

ORDINANCE NO. NS -2352

AN ORDINANCE TO AMEND BEND DEVELOPMENT CODE CHAPTER 2.7, ARTICLE XII, STONE CREEK MASTER PLANNED DEVELOPMENT, TO MODIFY THE APPROVED STONE CREEK MASTER PLANNED DEVELOPMENT CODE TEXT AND OVERLAY MAP

Findings:

- A. On June 18, 2019, the applicant submitted a Type III Quasi-judicial application for a Development Code amendment to Bend Development Code Chapter 2.7, Article XII, Stone Creek Master Planned Development.
- B. On August 26, 2019, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend Bend Development Code Chapter 2.7, Article XII, Stone Creek Master Planned Development, to modify the approved Stone Creek Master Planned Development Code text and overlay map.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On September 5, 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 Larkspur and Old Farm Neighborhood Association representatives. On September 4 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at seven locations, visible from adjacent rights of way.
- D. The Bend City Council held a public hearing on September 18, 2019, to consider the Planning Commission recommendation.
- E. The proposed amendment to Bend Development Code Chapter 2.7, Article XII, Stone Creek Master Planned Development 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 modify the code text and overlay map in Bend Development Code Chapter 2.7, Article XII, Stone Creek 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: September 18, 2019

Second reading and adoption by roll call vote: October 2, 2019


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

NO: none




Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

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PROPOSED MODIFICATIONS TO ARTICLE XII. STONE CREEK MASTER PLANNED DEVELOPMENT

(Note: Language to be removed is strikethrough and language to be added is underlined.)

2.7.3000 Stone Creek Master Planned Development.

2.7.3010 Applicability.

The area regulated by the Stone Creek Master Plan is approximately 88 acres of land south of Reed Market Road and north of Brosterhous Road. It is bounded on the north by the Central Oregon Irrigation District main lateral, to the east by the American Lane Industrial area, to the south by Brosterhous Road and to the west by the ~~Aspen-Farmington~~ Reserve Master Planned Development area and other residential subdivisions. Conditions of approval pertaining to the timing of required public infrastructure improvements are contained in Ordinance NS-2223.

2.7.3020 Purpose.

The purpose of the Stone Creek Master Planned Development is to create a coordinated neighborhood with special development standards for the residential, commercial, recreational, and public institutional uses within the master plan area. The master plan development objectives are to:

- Provide a variety and mixture of housing types and densities with compatible architectural styles in a coordinated neighborhood.
- Identify and coordinate street and utility locations.
- Provide a site for the construction of a public elementary school.
- Designate neighborhood open space for construction and maintenance of a public park.
- Establish design standards for streets, sidewalks and building locations to create streetscapes that are safe and accessible for all modes.
- Provide an area for neighborhood commercial to reduce vehicle trips and create a mixed-use residential neighborhood.
- Create safe and convenient pedestrian and bicycle circulation and trail connections.

The plan promotes the development of a mixed-use neighborhood based on traditional planning principles with a network of connected streets, some narrower than required by Chapter 3.4, to help distribute local traffic evenly. A neighborhood park is provided to protect the ASI and provide community open space. Neighborhood commercial at the center of the neighborhood on Brentwood Avenue will reduce the use of automobiles while keeping the associated commercial traffic away from the residential areas.

2.7.3030 Permitted Uses.

All residential uses described in BDC 2.1.200 for the RM zone ~~shall be~~ are permitted in the residential areas of the Stone Creek Master Planned Development area. Uses as described in BDC 2.2.300 for the CC zone ~~shall be~~ are permitted in the commercial area. The public school and park are permitted uses in the areas shown on the Stone Creek Master Plan overlay map. [Ord. NS-2223, 2014]

2.7.3040 Development Standards.

The special standards of the Stone Creek Master Plan area ~~shall~~ supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable

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standards of the underlying zone shall apply. An exception to BDC 2.1.300(H), Residential Compatibility Standards, was granted for the lots along the west boundary, south of the future extension of Rolan Avenue.

A. Setbacks Standards.

Table 2.7.3040 – Setbacks

Use	Front	Side	Rear
Single-Family Detached	10 feet, except garages shall <u>must</u> be 20 feet	5 feet	5 feet
Duplex/Triplex	10 feet, except garages shall <u>must</u> be 20 feet	5 feet	5 feet
Multifamily	10 feet, except garages shall <u>must</u> be 20 feet	5 feet	5 feet
Single-Family Attached (Townhomes)	5 feet, except garages shall <u>must</u> be 20 feet	0 feet	0 feet
Neighborhood Commercial	10 feet	5 feet, when abutting residential	0 feet
Other Conditional Uses per BDC 2.1.200	10 feet	0 feet	0 feet

B. Building Height. Building height requirements are based on the districts in Figure 2.7.3070.A use as follows:

1. Single-family Residential District, duplex and triplex dwellings: 35 feet.
2. Multifamily Residential District (more than three attached units): 45 feet.
3. School site: 45 feet.
4. Commercial District: 35 feet with additional 10 feet for residential above commercial.
5. Park and community amenities: 35 feet.

C. Building Mass and Scale. There is no minimum or maximum floor area ratio requirement. All single-family dwellings, duplexes and triplexes shall have a maximum lot coverage of 60 percent. Multifamily housing, commercial and public uses shall have no maximum lot coverage.

D. Lot Area and Dimensions.

1. Single-family detached and attached units shall must meet the lot area and dimension requirements for the RM zone contained in BDC Table 2.1.500.
2. The minimum lot area for duplex units is 4,000 square feet, and 5,500 square feet for triplex units. Both duplex and triplex units shall must have a minimum lot width of 30 feet and a minimum lot depth of 80 feet.
3. Two detached dwelling units are allowed on lots greater than 6,000 square feet.
4. There are is no minimum lot area, width, or depth requirements for the mMultifamily Residential District housing, eCommercial District, or sSchool, or-pPark, or Rec Center sites.

~~E. Density. Density may be averaged across the residential districts; provided, that the overall density for the entire master plan development area meets the minimum density requirement of 555 dwelling units (60 percent of the maximum density), and does not exceed the maximum density of 925 dwelling units. [Ord. NS-2223, 2014]~~

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2.7.3050 Single –Family District.

Development within the Single-Family District is limited to detached or attached (townhome) single-family dwellings, duplexes, and triplexes, with no more than three dwelling units on a single lot.

2.7.30550 Multifamily District Development Areas.

Multifamily housing may be located on platted lots, as zero lot line products, or as units in a condominium or apartment development with shared use of common facilities such as driveways, parking areas, sidewalks, entryways, pedestrian access corridors, open space and lawn areas. Multifamily housing need not have frontage on a public road so long as permanent legal access established through a nonrevocable easement, with provisions for maintenance, is provided to each dwelling unit. [Ord. NS-2223, 2014]

2.7.3060 Neighborhood Park. Public/Community Use Districts.

There are three public or community use districts within the Stone Creek Master Planned Development, as shown in Figure 2.7.3070.A. One is designated for a A public neighborhood park, one for a community recreation facility, and the third is the site of the Silver Rail Elementary School. No other uses are permitted in these districts.

2.7.3065 Commercial District.

Uses allowed in the Commercial District are those listed in Table 2.2.300 for the CC zone.

2.7.3070 Housing Mix and Density.

The Stone Creek Master Planned area includes 87.7 acres of total land area. The north 48 acres is zoned RM. The RM zoned area was developed with Silver Rail Elementary School and the neighborhood park, leaving 30 developable acres of RM zoned land. The south half of the Plan Area is 39.5 acres, of which 1.65 acres is zoned CC and 0.65 were added to the neighborhood park, leaving 37.2 acres of developable RS land. The density averaged over the Master Plan Development area results in a minimum of 555 dwelling units, and maximum of 925 dwelling units.

The Master Plan area provides for a mix of housing types as two- and three-family housing as allowed in the Single Family District Zone, in compliance with Section 2.7.3040 (D), and incorporates attached single-family townhomes, and/or multifamily residential housing units in the Multifamily District and Commercial District.

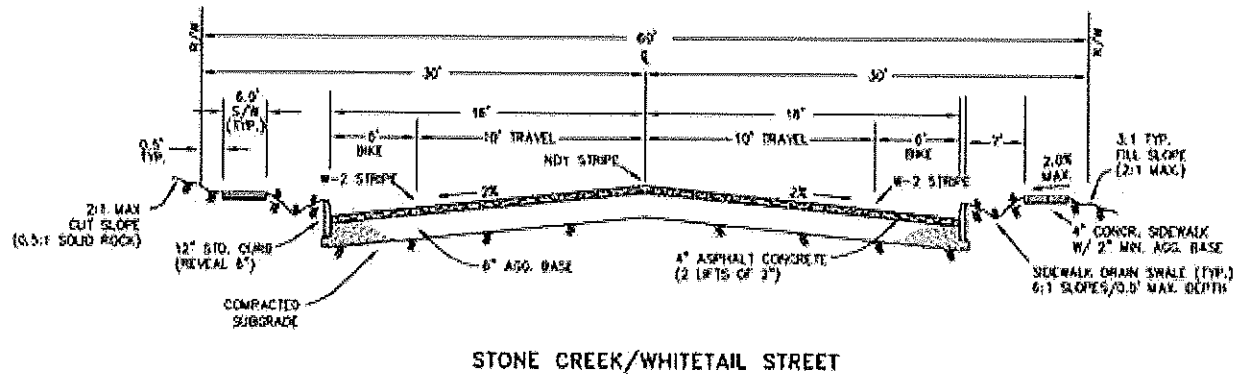
2.7.3075 Street and Pedestrian Standards.

Street and pedestrian standards shall must be consistent with the requirements of this code, except as set forth below:

A. Street Section 1 (Whitetail and Stone Creek Streets) – Neighborhood Collector. Street Section 1 will be used on the primary north-south streets that connect Brosterhous Road to the south, Brentwood Avenue in the center of the site, and the multifamily area at the north edge of the site along the canal. These streets will consist of 60 feet of public right-of-way with 10-foot vehicle travel lanes, six-foot bike lanes, a seven-plus-foot landscape strip, and six-foot-wide sidewalks.

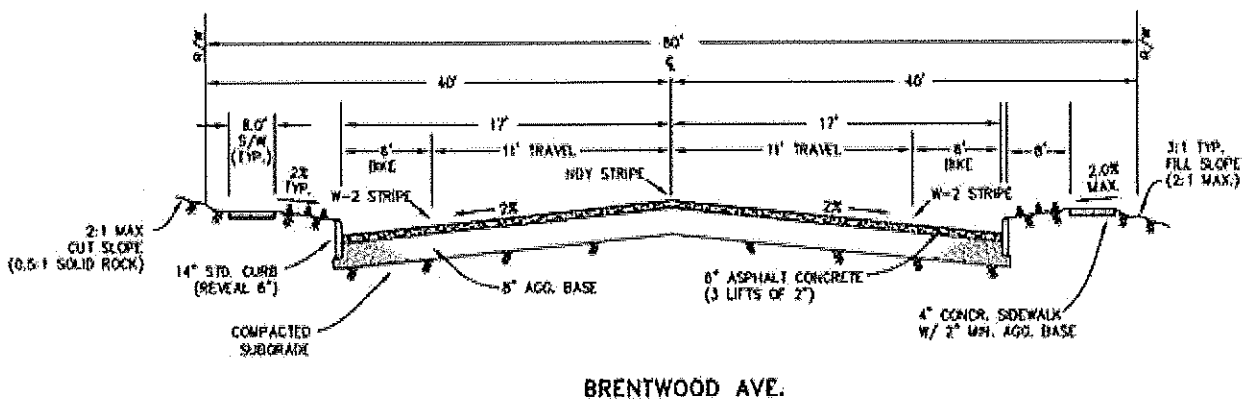
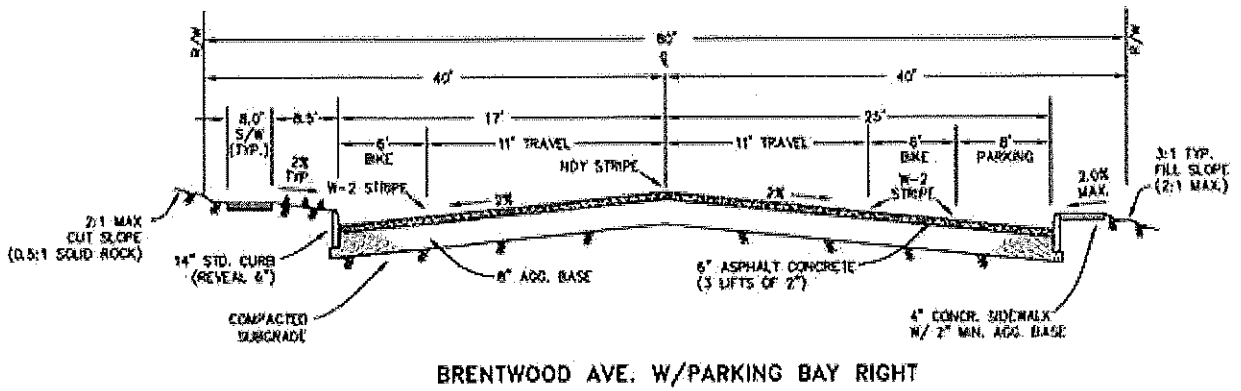
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Street Section 1 (Whitetail & Stone Creek)

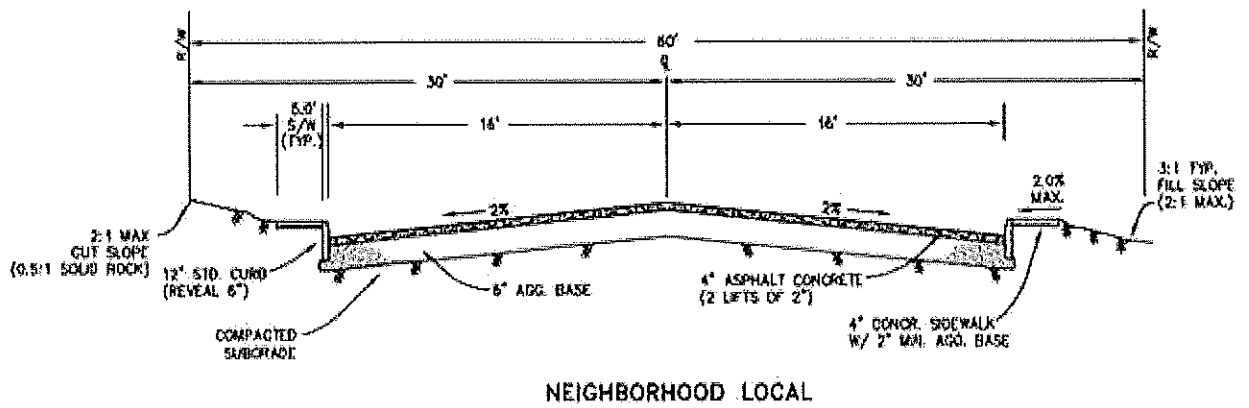


B. Street Section 2A/2B (Brentwood) – Collector. Brentwood Avenue, designated on the City's TSP as a major collector road, connects the residential neighborhood to the west and is expected to extend beyond the site to the industrial area to the east in the future. On the Stone Creek site, Brentwood will connect the park, elementary school, and north-south streets, and will have an 80-foot right-of-way for its entirety through the site. Two street sections will be used for Brentwood Avenue. Both Sections 2A and 2B will have 11-foot vehicle travel lanes, six-foot bike lanes, and eight-foot-wide sidewalks. Section 2A will have an eight-foot-wide parking strip for parallel parking. Section 2B will have wider landscape strips. Landscape strips between the curb and sidewalk will vary from 11 to 15 feet in width.

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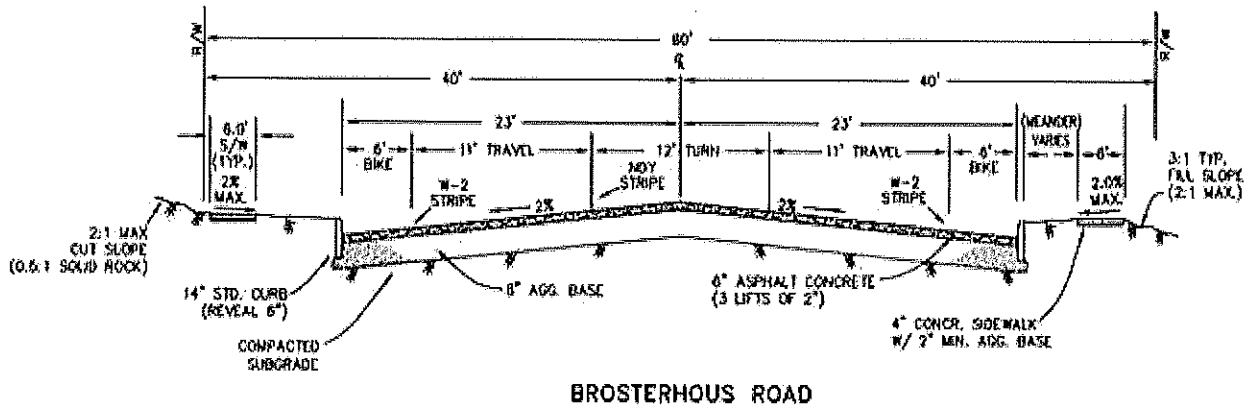
C. Street Section 3 – Local Residential. The secondary east-west streets in the residential areas of the neighborhood will be standard, local residential streets consisting of 60 feet of public right-of-way with eight-foot vehicle travel lanes, eight-foot-wide on-street parking, a nine-foot-wide landscape strip, and five-foot-wide sidewalks.



D. Street Section 4 (Brosterhous Rd) – Collector. Brosterhous Road is an existing City collector street located along the southern boundary of the site. The portion of this street adjacent to the Stone Creek Master Plan area consists of 80 feet of public right-of-way which will be improved to current City collector street standards with 11-foot-wide vehicle travel lanes and a 12-foot-wide

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eastbound left turn lane onto Whitetail Street, six-foot bike lanes, 11-plus-foot-wide landscape strips, and five-foot-wide sidewalks.



E. Street Trees. Street trees shall must be provided along all streets in conformance with BDC 3.2.400, Street Trees.

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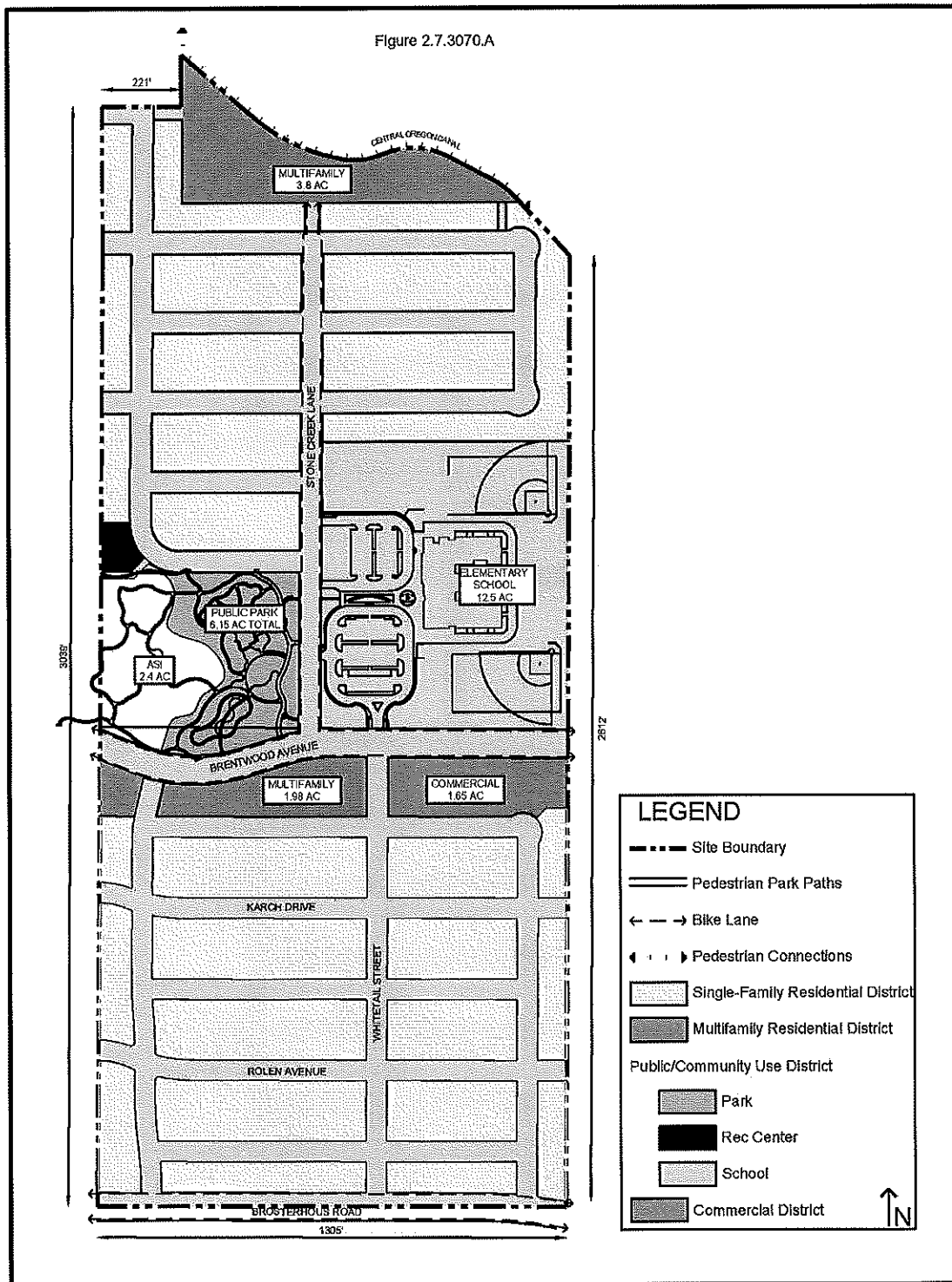
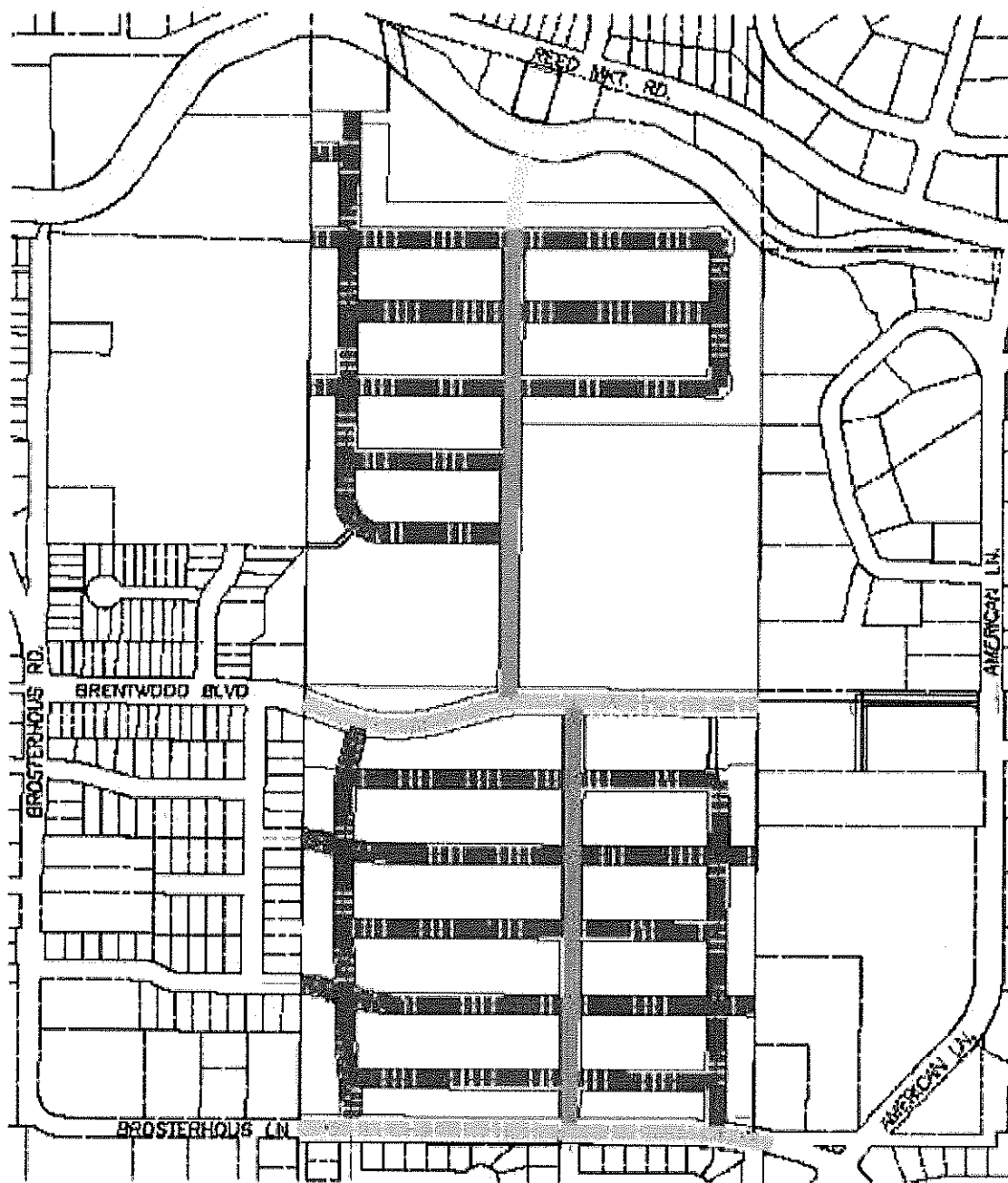


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Figure 2.7.3070.B



ROADWAY CLASSIFICATION KEY





-  COLLECTOR
-  NEIGHBORHOOD COLLECTOR
-  LOCAL
-  POTENTIAL CONNECTION IF CANAL IS PIPED



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STONE CREEK MASTER PLANNED DEVELOPMENT TEXT AMMENDMENT FINDINGS

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Development Code

Criteria

Chapter 2.7, Special Planned Districts

Chapter 2.7.3000 Stone Creek Master Planned Development

Chapter 4.5, Master Planning and Development Alternatives

Procedures

Chapter 4.1 Development Review and Procedures

4.1.400 Type II and Type III Applications

4.1.800 Quasi-Judicial Hearings

FINDINGS OF FACT:

- 1. LOCATION:** The 87.7-acre Stone Creek Master Planned Development area is located north of Brosterhous Road and south of Reed Market Road.
- 2. ZONE AND PLAN DESIGNATION:** The Stone Creek Master Planned area includes 87.7 acres of total land area. The approximate north 48-acres is zoned RM while approximately 39.5-acres of southern half is zoned RS. The south half also includes 1.65 acres zoned Commercial Convenience (CC). The Silver Rail Elementary School and Trap Club Park are located within the RM zoned area. The comprehensive plan designations are the same as the zoning designations. In August 2014 the City Council adopted the Stone Creek Master Development Plan which includes an overlay plan. The overlay plan designates the area for single family residential, multi-family residential, commercial, schools, park, etc., as shown in the image below.

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Figure 2.7.3070.A

Stone Creek Master Plan Overlay

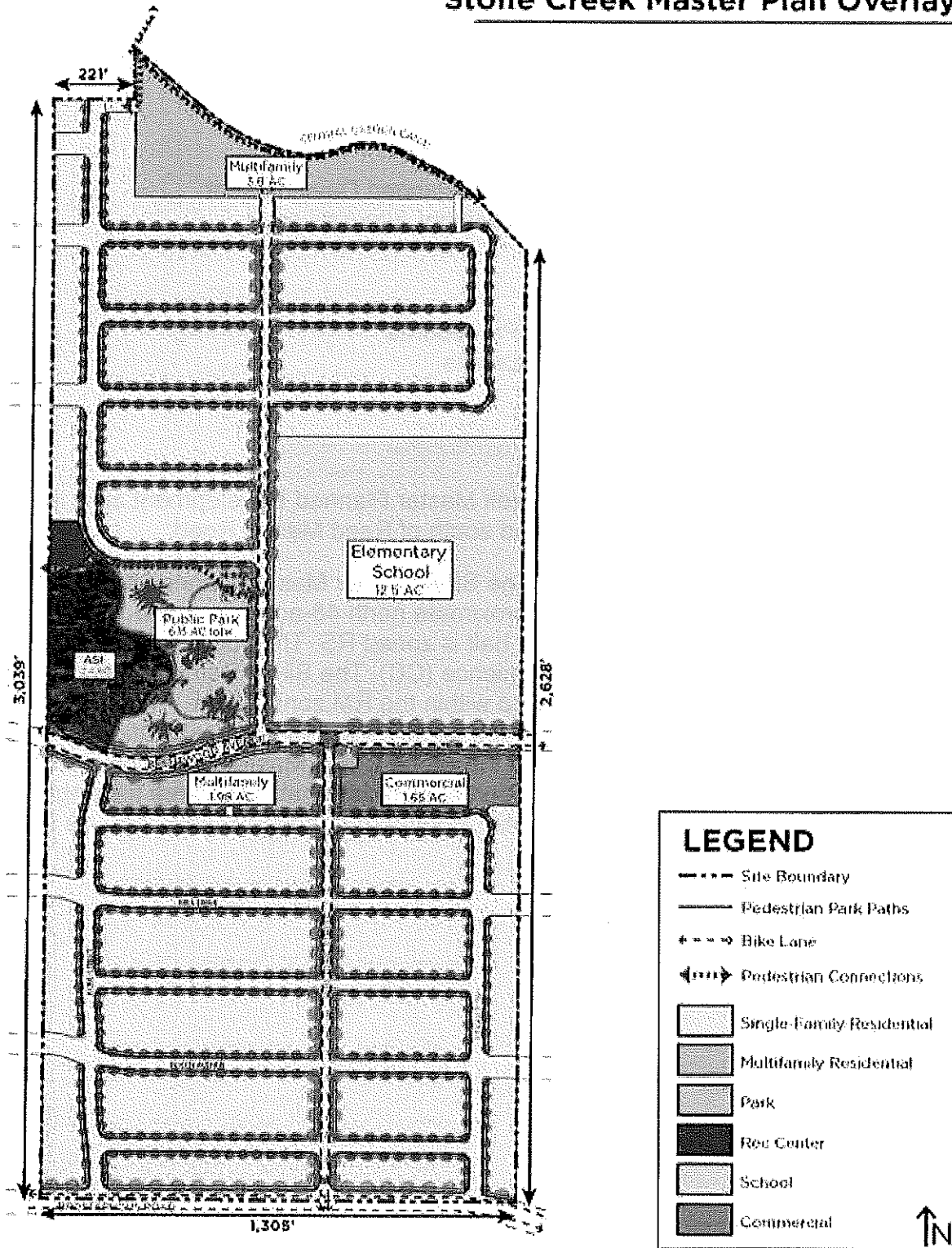


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- 3. SITE DESCRIPTION & SURROUNDING USES:** Since the 2014 approval, portions of the development plan have been initiated and completed, including the Silver Rail Elementary School and the Trap Club Park. A 17-phase subdivision has also been approved; Phases 1 and 2 located north of the park and school are primarily built-out, with Phase 3 ready to plat, while the infrastructure for phases located south of Brentwood Avenue are under construction at the time of writing.

Industrial zoned land abuts the development to the west and several residential subdivisions, including the Farmington Reserve Master Planned Development, abut the development to the east. The COID canal also abuts the development to the north.

- 4. PROPOSAL:** The applicant proposes minor modifications to the Stone Creek Master Planned Development code to clean-up code language and mapping designations that will clarify or correct errors that were inadvertently included or excluded in the final code adoption. The modifications are consistent with the approved master plan code and do not change the uses, density, housing units, or housing mix, or other standards in the code. This is intended to refine text and mapping errors.

Specific modifications include:

A. Stone Creek Master Planned Development Code Language (BDC 2.7.3000)

- * Clean up inconsistencies and create language for the Single-Family Residential District, Public/Community Use Districts, and Commercial Districts.
- * Move the Housing Mix and Density section from 2.7.3040E to its own 2.7.3070 to memorialize the density and housing mix approved by the City in 2014.

B. Stone Creek Master Plan Overlay (Figure 2.7.3070.A)

- * Modify the map color from yellow, Single-Family Residential District to brown, Multifamily Residential District on approximately 14,418 square feet along the southern boundary of Brentwood Avenue at Kobe Street. The current Single-Family Residential District designation was a mapping error and was intended to be Multifamily Residential District consistent with the existing Multifamily Residential District overlay adjacent to the east.
- * Update the vibrancy and color scheme of the overlay map colors to make it easier to read.
- * Correct a mapping error by removing a tan-colored square within the Commercial area. The square was intended to represent a 250 square-foot community plaza located in the Commercial District but was mistakenly identified as a zoning designation.

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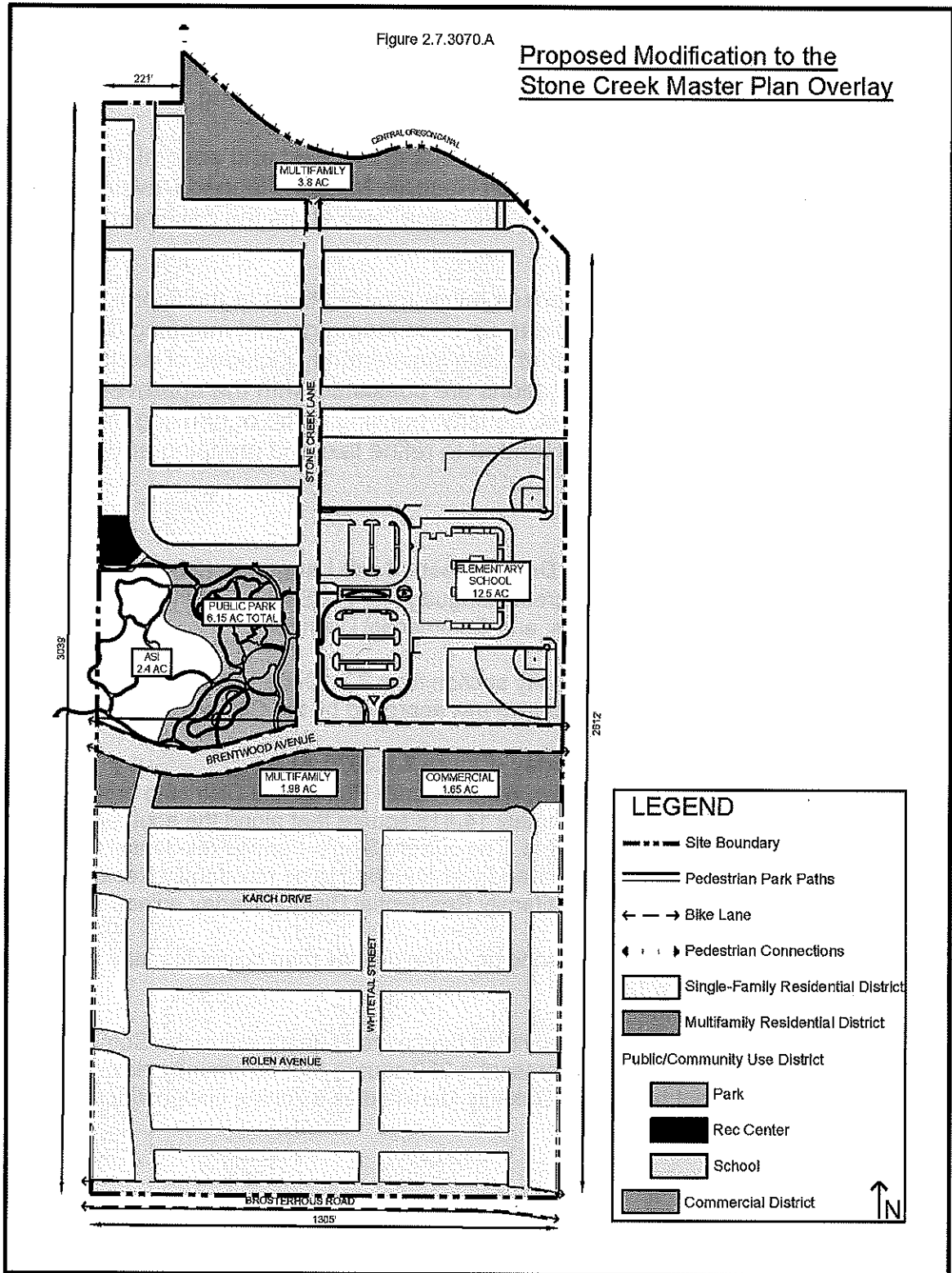


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6. PUBLIC NOTICE AND COMMENTS: The applicant hosted a public meeting in accordance with BDC 4.1.215, on April 24, 2019, at 6:30 at the Bend Senior Center (1600 SE Reed Market Road) in Bend. Documentation of public notices and verification of compliance forms were submitted with this application. According to the attendance sign in sheets submitted with the application, 11 people were in attendance the neighborhood meeting. Concerns listed on the Applicant's Verification of Compliance form include irrigation, density, traffic, trees, school signs, speeding, lead in the former trap range and illness due to noise and vibration from heavy construction equipment.

On August 6, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at six locations, visible from adjacent rights of way. These notices were posted for more than 10 days prior to the August 26, 2019 hearing date.

On August 15 2019, the City of Bend Planning Division mailed notice of the Planning Commission hearing for these applications 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 Old Farm and Larkspur Neighborhood Association representatives. The notices for the public hearing were mailed more than 10 days prior to the first evidentiary hearing, in accordance with BDC 4.1.423. There will be at least two evidentiary hearings for this application; one before the Planning Commission on August 26, 2019, and another before the City Council once the Planning Commission issues a recommendation to the Council.

No written comments were received in response to the public notice, but one member of the public provided neutral oral testimony at the Planning Commission hearing consisting of questions regarding future development. Various agencies were also sent notice, but no other comments were received. At the close of the hearing on August 26, 2019, the Planning Commission passed a motion to recommend that the Council adopt an ordinance to amend the BDC Chapter 2.7, Article XII, Stone Creek Master Planned Development, to modify the approved Stone Creek Master Planned Development Code text and overlay map

On September 5, 2019, the Planning Division mailed notice for the September 18, 2019 City Council hearing to surrounding owners of record of property within 250 feet of the subject properties, and to the Old Farm and Larkspur Neighborhood Association representatives. On September 4, 2019, *Notice of Proposed Development* signs were again posted by the applicant for the City Council hearing.

7. APPLICATION ACCEPTANCE DATE: This Type III Quasi-judicial text amendment to an approved master plan application was submitted on June 18, 2019. The application was deemed complete on July 15, 2019. In accordance with BDC 4.1.430, applications for master plans, and amendments thereof, are exempt from the 120-day review time limitation for final decision.

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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: The Stone Creek Master Planned Development code was approved in 2014 under a prior version of the City's 4.5 "Master Planning and Development Alternatives" code. At the time, the three categories of master plans were not codified. The application request is not for a new master plan, but to modify code language and mapping designations that will clarify or correct errors that were inadvertently included or excluded in the final code adoption. Therefore, most of Chapter 4.5 is not applicable to the request and only those sections of review criteria that are directed to modifications of approved master plans are addressed.

[...]

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 text amendment to Bend Development Code Chapter 2.7, Article XII, Stone Creek Master Planned Development 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

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was submitted and the application was complete on July 15, 2019. The following is a summary of the exhibits submitted with this application:

- Exhibit 1:** Location Map
- Exhibit 2:** Stone Creek Master Plan Overlay (current map)
- Exhibit 3:** Stone Creek Master Planned Development Code (current code)
- Exhibit 4:** City of Bend's decision approving a 17 phase subdivision (PZ 14-0738)
- Exhibit 5:** City Ordinance No. NS-2223

F. Modifications to Approved Master Plans, PUDs and Special Planned Districts.

- 1. The following modifications to a master plan, PUD or special planned district may be approved with a land division or with an application in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review, and Design Review, unless the Development Services Director elevates the application to the Planning Commission for hearing as a Type III application.**

FINDING: The applicant is not proposing modifications to the Stone Creek Master Planned Development as part of a land division or an application for site plan review or design review in compliance with BDC Chapter 4.2. The applicant proposes to modify the Stone Creek Master Planned Development by correcting mapping and texting errors that occurred in the 2014 adopted code.

- a. Increase or decrease of residential densities relative to that approved in the master plan by no more than 15 percent, when such change conforms to the Bend Comprehensive Plan and its density ranges. In no case shall the density fall below the minimum density established in BDC 4.5.200(E)(3)(b). Master plans 20 acres or larger must comply with the density standards of BDC 4.5.200(E)(3);**

FINDING: The applicant proposes no change to residential densities relative to that approved in the 2014 master plan. The 2014 Master Plan approved a density range of 555 minimum dwelling units to 925 maximum dwelling units as averaged over the Master Plan area. The present proposal corrects mapping errors and cleans up text language but does not change the densities of the planned development.

- b. A reduction to the amount of open space or landscaping relative to that approved in the master plan by no more than 10 percent, when such change complies with the master plan's minimum open space requirements;**

FINDING: No changes to the open space or landscaping are proposed with this application.

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- c. **An increase in lot coverage by buildings relative to that approved in the master plan by no more than 15 percent of the approved lot coverage (e.g., approved lot coverage of 40 percent may increase to 46 percent);**

FINDING: No increase in lot coverage by buildings relative to that approved in the 2014 master plan is proposed.

- d. **Any changes in the amount of parking relative to that approved in the master plan by no more than 15 percent. A proposed modification that is part of an approved TPDM plan must comply with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan;**

FINDING: No changes to the amount of parking relative to that approved in the master plan is proposed.

- e. **A change in the location or alignment for proposed streets, parking lot configuration, utility easements, landscaping or other site improvements as long as the change is in substantial conformance with the approved master plan; and**

FINDING: No changes in the location or alignment for streets, parking lot configuration, utility easements or landscaping is proposed.

- f. **Increase or decrease in the size and/or height of a building relative to that approved in the master plan by no more than 10 percent.**

FINDING: No changes in the size and/or height of a building relative to that approved in the master plan is proposed.

2. **In no case will a modification under subsections (F)(1)(a) through (f) of this section be approved that causes a minor master plan that was approved without any deviations to this code to fail to meet a minimum or maximum standard as set in this code.**

FINDING: The Stone Creek Master Planned Development was not approved as a "minor master plan" and therefore, this criterion is not applicable. As discussed above in the findings above of subsections (F)(1)(a) through (f), the modifications to the approved Stone Creek Master Planned Development text and overlay map will not deviate from the minimum or maximum standards set out in the approved master planned development.