Plan for the 245-acre West Area 1 that was included in the 2016 expanded Urban Growth Boundary, to be known as Discovery West. The applicant intends to accomplish the applicable Polices of Chapter 11 (Urbanization) of the Bend Comprehensive Plan through adoption of this Major Community Master Plan as required by Chapter 4.5 of the Bend Development Code. The proposal will involve amendments to both the text and maps in Chapter 2.7 to provide specific development provisions, maps, and diagrams of the new districts and roadway and trail network.



The Applicant's narrative states that Discovery West will be a westward expansion of the design philosophy and land use pattern established in the adjoining NorthWest Crossing neighborhood to the east. The Discovery West Master Planned development will follow many of the same design principals, such as a modified grid street pattern, a variety of lot sizes and housing types intermixed, an employment area along Skyliners Road, and an expansive public park and trail network. Since there are existing elementary, middle, and high schools immediately adjacent to the site, no additional school sites are contemplated.

5. **CONCURRENT APPLICATIONS:** The Applicant is a party to a development agreement with the City of Bend (Ordinance NS-2316) for the guarantee of water, sewer and transportation infrastructure mitigation for the future urban development for the entire West and Shevlin UGB Expansion Areas (which includes the subject property). The development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development of these properties. This proposed major community master plan does not change the requirements of this development agreement and does not increase water, sewer or transportation infrastructure needs beyond what was anticipated and evaluated in support of the Development Agreement.

Filed concurrent, but separate from this master plan application, is a recently adopted Post Acknowledgement Plan Amendment (PAPA) for a TSP amendment to adjust the alignment of Skyline Ranch Road (PZ 18-1006, NS-2331) and an adjustment to the Urban Growth Boundary (PZ 18-1007, NS-2332) to accommodate the adjusted alignment and refine the boundary of the Discovery West Master Plan area. The ordinances for these amendments were adopted by the City Council on April 17, 2018, and the UGB amendment was subsequently adopted by the County on May 1, 2018, and will be effective May 17, 2019.

6. **PUBLIC NOTICE AND COMMENTS:** The applicant hosted a public meeting in accordance with BDC 4.1.215, on Monday, November 12, 2018, at 5:30 at the Unitarian Universalist Fellowship of Central Oregon (61980 Skyline Ranch Road) in Bend. Documentation of public notices and verification of compliance forms were submitted with this application. The Applicant states that approximately 125 people attended the neighborhood meeting and were presented with a power point presentation of the background UGB expansion and Development Agreement steps that have already been completed, followed by a detailed outline of the proposed Discovery West master plan itself.

The Applicant's narrative states that one property owner and resident of the Highlands at Broken Top subdivision south of Skyliners Road expressed concerns with the master plan's arrangement of uses along Skyliners Road. The Applicant met with the concerned property owner to discuss their stated concerns. As a result of this conversation, the Applicant revised the master plan map in the area west of Miller Elementary to reconfigure the boundary between the CL Zoning and the Residential Mixed-Use District so that the CL land fronts on Skyliners Road as it is depicted in the current proposal. The Applicant also agreed to include restrictions on direct vehicular access to Skyliners Road and restrict building heights to 35 feet on lots abutting Skyliners Road. The concerned owner communicated via email to the Applicant that they believed this to be a fair compromise.

On January 23, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at three locations, visible from adjacent rights of way. These notices were posted for more than 10 days prior to the March 11, 2019 Planning Commission hearing.

On February 20, 2019, the City of Bend Planning Division mailed notice of the March 11, 2019 Planning Commission hearing to surrounding owners of record of property within 250 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Summit West and Century West Neighborhood Association representatives. Additional notices were mailed on February 21, 2019, to properties within 250 feet of the affected Tree Farm open space tax lots.

No written comments were received in response to the public notice, but three members of the public provided oral testimony at the Planning Commission hearing, two in favor and one opposed. Various agencies were also sent notice, but no other comments were received. At the close of the hearing on March 11, 2019, the Planning Commission passed a motion to recommend that the Council adopt an ordinance to amend the BDC Chapter 2.7 to create the Discovery West MPD.

On April 25, 2019, the Planning Division mailed notice for the May 15, 2019 City Council hearing to surrounding owners of record of property within 250 feet of the subject properties, and to the Summit West and Century West Neighborhood Association representatives. On April 26, 2019, *Notice of Proposed Development* signs were again posted by the applicant for the City Council hearing.

- 7. APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on December 17, 2018. The application was deemed complete on January 23, 2019. In accordance with BDC 4.1.430, applications for major master plans are exempt from the 120-day review time limitation for final decision.

APPLICATION OF THE CRITERIA:

Bend Development Code

Chapter 4.5, Master Planning and Development Alternatives

4.5.100 Master Plan General Provisions.

- B. Applicable Standards and Criteria.** There are three categories of master plans (community master plan, institutional master plan, and employment master plan) each with a distinct set of standards and criteria. The determination of master plan category will be made by the City based on the most prominent use(s) proposed by the master plan or development proposal. Each master plan or development proposal must only fall into one master plan category and only the standards and criteria applicable to the category of master plan determined by the City are applicable to a proposed master plan or development proposal.

FINDING: Given the relatively low ratio of employment use to residential uses (only 21 acres out of 245 total) for the Discovery West (West Master Plan Area 1) master plan, the community master plan category is most appropriate.

- C. Uses.** The uses are the same as those permitted within the zoning district except as follows:

- 1. Density transfers may be permitted as part of a major community master plan 20 acres or larger, or as part of a major employment or major institutional master plan in an opportunity area that is 20 acres or larger; however, the density must comply with the density standards in BDC 4.5.200(E)(3);**

FINDING: No density transfers are contemplated or proposed in Discovery West. The proposed master plan will provide the housing mix and densities specified in Policy 11-104 of the Comprehensive Plan. However, while the overall density and housing mix will comply with Policy 11-104, new sub-districts will be necessary to provide smaller lot sizes and a boarder mix of housing types than what would otherwise be permissible in the RL zone. The overall resulting density will be within the range allowed in the RL Zone of 1.1 to 4.0 dwelling units per gross acre (650 housing units/224 residential acres = 2.9 units per gross acre).

2. Uses not permitted in the zoning district may be allowed when consistent with the Bend Comprehensive Plan designation's characteristics; and

FINDING: The Discovery West property is currently zoned Urbanizable Area (UA), but designated RL - Low Density Residential (224 acres); ME - Mixed Employment (14 acres); and, CL - Commercial Limited (7 acres) on the Comprehensive Plan map, which depicts the ME/CL in a diagrammatic configuration in the approximate center of the property. The applicant proposes a variety of housing types not otherwise permitted in the RL zone, yet required through Comprehensive Plan Policy 11-104, through the implementation of a new Discovery West Master Planned Development district. The typical uses allowed within the CL and ME zones in City Code will also be allowed within the Discovery West Master Planned Development district, with a 35-foot building height limitation and access limitations for lots abutting Skyliners Road.

3. Private recreational facilities and private open space areas in compliance with BDC 4.5.200(E)(4) are permitted as part of a community master plan.

FINDING: The Discovery West major community master plan incorporates approximately 40 acres of open space, the vast majority of which will be public park owned and maintained by the Bend Park and Recreation District. Exhibit N in the record is a letter from the Bend Park and Recreation District outlining the relevant points of an agreement with the Applicant for the acquisition and development of the planned public park space within Discovery West. Exhibit G2 illustrates the proposed trail network within the public park space and privately-owned (HOA) yet publicly accessible open space in limited mid-block pedestrian/bicycle greenway connections. An additional HOA-owned central public plaza space within the Residential Mixed-Use core area of Discovery West will provide a more formal community gathering area. This plaza will be zoned CL and is intended to be used for events, food carts, and community gatherings.

D. Consistency with ORS 227.178. A major master plan is an amendment to an acknowledged Comprehensive Plan and/or land use regulation and is therefore not subject to the 120-day review period under ORS 227.178. The City will use all reasonable resources to render a final decision on all major master plans within 180 days of receiving a complete application. Approval or denial of the major master plan application will be based on the standards and criteria at the time the major master plan was first submitted to the City.

FINDING: The Applicant acknowledges that the Discovery West major community master plan is not subject to the 120-day review period specified in ORS 227.178.

E. Submittal Requirements. The following information must be submitted as deemed applicable by the Development Services Director based on the size, scale, and complexity of the master plan:

FINDING: The Applicant's narrative provides descriptions of which exhibits submitted with the application address each of the submittal requirements listed in this section. Staff reviewed the application materials and determined that the applicable information was submitted and the application was complete on January 22, 2019. The following is a summary of the exhibits submitted with this application:

- Exhibit A – Existing Conditions
- Exhibit B – Aerial Photo
- Exhibit C – Existing Utilities
- Exhibit D – Existing Easements
- Exhibit E – Proposed Master Plan Map
- Exhibit F – Proposed Phasing Plan
- Exhibit G1 – Proposed Street and Circulation Plan
- Exhibit G2 – Proposed Pedestrian, Bicycle Circulation, and Park Plan
- Exhibit G3 – BPRD Asphalt Surface
- Exhibit H1 and H2 – Proposed Street Cross Sections
- Exhibit I – Utility Plan Drawing and Narrative Memo
- Exhibit J – Conceptual Phase 4 and 10 Residential Mixed-Use Plan
- Exhibit K – Maps for including in Bend Development Code
- Exhibit L – Proposed Discovery West MPD Code Text
- Exhibit M1 – Wildlife Protection Plan
- Exhibit M2 – Letz Consulting - Wildfire Mitigation Consultant Letter
- Exhibit N – Bend Park and Recreation District Letter
- Exhibit O – Transportation Planning Rule Analysis (Kittelsohn & Associates)
- Exhibit P – Project Phasing Supplemental Analysis (Kittelsohn & Associates)
- Exhibits Q1 and Q2 – Geotechnical Map 1980 and 1971
- Exhibit R – Title Report
- Exhibit S – Bend-La Pine Schools Letter
- Exhibit T – Deschutes County Lot of Record Determination
- Exhibit U – Public Meeting Verification of Compliance

4.5.200 Community Master Plan.

A. Purpose. The community master plan is intended to provide complete neighborhoods with varied housing options, services, and amenities needed for daily living, including public schools, parks and open spaces, shops, and services, all within a convenient walking or biking distance. The community master plan is also intended to provide convenient access to public transportation and employment areas.

B. Applicability.

- 1. Community master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.**
- 2. Community master plans are required for any property or combination of adjacent properties under common ownership totaling 20 acres or larger at the date of adoption of this code, unless exempted below.**

FINDING: The subject property is comprised of 6 legal lots of record under common ownership, totaling 245 acres in size. The property does not qualify for any exemptions to the master planning requirements outlined in this section.

C. Review Process.

- 1. Needed Housing.** If the community master plan includes needed housing as defined by State statutes, the written narrative submitted with the community master plan application must clearly state whether the applicant is electing to use a process with clear and objective standards (minor master plan) or is electing to use a deviation process with changes proposed to one or more of the Bend Development Code standards and/or zoning district requirements and/or with changes proposed to the Bend Comprehensive Plan Map designations and/or zoning (major master plan).

FINDING: The Discovery West community master plan includes 650 units of statutory needed housing. The Applicant is electing to utilize the deviation process (major master plan) due to the size and complexity of the mix of uses and housing types included in the proposed master plan.

- 3. Major Community Master Plans.** Major community master plans are processed as follows:
 - a. Step 1.** The Planning Commission makes a recommendation to the City Council on an application for a major community master plan. The text of a major community master plan must be included in BDC Chapter 2.7, Special Planned Districts, in compliance with BDC Chapter 4.6, Land Use District Map and Text Amendments. The City Council is the final review authority on such applications (Type III process).
 - b. Step 2.** Upon approval of the major community master plan, and prior to the commencement of Step 3, the applicant must submit a final major community master plan to the City in an electronic format specified by the City. The final major community master plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The major community master plan denotation for the subject site will be shown on the Zoning Map. The denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the major community master plan.
 - c. Step 3.** The approval of a land division(s) and/or site plan review application(s) (Type II process).

FINDING: The Applicant understands the process identified above; the Applicant is seeking to compress the time schedule by providing all information necessary for approval of Steps 1 and 2 concurrently. The Applicant further intends to proceed to Step 3 with the submittal of a subdivision tentative plan for Phases 1-3. However, an application for tentative plan cannot be accepted until the Master Plan is adopted and the annexation process is final.

D. Community Master Plan Approval Criteria.

- 1. Minor or Major Community Master Plan.** The City may approve, approve with conditions, or deny a proposed minor or major community master plan application based on meeting all of the following criteria:

- a. **The community master plan complies with subsection (E) of this section, Standards and Regulations.**

FINDING: Subsection (E) is addressed below. The master plan has been designed to comply with the standards and regulations of that section.

- b. **Existing water and sewer facilities have adequate capacity to serve the proposed development in compliance with the Collection Systems Master Plan and the Water System Master Plan, latest editions, or adequate facilities will be installed prior to occupancy or use.**

FINDING: The Westside Infrastructure Group Development Agreement (WIG DA - Ordinance NS-2316, effective November 16, 2018, PZ 18-0696) demonstrates compliance with this section. The West and Shevlin UGB expansion areas were incorporated in the WIG DA at their maximum permissible development potential as specified in the Bend Comprehensive Plan for the purposes of assessing impact on the sewer and water system. The findings in support of PZ 18-0696 conclude that existing sewer and water facilities are currently adequate or will be made adequate with the installation of certain improvements specified in the WIG DA. The provisions of the WIG DA are binding on both the Applicant and the City of Bend for a period of 15 years from enactment, to November 16, 2033. Those findings and conclusions adopted in support of Ordinance NS-2316 demonstrate compliance with this criterion.

- c. **The community master plan complies with BDC Chapter 4.7, Transportation Analysis.**

Chapter 4.7, Transportation Analysis

4.7.600 Significant Impacts and Mitigation Measures.

D. Timing of Improvements.

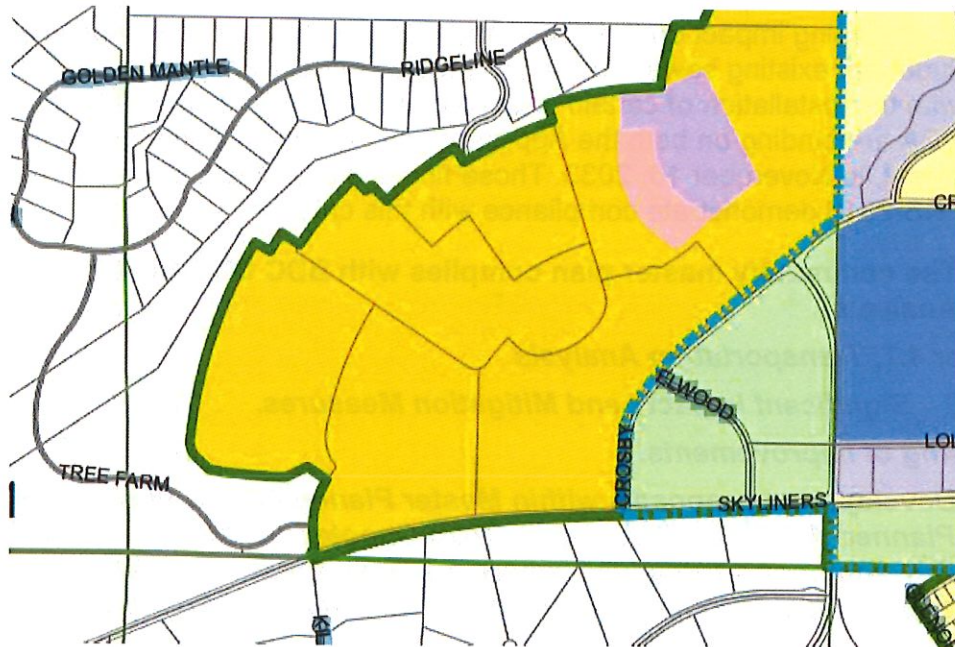
2. ***Development proposals within Master Planned Developments or Special Planned Areas, as described in BDC Chapter 4.5, Master Planning and Development Alternatives, where a Transportation Mitigation Plan has been approved, shall refer to the Plan for the extent and timing of improvements.***

FINDING: Chapter 4.7 was addressed fully in PZ 18-0696 and the WIG DA. Transportation system deficiencies were identified through the combined TIA prepared for all West and Shevlin UGB expansion area properties based on the maximum development potential identified for each property in the Bend Comprehensive Plan. Specific transportation improvements and mitigation payments were identified and imposed through the terms of the WIG DA, which serves as the Transportation Mitigation Plan required under BDC 4.7.600.D.2. Those findings of compliance with BDC Chapter 4.7 in support of NS-2316 demonstrate compliance with this criterion.

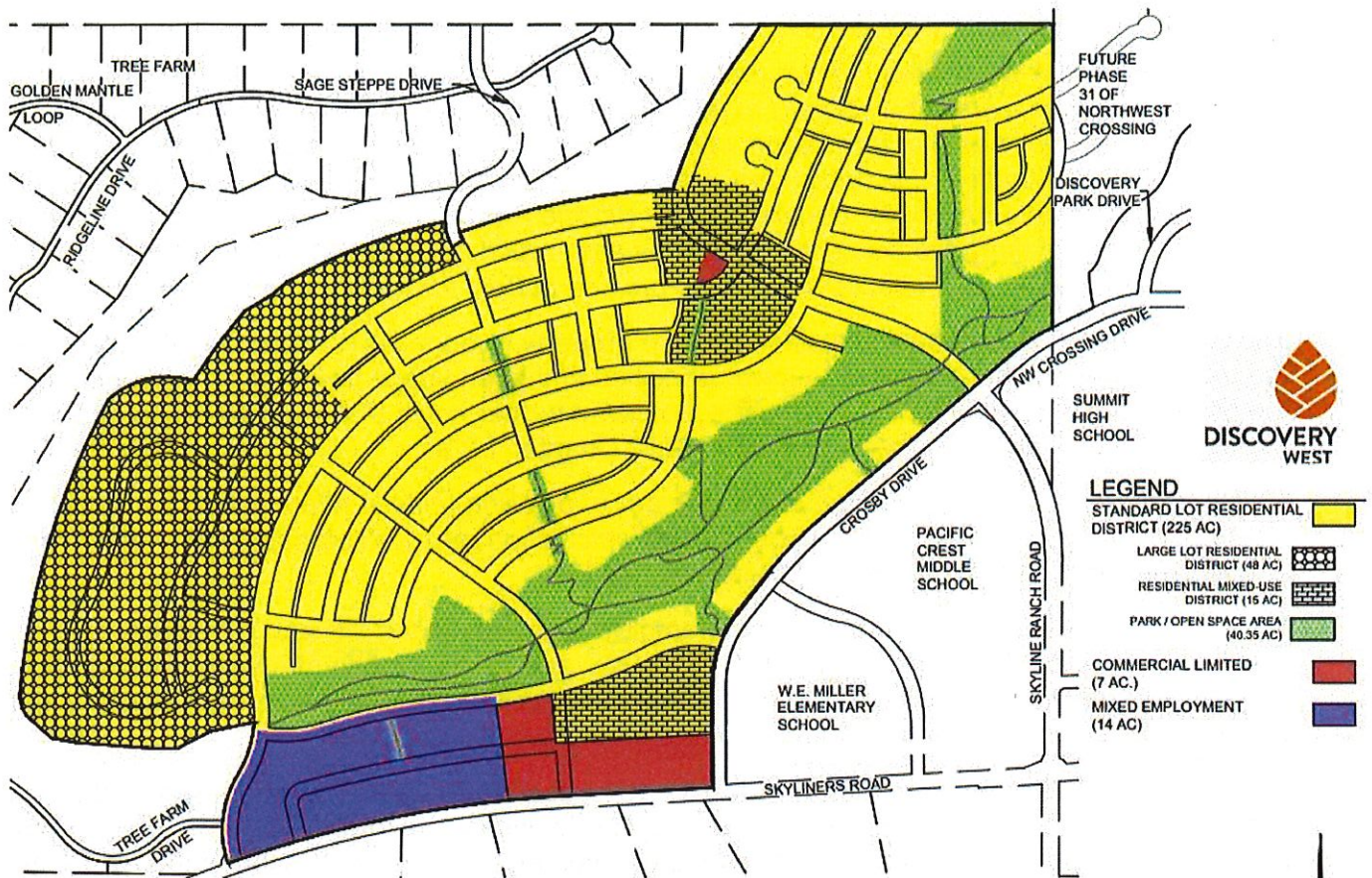
3. **Major Community Master Plan. In addition to the approval criteria in subsection (D)(1) of this section the City may approve, approve with conditions, or deny a proposed major community master plan application based on meeting all of the following criteria:**
 - a. **The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the master plan**

application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section.

FINDING: The Bend Comprehensive Plan (BCP) is very specific as it pertains to the subject property, which is identified in Figure 11-5 as Master Plan Area 1 of the West Area UGB Expansion. BCP Policy 11-102 specifies that the West Area will include 321 gross acres of residential, 7 acres of commercial, and 14 acres of mixed employment plan designations. The BCP Map indicates that all of the commercial and mixed employment designations are located in Master Plan Area 1 (Discovery West). Below is an image of the BCP Map focused on West Master Plan Area 1, the subject property:



Discovery West will accommodate the full 14 acres of mixed employment and 7 acres of commercial limited, but the location of these designations will be moved as indicated on Discovery West MPD map below. The final acreage will be within one percent of the total acreage designated on the BCP Map, and thus will not require a concurrent Plan Amendment and Zone Change. The 7 acres of Commercial Limited zoning shown in red and 14 acres of Mixed Employment zoning in purple is relocated adjacent to Skyliners Road rather than the central portion of the site as indicated on the BCP Map. The Discovery West master plan thus retains the same total area of all plan designations on the site. The reasons for this relocation relate primarily to access to Skyliners Road in order to make the location as viable as practicable given the natural limitations imposed by the property's location at the far west edge of the city.



The Applicant's narrative states that determining the best location for the ME/CL lands was one of the more challenging aspects of master planning Discovery West. Given that the property is located at the far western edge of the city with primary access served by an arterial street that dead ends approximately 10 miles to the west of city limits, it is not an ideal location for employment and commercial uses. This is further complicated by the close proximity of the NorthWest Crossing neighborhood center, which provides a mix of restaurant and retail uses, and the NorthWest Crossing employment zone area, just to the east on Skyliners Road. The Applicant's experience in NorthWest Crossing and planning efforts led them to conclude that the ME and CL zoning designations needed to be located on Skyliners Road, the only arterial street in this area, in order to ensure successful buildout as contemplated in the BCP. This area's location adjacent to an arterial street is more suitable to accommodate commercial and employment access needs than the area designated on the BCP Map which would only be served by collector and local residential streets. This pattern is similar to the employment land configuration in NorthWest Crossing to the east along Skyliners Road, and the Applicant anticipates a similar scope and scale of employment uses as to what has been developed over time in the southwest quadrant of NorthWest Crossing. Given the remote location of this commercial and employment land on the far western edge of Bend, the Applicant does not anticipate that it will be attractive for significant retail development. As such, no commercial neighborhood center is planned for Discovery West. Rather, the existing NorthWest Crossing neighborhood center will serve the area.

BCP Policy 11-101 states as follows:

11-101 *For the West Area, shown on Figure 11-4, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.*

The Applicant notes that the limits placed on the property through BCP 11-104 set the stage for the transect from higher densities to lower densities and open space from east to west across the property discussed in BCP 11-101. The Applicant further notes that the discussion of the transect refers to “density” a term defined in BDC Chapter 1.2 as:

***Density** means a measurement of the number of dwelling units in relationship to a specified amount of land. As used in this code, density calculation measures gross density and is a measurement used generally for residential uses.*

While the term “density” does not pertain to employment uses in the ME and CL zones, the Applicant notes that the proposed location of the ME and CL zones has many inherent locational and access “governors” as discussed above that suggest that potential future businesses in this location will be relatively small scale and of low intensity.

The Applicant further notes that BCP Policy 11-101 specifically states that the purpose of the transect concept is to “create a transect from higher densities... to lower densities... in order to provide buffers for wildlife and wildfire”. The approximately 1-acre lot sizes contemplated for the ME and CL zoned area will result in larger setbacks and greater building spacing, and hardscaped parking and circulations areas. Additionally, the architectural design guidelines will include building requirements for fire protection. These features will provide space for wildlife passage between buildings and resiliency to wildfire as noted in Exhibit M, the *Wildfire Protection Plan*. In this way, the extension of the ME/CL zoning along Skyliners Road will be in conformance with the transect concept.

BCP Policy 11-104 requires the following housing type mix:

- *Master Plan Area 1: 650 housing units, including at least 60 single family attached units and at least 142 multifamily and duplex/triplex units.*

BCP Policy 11-103 requires that the West Area overall provide at least 90% of the maximum allowed number of units:

This area shall provide capacity for a minimum of 870 housing units and a maximum of 967 housing units, including at least 9% single family attached housing and at least 21% multifamily housing types (including duplex and triplex). The required minimum of 870 housing units represents 90% of the maximum allowed number of units.

The Discovery West master plan will meet the specified housing density and housing types through the imposition of three different residential subdistricts within the proposed Discovery West Master Planned Development:

1. **Large Lot Residential District:** The purpose of the Large Lot Residential District (LLRD) is to implement the west side transect as identified in the Comprehensive Plan as designated through the Low-Density Residential Zone within Discovery West. The increased setbacks in

this District are intended to serve as greater buffers for wildfire resilient landscaping and wildlife passage around and between structures in accordance with the transect concept as described in BCP Policy 11-102. The LLRD will accommodate up to 50 detached single family residential lots out of the maximum of 650 dwelling units allowed by BCP Policy 11-104. The LLRD is applied to the westernmost 50 acres of the Discovery West Master Plan.

2. Standard Lot Residential District: The purpose of the Standard Lot Residential District is to implement the BCP-designated Low Density Residential (RL) Zone in Discovery West with flexibility to allow greater lot coverage to accommodate single-family houses on smaller lots than otherwise permitted in the RL zone. The SLRD in Discovery West will be similar to the city's RS zone in terms of lot sizes and dimensions and is intended to accommodate approximately 400 detached single-family residential lots out of the maximum of 650 dwelling units allowed by BCP Policy 11-104. Attached single-family townhomes, duplexes and triplexes will also be allowed in this district on lots specifically identified for such uses on the tentative plan. The 40 acres of Park/Open Space identified on the master plan will also be zoned Standard Lot Residential.
3. Residential Mixed-Use District (RMUD): The purpose of the RMUD is to create areas of mixed residential uses at specific locations within the neighborhood and to accommodate at least 54 to 60 attached single-family units and at least 128 to 142 multi-family residential units as required by BCP Policy 11-104. The RMUD allows cluster housing (cottages and mews), townhomes, and live-work townhomes to meet the required attached single-family units, and smaller scale missing middle apartments/ condominiums and larger garden apartments/condominiums to meet the required multifamily units. The Discovery West Master Plan illustrates two areas of RMUD; adjacent to William E. Miller Elementary School on Crosby Drive, and in the north central core area of the site at the future intersection of Skyline Ranch Road and a new planned collector.

The specific number of lots and lot boundaries have not been finalized at this master planning stage; rather, the configuration and number of lots for all types of uses will be determined at the time of subdivision tentative plan for each phase or group of phases. The Applicant will keep a running tally of each housing type to be submitted with each tentative plan application, which will allow the city to confirm through subsequent land use review and approvals that the project is on track to meet the density and housing type targets set forth in the BCP. Deed restrictions will be placed on lots designated for multi-family and attached single-family uses to ensure the numbers and variety of housing types required by BCP Policies 11-103 and 11-104 are met.

- b. The applicant has demonstrated that the standards and zoning district requirements contained in BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, are capable of being met during site plan or land division review, except as proposed to be modified by the applicant as part of a major community master plan. Where the applicant has proposed deviations to the above standards and/or zoning district requirements, the applicant has demonstrated:**
 - i. That granting a deviation to the BDC standards and/or zoning district requirements will equally or better meet the purpose of the regulation proposed to be modified; or**
 - ii. That granting a deviation to the BDC standards and/or zoning district requirements is necessary due to topographical constraints or other unique characteristics of the property or specific development type proposed by the master plan; and**

iii. That any impacts resulting from the deviation are mitigated to the extent reasonably practical.

FINDING: The BCP Map and Policies designate the West Master Plan Area 1 as Urban Low Density Residential (RL). The RL zone that implements this plan designation requires 10,000 square-foot minimum lot sizes and a limited variety of housing types as allowable uses. It would not be possible to meet the housing type requirements of BCP Policy 11-104 without deviating from the RL zoning requirements to allow single family attached and multi-family housing, and allowing a mix of smaller lot sizes. The master plan for Discovery West is compelled by BCP 11-103 and 11-104, as well as BDC 4.500.D.3.a (addressed immediately above), to provide the densities and housing types specified for West Master Plan Area 1 in the BCP.

Housing types and densities. The Applicant proposes to comply with the applicable BCP Policies through the imposition of a Special Planned District, specifically by creating a new Discovery West Master Planned Development (DW MPD) district modeled in large part on the existing NorthWest Crossing Overlay Zone. The proposed DW MPD district code language is contained in Exhibit L and includes the three residential subdistricts (Standard Lot, Large Lot, and Residential Mixed-Use) discussed above.

The primary proposed deviation is for smaller lot sizes for single-family detached homes (other than in the Large Lot Residential District) and a variety of housing types in the Residential Mixed-Use District that are not otherwise allowed in the RL zone.

The two RMUD areas are proposed adjacent to major intersections (collector/arterial, collector/collector) and thus will be well served by major streets. The northerly RMUD is at the north central core area of the property and will adjoin the Tree Farm open space at one location. The nearest homesites in the Tree Farm rural subdivision are at least 300 feet away and significantly higher in elevation than the closest point of the RMUD overlay.

The southerly RMUD is located across Crosby Drive from William E. Miller Elementary School, and fronts on a new road that will parallel the park. This RMUD was initially planned to front on Skyliners Road, but in response to concerns raised by an owner and resident of the Highlands at Broken Top rural subdivision to the south, the plan was reconfigured to its present configuration with CL zoning along the Skyliners Road frontage. The closest existing home in the Highlands at Broken Top is now at least 450 feet away and across Skyliners Road from this RMUD. The Applicant and adjoining homeowner have reached a consensus that this distance and intervening roadways will provide adequate buffering between the potential multi-family uses and existing residences.

The Applicant further proposes to limit the height of any new building on the lots abutting Skyliners Road to 35 feet in height through zoning code limitations imposed on these lots through a Commercial/Mixed Employment District that overlays the ME and CL zoned lands within the Discovery West Master Planned Area district. The new district will also limit access to development abutting Skyliners Road to the secondary streets and not directly to Skyliners Road to help with compatibility.

The Applicant notes that conflicting housing densities are unavoidable where an Urban Growth Boundary meets rural land. This will be mitigated to some extent in the West Master Plan area through BCP Policy 11-101 which contemplates a transect from higher to lower densities from east to west across the Discovery West property. However, the purpose of the transect is not to ensure compatibility between rural and urban lots, but rather "to provide buffers for wildlife and wildfire":

11-101 *For the West Area, shown on Figure 11-4, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.*

The Applicant has met the intent of this policy through the designation of ME and CL zoned land along Skyliners Road, which will generally provide ample spacing between buildings, paved parking and circulation areas, and fire-resistant landscaping requirements as required in the Discovery West *Wildfire Protection Plan* (Exhibit M). These features will help to provide buffers for wildlife and wildfire in conformance with this policy.

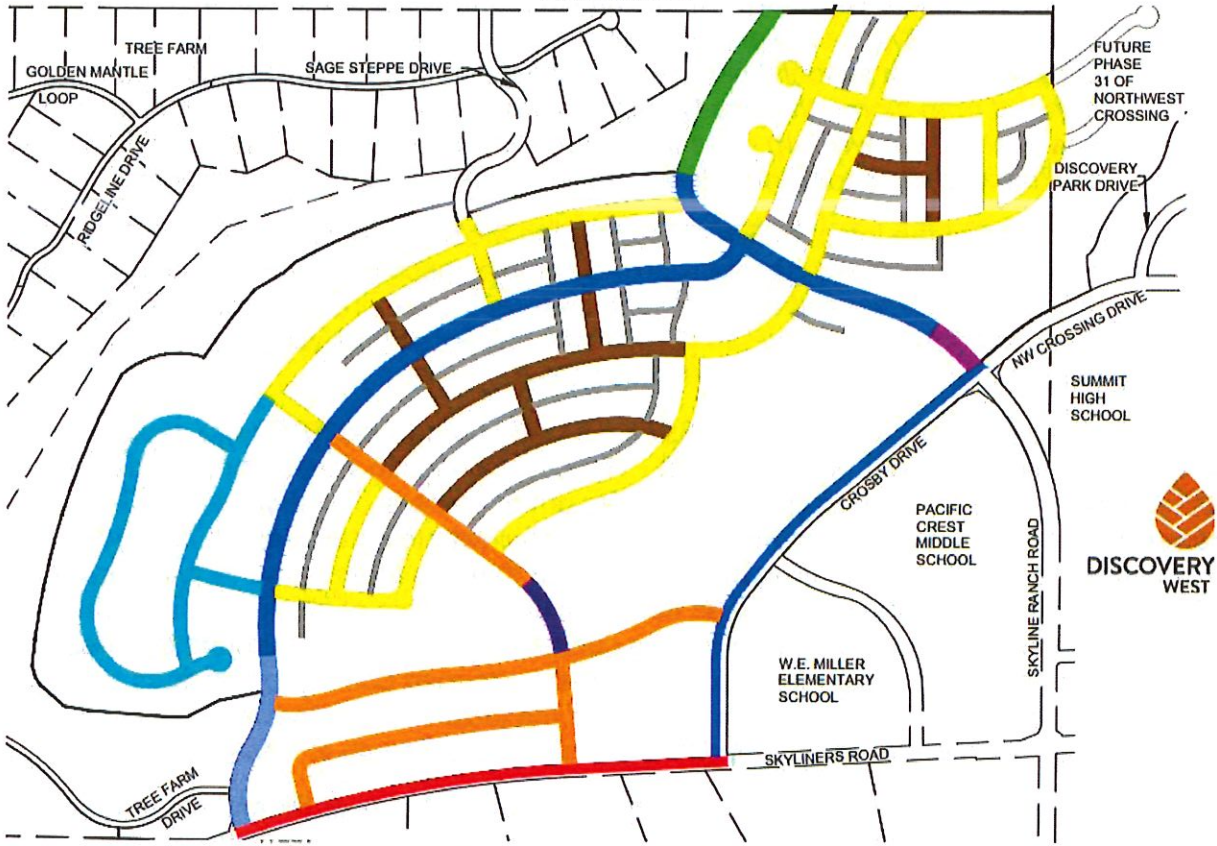
Streets. Exhibits G1 and G2 (Figure 2.7.3970.A and B in proposed BDC text) depict the street and trail circulation plan for Discovery West. The circulation plan varies from city design standards pertaining to block length. The primary driver of these deviations is the Geotechnical Analysis (Exhibit Q) performed on the property, which illustrates the extent of historic pumice mining activity and subsequent fill in the canyon area that has been primarily planned as park and open space on the DW MPD. Due to the extensive amounts of fill, development of roads and structures becomes cost prohibitive. As a consequence of working around the areas of deepest fill, the conceptual plan for Discovery West limits road connections across the former mining area to only two: Skyline Ranch Road, and the local street to the west connecting the residential area north of the park to the CL zoned area to the south in Phase 5.

The proposed road configuration works around the deepest areas of fill, and steep topography, by shifting alignments where practical, and by eliminating several through-street connections that would otherwise be required to satisfy block length standards found in BDC 3.1.200. In addition, the Applicant designed the street network to include "breaks" in the extension of Sage Steppe Drive as it exits Tree Farm and extends southward through the property. These breaks are intended to discourage through traffic on this street, and instead redirect traffic onto the collector street network. Two mid-block pedestrian connections are planned for these breaks in the through street.












Additionally, steep topography led to three new cul-de-sac streets. One is in the Large Lot District in Phase 14 where the grade of the new collector street is not conducive to making a local street connection. The two other cul-de-sacs are in Phase 17 and are necessitated by the steep and rocky grade leading down to the west into the canyon through which Skyline Ranch Road will run.

Street Standards. Exhibit H (Street Cross Sections) proposes 11 distinct street and alley cross section standards for specific areas identified on Exhibit G1 (Street and Circulation Plan). These street sections are incorporated in the MPD code text with Table 2.7.3970.

Exhibit G1



STREET LEGEND AND SPECIFICATIONS:

	STREET TYPE	RIGHT OF WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANTER WIDTH	SIDEWALK WIDTH
	SKYLINERS RD. ARTERIAL	40 FT. (HALF WIDTH)	36 FT.	12 FT.	6 FT.	0 FT.	VARIES ~12 FT.	10 FT. ASPHALT TRAIL (1 SIDE)
	COLLECTOR	70 FT.	44 FT.	10 FT.	5 FT.	7 FT. (BOTH SIDES)	6 FT.	6.5 FT.
	CANYON COLLECTOR	70 FT.	38 FT.	11 FT.	6 FT. + 2 FT. BUFFER	0 FT.	VARIES ~12 FT.	10 FT. ASPHALT TRAIL (1 SIDE)
	PARK COLLECTOR A	70 FT.	34 FT.	11 FT.	6 FT.	0 FT.	0 FT.	6.5 FT. CURB TIGHT
	PARK COLLECTOR B	70 FT.	34 FT.	11 FT.	6 FT.	0 FT.	7.5 FT. - 11 FT.	10 FT AC - 6.5 FT.
	LOCAL	60 FT.	36 FT.	10 FT.	0 FT.	8 FT. (BOTH SIDES)	6.5 FT.	5 FT.
	LOCAL PARK	60 FT.	24 FT.	12 FT.	0 FT.	0 FT.	11 FT.	6.5 FT. CURB TIGHT
	LOCAL RESIDENTIAL STANDARD A	60 FT.	32 FT.	9 FT.	0 FT.	7 FT. (BOTH SIDES)	8.5 FT.	5 FT.
	LOCAL RESIDENTIAL STANDARD B	60 FT.	28 FT.	10 FT.	0 FT.	8 FT. (BOTH SIDES)	10.5 FT.	5 FT.
	LOCAL RESIDENTIAL STANDARD C	55 FT.	28 FT.	10 FT.	0 FT.	8 FT. (ONE SIDE ONLY)	8 FT.	5 FT.
	ALLEY	20 FT.	15	15 FT.	0 FT.	0 FT.	0 FT.	0 FT.

Skyliners Road Arterial: Skyliners Road currently runs east-west along the south boundary of the DW MPD, and was originally developed to county standards. The Applicant proposes to dedicate 10 feet of additional right of way on the north side, fronting the property, and to extend the 10-foot wide asphalt pathway along the property frontage from Crosby Drive to the current Tree Farm entry. A 36-foot wide total pavement cross section will feature curb and drainage facilities along the north half of the street. No curbs or drainage improvements are proposed on the south half of the right of way fronting the Highlands at Broken Top subdivision.

Collector: The standard collector street 44-foot wide cross section will apply to most of Skyline Ranch Road, Crosby Drive adjacent to the schools, and the new western collector extension through the project. This cross section mirrors the NorthWest Crossing collector standard as constructed on NW Crossing Drive and the collector segment of Lemhi Pass Drive, and features bike lanes, parking on both sides, and separated sidewalks on both sides. Parking will be permitted on the collector roadways where minimum 7 foot parking bays are constructed and shown to be outside clear vision and sight distance obstructions.

Canyon Collector: The northernmost stretch of Skyline Ranch Road will be located within a narrow canyon and will have no lots that directly front or access onto it. A more compact 38-foot wide street cross section within a 70-wide right of way will visually narrow the street to help control vehicle speeds as this roadway segment continues northward in the canyon onto the Rio Lobo property to the north. The cross section includes curbs, no parking, buffered bike lanes, and a 10-foot wide paved asphalt multi-use pathway along the eastern edge of the right of way, with no sidewalk on the western (rural) side.

Park Collector A: This short segment of Skyline Ranch Road features a narrower cross section with unbuffered bike lanes and curb-tight sidewalks where the roadway crosses over Discovery Park and the pedestrian undercrossing/bridge.

Park Collector B: This segment of the new westerly collector street at the far west end of the expanded Discovery Park mirrors the *Park Collector A* standard with exception of a separated sidewalk on the east side and a 10-foot wide paved asphalt pathway on the west side.

Local: The general local street cross section is located primarily in the ME and CL zoned portions of Discovery West and features a 36-foot wide paved section with parking on both sides and separated sidewalks. This cross section is also applied north of the park on the central street that crosses Discovery Park, as it is anticipated to accommodate more traffic than the other local residential streets north of the park.

Local Park: Where the central street park crossing occurs, the cross section calls for a short section of narrow 24' pavement width with no parking and curb tight sidewalks in order to accommodate a possible pedestrian undercrossing.

Local Residential Standard A: This is the predominant residential street cross section in Discovery West, and matches the standard for RS zone local streets in BDC Chapter 3.4. This cross section has 32 feet of pavement width, with parking on both sides and 5-foot wide separated sidewalks.

Local Residential Standard B: This street cross section is planned for specific street segments subject to performance standards included in the street type table incorporated into the Discovery West Master Planned Development code. These local residential streets are designed to carry less than 300 ADT, connect to a grid street pattern at both ends, and are served with rear loaded alleys. This cross section is also found in NorthWest Crossing and is unique in that it

is a “queuing street” with travel lanes that are not wide enough to accommodate two-way traffic when parking spaces are occupied on both sides of a street. The queuing design is intended to slow traffic on these types of streets. This cross section has 28 feet of pavement width, with parking on both sides and 5-foot wide separated sidewalks. Parking will not be allowed within 55 feet of intersecting local streets, and there will be mid-block “no parking” zones if block length exceeds 300 feet.

Local Residential Standard C: This cross section will be found only in the Large Lot Residential District and is intended to have a more rural feel than the other local residential street cross sections. Standard C features a 28-foot wide paved cross section in a 55-foot wide right of way, with two 10-foot travel lanes, and parking on only one side. Separated sidewalks are provided on both sides.

Alley: A new alley cross section was provided after negotiations with Pacific Power to provide dry utilities within the alley. The cross section shifts the 15’ travel lane and continuous rolled curbs off-center within the 20-foot wide right of way in order to provide sufficient space for power cabinets and facilities on the “wide” side. An additional public utility easement may be required for certain sections to allow for additional dry utilities and utility pedestals as needed.

Based on City of Bend Fire Department comments, the alley must have 20 feet of unobstructed access, free of parking and above ground utilities. This requirement exists to ensure Emergency Services can access houses through the alley due to the Local Residential Standard B “Queuing Street” being narrower than a typical street.

The Applicant has carefully considered the design of the streets in context of the design of the master plan and based on extensive experience with similar street types in NorthWest Crossing, which have proven over time to be both effective at traffic calming and safe for all modes of travel. The deviations from the city’s standards are minor, and serve to differentiate between different areas of the neighborhood and providing a complete network of pedestrian facilities.

The City Engineer has made allowances to these narrower street sections in order to maintain the consistency and feel of the surrounding NorthWest Crossing neighborhood. The street sections are not anticipated to reach outside of this masterplan area to other areas of the City.

Sidewalks are permitted to meander to avoid utilities, trees and other barriers, but shall be installed property tight when topography allows (3.4.200, Hillside standard, table E). Where sidewalks fall outside the right of way, a public access easement must be dedicated to the City of Bend on the subdivision plat or other City prepared recordable document.

All streets and sidewalks must be constructed to City of Bend construction standards and all applicable City and AASHTO’s design standards. All streets are proposed to be constructed within City of Bend dedicated right of way, with varying right of way width as dictated by Exhibits H1 and H2, incorporated in the BDC text, Table 2.7.3970.

During tentative plan review and design review, it will be determined how to maintain access points for each phase of construction. Each phase of development must maintain a secondary access points for emergency services. At no time will Sage Steppe Drive, the secondary access for the Tree Farm subdivision, be disconnected to a public access.

- c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:**

FINDING: The Discovery West master plan does not propose an amendment to the BCP text but does propose rearranging the locations of the ME and CL plan designations within the West Master Plan Area 1 boundaries as contemplated in Section 3(a) above. Section 3(a) allows for rearranging of plan designations within master plan area boundaries as a component of the master plan review in accordance with the provision of Chapter 4.5 in lieu of the quasi-judicial process outlined in BDC 4.6.300.

i. Approval of the request is consistent with the relevant Statewide planning goals that are designated by the Planning Director or designee; and

FINDING: Given the urban intent of the land located within the UGB, several of the Statewide Planning Goals do not apply to this proposal. As discussed under each goal, the Statewide Planning Goals largely impose obligations on local governments to develop programs, policies and implementation measures consistent with the requirements of the Statewide Planning Goals.

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

FINDING: The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC 4.1.215. The Applicants held a public meeting on November 12, 2018, at the Universal Unitarian Church in Bend. Notice was provided to property owners located within 500 feet of the subject properties, as well as property owners west of Mt. Washington Drive between Shields Drive and Skyliners Road. Notice was also sent to the Tree Farm and Highlands at Broken Top HOAs, and the Summit West Neighborhood Associations, in compliance with BDC 4.1.215. The required City forms for Verification of Compliance and Verification of Neighborhood Meeting, as well as documentation of the mailing of notices are included in Exhibit U. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. The requirements of this goal have been met.

Conformance with Goal 1 is further achieved through compliance with Title 4 of the Bend Development Code, Applications and Review Procedures. Section 4.6.300 of the Development Code establishes that major community master plans shall follow a Type III procedure as governed by Chapter 4.1.

An initial public hearing before the Planning Commission preceded a second public hearing before the City Council. The public involvement procedures identified in the Development Code were followed, which ensure compliance with Statewide Planning Goal 1.

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

FINDING: The proposal is a major community master plan that includes an amendment to add new text to the BDC to add a new Discovery West Master Planned Development district and allocate both Mixed Employment and Commercial Limited zones along with residential overlay subdistricts within master plan area. The proposed amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan (BCP) policies specific to the subject property, BCP 11-100 to 11-104, and 11-106 to 11-108. The BCP was acknowledged by the

Oregon Department of Land Conservation and Development (DLCD). The proposed community master plan and its associated text and map amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions. Therefore, the proposal complies with Statewide Planning Goal 2.

Goal 3, Agricultural Lands: To preserve and maintain agricultural lands.

Goal 4, Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

FINDING: Goals 3 and 4 do not apply as there are no designated agricultural lands or forest lands within the project area.

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

FINDING: In the 2016 UGB expansion decision, the Bend City Council found that the subject properties do not include any of the following Goal 5 resources: riparian corridors, wetlands, Federal Wild and Scenic Rivers, State Scenic Waterways, groundwater resources, approved Oregon Recreation Trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources and cultural areas. Those findings note that the City relied on the inventory included in the Deschutes County Comprehensive Plan and available information from State and Federal sources to make this determination.

The Council also found that the big game winter range (BGWR) is included in the West and Shevlin areas, based upon a 2009 Oregon Department of Fish and Wildlife (ODFW) map of big game (deer and elk) winter ranges. The small amount of land (a net of 4.16 acres) proposed to be added to the UGB under PZ 18-1007 is within this BGWR area, however, none of the subject properties are within the Deschutes County Wildlife Combining Zone.

As there are no Safe Harbor provisions to guide the creation of a wildlife protection program, the City used an economic, social, environmental and energy (ESEE) analysis process and requirements of OAR 660-023-0040 and 660-023-0050 to guide the development of a protection program. Through this analysis, Council found that the BGWR values in the West Area could be protected by applying a combined "Limit" and "Allow" approach through transect concepts and master planning. To address this approach, the City adopted the following Comprehensive Plan policies:

11-54 *The City will consider applying the concept of a "transect" to appropriate areas. The transect is a series of zones that transition from urban to rural which can reduce the risk of wildfire and provide an appropriate transition from urban uses to national forest lands and other resource areas, such as wildlife habitat, that will not be urbanized within the long-range future.*

11-101 *For the West Area, shown on Figure 11-4, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a*

transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.

The proposed master plan implements the transect concept and other requirements of the Comprehensive Plan and Bend Development Code. For the above reasons, the requirements of Goal 5 are met.

Goal 6, Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

FINDING: Air and water quality are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. The subject properties are not located within the WOZ nor do they contain an ASI. Maintaining or improving the quality of the community's air, water and land resources will be assured through enforcement of state and local regulations. Noise levels will not exceed DEQ noise regulations.

Through the 2016 Bend UGB expansion, the City found that the UGB expansion satisfied Goal 6 for several reasons:

- *"The proposal does not include new areas along the Deschutes River or Tumalo Creek; the proposed efficiency measures and areas for expansion direct growth away from these areas.*
- *The proposal will maintain and improve the quality of air resources because it has been designed to reduce the growth of vehicle miles traveled (VMT), which will help in limiting or avoiding new greenhouse gas emissions from auto and truck traffic.*
- *The planned housing mix makes a shift from single-family detached, to more attached housing types, which studies have shown typically consume less energy than single-family dwellings."*

The adopted Comprehensive Plan policies ensure compliance with Goal 6.

Goal 7, Areas Subject to Natural Hazards: To protect people and property from natural hazards.

FINDING: No 100-year floodplains or mapped landslide areas are located within this master plan area. During the City of Bend's recent UGB expansion process, wildfire risk was identified as significant in the area of the subject properties of this application. As a result, the City included wildfire hazard as one of the performance measures in evaluating the UGB expansion scenarios. The City Council found that the proposed (now adopted) Growth Management Chapter 11 of the City's Comprehensive Plan included policy language focused on mitigating the risk of wildfire. Specifically, the adopted Policy 11-5 reads:

"The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend."

The City further found that the work of a wildfire consultant to ensure the wildfire risks could be mitigated through implementation of the UGB expansion and future development applications

(master plans, etc.). As a result, Goal 7 continues to be satisfied as it was for the City's 2016 UGB Expansion.

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

FINDING: The City adopted the Bend Comprehensive Plan and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the BCP establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District, via Policy 2-2. The applicant notes that approximately 40 acres of park land are included in the Discovery West community master plan. In addition, the Applicant and the Bend Park and Recreation District have been working together to reach an agreement on the final design, program, and funding of the proposed parks within Discovery West. These parks will be developed at the time the surrounding residential land is developed. Because the proposal is consistent with the adopted Bend Development Code, and the acknowledged Bend Comprehensive Plan, it is also consistent with this Statewide Planning Goal.

Goal 9, Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: Discovery West includes a mix of residential, commercial and employment lands as specified in BCP Policy 11-103 and 11-104. The community master plan rearranges the locations of the commercial and mixed employment lands to the southern portion of the site to provide access to Skyliners Road, the only arterial street within or adjacent to the property. There will be no net change in the area comprising each of the distinct zoned areas within Discovery West as a result of this proposal (OAR 660-009-0010(4)). Rather, the reallocation of these areas within Discovery West will foster economic development by locating zones in an efficient manner incorporated into the overall master planned environment. This will ensure compliance with Goal 9.

Goal 10, Housing: To provide for the housing needs of the citizens of the state.

FINDING: The subject property was included as a part of the City's Goal 10 inventory of needed housing when the City of Bend expanded its Urban Growth Boundary in 2016. Specific Policies applicable to the West area expansion properties are found in BCP Policies 11-100 to 11-108. The proposed community master plan is a required process to make the property ready for development. Approval of the master plan will serve to meet the City's projected housing needs, as the text and map amendment associated with the major community master plan designate the specific areas available for various housing types and employment uses. The community master plan implements the overall acreage of residential, limited commercial, and mixed employment zone designations within Discovery West.

Based on these findings, the proposal is consistent with the Statewide Planning Goal 10.

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

FINDING: The Applicants are parties in the Westside Infrastructure Group (WIG), which entered into a development agreement with the City (Ordinance NS-2316, effective November 16, 2018) to guarantee sewer, water, and transportation infrastructure mitigation in a timely, orderly and efficient manner for the future urban development for the West and Shevlin UGB expansion areas, within which the subject properties are included. This development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development in the above mentioned areas, including the subject properties, meeting the requirements of Goal 11. The proposed master plan is consistent with the development assumptions utilized for this agreement.

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

FINDING: Section 660-012-0000 of the Transportation Planning Rule (TPR) identifies the overall purpose of Statewide Goal 12 to encourage a safe, convenient, and economic transportation system. The TPR also seeks to provide modal choices, improve accessibility, encourage coordination among transportation providers, protect facilities and corridors for their identified function, and facilitate movement of freight.

As documented in the WIG Development Agreement (WIG DA - Ordinance NS-2316), the WIG Applicants will make a monetary contribution to the City's off-site 14th Street Corridor Project (completed), construct two new roundabouts and extend Skyline Ranch Road in phases to serve the Westside developments, providing new transportation facilities in the City of Bend that will serve vehicular, pedestrian, and bicycle transportation needs, all consistent with the requirements of Goal 12.

Exhibit O is a memorandum prepared by Kittelson & Associates transportation engineers addressing compliance with the Transportation Planning Rule as it pertains to both city and state (ODOT) facilities. However, the Applicant and the City are currently working with ODOT to refine this TPR analysis. For areas not yet annexed into the City, the Transportation Planning Rule (TPR) is addressed at the time of annexation, under BDC 4.9.600 *Approval Criteria*, specifically BDC 4.9.600.A.7.

Based on the above discussion addressing the relevant Statewide Planning Goals, the proposed Development Code text amendment complies with the criteria of this section.

Goal 13, Energy Conservation: Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

FINDING: Goal 13 generally imposes obligations on local governments to develop plans and implementing measures that conserve energy. In 2016, Council found that the 2016 UGB expansion, which brought the subject properties into the City's UGB, satisfied Goal 13 because it was designed to conserve energy by directing more growth in housing and employment to opportunity areas inside the existing UGB, considering energy in the evaluation and arrangement of land uses in the UGB expansion areas (subject properties), and ensuring that the areas added to the UGB are well connected to the transportation system.

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

FINDING: During the City's 2016 UGB expansion process, the City demonstrated a need to amend the UGB to accommodate future urban population and job growth within the Bend UGB, through several analyses, including the Urbanization Report and the UGB Scenario Evaluation Report. The City inventoried its buildable lands for both housing and employment and forecasted future needs for housing and employment based on the 20-year population forecast, determining that a UGB expansion was necessary. This UGB expansion, which included the DW MPD areas, was adopted in 2016. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

FINDING: Goals 15 through 19 are not applicable because the subject properties do not include any of the noted features and are not located within the coastal or Willamette Valley regions.

- ii. **Approval of the request is consistent with only the relevant policies of the Bend Comprehensive Plan Chapter 11, Growth Management, that are designated by the Planning Director or designee.;**

Bend Comprehensive Plan Chapter 11, Growth Management

11-5 *The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend*

FINDING: Policy 11-5 precisely mirrors BCP Policy 10-18 from the Natural Forces chapter. The discussion regarding Wildfire in Chapter 11 is as follows:

Wildfire

Wildfire risk (the likelihood of a fire occurring based on historical fire occurrence and ignition sources) is identified by the Greater Bend Community Wildfire Protection Plan (2012), as high to extreme in the Bend area. Vegetation management, such as thinning and brush removal, may reduce the hazard (resistance to control, once a fire starts, based on weather, topography, and vegetation type) in some areas, but further mitigation measures are needed to protect new and existing development in the Wildland Urban Interface (WUI). Additional mitigation measures fall into two categories: development patterns and construction techniques.

Construction techniques are typically enforced through the use of building codes. For example, the building codes found in the 2012 International Wildland-Urban Interface Code (IWUIC) would provide a logical extension of the International Fire Code presently used by the City of Bend to protect commercial buildings. The IWUIC is directed toward the protection of residential development in the wildland-urban interface. The City will involve key stakeholders to determine the appropriate building code language necessary to reduce wildfire hazard to residential structures located in the WUI.

The IWUIC may require some modification to meet Bend's development pattern needs in the UGB expansion areas. The IWUIC depends on widely spaced buildings to provide defensible space against wildfire; however, this may not be an appropriate land use pattern in areas that are expected to expand in the future. Therefore, in expansion areas where greater land use efficiency (i.e., smaller lots and more closely spaced buildings) is appropriate, the City may consider allowing buffers of aggregated defensible space commensurate with wildfire hazard instead of widely spaced individual buildings.

The Applicant specifically addressed these factors in their Wildfire Protection Plan (*Exhibit M*) which utilizes land use pattern (increased building setbacks), landscape (vegetation) management, and building construction techniques to be enforced through the Homeowners Association and Architectural Review Committee, very similar to the regulations and enforcement mechanism utilized in the adjacent Tree Farm development. Tree Farm is a nationally recognized model community for wildfire preparedness and resiliency planning, and the Applicant was the managing member of the development team for the project. Exhibit M also includes a letter of endorsement from Craig Letz, a Bend-based wildfire mitigation consultant who consulted with the City of Bend on the 2016 UGB expansion.

Specific Expansion Area Policies

Area-specific policies for land added to the UGB established in 2016 are intended to guide the development of Area Plans (including Master Plans) for expansion areas (see Figure 11-4). These areas are also subject to policies in this Chapter regarding urbanization and annexation.

Policies 11-100 through 11-108 are specifically applicable to the West Area:

11-100 Master planning is required for this area. The master plan(s) must be consistent with both master plan standards in the development code and policies 11-101 through 11-108, below.

FINDING: The Applicant proposes this major community master plan in compliance with this policy and BDC Chapter 4.5. Policies 11-101 through 11-108 are addressed below.

11-101 For the West Area, shown on Figure 11-4, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.

FINDING: Discovery West will serve as a westward expansion of the NorthWest Crossing neighborhood to the east, and as such will feature a new Discovery West Master Planned Area district modeled on the NorthWest Crossing Overlay Zone. It will follow many of the same design elements as NorthWest Crossing, such as a modified grid street pattern, a variety of lot sizes and intermixed housing types, an employment area along Skyliners Road, and an expansive public park and trail network.

The densest residential areas of Discovery West will be the Residential Mixed-Use Districts (RMUD) located along a northward extension of Skyline Ranch Road and in the southeast corner

of the property at the intersection of Skyliners Road and Crosby Drive, adjacent to William E. Miller Elementary. The Standard Lot District will extend across most of the residential portions of the property until the westernmost 50 +/- acres, which will be designated as the Large Lot Residential District. Both the Standard and Large Lot residential districts will impose greater side setbacks over standard city setbacks for the underlying RL zone, providing buffers for both wildlife and wildfire as required by this policy. The Mixed Employment and Commercial Limited lots to be created along Skyliners Road will create an area with more widely scattered buildings interspersed with more non-flammable hardscape than found in the residential districts. The space between buildings will accommodate adequate buffers for wildlife and wildfire per the requirements of the Discovery West Wildfire Protection Plan.

11-102 This area shall provide for a mix of residential and commercial uses, including 321 gross acres of residential plan designations, 7 acres of commercial plan designations, and 14 gross acres of mixed employment plan designations (excluding existing right of way).

FINDING: Discovery West, identified as Master Plan Area 1 on Figure 11-5, contains approximately 224 acres of residential plan designation (RL), and all 7 acres of commercial and 14 acres of mixed employment designated for the West area. The Discovery West major community master plan accommodates the required acreage allocations for residential, commercial and employment zoning.

11-103 This area shall provide capacity for a minimum of 870 housing units and a maximum of 967 housing units, including at least 9% single family attached housing and at least 21% multifamily housing types (including duplex and triplex). The required minimum of 870 housing units represents 90% of the maximum allowed number of units.

11-104 In the absence of an approved Area Plan for this subarea as a whole, each property included in the 2016 UGB expansion in this subarea (see Figure 11-5 below) shall provide the maximum number and mix of units specified below. The minimum required units (total and by housing type) is 90% of the specified maximum.

- **Master Plan Area 1: 650 housing units, including at least 60 single family attached units and at least 142 multifamily and duplex/triplex units.**

FINDING: Discovery West is identified as Master Plan Area 1. The above policies specify that the property must be developed with a minimum of 585 total housing units, and a maximum of 650 total housing units, of which 9% must be attached single-family units (minimum of 54 to 60 units) and 21% must be multifamily units (minimum of 128 to 142 units).

The Discovery West MPD has been designed to accommodate these ranges of housing types within three separate residential districts. The 48-acre Large Lot District would allow up to 50 detached single family lots on the western portion of the property. These large lots are designed to implement the lowest density component of the transect discussed in BCP policy 11-101 above. The Standard Lot District would accommodate approximately 400 lots. The single family attached and multifamily units will all be accommodated within the two Residential Mixed-Use Districts which together total 15 acres. The actual lot boundaries and unit type designations will be specified at the time of tentative plan applications for each subdivision phase and site plan for multi-family buildings, with an accounting of the lot total by type to be provide with each land use application.

Exhibit J is a conceptual study prepared by Opticos Design that illustrates a possible development plan for the more northerly RMUD which includes 57 Single Family Attached (including townhomes, live-work townhomes, mews houses and cluster cottages) and 36 multifamily units (including small scale 4-plex to 8-plex courtyard and stacked flat apartments). While the actual development pattern will be determined at the time of platting Phase 4, within which the majority of this area is located, Exhibit J illustrates how many of the required housing types can be provided within a dense and diverse housing area surrounding a commercially-zoned urban plaza.

The more southerly RMUD will be platted (at least initially) as one large lot capable of accommodating a 100+ unit multi-family residential development as necessary to meet the BCP Policy 11-104 unit type count requirement. Additional single-family attached units could also be provided on the northerly street frontage of this area, or within the Standard Lot Residential Area across the street to the north.

11-106 The master plan process shall be used to establish appropriate development regulations to implement the transect concept, measures to make the development and structures fire resistant, and RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.

FINDING: The proposed Discovery West community master plan includes zoning subdistricts specifically intended to implement the transect concept of decreasing density from east to west, terminating in the Large Lot Residential district to the west that will feature RL density lots (minimum 10,000 square foot lot size) with increased setbacks to help provide wildlife and wildfire buffers as contemplated in BCO Policy 11-101.

As outlined in Exhibit M, structures will be made more fire resistant through a combination of increased setbacks between buildings, careful landscape management, and fire-resistant construction techniques based on National Fire Protection Association standards for construction in the Wildland Urban Interface. A Homeowners Association and Architectural and Landscape Review Committee will be formed and maintained to ensure lot development complies with the adopted requirements as implemented through the Governing Documents. The Urban Density and Residential Mixed-Use districts will allow housing types and lot sizes that are not otherwise allowed in the RL Zone but will result in the mix of housing types and clustering promoted by this policy. As a result of the smaller lot sizes, approximately 40 acres of park and open space will be provided within Discovery West, thus, meeting the Comprehensive Plan Policy 11-106.

11-107 Coordination with Bend Park and Recreation district is required in order to address provision of parks and trails within this area.

FINDING: A letter from the Bend Park and Recreation District documents the coordination that occurred between the Applicant and the District that will lead to an agreement for the District to acquire approximately 40 acres of land for parks, open space and trail purposes as indicated on the master plan map and Figure 2.7.3910.B of the proposed code text.

11-108 Coordination with the Bend-La Pine Schools District is required during area planning for this subarea.

FINDING: A letter was provided from Bend LaPine School District. Since there are existing elementary, middle and high schools immediately adjacent to the site, no additional school sites or facilities are contemplated within Discovery West.

4.5.200.D.3. Major Community Master Plan. (Continued)

- d. If the major community master plan proposal contains a zone change request to bring the zoning into compliance with the Bend Comprehensive Plan designation, the zone change is subject to the approval criteria of BDC 4.6.300(C).

4.9.700 Zoning of Annexed Areas.

The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the City's Urbanizable Area (UA) District. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation.

FINDING: The Applicant's narrative addresses BDC 4.6.300(C). However, this master plan area must be annexed prior to any development. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation.

- e. If the major community master plan proposal contains a proposed amendment to the Bend Comprehensive Plan Map or text, the amendment is subject to the approval criteria of BDC 4.6.300(B).

FINDING: The Discovery West major community master plan will rearrange the place holder designations for the Commercial Limited and Mixed Employment designations to a more suitable location along the Skyliners Road arterial corridor. Pursuant to BDC 4.5.200.D.3.a, this rearranging of plan designations is allowed as a part of the master plan as long as the master plan retains the same (within 1%) total area of all plan designations on the subject site. The following BCP Policies also address this issue:

11-26 Area Plans for land within UGB expansion areas shall comply with the policies of this chapter. There is flexibility to refine the spatial arrangement of plan map designations provided that identified land and housing needs are still met. Where specific expansion area policies identify acreages of specific plan designations or general categories of plan designations (e.g. commercial) are identified, compliance is defined as providing the required acreages of gross buildable land to the nearest acre. Where expansion area policies identify a required minimum housing capacity and mix, compliance is defined as providing no less than the required number of units and providing the housing mix specified to the nearest percentage point (e.g. 37%).

11-27 Where changes are proposed to the arrangement of plan designations, the proposed arrangement must comply with the relevant policies of this Chapter.

The Discovery West Master Plan will provide the 224 acres of RL zoning (and the range of 585-650 residential units in the appropriate mix), 14 acres of ME, and 7 acres of CL specified in the BCP for West Master Plan Area 1. Thus, the proposal is not subject to the approval criteria of BDC 4.6.300(B).

E. Standards and Regulations. Minor and major community master plans must comply with the following standards:

1. **Access to Commercial Goods and Services.** Access to commercial goods and services must be provided in compliance with the following standards:
 - a. **The community master plan must have access to commercial goods and services by walking or biking a distance not greater than a one-half mile radius measured from all points along the perimeter of the master plan boundary to any land planned, zoned or developed for one or more such services. Such commercial uses may be provided within nearby neighborhoods or non-residential districts as long as the minimum distance standard is met. In satisfying such distance standard, commercial goods and services that are not accessible by walking or biking because of physical or geographic barriers (e.g., rivers, Bend Parkway, canals, and railways) may not be used. Except for minor community master plans that are proposing needed housing as defined by state statutes, the Review Authority may find that this provision is met when the commercial uses are located further away than one-half mile but the purpose and intent of providing reasonable access to the commercial uses has been met.**

FINDING: All points along the perimeter of the Discovery West major community master plan are within one-half mile radius of land designated on the master plan for commercial or employment uses. This includes both the Commercial Limited and Mixed Employment areas along Skyliners Road and the commercially designated public plaza to be located in Phase 4 at the Skyline Ranch Road intersection with a new planned collector that arcs southwesterly through the project to connect with Skyliners Road. The plaza will be designed to accommodate food carts and other temporary pop-up commercial uses, and as illustrated on Exhibit J (a Conceptual Residential Mixed-Use Plan), the plaza could be surrounded by live-work townhomes providing additional opportunity for future commercial goods and services. Both commercial/employment designated areas within Discovery West are easily accessible from all residential areas via road, sidewalk, and trail connections through the park that bisects the property.

In addition to the potential future commercial uses, the easternmost phases of Discovery West are within one-half mile of existing developed commercial goods and services within the NorthWest Crossing neighborhood center. All of Discovery West will have convenient bicycle and pedestrian access into NorthWest Crossing via the trail network provided in the new Discovery Park extension as well as on streets, bike lanes, sidewalks and the multi-use pathway along Skyliners Road.

Given the subject property's location at the far western edge of Bend's Urban Growth Boundary, it should be concluded that the combination of future planned and existing developed commercial goods and services both within the master plan and in the adjoining NorthWest Crossing meets the purpose and intent of providing reasonable access for residents to commercial uses and services.

2. **Multimodal Connections.** Multimodal connections must be provided on site in compliance with the Bend Urban Area Transportation System Plan (TSP) and the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, latest editions, and the existing and planned trail systems adjacent to the community master plan must be continued through the entire community master plan.

FINDING: As illustrated on Exhibit G1, Proposed Street and Circulation Plan, the Discovery West master plan has been designed to accommodate the collector and arterial street system designated for the property and vicinity on the TSP. These street improvements as well as the

northerly extension of Skyline Ranch Road through the property, Crosby Drive, and the new collector street traversing the property from Skyline Ranch Road to Skyliners Road will be constructed with bicycle lanes and sidewalks (see Exhibit H, Street Cross Sections). The existing paved multi-use pathway on the north side of Skyliners Road along the south boundary that currently ends at Crosby Drive will be extended along the Discovery West frontage to connect to the paved pathway network in the Tree Farm rural subdivision to the west.

The Pedestrian, Bicycle Circulation and Park Plan (Figure 2.7.3970.B) illustrates a comprehensive network of both paved and soft surface trails (more than 2 miles in total) that will be provided both in the approximate 40-acre westward extension of Discovery Park through the project and in mid-block connections to provide access to the new park.

A letter from the Bend Park and Recreation District that documents the District's support for the proposed park and trail plan and states the District's conclusion that the plan satisfies the District's park and trail needs in this area. The proposed trail network will continue the existing trail system to and through the site to complete connections between Tree Farm and NorthWest Crossing.

- 3. Housing Density and Mix. Community master plans 20 acres or larger must provide a mix of housing types and achieve minimum housing densities in conformance with the standards of subsections (E)(3)(a) and (b) of this section. To the extent that the Bend Comprehensive Plan Chapter 11, Growth Management, proposes a different mix of housing and/or density standards in the specific expansion area policies, then those policies apply.**

FINDING: The Bend Comprehensive Plan proposes a very specific mix of housing and density polices (11-103 and 11-104) for West Master Plan Area 1, addressed at length above, that supersede the general provisions of this section. Therefore, those BCP policies apply and the density provisions of this section are not applicable to West Master Plan Area 1.

- 4. The community master plan must contain a minimum of 10 percent of the gross area as public or private open space such as parks, pavilions, squares and plazas, multi-use paths within a minimum 20-foot wide corridor, areas of special interest, tree preservation areas, or public and private recreational facilities and must comply with the following:**

FINDING: The Discovery West master plan contains 245 total gross acres, requiring a minimum of 24.5 acres of public or private open space. Figure 2.7.3970.B shows approximately 40 acres of Discovery West to be dedicated to Park and Open space use. This includes 38.8 acres of public park space proposed to be owned and managed by the Bend Park and Recreation District (BPRD), including a 3-acre neighborhood park to be developed just west of the central local street crossing of the overall park. In addition, privately owned HOA open spaces will include the central public plaza and four mid-block multi-use paths within corridors wider than 20 feet.

- a. The open space area must be shown on the conceptual site plan and recorded with the final plat or separate instrument.**

FINDING: The Applicant reached a tentative agreement with the BPRD that outlines how and when the District will obtain segments of the new park as phases containing those park spaces are platted.

- b. The open space must be conveyed in accordance with one of the following methods:**

- i. 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; or
- ii. 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.) acceptable to the City. Private open space must be located in a tract and include an open space easement.

FINDING: The Applicant's agreement with the BPRD outlines the method by which the District will take title to various segments of the new park as those areas are platted. The plaza and mid-block pathway connections will be conveyed to the Homeowners Association as separate tracts, and HOA dues will include provisions for continued maintenance and costs.

- c. Adequate guarantee must be provided to ensure permanent retention of common open space and recreation areas which may be required as conditions of approval.

FINDING: HOA owned common open space and recreation areas will be designated on the final subdivision plat for each phase, and BPRD will acquire the public park space for development as public park and open space.

F. Duration of Approval.

1. An approved community master plan will remain valid indefinitely unless withdrawn by all owner(s) of property within the community master plan. The City may deny withdrawal when a switch to otherwise applicable standards would not be in the public interest because of sufficient development under the community master plan. Standards and regulations identified in the approved community master plan will control all subsequent site development as long as the approved community master plan is valid. If alternative standards and regulations are not specifically identified in the approved community master plan, the applicable City standard at the time any development application is submitted will apply.
2. The duration of approval for a community master plan must coincide with the timeline outlined in the approved phasing plan and in accordance with the time frames studied in the transportation analysis and water and sewer capacity analysis for the community master plan. Site plan review or land division applications submitted consistent with or earlier than as provided in an approved phasing plan will not require an updated transportation analysis and water and sewer capacity analysis as part of the development application. Infrastructure capacity may be reserved for the community master plan site for up to 15 years or as specified in an approved phasing plan.
3. The time period set forth in this subsection (F) will be tolled upon filing of an appeal to LUBA and must not begin to run until the date that the appellate body has issued a final order.

FINDING: The Applicant requests an approval duration of 15 years as allowed by this section to coincide with the expected development period and term of the WIG Development Agreement approved by the City in file #PZ 18-0696 (Ordinance NS-2316), which became effective on November 16, 2018 and runs through November 16, 2033.