

**ORDINANCE NO. NS -2357**

**AN ORDINANCE AMENDING THE BEND DEVELOPMENT CODE TO ADOPT THE SHEVLIN WEST MAJOR COMMUNITY MASTER PLAN**

Findings:

- A. On September 1, 2018, Rio Lobo Investments, submitted a Type III Quasi-judicial application for a Development Code amendment to create the Shevlin West Major Community Master Plan.
- B. On October 28, 2019, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend Chapter 2.7 of the Development Code to include the Shevlin 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 November 18, 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 November 22, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at two locations, visible from adjacent rights of way.
- D. The Bend City Council held a public hearing on December 4, 2019, to consider the Planning Commission recommendation.
- E. The Development Code amendment for the Shevlin 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 include the Shevlin West Master Planned Development as contained in Exhibit A.

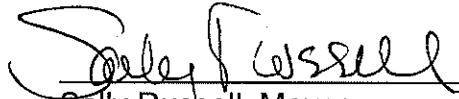
Section 2. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.

First Reading: December 4, 2019

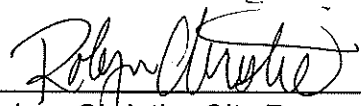
Second reading and adoption by roll call vote: December 18, 2019

YES: Sally Russell, Mayor  
Bruce Abernethy  
Barb Campbell  
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, City Attorney

## EXHIBIT A

### Article XX. Shevlin West Master Planned Development

#### 2.7.3800 Shevlin West Master Planned Development

##### 2.7.3810 Purpose.

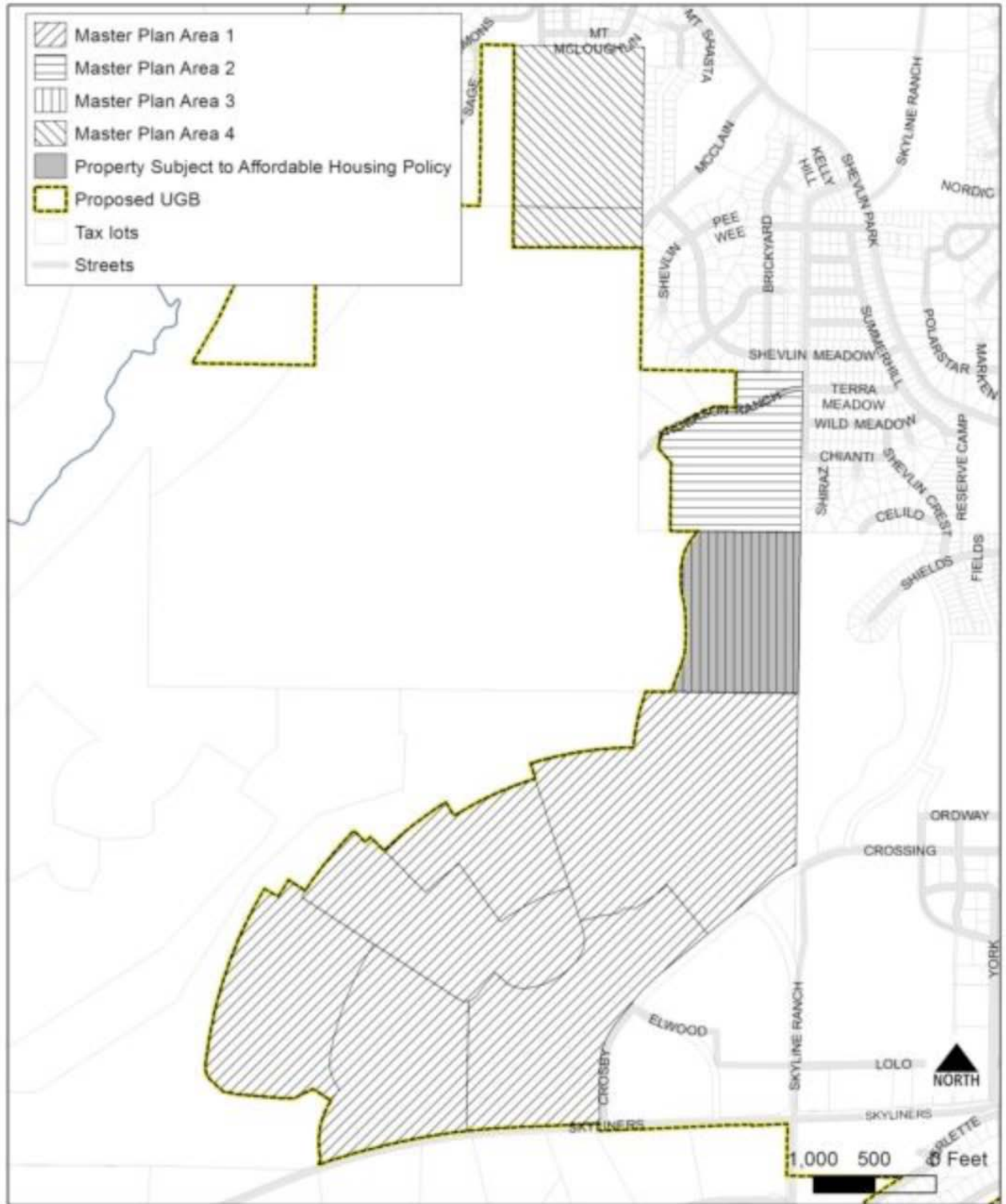
A. Purpose. The purpose of the Shevlin West Master Planned Development is to implement the Bend Comprehensive Plan policies for the West UGB Expansion Area (Master Plan Area 4 under Chapter 11 of the Bend Comprehensive Plan), and to create overlay development standards for the area. The development standards will implement the following relevant policies of the Bend Comprehensive Plan:

- Establish appropriate development regulations to implement the transect concept; develop measures to make the development and structures fire resistant, and implement RL plan designation densities for the master plan area within this area, while also providing open space and required infrastructure.
- Provide up to 116 housing units, in accordance with policy 11-104 for Master Plan Area 4.

##### 2.7.3820 Applicability.

The Shevlin West Master Planned Development standards apply to the property identified in Figure 2.7.3820.A, generally identified as the West Area Master Plan Area 4 in Chapter 11 of the Bend Comprehensive Plan. The special development standards of the Master Plan supersede the standards of the underlying zone. Where no special development 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 2.7.3820.A Master Plan Area 4 (Shevlin West)



### **2.7.3830 Permitted and Conditional.**

- A. Permitted and Conditional Uses. The land uses listed in the underlying zoning district as permitted or conditional uses are permitted or conditionally permitted in Shevlin West Master Planned Development.

### **2.7.3890 Special Development Standards**

- A. Permitted Minimum Lot Size. The minimum lot size is 8,000 square feet.
- B. Minimum Lot Width. The minimum lot width is 70 feet.
- C. Lot Coverage. The maximum lot coverage is 42 percent.
- D. Block Lengths. Block length and perimeters are generally depicted on Figure 2.7.3890.B. The block length and perimeter standards of [BDC 3.1.200](#) are not applicable in the Shevlin West Master Planned Development.

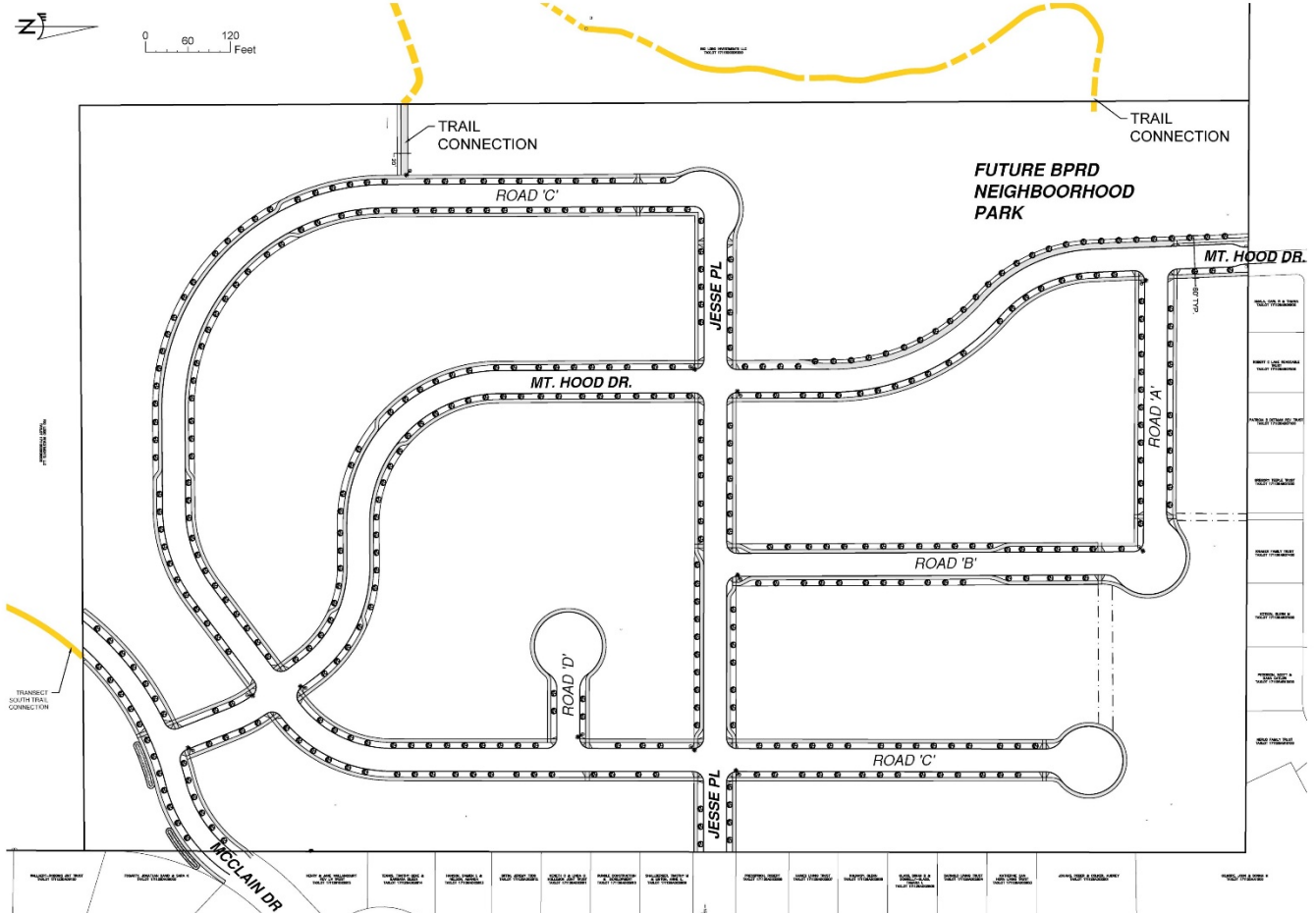


Figure 2.7.3890.B. Shevlin West Block Lengths

**EXHIBIT B  
SHEVLIN WEST MAJOR COMMUNITY MASTER PLAN  
FINDINGS**



**COMMUNITY  
DEVELOPMENT**

**PROJECT NUMBER:** PZ 19-0373

**HEARING DATE:** December 4, 2019

**APPLICANT:** Empire Construction, LLC  
63026 Lower Meadow Drive, Suite 200  
Bend, OR 97701

**OWNER:** Rio Lobo Investments, LLC  
95 SW Scalehouse Loop, Suite 100  
Bend, OR 97702

**PRIMARY CONTACT:** Tammy Wisco, PE, AICP  
Retia Consult, LLC  
P.O. Box 831  
Bend, OR 97709

**PROJECT ENGINEER:** Erik Huffman, PE  
BECON Engineering  
549 SW Mill View Way, Suite 100  
Bend, OR 97702

**LOCATION:** Bend Urban Growth Boundary West Expansion Area  
Master Plan Area 4; Tax lot 1711260000400; 3225 NW Shevlin Park Road

**REQUEST:** Type III Quasi-judicial amendment to Bend Development Code Chapter 2.7, Special Planned Districts, to create the Shevlin West Master Planned Development; a 40 acre Major Community Master Plan, with 116 residential units, including a neighborhood public park.

**STAFF REVIEWERS:** Brian Harrington, AICP, Senior Planner  
(541) 388-5543; bharrington@bendoregon.gov  
Chris Henningsen, PE, Principal Engineer  
(541) 388-5571, chenningsen@bendoregon.gov

**APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

**Bend Development Code**

**Criteria**

Chapter 4.5, Master Planning and Development Alternatives

**Standards**

Chapter 2.1, Residential Districts

Chapter 2.8, 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:**

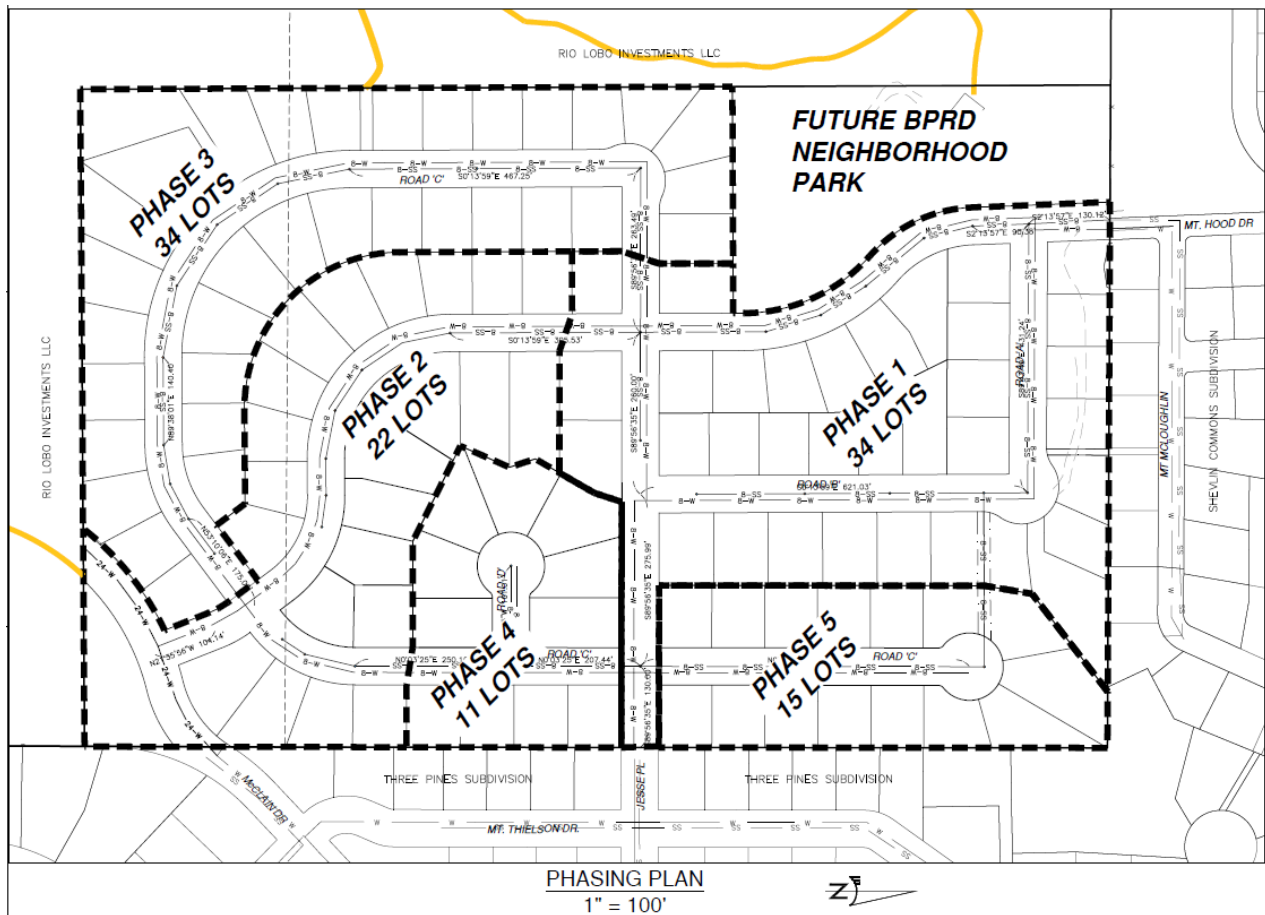
- 1. LOCATION:** The subject property has an address of 3225 NW Shevlin Park Road which is approximately 1/8 mile to the northeast. The property is accessed from Mt. Hood Drive to the north and NW Jesse Place to the east. The west stub of NW McClain Drive will cross the southeast corner of the property when developed.







**4. PROPOSAL:** This proposal is for a Major Community Master Plan for the 40-acre West Area 1 that was included in the 2016 expanded Urban Growth Boundary, to be known as Shevlin 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 BDC Chapter 4.5. The proposal will involve amendments to both the text and maps in BDC Chapter 2.7 to provide specific development provisions, maps, roadway and trail network. The applicant is party to a development agreement with the City (Ordinance NS-2316) for the guarantee of water, sewer, and transportation infrastructure for the future urban development for the West and Shevlin UGB Expansion Areas, including 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 master plan does not increase the water, sewer or transportation infrastructure needs beyond the needs anticipated and evaluated in support of the Development Agreement. The applicant has provided a thorough narrative and documents in support of the application (Exhibits A through J), and the proposed Development Code text for Shevlin West MPD is contained in Exhibit K.



**6. PUBLIC NOTICE AND COMMENTS:** Rio Lobo Investments hosted a public meeting on February 13, 2019 at the Awbrey Glen Clubhouse. A second public meeting was hosted on March 12, 2019 at the same location. Verification of public meeting forms were included in the submittal to the City with the master plan application form. The documents show that approximately 34 people attended the neighborhood meeting. According to the documents, concerns at the meeting included construction access and impacts on Mt. Hood Avenue, construction timing and existing

encroachments along the north property line. There will be at least two evidentiary hearings for this application; one before the Planning Commission which was held on October 28, 2019, and another before the City Council. The Planning Commission held a public hearing for Shevlin West MPD on October 28, 2019, and issued a recommendation of approval to the Council. Approval of the MPD and annexation will allow development of needed housing planned for the West UGB Expansion Area Master Plan Area 4.

On November 18, 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 and to all those who commented by email prior to the Planning Commission hearing. On November 22, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at two locations, visible from adjacent rights of way. Two written comments were received in response to the public notice at the time this recommendation was written citing concerns to reduce the number of lots, lot size, alignment of north boundary lots, impacts of development on Mt Hood Drive, phasing of construction of connecting adjacent streets, and encroachment issues on the north boundary. Various agencies were also sent notice, and their comments are contained in the project file and considered in this decision.

7. **LOT OF RECORD:** The subject parcel is a legal lot of record pursuant to a County approved Legal Lot of Record Determination (LR 05-14) and Lot Line Adjustment (LL-247-18-654).
8. **APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on October 1, 2019. The application was deemed complete on October 7, 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.
9. **BACKGROUND:** Initially, the applicant submitted a Minor Community Master Plan and Variance to the Development standards of the RL Zone. After initial review and reconsideration, the applicant withdrew the applications on September 23, 2019 and resubmitted the application for a Major Community Master Plan on October 1, 2019.

#### **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:** BDC 4.5.200.B requires a Community Master Plan for any property or combination

of adjacent properties under common ownership totaling 20 acres or greater. In accordance with BDC 4.5.200.B, this application includes a proposed Community Master Plan for a residential development greater than 20 acres in size. No other master plan category is proposed. Given the this application is for residential uses only, 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 Shevlin West. The proposed master plan will provide the number of housing units specified in Policy 11-104 of the Bend Comprehensive Plan. BDC 4.5.200.E.3 notes that: "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." The proposal meets the density standards in the specific area expansion policies of the Comprehensive Plan, thereby complying with BDC 4.5.200.E.3. 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 (116 housing units/40 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 Shevlin West property is currently zoned Urbanizable Area (UA), but designated RL - Low Density Residential (40 acres) on the Comprehensive Plan map. The applicant is seeking approval of a major community master plan for a residential community within the Low Density Residential (RL) zone, a permitted use per the Bend Development Code. Only uses allowed by code are proposed.

- 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 Shevlin West major community master plan incorporates approximately 4 acres of open space in compliance with BDC 4.5.200.E.4. This open space will be a combination of public and private open space areas. In the northwest corner of the development, open space for a neighborhood park of approximately 3.51 acres in size will be dedicated to the Bend Park and Recreation District (BPRD). Approximately 0.49 acres in the southeast corner will be kept as open space and tree preservation and will be conveyed to a home owners association, with an open space easement. Exhibit D is a letter from BPRD highlighting the coordination efforts on the future BPRD park, as well as the key points of a pending development agreement for the park construction between the applicant and BRPD.

**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 Shevlin 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:

**1. Existing Conditions Submittal Requirements.**

.....

**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 October 7, 2019. In addition to the Site Plan Drawings, the following is a summary of the exhibits submitted with this application:

Exhibits:

- A. Utility Availability Memo (UAM)
- B. Traffic Analysis Memo (TAM) & Traffic Facilities Report (TFR)
- C. Commercial Zone Accessibility
- D. Bend Park and Recreation District (BPRD) Letter
- E. Bend La Pine Schools (BLPS) Letter
- F. Existing Easements & Exceptions
- G. Subdivision Name Approval
- H. "Will-Serve" Letters
- I. Bargain and Sale Deed
- J. Title Report
- K. Shevlin West Overlay Zone Text Amendments

**2. Proposed Master Plan Submittal Requirements.**

**a. Narrative that describes the following:**

- i. Development boundary subject to proposed Master Plan. May also reference submitted maps or diagrams;**

**FINDING** The development boundary for this 40-acre major master plan is the property limits of a single parcel - 3225 NW Shevlin Park Road, identified as 1711260000400. This boundary is shown in the submitted Existing Conditions plan.

## ii. Project description;

**FINDING:** The subject property is designated Master Plan Area 4 in the Bend Comprehensive Plan. This area, as well as several other Westside properties, was brought into the UGB through the City's 2016 UGB Expansion. The addition of these lands was accompanied by specific Comprehensive Plan policies, to direct the development of the new UGB land in a way that balances transect concepts and provides needed housing. This narrative provides details on the proposed master plan and its compliance with the Bend Development Code and the Bend Comprehensive Plan. A few key elements of the plan include:

- The proposed major master plan will provide low-density residential development within the City that complements surrounding development and supports the transect concept of higher densities along Skyline Ranch Road to lower density along the western edge approaching Shevlin Park and surrounding open spaces.
- In compliance with Comprehensive Plan Policy 11-104, the proposed 40-acre major master plan includes 116 single family lots and 4 acres of open space/park land, which will be developed in phases. All infrastructure will be constructed to City standards, including all roadways.
- The master plan includes a 3.5-acre neighborhood park in the northwest corner and a 0.5-acre open space in the southeast corner.
- The subject property will be rezoned Low Density Residential (RL) upon annexation.

## iii. Description, approximate location, and approximate timing of each proposed phase of development. The phasing plan may be tied to necessary infrastructure improvements. May also reference submitted maps or diagrams;

**FINDING:** The master plan is proposed to be developed in five phases, as shown in the submitted plans. Exact timing of development and size of the phases will be market-driven. However, the approximate chronological order of each phase is addressed below:

Phase 1: Phase 1 is necessary in the northwest corner of the property, due to the location of the existing sewer main in NW Mt. Hood Drive that will be extended into the subject property. Phase 1 includes approximately 35 lots for single-family housing units, water/sewer extensions, the extension of Mt. Hood Drive from its current terminus to the middle of the master plan area, the extension of Jesse Place from its current terminus to a location west of its intersection with Mt. Hood Drive, and construction of "Road A" and "Road B". Phase 1 will commence following City approval of the master plan, annexation, and tentative plan applications. Infrastructure in Phase 1 will likely be completed within the first year of tentative plan approval.

Phase 2: Phase 2 includes 21 lots for single-family housing units, extension of Mt. Hood Drive to its intersection with McClain Drive, partial construction of "Road C", and extension of utilities to all Phase 2 lots. Phase 2 infrastructure construction will occur 1 to 2 years after tentative plan approval.



**Phase 3:** Phase 3 includes lots for 34 lots for single-family housing units, construction of the western loop road (“Road C”), a park connection on the west property line, and extension of utility services to all Phase 3 lots. Phase 3 infrastructure construction is tentatively planned to be completed 3 to 4 years after tentative plan approval.

**Phase 4:** Phase 4 includes 11 lots for single family housing units, partial construction of “Road C”, and extension of utility services to all Phase 4 lots. Phase 4 and 5 may be combined into a single phase, depending upon residential market needs. Phase 4 infrastructure construction is tentatively planned to be completed 4 to 5 years after tentative plan approval.

**Phase 5:** Phase 5 includes 15 lots for single family housing units, completion of “Road C”, and extension of utility services to all Phase 5 lots. Phase 5 infrastructure construction is planned to be completed greater than 5 years after tentative plan approval.

**iv. How the proposed water, sewer, and street system will serve the size and type of development and uses planned for this area;**

**FINDING:** The applicant was party to the Westside Infrastructure Group (WIG) and entered into a Development Agreement (WIG DA, Ordinance No. NS-2316, effective November 16, 2018) with the City that assessed the infrastructure impacts and mitigations as a result of the combined westside development. Ordinance No. NS-2316 notes “[b]ecause the uses and

density of the Properties are either prescribed by the BCP and BDC ...the overall off-site infrastructure impact as a result of development of the Properties can be reasonably determined and addressed. The purpose of this Agreement is to provide for the equitable allocation of these costs, and define development triggers and assignment of responsible parties for the construction of the required public improvements to fully mitigate off-site sewer, water and vehicular transportation infrastructure impacts from the development of the Properties subject to this Agreement.” As such, the WIG DA analyzed all water, sewer and street services for this master plan area, taking into account the maximum residential unit counts specified in Comprehensive Plan Policy 11-104. The terms of the Agreement commit the applicants and the City of Bend to the terms of the agreement for a period of 15 years.

The applicant submitted to the City a Sewer & Water Analysis Application, summarizing the WIG DA projected average daily water demand for a peak summer day (16 gpm), the anticipated water meter sizes (3/4”), projected average daily sewer flow for peak summer day (33 gpm), and the anticipated sewer service size (4”). The signed Utility Availability Memo (BP-19-0802-SWA) is in Exhibit A.

Water: The WIG DA requires the oversizing of a waterline extension at Sage Steppe Drive, north to McClain Drive, which is associated with a separate project (not this application). The Agreement states that no other off-site water infrastructure improvements or upgrades are required, other than the aforementioned waterline extension. Onsite, water connections will be made at the existing termini of 8-inch waterlines in Mt. Hood Drive and Jesse Drive. These new waterlines will extend through the new road rights-of-way and provide connections to each lot.

Sewer: The WIG DA requires upgrades to area pump stations. The property owner submitting this master plan is responsible for the improvement of the Shevlin Commons pump station. The Agreement further requires that “all pump station upgrades must be completed not later than the date that the lots are platted or site plans approved that represent 50 percent of the Equivalent Dwelling Units (“EDUs”) for the Owners’ respective properties.” 50 percent of the lots in the Shevlin West development would be 58 lots, a threshold that will be met during Phase 3.

This development will extend existing 8-inch sewer services from the existing termini of sewer lines in Mt. Hood Drive, Jesse Drive and McClain Drive. These new sewer lines will extend through the new roadway right-of-ways and will provide connections to each lot.

Street System: The master plan area will be served by the extension of three local streets: Mt. Hood to the north, Jesse Place on the east, and McClain in the southeast corner. The applicant submitted a Traffic Impact Analysis (TIA) to the City, which was reviewed and approved with required mitigations by the City on June 18, 2019 (Exhibit B).

**v. How the location and sizing of water and sewer facilities on site will be consistent with existing and planned facilities;**

**FINDING:** The proposed utility plan is included in the submitted plans. No existing water or sewer facilities are on site, nor does the City have any planned water or sewer facilities on site. As discussed above, the WIG Development Agreement (WIG DA, Ordinance NS-2316, effective November 16, 2018) assessed infrastructure impacts and mitigations based on the existing infrastructure and the Comprehensive Plan and Bend Development Code prescriptive density requirements for the west area, including the subject property.



Additionally, the applicant submitted to the City a Sewer and Water Analysis application, summarizing the WIG DA projected average daily water demand for a peak summer day (16 gpm), the anticipated water meter sizes (3/4"), projected average daily sewer flow for peak summer day (33 gpm), and the anticipated sewer service size (4"). The signed Utility Availability Memo (BP-19-0802-SWA) is in Exhibit A.

**vi. How water flow volumes will be provided to meet fire flow and domestic demands;**

**FINDING:** The water mains described above will be connected and extended from each of the three connection points adjoining the property. Water mains (8-inch) within the development will be looped to maximize pressure and flow, meeting City Standards and Fire Code requirements.

**vii. The function and location of any private utility system;**

**viii. Compliance with the applicable approval criteria set forth at BDC 4.5.200 Community Master Plan, BDC 4.5.300 Institutional Master Plan, and BDC 4.5.400 Employment Master Plan;**

**FINDING:** No private utility systems are proposed. Water and sewer will be connected to City systems and the roadways will be designed and constructed to City public street standards and dedicated to the City. The responses to BDC Chapter 4.5.200 herein demonstrate compliance with all the relevant approval criteria for Community Master Plans set forth in BDC 4.5.200(D).

**ix. Types of residential uses and planned densities; and**

**FINDING:** The subject property is identified as Master Plan Area 4 in Chapter 11 of the Bend Comprehensive Plan. In compliance with Chapter 11 (Policy 11-104) of the Comprehensive Plan, the 40-acre Rio Lobo master plan includes 116 single family housing units, a 3.51-acre park to be dedicated to the Bend Park & Recreation District (BPRD), a 0.49-acre open space/tree preservation area and associated infrastructure. This equates to a density of 2.9 housing units per gross acre.

**x. Bend Comprehensive Plan Map compliance analysis which explains how plan designation acreages in the Bend Comprehensive Plan Map designations for the subject site or sites, including minimum and maximum residential density ranges, are implemented by the Master Plan, including rearranging the plan designations and or zoning that retains the same total area of all plan designations on the subject site or within one percent of the same total acres. All other changes must be processed concurrently as a Comprehensive Plan amendment and zone change.**

**FINDING:** This is an application for a major master plan and no rearrangement of plan designations or zoning is proposed. The subject property has a single designation of Low Density Residential (RL) on the Bend Comprehensive Plan Map and is identified as Master Plan Area 4 in Chapter 11 of the Comprehensive Plan. Upon future annexation after master plan approval, the subject property will be automatically rezoned RL.

The Comprehensive Plan, Chapter 11, includes policies assigned to the subject property addressing density:

**“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.*
- *Master Plan Area 2: 65 housing units, including at least 12 single family attached units.*
- *Master Plan Area 3: 136 housing units, including at least 16 single family attached units and at least 59 multifamily and/or duplex/triplex units.*
- *Master Plan Area 4: 116 housing units.”*

Policy 11-104 requires a mix of housing units for all master plan areas, except Master Plan Area 4, as this area was intended to include only single-family housing units. This intent was confirmed by City staff prior to submittal of this application. Further, BDC 4.5.200 (E)(3) notes: *“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.”*

The proposed master plan includes 116 single family housing units, which equates to 2.9 units per acre with the open space included or 3.2 units per acre without the open space included, both in compliance with the Comprehensive Plan and Bend Development Code. Further, these densities are greater than 50% of the maximum gross density of the RL Comprehensive Plan designation, as required by BDC 4.5.200.E.3.b. The applicant is proposing the development of 116 single family lots in a future RL zone, in compliance with Policy 11-104 of the Bend Comprehensive Plan and Map.

**b. Scaled maps or diagrams that include the following information (as applicable):**

....

**FINDING:** Maps and diagrams addressing all of the above elements of the proposed master plan were submitted by the applicant. The submitted plans include existing conditions, conceptual lot layout/site plan, phasing plan, vehicle/bicycle/walking circulation plan, infrastructure layout (water, sewer, streets), grading concept plan and landscaping concept plan. Items that are not included in the table are:

- Sign concept plan: Other than standard City road signs and a possible subdivision entry monument sign, no signs are proposed as part of this master plan.
- Building footprints/architectural concept plan: No buildings or building footprints are proposed as part of this master plan. The submitted plans include draft lot layouts, which will be finalized in the future tentative plan submittal; building footprints are planned to be inside the area bounded by all yard setbacks, and within the maximum lot coverage allowances.

- Tree preservation plan: No development is proposed as part of this proposal. Due to the large size of the subject property and large number of trees, it is proposed that the tree preservation plan be included as part of the tentative plan application, which will identify in greater detail the exact location of roadways and parcels.
- c. Draft Development Code text, figures, and tables in a format prescribed by the City, which proposes changes to the development standards and zoning district requirements intended to implement the Major Master Plan. The draft text, figures, and tables must also include any proposed districts, street layouts, and cross-sections that vary from standards.**

**FINDING:** This request is for approval of a major master plan. Exhibit K includes development standards specific to Shevlin West, including minimum lot size, minimum average lot width, lot coverage and block length. The alternate design standards are discussed in greater detail below in response to BDC 4.5.200(D)(3).

- d. A letter or other written documentation from the Bend Metro Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity to review the design for options to enhance existing parks and trails, and develop new parks and trails.**

**FINDING:** The Rio Lobo team met with Bend Metro Park and Recreation District leadership several times to discuss the proposed Master Plan, with a specific focus on open space, trails, and recreation facilities. A 3.51-acre area in the northwest corner of the subject property will be dedicated to BPRD for a neighborhood park. In addition, the applicant and BPRD have coordinated on the siting and design of trails connecting the master plan area to adjacent open spaces and adjacent developments. The master plan includes the park and trail connections and open space areas. BPRD provided a letter (Exhibit D) documenting compliance with this criterion and noting their support of the Rio Lobo master plan application.

- e. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity to review the Master Plan area for compliance with the School Facility Plan, latest edition.**

**FINDING:** The applicant met with Bend-La Pine School District leaders on February 21, 2019 to provide the District an opportunity to review the plan. BLPS provided a letter (see Exhibit E) addressing this meeting and subsequent conversations, documenting compliance with this criterion and noting that “BLPS does not have a need for school facilities in the Rio Lobo Master Plan at this time.”

- f. Transportation analysis in compliance with BDC Chapter 4.7. Transportation Analysis.**

**FINDING:** The Westside Infrastructure Group Development Agreement (WIG DA) approved under City file PZ 18-0696 (Ordinance No. NS-2316, effective November 16, 2018) includes a

transportation impact analysis prepared by Kittelson & Associates, and findings demonstrating compliance with BDC Chapter 4.7. The City Engineer reviewed the TIA in a Transportation Analysis Memo dated August 3, 2018. City findings in support of PZ 18-0696 and the resulting improvements specified in the WIG DA demonstrate compliance with BDC Chapter 4.7.

In particular, Section 5.2 of the WIG DA notes:

*“5.2 Transportation. This Agreement is intended to serve as the Transportation Mitigation Plan under BDC Section 4.7.600D.1 for the future individual master plan applications that will be submitted by the respective Parties. The analysis from which these mitigation measures were derived followed the methodology required to ensure consistency with the Transportation Planning Rule for transportation facilities under the City's jurisdiction, which will allow the Properties to be rezoned to be consistent with the comprehensive plan designations upon future annexation with future transportation analyses. The Parties may rely on this Agreement for the purposes of master plan approval, and the City is bound to accept this Agreement and the evidentiary support referenced by exhibits as demonstrating compliance with the referenced code sections.”*

**g. Institutional and Employment Master Plans must submit a Transportation and Parking Demand Management (TPDM) Plan in compliance with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.**

**FINDING:** This application is for a Community Master Plan and therefore, this section is not applicable.

**h. Water and Sewer Capacity Analysis.**

**FINDING:** The Westside Infrastructure Group Development Agreement (WIG DA) approved under City file PZ 18-0696 (Ordinance No. NS-2316, effective November 16, 2018) includes a sewer and water analysis prepared by the City of Bend. The analysis identified specific improvements to three pump stations and a new master plan water main that the WIG group will improve through the terms of the WIG DA. The City findings in support of PZ 18-0696 and the resulting improvements specified in the WIG DA demonstrate adequate sewer and water capacity will be provided for the properties covered under the WIG DA, including the subject property. The terms of the agreement are binding on the property owners and City for 15 years (until November 2033) and outline the improvements necessary to serve this development and other WIG properties.

In addition, the applicant submitted a Sewer & Water Analysis Application (BP-19-0802-SWA) to the City, which was approved on April 18, 2019 and is included in Exhibit A. This analysis noted that the WIG DA estimated an average daily water demand for peak summer day of 16 gpm, with anticipated water meter sizes of ¾”. This same application noted that the WIG DA estimated an average daily sewer flow for peak summer day of 33 gpm, with anticipated sewer meter sizes of 4”.

**i. Information required by BDC 2.7.400 Waterway Overlay Zone, BDC 2.7.700 Upland Areas of Special Interest Overlay Zone, BDC 3.5.200 Outdoor Lighting Standards, and/or BC Chapter 5.50 Noise, as applicable.**

**FINDING:** The subject property does not include any areas within the Waterway Overlay Zone or Upland Areas of Special Interest. Future development will be subject to BDC 3.5.200 Outdoor Lighting Standards and BDC 5.5 Noise, and the applicant has not proposed any deviations from the requirements of BDC 3.5.200 or BC 5.50. As such, the applicant will necessarily be subject to the regulations then in effect at the time of tentative plan review.

- j. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).**
- k. A Title Report prepared within the previous 90 days.**

**FINDING:** A title report for the subject parcel is included in Exhibit J. Draft covenants and restrictions will be developed for the subject property at the time of Tentative Plan, and final CC&Rs will be recorded with the final plat for each phase. These CC&Rs will apply to the entire master planned area, except the park/open space areas. No other CC&Rs currently apply to the property.

#### **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 40 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 Shevlin West community master plan includes 116 units of statutory needed housing. The applicant is electing to utilize the deviation process (major master plan) with changes proposed to a limited range of BDC standards. No changes are proposed to the Bend Comprehensive 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 has provided 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 1-5. 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 No. NS-2316, effective November 16, 2018, City file #PZ 18-0696) demonstrates compliance with this section. The West and Shevlin UGB expansion areas were incorporated in this development agreement at their maximum permissible development potential as specified in the Bend Comprehensive Plan to assess impacts on the sewer and water systems. 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 requirements of the WIG DA are binding on both the applicant and the City for a period of 15 years from enactment, until November 16, 2033. Those findings and conclusions adopted in support of Ordinance NS-2316 are incorporated herein by reference. In addition, the applicant submitted to the City a Sewer & Water Analysis Application, summarizing the WIG DA projected average daily water demand for a peak summer day (16 gpm), the anticipated water meter sizes (3/4"), projected average daily sewer flow for peak summer day (33 gpm), and the anticipated sewer service size (4"). The signed UAM Certificate (SWA 19-0802) is in Exhibit A.

**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 Ordinance No. 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**

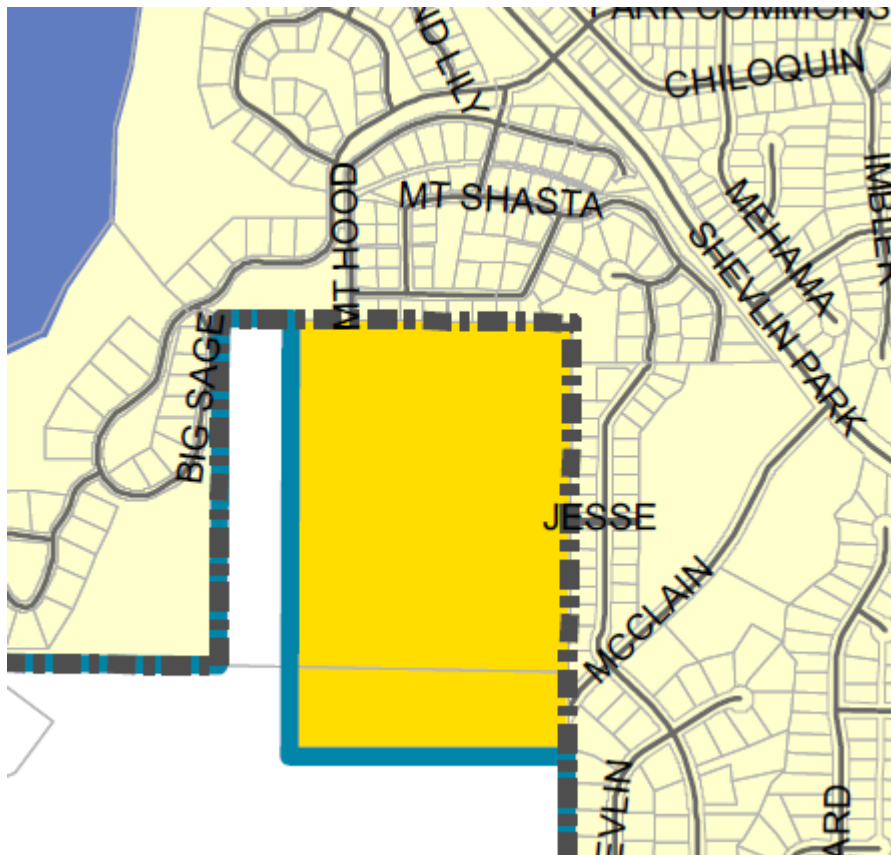
**acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section.**

**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 4 of the West Area UGB. The proposed master plan does not rearrange plan designation locations and/or zoning of the subject property. The subject property is designated Low Density Residential (RL) on the Bend Comprehensive Plan Map, in its entirety. Per BDC Table 2.1.100 and 2.1.600, the RL zone density range is 1.1 to 4.0 dwelling units per gross acre. Further, Chapter 11 of the Comprehensive Plan includes policies assigned to the subject property and addressing density:

*“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 4: 116 housing units.”*

The proposed master plan includes 116 single family housing units, which equates to 2.9 units per acre with the open space included or 3.2 with the open space excluded, both in compliance with the Comprehensive Plan and Development Code. Single-family residences are a permitted use in the RL zone. This criterion has been met. Below is an image of the BCP Map focused on West Master Plan Area 1, the subject property:





- 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:** This narrative demonstrates how the master plan is capable of meeting the provisions of BDC Titles 2 and 3 during future subdivision reviews. The applicant proposes a few deviations from the zoning district requirements and development standards contained in BDC Titles 2 and 3, which are discussed immediately below. Where deviations are sought, the deviations are proposed to be codified in a Shevlin West Special Planned District.

For those standards of BDC Title 2 and 3 for which no deviations are sought, the applicant will be subject to the regulations in effect at the time of subdivision review. BDC Titles 2 and 3 largely impose development standards (e.g. height, setbacks, landscaping, parking, architectural, lot, block length) on the project. There is nothing inherent in the proposed master plan that would preclude compliance with BDC Titles 2 and 3. Given the preliminary nature of an approved master plan under BDC Chapter 4.5, there is no specific requirement for the applicant to show compliance with the subdivision and lot standards - only that the standards are *capable* of being met. Under state law, the City may impose a condition of approval on the master plan, which requires the applicant to comply with the applicable provisions of BCD Titles 2 and 3, or the superseding provisions of the Shevlin West Special Planned District, at the time of subdivision and/or building permit review. Where the City imposes a condition of approval and determines that it is “possible” to meet future development standards, the City may conclude that the applicant has met the requirements of BDC 4.5.200 (D)(3). The applicant has demonstrated how the proposal will be capable of meeting the standards of BDC Titles 2 and 3.

The applicant is requesting deviations from the following BDC sections. Each of these sections are addressed below in this response. Exhibit K contains the alternate development standards that will apply to Shevlin West.

- 2.1.500 - Lot Area and Dimensions
- 2.1.700 - Maximum Lot Coverage
- 3.1.200 – Lot, Parcel and Block Design

**2.1.500 Lot Area and Dimensions.**

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. Exceptions to these standards may be approved subject to master planned development approval (see BDC Chapter 4.5). For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density.

**Table 2.1.500  
Lot Areas and Dimensions in the Residential Districts  
by Housing Type and Zone**

<b>Residential Use</b>	<b>Zone</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>
<b>Single-Family Detached Housing; Manufactured Homes on Lots; Residential Care Homes and Facilities</b>	<b>RL</b>	<b>Minimum area: 10,000 sq. ft. with approved septic or sewer system</b>	<b>Minimum width: 100 ft. min. average lot width with a min. street frontage of 50 ft. except on approved cul-de-sac lot frontage may be reduced to 30 ft; flag lots and lots served by private lanes are subject to BDC 4.3.700. Minimum lot depth: 100 ft., except in conformance with BDC 4.3.700.</b>

**FINDING:** The applicant proposes to deviate from the minimum lot size of 10,000 square feet and the minimum average lot width of 100 feet in the RL zone. The proposed Shevlin West Special Planned District (Exhibit K) includes the following standards in lieu of the associated standards in BDC 2.1.500:

*Minimum Lot Size. The minimum lot size within the Shevlin West Overlay Zone shall be 8,000 square feet.*

*Minimum Average Lot Width. The minimum average lot width within the Shevlin West Overlay Zone shall be 70 feet.*

To grant these deviations, the following standards from BDC 4.5.200(D)(3) apply:

- 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 deviation to the minimum lot size and minimum average lot width is justified due to topographical challenges, parent lot shape, and policy conflicts between the Development Code and the Comprehensive Plan, discussed in further detail below. Granting of these deviations will better meet the purpose of the regulations, as it will allow the development to meet the intent and requirements of the Bend Comprehensive Plan for needed housing, while still meeting the density requirements of the RL zone.

As part of the City's 2016 UGB Expansion process, the Comprehensive Plan was revised to include Policy 11-104 in Chapter 11:

**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.*
- *Master Plan Area 2: 65 housing units, including at least 12 single family attached units.*
- *Master Plan Area 3: 136 housing units, including at least 16 single family attached units and at least 59 multifamily and/or duplex/triplex units.*
- *Master Plan Area 4: 116 housing units.*

Policy 11-104 directs the development density for the West Area Master Plan Areas, including the subject property (Master Plan Area 4). This policy requires a maximum of 116 single-family units in Master Plan Area 4. This specific density requirement of 116 units per 40 acres is unique to the subject property only, as each master plan area is designated unique densities and housing types.

### Topography

The specific densities of the West Area master plan areas in Policy 11-104 of the Comprehensive Plan were established through the 2016 UGB planning process. The 2016 UGB planning process did not include preliminary lot layout of the master plan areas or consideration of topography. The subject property includes significant topographical variation and unique rock features, both of which are outside the applicant's control and directly affect the proposed lot sizing. Due to the topography and unique rock outcroppings, some lots are necessarily larger than the minimum lot size and wider than the average minimum lot widths, which, combined with a required number of lots on the subject property, necessitates that some lots be less than the minimum lot size. Having some lots smaller than minimum lot size would directly reduce the allowable size of the building footprint, if the 35% maximum lot coverage of the RL zone was required. The increased maximum lot coverage for Shevlin West will not increase the number of homes (density) in the development, but rather, will provide flexibility in home design while still maintaining required setbacks. If topography were not present on the subject property and lot conditions were supportive of equally sized lots such that the lots could all be 10,000 sf or larger, the footprint allowed with the code's RL maximum lot coverage (35%)

would be 3500 sf. This same 3500 sf footprint on the 8000 sf lots is equivalent to 43.75% coverage; the proposed lot coverage is 42%.

Lot Shape

The rectangular lot size of the subject property, combined with roadway minimum radius standards, creates unusually large lots in the corners, which necessitates smaller lots and smaller average lot widths in other locations, in order to meet the required number of units for the master plan area. The proposed increase in lot coverage will provide improved flexibility in home design for the smaller lots that have resulted due to the subject property size and shape.

Policy Conflicts

The density of this master plan is directed by the Bend Comprehensive Plan, Policy 11-104, through a prescriptive number of lots. The subject property is 40 acres. 10% (four acres) are required by BDC 4.5.200(D)(2)(E)(4) to be dedicated to parks or open space. Another 9.5 acres are designed to meet City standards for public right-of-way. This results in 26.5 acres available for lots (40 acres - 4 acres - 9.5 acres = 26.5 acres = 1,154,340 sf). If divided into 116 equally-sized lots, lot sizes would be 1,154,340 sf / 116 lots = 9,951 sf, less than the code minimum of 10,000 sf, demonstrating that the requirements of the Comprehensive Plan are in conflict with the BDC requirements for the future zone (RL) of the subject property.

In order to meet the density requirements of the Comprehensive Plan and the infrastructure standards of the Bend Development Code, it is necessary to have lots larger and smaller than the minimum 10,000 sf requirement. The smallest proposed lot is 8,000 square feet and the smallest proposed minimum average lot width is 70 feet. This flexibility in individual lot sizing is necessary to accommodate unique topographical features and rock outcroppings on the subject property, as well as required roadway curves (minimum radii) and pedestrian connections. The increased lot coverage is proposed to provide increased flexibility in home design while accommodating the larger and smaller lots that are necessary to meet the intent of the Comprehensive Plan density requirements.

**2.1.700 Maximum Lot Coverage.**

**A. Maximum Lot Coverage. The following maximum lot coverage standards shall apply to all development within the Residential Districts as follows:**

**Table 2.1.700  
Residential Lot Coverage**

<b>Residential Zone</b>	<b>Lot Coverage</b>
<b>Low Density Residential (RL)</b>	<b>35%</b>
<b>Standard Density Residential (RS)</b>	<b>50% for single-story homes 35% for all other uses</b>
<b>Medium-10 Density Residential (RM-10)</b>	<b>50% for single-story homes 35% for all other uses</b>
<b>Medium Density Residential (RM)</b>	<b>40%</b>

**Table 2.1.700  
Residential Lot Coverage**

Residential Zone	Lot Coverage
High Density Residential (RH)	None

- B. Lot Coverage Defined.** Lot coverage is defined as all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 18 inches above the finished grade, excluding unenclosed covered porches and uncovered decks up to five percent of the total lot area.
- C. Lot Coverage Compliance.** Compliance with other sections of this code may preclude development of the maximum allowed lot coverage for some land uses.
- D. Lot Coverage Exception.** For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with BDC 3.6.200(C), the entire development may develop with a 50 percent lot coverage.

**FINDING:** The proposed Shevlin West Special Planned District (Exhibit K) includes the following standards in lieu of the lot coverage standards in BDC 2.1.700. As detailed above in BDC 4.5.200, this deviation is requested due to topographical challenges, lot shape, and policy conflicts between the Bend Development Code and the Comprehensive Plan.

*Lot Coverage. The maximum lot coverage within the Shevlin West Overlay Zone is 42 percent.*

**3.1.200 Lot, Parcel and Block Design.**

- D. Street Connectivity and Formation of Blocks.** To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:...
- 2. Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets.**
    - a. Six hundred sixty feet block length and 2,000 feet block perimeter in all Residential Zones;**
    - b. Four hundred feet block length and 1,500 feet block perimeter in the Central Business District, Convenience Commercial, Mixed-Use Riverfront and Professional Office Districts;**
    - c. Six hundred sixty feet block length and 2,640 feet block perimeter for all other Commercial, Industrial and Mixed Employment Districts;**
    - d. An exception may be granted to the maximum block length and/or block perimeter by the Review Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is**

unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards.

**FINDING:** All lots and blocks can meet the requirements of this section for residential zones, with the exception of the southernmost roadway section, between the intersection of Mt. Hood Drive/“Road C” in the southeast corner and “Road C”/Jesse Place (see image below). This longer block length is the result of topography and natural features, development patterns and specific input from BPRD on trail locations. For these reasons, the applicant proposes to deviate from the block and perimeter length for this area. The Shevlin West Special Planned District (Exhibit K) will include the following standard in lieu of the associated standards in BDC 2.1.500:

*Block Lengths. Block length and perimeters within the Shevlin Park Overlay Zone are generally depicted on Figure 2.7.3890.B.*

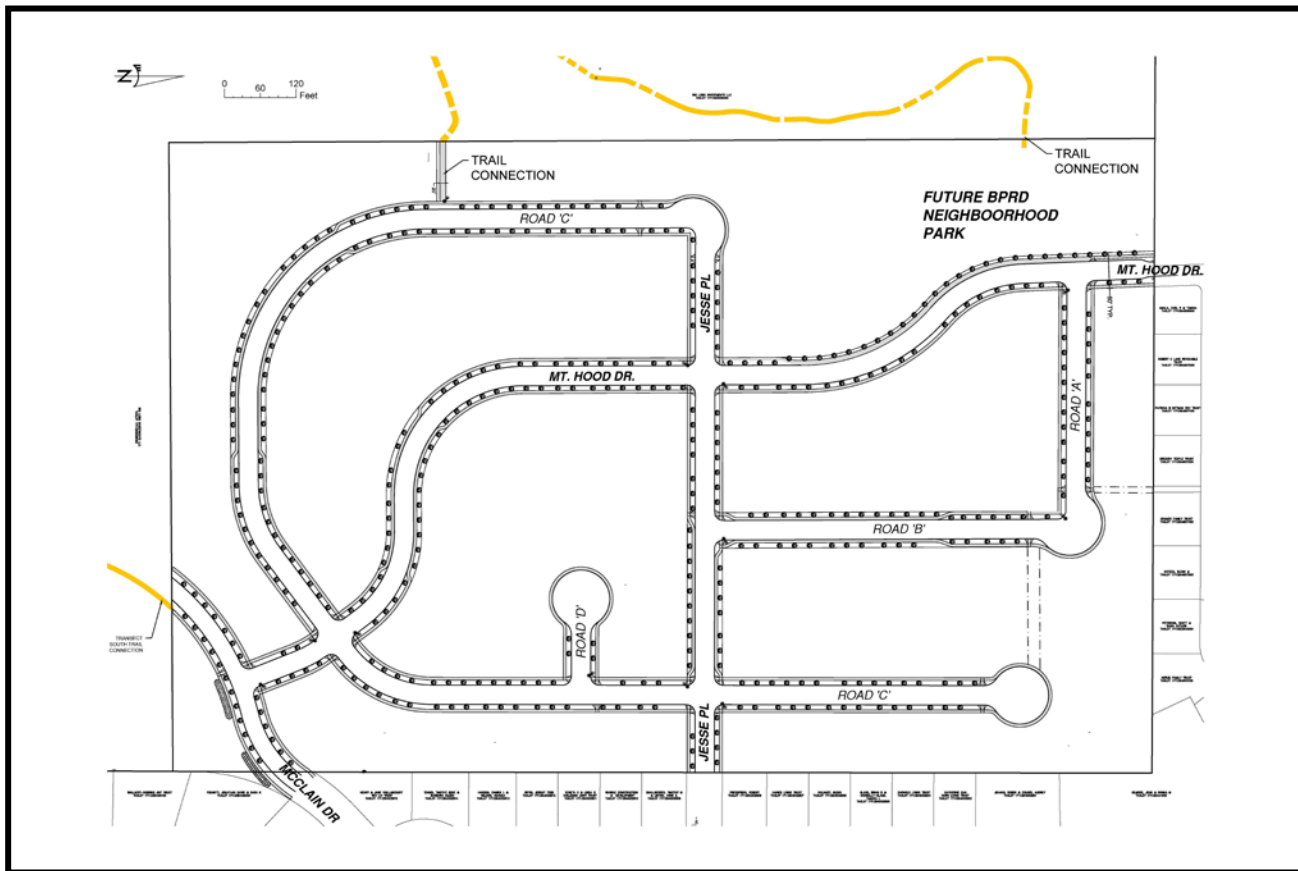
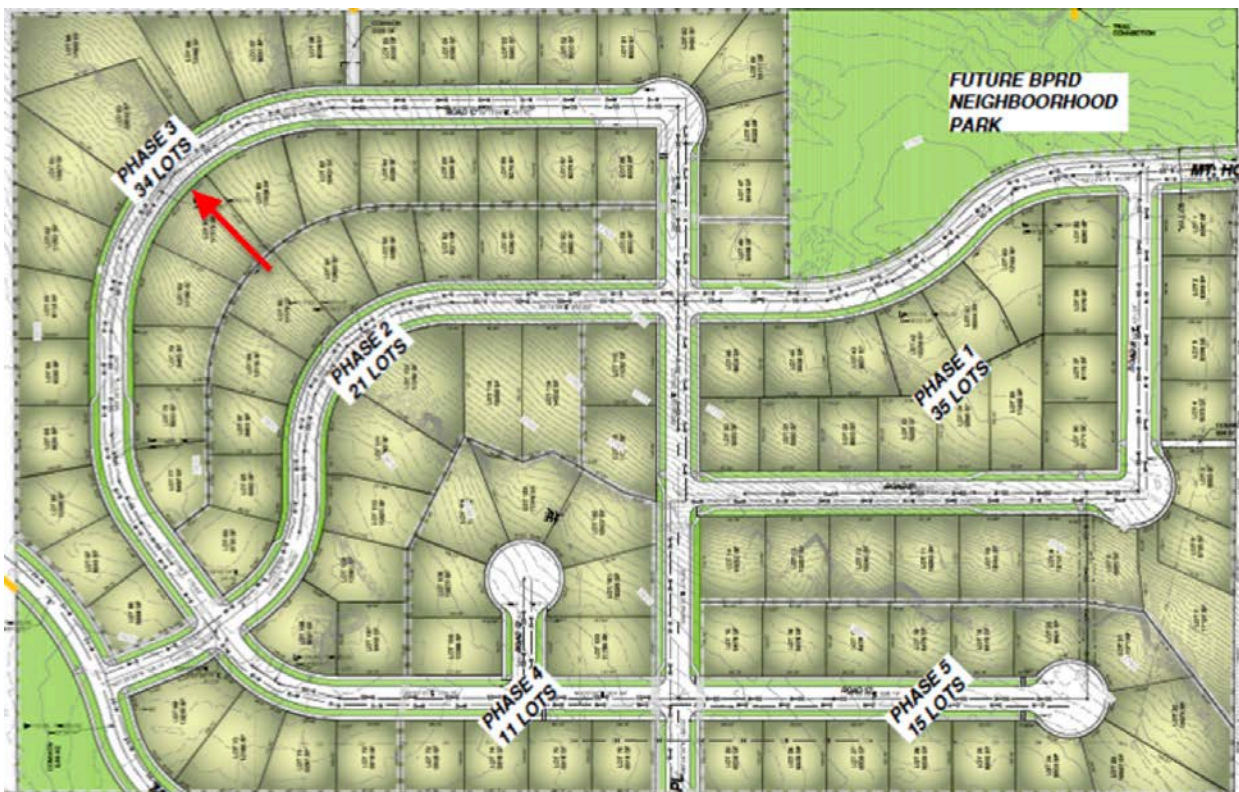


Figure 2.7.xxxx.B. Shevlin West Block

To grant these deviations, standards from BDC 4.5.200(D)(3) apply:

The deviation to the block length is justified due to topographical challenges, patterns of development, and specific input from BPRD on trail locations, discussed in further detail below. Granting of these deviations will better meet the purpose of the regulations, as it will allow the development to meet the intent and requirements of the Bend Comprehensive Plan for needed housing, as well as match existing patterns of development and meet the needs of BPRD for trail connectivity. The lack of an additional street connection along “Road C” is mitigated by a proposed BPRD-approved multi-use trail connection between Lots 55 and 56.

Topography The block length requirement of 660 feet and the natural midpoint of the block along “Road C” is approximately near the red arrow below. Here the topography is steep and a natural ridgeline exists. This topography is not conducive to an acceptable roadway connection in this area. In addition, to the presence of a significant roadway curve makes the location an undesirable location for an additional street intersection.



Patterns of Development The property to the south of the subject property is within the County and, based on the County Westside Transect Zoning and a recently approved tentative plan, will become a large lot development (2.5 to 5.0 acre lots), with larger block spacing and fewer streets. McClain Drive serves as the primary roadway through the development to the south, which has a connection through the subject property and provides north-south connectivity. The approved tentative plan for the proposed development to the south includes a private loop road to serve only local traffic that connects to McClain Drive at both its ends, with no needed or desired additional connection to Shevlin West. Any street connection mid-block along “Road C” would be extraneous and not compatible with the development plans to the south.

BPRD Trail Location Input Two options for a mid-block multi-use trail connection along this long

block were presented to BPRD:

1. Along the southern leg of “Road C”, near Lots 52 and 53.
2. The currently proposed location between Lots 55 and 56.

While Option 1 near Lots 52 and 53 would provide a block length less than the BDC 660-foot maximum, the location was less desirable to BPRD than Option 2, as it would direct pedestrian and bicycle traffic into the neighborhood onto sidewalks, rather than providing a continued wide multi-use trail through the adjacent open space to the west. Based on this BPRD input, the applicant is proposing the mid-block multi-use connection between Lots 55 and 56, which connects directly to the BPRD open space and multi-use trail.

**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:**

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

**FINDING:** The proposed major master plan does not propose a Comprehensive Plan amendment. Therefore, the application must demonstrate compliance with the relevant Statewide planning goals and consistency with the relevant policies of Comprehensive Plan Chapter 11, Growth Management. 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 applicant hosted a public meeting on February 13, 2019 and a second meeting on March 12, 2019. The presentation at both public meetings included all the required information, including: maps depicting the property location and proposed Master Plan, description and locations of the proposed uses, anticipated impacts, and potential mitigation strategies. The public was provided an opportunity to comment on the proposal, through a question/answer session at both meetings as well as through written comment cards available at the meetings. The development team discussed all the comments received and have refined the plans as feasible, prior to submitting this application. 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 the submittal. 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 will precede a second public hearing before the City Council. The public involvement procedures identified in the Development Code are being followed, which will 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 Shevlin 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 policies specific to the subject property, BCP 11-100 to 11-104, and 11-106 to 11-108. The Bend Comprehensive Plan 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:** There are no designated agricultural lands or forest lands within the project area. Therefore, Goals 3 and 4 do not apply.

*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 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. 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.*

**FINDING:** 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 have 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 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 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 10% of park land and open space are included in the Shevlin West community master plan. This park 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:** Shevlin West includes residential lands to better serve the City's housing needs as specified in BCP Policy 11-104. Therefore, Goal 9 is not applicable.

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

**FINDING:** The subject property was depicted within Master Plan Area 4 of the West Area in Chapter 11, Growth Management of the Comprehensive Plan during the City's 2016 UGB Expansion. This area was included identified as one of the several areas to provide needed housing with the city's UGB, directly responding to Goal 10. 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. This area was identified as one of several areas to provide needed housing within the City's UGB, directly responding to Goal 10. The proposed deviations from BDC Titles 2 and 3 provide the flexibility necessary for the subject property to be developed with the maximum amount of housing specified in the City's Comprehensive Plan to provide for needed housing. Without the deviations, due to infrastructure and open space requirements, the required number of single-family homes in the Comprehensive Plan for the subject property would not be met. 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 applicant is a party 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 applicant 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. The proposed master plan includes street cross sections meeting the City's local street standards, including sidewalks on both sides of the streets.

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 to the proposed amendments 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.*

This UGB policy applies to the subject property as a property with an Urban Growth Boundary expansion area. Through required low density transect development of the subject property, an open space buffer to the west, a large lot subdivision with strict wildfire mitigation requirements to the south, and landscape management requirements within the subject master plan area, the applicant and other agencies are collaborating to enforce several measures to support this Comprehensive Plan policy.

#### *Development Density*

Through application of a transect concept, the City designated a low-density development pattern for the subject master plan area, through a Comprehensive Plan designation (and future zoning) of low density residential (RL) for the entire property. This low-density development pattern is further required through specified density requirements (# of housing units) required in Comprehensive Plan Policy 11-104. These regulations will necessarily result in a large lot development, with significant spacing between each structure.

#### *Landscape Management*

The applicant will address wildfire management strategies through required landscape materials and management for individual lots within the proposed master plan area. These landscape management strategies will be enforced through CC&Rs, recorded for each lot within each phase. A Homeowners Association and Landscape Review Committee will be formed, funded, and maintained to ensure that individual lot landscaping complies with the requirements of the CC&Rs.

#### *Abutting Open Space*

The western edge of the proposed master plan area is bordered by eight acres of open space, to be maintained by BPRD per the BPRD Vegetation Management Guidelines. This land is proposed to be dedicated to BPRD as part of a master plan/tentative plan application currently under review by Deschutes County (247-19-00500-MP + 247-19-00501-TP). These eight acres of open space, in addition to the proposed 3.51-acre park in the northwest corner of the subject property, will provide a natural buffer between the proposed master plan area and rural areas to the west.

#### *Abutting Development*

To the south, the master plan and tentative plan (247-19-00500-MP + 247-19-00501-TP) that the applicant has submitted to Deschutes County includes a subdivision with large lots (2.5

acres to 5 acres). Wildfire mitigation is a founding and central element of the development's design and long-term management, enforced through CC&Rs. This development to the south (Westgate) includes significant conservation and no-build buffers along its western edge (up to 450 feet deep), as well as detailed landscape and building material requirements based on National Fire Protection Association standards for construction in the Wildland Urban Interface.

The combination of large lots and wildfire mitigation strategies for this development to the south will also create a buffer between the subject property master plan area (Shevlin West) and the forestlands to the south and west.

#### *Agency Efforts*

Further to the west, in 2018, the USFS conducted a prescribed burn of 95 acres of Shevlin Park, to provide fire fuel breaks along the western interface between urban and forest lands. On-going efforts such as this enhance the fire resiliency of the area around the subject property.

#### *Infrastructure*

The proposed master plan area will be served by City water services. These City water lines will provide ample water supply to fire hydrants, which will be located within the right-of-way throughout the proposed master plan area. Additionally, the proposed master plan area is served by multiple streets, providing ample daily and emergency access for all proposed lots. Having multiple access points will provide multiple circulation options and multiple evacuation routes, dispersing the traffic through different entrance and exit points.

#### ***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:** This application applies the transect concept noted in Policy 11-101 through large lots (RL designation) and designated open space along the west side of the subject property, where it approaches Shevlin Park and forestland further to the west. Through these large lots, the proposed master plan will provide limited westward expansion, complementing the existing development pattern around the subject property. Existing streets will be extended into the subject property and will provide an additional street connection to the south, further connecting the surrounding neighborhoods to existing schools (Miller Elementary, Pacific Crest Middle School, and Summit High School) and future commercial nodes within the Discovery West neighborhood.

**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:** This policy applies to the entire West Area, which includes development of four master plan areas. The subject property, Master Plan Area 4, is required by Policy 11-104 below and the underlying zoning designation (RL) to include only single-family housing units, which is what is proposed in the submitted application. However, the Discovery West major master plan (PZ-18-1015) includes commercial and employment lands to address this requirement of Policy 11-101.

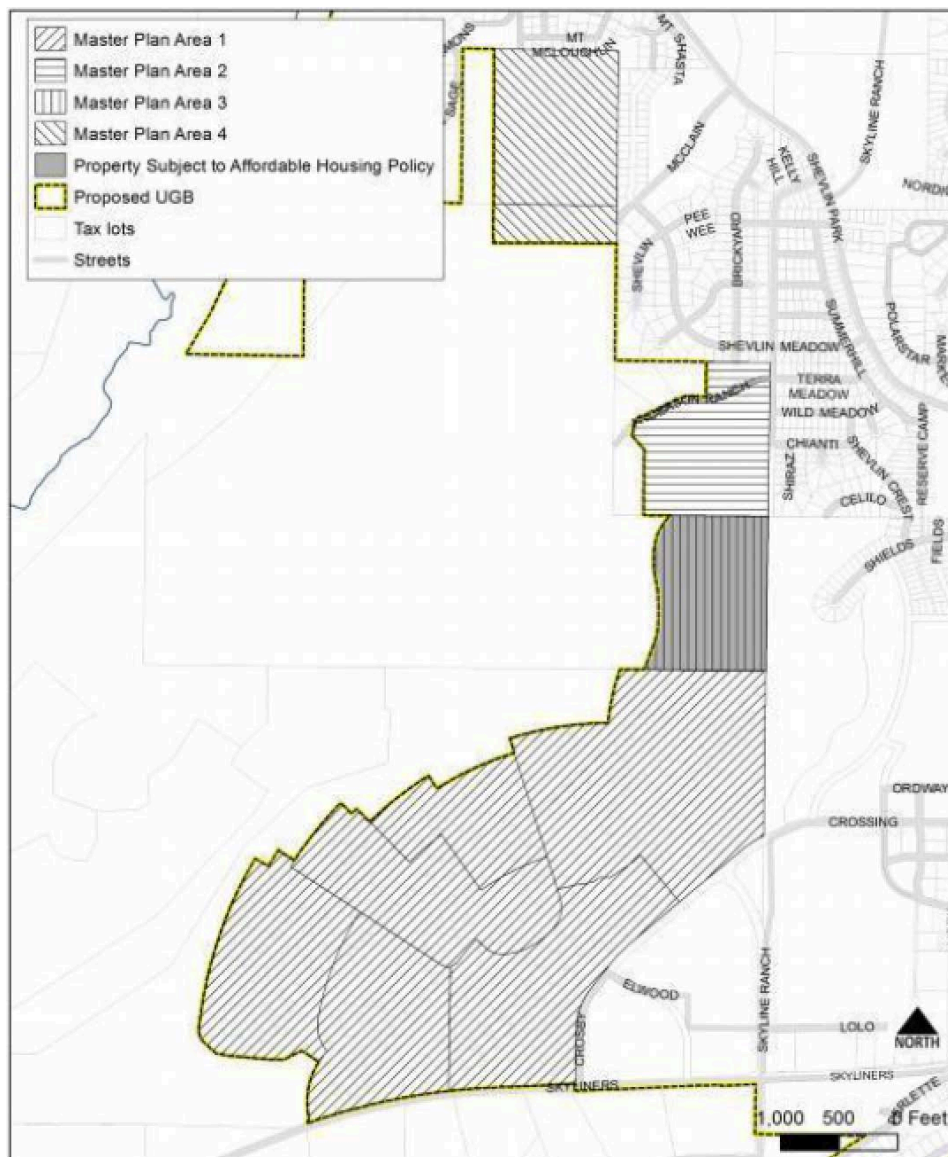
**11-103** *This area shall provide capacity for a minimum of 870 housing units and a maximum of 967 housing units, including at least 9% single family attached housing and at least 21% multifamily housing types (including duplex and triplex). The required minimum of 870 housing units represents 90% 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.*
- *Master Plan Area 2: 65 housing units, including at least 12 single family attached units.*
- *Master Plan Area 3: 136 housing units, including at least 16 single family attached units and at least 59 multifamily and/or duplex/triplex units.*
- *Master Plan Area 4: 116 housing units.*

**Figure 11-5: West Area Master Plan Areas and Affordable Housing Policy Applicability (see next page)**





**FINDING:** Figure 11-5 of the Comprehensive Plan identifies the subject property (Shevlin West) as Master Plan Area 4. The submitted master plan includes 116 lots for single-family housing units, as required by Policy 11-104.

Policy 11-104 requires a mix of housing units for all master plan areas, except Master Plan Area 4, as this area is directed to include only single family housing units. Policy 11-104 explicitly lists the specific mix of housing for each master plan area. Omission of a housing mix for Master Plan Area 4 indicates no housing mix is required. This intent was confirmed by City staff prior to submittal of this application. Further, BDC 4.5.200 (E)(3) above notes: *“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.”* As such, no mix of housing (only single-family housing) is proposed in Master Plan Area 4.

**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:** As discussed previously herein, the proposed Shevlin West community master plan will implement zoning subdistricts specifically intended to implement the transect concept of decreasing density from east to west, through large lots and designated open space along the west side of the subject property adjacent to Shevlin park and forestland further to the west. Policy 11-106 applies broadly to the entire West Area, whereby the mix of housing types and clustering of developments can be achieved through the development of the entire area (Master Plan Areas 1 through 4). In the case of Master Plan Area 4, the Comprehensive Plan requires the construction of single-family homes, with no mix of housing types or clustered developments.

Through application of a transect concept, the City designated a low-density development pattern for the subject master plan area, through a Comprehensive Plan designation (and future zoning) of low density residential (RL) for the entire property. This low-density development pattern is further required through specified density requirements (# of housing units) required in Comprehensive Plan Policy 11-104. These regulations will necessarily result in a large lot development, with significant spacing between each structure.

Fire management was discussed previously, and includes enforcement of landscaping management standards for the subject property through CC&Rs, as well as the existence of significant open space to the west of the subject property and a future large lot subdivision with strict wildfire management strategies to the south.

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

**FINDING:** The applicant met with Bend Metro Park and Recreation District leadership several times to discuss the proposed Master Plan, with a specific focus on open space, trails, and recreation facilities. A 3.51- acre area in the northwest corner of the subject property will be dedicated to BPRD for a neighborhood park. In addition, the applicant and BPRD have coordinated on the siting and design of trails connecting the master plan area to adjacent open spaces and adjacent developments. The master plan includes the park and trail connections and open space areas. BPRD provided a letter (Exhibit D) documenting compliance with this criterion and noting their support of the Shevlin West master plan application.

**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 (Exhibit E). Since there are existing elementary, middle, and high schools immediately adjacent to the site, no additional school sites or facilities are contemplated within Shevlin 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.***

- 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:** This master plan proposal does not include a zone change request, as the zone change to bring the zoning into compliance with the BCP designation will occur through the annexation application. The proposed master plan does not include a proposed amendment to the Bend Comprehensive Plan Map or text. This section is not applicable.

**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 Shevlin West Master Plan will provide the 40 acres of RL zoning and 116 units specified in the BCP for West Master Plan Area 4. 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:** The submitted application is for a major community master plan. A Convenience Commercial (CC) comprehensive plan designation exists to the east of the subject property, near the Shevlin Park Road and Skyline Ranch Road intersection. This future commercial area is greater than a half mile from the furthest proposed lot within the master plan area, but less than one mile, through new street connections to McClain Drive. McClain Drive intersects with Shevlin Park Road, which abuts the nearby designated Convenience Commercial area. Shevlin Park Road is currently developed with vehicular, bicycle and pedestrian access along the west side all the way to the future commercial area at Skyline Ranch Road. Exhibit C highlights the neighborhood's connectivity to a future commercial goods and services area. The applicant requests that the Review Authority find that the provision for access to commercial goods and services is met as the purpose and intent of providing reasonable access to the commercial uses have been met, as is allowed within this standard.

In order to meet needed housing within the City, the City's Comprehensive Plan requires that a specific number of single family housing units be constructed within the subject property, which is designated low density residential (RL). The size of the subject property and the requirement for the development of a specified number of single-family homes necessitates that only single-family housing be constructed in the subject master plan area. The addition of any other use would reduce the land available for single family housing, such that the resulting development would not be in compliance with the code and comprehensive plan (too few lots and/or too small of lots). Further, the Comprehensive Plan designation, and proposed future Zone upon annexation, is residential (RL) and does not include a commercial component. During the 2016 UGB Expansion project, when the City designated the subject property as Master Plan Area 4, no commercial lands were designated within or near the subject property. If the City had identified a need for more commercial in the area of the subject property, more would have been designated during the 2016 process.

In summary, the purpose and intent of this section has been met with the provided access that will allow the proposed master plan to better meet the purpose and direction in the City's Comprehensive Plan for the development of Master Plan Area 4 with single-family homes.

- 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:** The current City of Bend TSP (2016) does not include any designated bike lanes or multi-use paths connecting to or through the subject property. The applicant submitted a Transportation Facilities Report (BP 19-1557-TRFA) to the City, which includes discussion of pedestrian and bicycle facilities surrounding the property, noting that the City mapping has "no

pedestrian connections...proposed through the subject property.” Significant coordination with BPRD occurred during the master plan development for the subject property, to coordinate trail connections to existing trails and park/open space connections. The proposed master plan includes City-standard streets, with 5’ sidewalks on each side of the road, as well as two trail connections from the site (one at the future BPRD park and one along the western edge of the site). Exhibit D is a letter from BPRD noting their coordination on the master plan and their approval of the park and trails as proposed.

- 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 4, 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 4.

- 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:**
  - a. The open space area must be shown on the conceptual site plan and recorded with the final plat or separate instrument.**
  - 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 subject property is 40 acres; in compliance with this requirement, 4 acres (10%) of the property shall be public or private open space. As shown in the submitted master plan, these 4 acres will be a combination of a 3.51-acre public park in the northwest corner and a 0.49-acre tree preservation/open space area in the southwest corner. In coordination with BPRD and through a negotiated developer agreement, the developer plans to construct the park in the northwest corner, followed by its conveyance by dedication to the Park District when the park is completed, prior to the completion of the master plan. The 0.49-acre private tree preservation/open space area in the southwest corner will be located in a separate tract and will

be conveyed to an owners association that will include an open space easement. The conveyance instrument will include provisions for maintenance, etc.

- 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:** The common open space in the southeast corner will be designated as permanent open space tract on the final subdivision plat for the phase within which the space is located. The open space/park in the northwest corner will be dedicated to BPRD for development of a park and open space. Both mechanisms serve as “adequate guarantee” to ensure permanent retention of the common open space, in compliance with this standard.

**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. [Ord. NS-2289, 2017]**

**FINDING:** The applicant requests an approval duration of 15 years as allowed by this section and to coincide with the expected development period and term of the Westside Infrastructure Group Development Agreement approved by the City in file #PZ 18-0696 on October 17, 2018. The WIG Infrastructure Agreement (Ordinance No. NS-2316) went into effect on November 16, 2018 and runs through November 16, 2033.

***The applicant has provided additional findings to address deviations to the applicable standards of BDC Chapter 2.1, 3.1.,3.3.,3.4.,***

**CHAPTER 2.1 – RESIDENTIAL DISTRICTS (UAR, SR 2 ½, RL, RS, RM-10, RH)**

**2.1.100 Purpose, Applicability and Location.**

**A. Purpose.** Residential Districts are intended to promote the livability, stability, safety and improvement of the City of Bend’s neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale which reflects the neighborhood character.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.

**B. Applicability.** This chapter applies to all development in the Urban Area Reserve District (UAR), Residential Suburban Low Density (SR 2 1/2), Low Density Residential District (RL), Standard Density Residential District (RS), Medium-10 Density Residential District (RM-10), Medium Density Residential District (RM), and High Density Residential District (RH). These districts are identified on the City’s official Zoning Map. Properties designated within each district that contain additional standards shall comply with the provisions of the applicable district, except as may be modified by this section. Properties within a designated Historic District shall comply with the provisions of BC Chapter 10.20.

**Table 2.1.100  
Zone District Characteristics**

Zone District	Location and Characteristics
<b>Low Density Residential (RL)</b>	<b>The Low Density Residential District consists of large urban residential lots that are served with a community water system and DEQ permitted community or municipal sewer systems. The residential density range in this district is 1.1 to 4.0 dwelling units per gross acre.</b>

**FINDING:** The subject property is designated RL on the City’s Comprehensive Plan map and will be automatically rezoned to RL through a future annexation process, therefore, the requirements of this zone must be demonstrated to be achievable through the community master plan. The proposed density is 116 units on a total of 40 acres (with 3.51 acres to be dedicated to BPRD for a neighborhood park and another 0.49 acres reserved for open space), resulting in a density of 2.9 units per gross acre, in compliance with these requirements.

**2.1.200 Permitted Land Use.**

**A. Permitted Uses.** The land uses listed in Table 2.1.200 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.1.200, land uses that are incidental and subordinate to a permitted use and land uses that are approved as “similar” to those in Table 2.1.200 may be permitted.

**Table 2.1.200 – Permitted and Conditional Uses**

Land Use	SR 2 1/2	RL	RS	RM- 10	RM	RH	UAR
<b>Residential</b>							
<b>Single-family detached housing</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>N</b>	<b>P</b>
...							
Key to Permitted Uses							

P = Permitted, subject to BDC Chapter 4.1, Development Review and Procedures

N = Not Permitted

C = Conditional Use, subject to permit standards in BDC Chapter 4.4.

**FINDING:** The applicant is proposing single family detached housing in the RL zone, an outright permitted use, in compliance with this standard.

**2.1.300 Building Setbacks.**

**A. Purpose.** Building setbacks provide private outdoor living space, building separation for fire protection/security, building maintenance, and sunlight and air circulation. The building setback standards encourage placement of residences close to the street for public safety and neighborhood security.

**B. Setback Standards.** The setback is measured from the building facade or structure to the property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following pages, apply to both primary and accessory structures. A variance is required in accordance with BDC Chapter 5.1, Variances, to modify any setback standard, unless different setbacks are approved through the master plan process in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives. Where streets with insufficient right-of-way abut the site, special setbacks may apply in conformance with BDC 3.4.200(J), Special Setbacks.

**C. Front Setbacks.**

**1. RL, SR 2 1/2 and UAR Districts.**



- a. A minimum front yard setback of 20 feet is required for buildings or structures, except on corner lots within a platted subdivision, one front yard setback can be 10 feet; provided, that the garage is set back a minimum of 20 feet from the front property line.
- b. Exception.
  - i. An uncovered deck or unenclosed, covered porch with a maximum floor height of 18 inches may be within 10 feet of the front property line.

...

**D. Rear Yard Setbacks.**

- 1. RL, SR 2 1/2 and UAR Districts. The minimum rear yard setback shall be 20 feet for buildings or structures, except in the RL Zone on corner lots within a platted subdivision, the minimum rear yard setback can be 10 feet.

...

**E. Side Yard Setbacks.**

- 1. RL, SR 2 1/2 and UAR Districts. The minimum side yard setback shall be 10 feet.

...

**F. General Setback Exceptions.**

- 1. Where an existing alley is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.
- 2. The following architectural features are allowed to encroach into the required setback yards by no more than two feet provided a minimum setback of three feet is provided from the property boundary: eaves, chimneys, bay windows, overhangs, canopies, porches, and similar architectural features. This is not to be construed as prohibiting open-uncovered porches or stoops not exceeding 18 inches in height and not approaching closer than 18 inches to any side or rear lot line.
- 3. Walls and fences may be placed on property lines, subject to the standards in BDC 3.2.500, Fences and Walls.
- 4. Fences and walls within front yards shall comply with the clear vision standards in BDC 3.1.500.
- 5. Attached Single-Family Townhome Development Standard. Interior side yard setbacks are zero feet. Street corner front yard setbacks shall comply with subsection (C) of this section, except as necessary to comply with the clear vision standards in BDC 3.1.500.

6. Single-family homes in multifamily zoning districts shall apply the setback standards of the RS Zone.
7. The following uses are prohibited within all yard setbacks: satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/use being screened. In no instance shall these uses be allowed within the front yard setbacks.
8. On-site surface water drainage shall be retained on the lot of origin and not trespass onto the public right-of-way or private property including roof drainage.

**G. Residential Compatibility Standards.**

1. **Purpose.** The residential compatibility standards in this section are intended to provide transitional buffers between existing neighborhoods and new lots and new parcels.
2. **Applicability.** The residential compatibility standards apply to new lots and new parcels, unless exempted, that were created by a land division application submitted after September 16, 2015, that are zoned RS and abut existing residential properties zoned RS, RL or SR 2-1/2 which are 20,000 square feet or greater (“protected property”). For purposes of these standards only, the term “abut” also includes new lots and new parcels that are separated from a protected property by a lot or parcel, right-of-way, easement or open space that is less than the required minimum setback width. In such cases, the required minimum setback is measured from the protected property line across the intervening lot or parcel, right-of-way, easement or open space area.

**FINDING:** The subject property is designated RL on the Comprehensive Plan, which will be automatically adopted with the approval of the annexation request. None of the subject property will be zoned RS. Therefore, the Residential Compatibility Standards do not apply.

...

**2.1.400 Building Mass and Scale.**

**A. Applicability. Floor area ratio applies to the following:**

1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;
2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;
3. The perimeter lots of all new single-family residential subdivisions that are less than 6,000 square feet in size and abut a subdivision platted prior to December 1998 where any abutting lot is 6,000 square feet or less.

**FINDINGS:** All proposed lots are larger than 6,000 square feet; as such, these standards do not apply.

...

**2.1.500 Lot Area and Dimensions.**

**Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. Exceptions to these standards may be approved subject to master planned development approval (see BDC Chapter 4.5). For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density.**

**Table 2.1.500**

**Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone**

<b>Residential Use</b>	<b>Zone</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>
<b>Single-Family Detached Housing; Manufactured Homes on Lots; Residential Care Homes and Facilities</b>	<b>RL</b>	<b>Minimum area: 10,000 sq. ft. with approved septic or sewer system</b>	<b>Minimum width: 100 ft. min. average lot width with a min. street frontage of 50 ft. except on approved cul-de-sac lot frontage may be reduced to 30 ft; flag lots and lots served by private lanes are subject to BDC 4.3.700. Minimum lot depth: 100 ft., except in conformance with BDC 4.3.700.</b>

**\* When permitted as part of a master plan subject to BDC Chapter 4.5.**

**FINDING:** The subject property is designated RL and will be zoned RL upon annexation. Therefore, it will be subject to the RL requirements of this section. The applicant submitted a proposed special planned district with this master plan application, as provided for in BDC 4.5.200 (D)(3), proposing a minimum lot area of 8,000 sf and a minimum average lot width of 70 feet. As detailed in the narrative above for BDC 4.5.200, these deviations are requested due to topographical challenges, lot shape, and policy conflicts between the Bend Development Code and the Comprehensive Plan.

**2.1.600 Residential Density.**

**A. Residential Density Standard. The following density standards apply to all new development in all of the Residential Districts, except as specified in subsection (B) of this section. The density standards shown in Table 2.1.600 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Bend Comprehensive Plan.**

- 1. The density standards may be averaged over more than one development phase (i.e., as in a Master Planned Development).**

**Table 2.1.600  
Residential Densities**

<b>Residential Zone</b>	<b>Density Range</b>
<b>Low Density Residential (RL)</b>	<b>1.1 – 4.0 units/gross acre</b>

...

**FINDING:** The subject property is designated Low Density Residential (RL) on the Bend Comprehensive Plan Map and is identified as Master Plan Area 4 in Chapter 11 of the Comprehensive Plan. Upon future annexation after master plan approval, the subject property will be automatically rezoned RL. Per Table 2.1.600, the residential density of the subject property shall be between 1.1 - 4.0 units/gross acre.

The Comprehensive Plan, Chapter 11, includes policies assigned to the subject property addressing density:

*“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.*
- *Master Plan Area 2: 65 housing units, including at least 12 single family attached units.*
- *Master Plan Area 3: 136 housing units, including at least 16 single family attached units and at least 59 multifamily and/or duplex/triplex units.*
- *Master Plan Area 4: 116 housing units.”*

The proposed master plan includes 116 single-family housing units, which equates to 2.9 units per acre with the open space included, or 3.2 units per acre without the open space included, both in compliance with the Comprehensive Plan and Bend Development Code.

**B. Exemptions. The following are exempt from the density standards in subsection (A) of this section:**

- 1. Residential care homes/facilities.**
- 2. Accessory dwelling units (ADUs).**
- 3. Bed and breakfast inns.**
- 4. Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.**
- 5. Buildings that are listed in the Inventory of Historic Sites within the Bend Area Comprehensive Plan Exhibit “A” or buildings designated on the Historic National Landmarks Register.**
- 6. Manufactured home parks within the RS Zone are exempt from the maximum density standards of the zone; provided, that the standards of BDC 3.6.200(G) are met.**
- 7. Replacement, renovation, or expansion of existing dwelling unit(s) in any zone provided the number of dwelling units does not change.**

8. Development on a vacant lot or parcel consistent with an approved land division, except tracts identified for future phases.
9. Residential infill, as defined in BDC Chapter 1.2, is exempt from minimum, but not maximum, density standards.
10. Partitions on properties that are large enough to be divided into four or more lots are exempt from minimum density standards; provided, that the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.

**FINDING:** An exemption from density requirements is not requested, nor does the use qualify for an exemption.

### **C. Density Calculation.**

#### **1. Maximum housing densities are calculated as follows:**

- a. The area subject to maximum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
- b. The area for future streets is included in the area subject to maximum housing density.
- c. Where no new streets will be created, the area of up to 30 feet of the abutting right-of-way width multiplied by the site frontage shall be added to the area subject to maximum housing density.
- d. Sensitive lands, fire breaks, and canals and their associated easements on the site are included in the area subject to maximum housing density.
- e. For purposes of calculating maximum density, fractional units are rounded down to the next whole unit.
- f. As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to maximum housing density is four acres (total site area minus one acre of neighborhood commercial uses, but including the sensitive lands). If the maximum allowable density is 7.3 dwelling units per acre, then a maximum number of 29 units is allowed on the site.

#### **2. Minimum housing densities are calculated as follows:**

- a. The area subject to minimum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit; sensitive lands; firebreaks; and canals and their associated easements.
- b. The area for future streets is included in the area subject to minimum housing density.
- c. For purposes of calculating minimum density, fractional units are rounded up to the next whole unit.

- d. **As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to minimum housing density is three and one-half acres (total site area minus one acre of neighborhood commercial uses, minus a half-acre of sensitive lands). If the minimum density is 4.0 dwelling units per acre, then a minimum number of 14 units is required on the site.**

**FINDING;** The subject property is designated Low Density Residential (RL) on the Bend Comprehensive Plan Map and will be rezoned as such at the time of annexation. Per BDC Table 2.1.600, the RL zone density range is 1.1 to 4.0 dwelling units per gross acre. Further, Chapter 11 of the Comprehensive Plan includes policies assigned to the subject property and addressing density:

*“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 4: 116 housing units.”*

The proposed master plan includes 116 single family housing units, which equates to 2.9 units per acre with the open space included or 3.2 units per acre without the open space included, both in compliance with the minimum and maximum housing density requirements of the Development Code. This standard is met.

- 3. Where a property is within multiple zoning districts, the minimum and maximum number of units is calculated based on the acreage in each Residential Zone that is subject to the density standard as specified above multiplied by the applicable minimum and maximum density standards. Areas with nonresidential zones are excluded from the density calculation.**

**FINDING:** The subject property is not within multiple zoning districts. This requirement is not applicable.

**D. Density Bonus for Affordable Housing. As an incentive to create affordable housing, the maximum densities provided in Table 2.1.600 may be increased when a developer provides “affordable housing” as part of a proposed development in conformance with BDC 3.6.200(C). The density increase is based on the percentage of affordable housing units within the proposed development. Any development that receives the density bonus shall be deemed an “affordable housing development.” The table below provides the corresponding percent of increase. In no case may the density bonus exceed 150 percent of the existing Residential Zone.**

...

**FINDING:** Affordable housing is not included in this proposal nor is it required by the Bend Comprehensive Plan for this subject property. As such, the density bonus allowed through this section will not be utilized.

**2.1.700 Maximum Lot Coverage.**

**A. Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all development within the Residential Districts as follows:

**Table 2.1.700  
Residential Lot Coverage**

<b>Residential Zone</b>	<b>Lot Coverage</b>
<b>Low Density Residential (RL)</b>	<b>35%</b>
<b>Standard Density Residential (RS)</b>	<b>50% for single-story homes 35% for all other uses</b>
<b>Medium-10 Density Residential (RM-10)</b>	<b>50% for single-story homes 35% for all other uses</b>
<b>Medium Density Residential (RM)</b>	<b>40%</b>
<b>High Density Residential (RH)</b>	<b>None</b>

**B. Lot Coverage Defined.** Lot coverage is defined as all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 18 inches above the finished grade, excluding unenclosed covered porches and uncovered decks up to five percent of the total lot area.

**C. Lot Coverage Compliance.** Compliance with other sections of this code may preclude development of the maximum allowed lot coverage for some land uses.

**D. Lot Coverage Exception.** For affordable housing developments where 50 percent or more of the dwelling units are deemed affordable in conformance with BDC 3.6.200(C), the entire development may develop with a 50 percent lot coverage.

**FINDING:** The proposed Shevlin West Special Planned District (Exhibit K) includes the following standard in lieu of the lot coverage standards in BDC 2.1.700:

*Lot Coverage. The maximum lot coverage with the Shevlin West Overlay Zone is 42 percent.*

**2.1.800 Building Height.**

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

**A. Standard.** The following building heights shall be observed unless a greater height is approved through a variance in conformance with BDC Chapter 5.1, Variances, or approved as part of a Master Planned Development in conformance with BDC Chapter 4.5.

- 1. Buildings within the UAR, RL, RS, RM-10 and RM Districts shall be no more than 30 feet in height.**

2. **Buildings within the RM Zone on lots created after December 1998 shall be no more than 35 feet in height.**
3. **Buildings within the RH Districts may be no more than 45 feet in height.**

**B. Exceptions to Maximum Building Height Standard.**

1. **An increase in building height not to exceed 10 feet above the height of the underlying zone may be allowed for multifamily housing when the additional units gained by the height increase are affordable housing units in conformance with BDC 3.6.200(C).**

**C. Method of Measurement. Building height is measured as the average maximum vertical height of a building or structure measured at a minimum of three points from finished grade along each building elevation. Architectural elements that do not add floor area to a building or structure, as indicated above in subsection (B) of this section, are not considered part of the height of a building or structure.**

**FINDINGS:** No deviations are requested for building height. These standards will be met.

**CHAPTER 3.1 LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION**

**3.1.200 Lot, Parcel and Block Design.**

- A. Purpose. The purpose of this section is to create orderly development as the City grows and redevelops. The size, width, topography and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated.**
- B. Applicability. New development shall be consistent with the provisions of this chapter and other applicable sections of this code.**
- C. General Requirements for Lots and Parcels.**
  1. **Depth and width of new lots or parcels shall meet the minimum standards specified for the zoning district. Where no minimum standards are specified, the depth and width shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.**

**FINDING:** This application does not include land division; no new lots are proposed at this time. However, the proposed master plan indicates the future intent to subdivide the subject property and the proposed master plan demonstrates the ability of the application to comply with the lot depth requirements. BDC Table 2.1.500 requires minimum lot depth of 100 feet for the RL zone. All draft lots shown in the proposed master plan meet this requirement and are 100 feet deep or greater, in compliance with this requirement.

2. **On steep slopes, increased lot or parcel sizes may be required to avoid excessive cuts, fills and steep driveways.**



- 3. On tracts containing watercourses or rock outcroppings, increased lot or parcel sizes may be required to allow adequate room for development and protection of the topographic or natural feature.**

**FINDING:** This application does not include land division; no new lots are proposed at this time. However, the proposed master plan indicates the future intent to subdivide the subject property. While the site does not include watercourses or any rock outcroppings that have been identified as Areas of Significant Importance (ASI), the subject property does contain several areas of steep slopes and rock outcroppings, necessitating increased sizes of some lots to avoid preserve these features and avoid excessive cuts, fills and steep driveways. The necessity of some larger lots, combined with the Comprehensive Plan requirements for specific densities (through housing unit requirements), results in some lots necessarily smaller than the minimum lot size for the RL zone. These are included in a special plan district (Exhibit K) and are detailed and supported in the narrative above for BDC 4.5.200.

- 4. Each lot or parcel shall abut upon a street other than an alley for the minimum width required for lots or parcels in the zone, except:**
  - a. For lots or parcels fronting on the bulb of a cul-de-sac, the minimum frontage shall be 30 feet;**
  - b. For approved flag lots or parcels, the minimum frontage shall be 20 feet;**
  - c. For lots or parcels in zero lot line developments, the minimum frontage shall be 20 feet; and**
  - d. In zones where a minimum frontage width is not specified, the minimum frontage requirement shall be 50 feet.**

**FINDINGS:** This application does not include any land division; no new lots are proposed or created. However, the proposed master plan indicates the future intent to subdivide the subject property. Only one flag lot is proposed (lot 59) in the master plan, and a minimum of 20 feet abuts the street, in compliance with this requirement. The flag lot is proposed due to topography, in order to create a lot that better preserves the unique natural features and topography of the site, and to provide a driveway location that has reasonable slopes for construction, access and long-term maintenance. All other lots are proposed with a minimum of 50 feet of frontage along a public street or 30 feet frontage along a public street cul-de-sac, in compliance with these requirements.

- 5. All side lot or parcel lines shall be at right angles to the street lines or radial to curved streets for at least one-half the lot or parcel depth wherever practical.**

**FINDING:** This application does not include any land division; no new lots are proposed or created, therefore, the proposal does not change the location or orientation of any side lot or parcel lines. However, the proposed master plan lays out approximate lot lines, which do meet street lines at right angles where practical.

- 6. Corner lots or parcels shall be at least five feet more in width than the minimum lot width required in the zone.**

**FINDING:** This application does not include any land division. However, the proposed master plan lays out approximate lot lines for future land division. The applicant has included with this application a proposed special planned district, which includes a few deviations from Title 3, including minimum average lot width. The proposed minimum average lot width is 70 feet. All proposed corner lots in the master plan are shown at least five feet wider than this proposed minimum average lot width.

- 7. All permanent utility service to lots or parcels shall be provided from underground facilities. The developer shall be responsible for complying with requirements of this section, and shall:**
  - a. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with rules and regulations of the Public Utility Commission of the State of Oregon.**
  - b. All underground utilities and public facilities installed in streets shall be constructed prior to the surfacing of such streets.**

**FINDING:** The applicant has not proposed any deviations from the undergrounding requirements of this section. As such, the applicant will necessarily be subject to the regulations then in effect at the time of subdivision review for each phase of the project.

**D. Street Connectivity and Formation of Blocks. To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:**

- 1. New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Bend Urban Area Transportation System Plan and any applicable Special Area Plan, Refinement Plan, Master Neighborhood Development Plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:**

**FINDING:** The 2016 TSP does not identify any new arterials, connectors or other local streets on the subject property, nor is the subject property included in any applicable special area plans, refinement plans, master neighborhood development plans or other adopted or approved development plans. The proposed master plan does extend all existing local streets abutting the property line, in their proper projection, to create continuous streets into the proposed master plan area. The streets proposed to be extended and constructed to City local street standards include Mt Hood Drive, Jesse Place and McClain Drive.

- 2. Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets.**

- a. Six hundred sixty feet block length and 2,000 feet block perimeter in all Residential Zones;
- b. Four hundred feet block length and 1,500 feet block perimeter in the Central Business District, Convenience Commercial, Mixed-Use Riverfront and Professional Office Districts;
- c. Six hundred sixty feet block length and 2,640 feet block perimeter for all other Commercial, Industrial and Mixed Employment Districts;
- d. An exception may be granted to the maximum block length and/or block perimeter by the Review Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards.

**FINDING:** All lots and blocks can meet the requirements of this section for residential zones, with the exception of the southernmost roadway section, between the intersection of Mt. Hood Drive/“Road C” in the southeast corner and “Road C”/Jesse Place. This longer block length is the result of topography and natural features, development patterns and specific input from BPRD on trail locations. Included with this application is a proposed special planned district (Exhibit K), which proposes a deviation for the block length for “Road C”, as provided for in BDC 4.5.200 for a major master plan.

**3. New street connections to arterials and collectors shall be governed by BDC 3.1.400, Vehicular Access Management.**

**FINDING:** The proposed master plan area does not connect to any arterials or collectors, but rather, to local streets. This section does not apply.

**4. Except as otherwise provided in an approved Master Planned Development, private streets, where allowed by this code, shall be constructed to public standards and shall contain a public access easement along the length and width of the private facility if required to satisfy the block length and perimeter standards.**

**FINDING:** No private streets are proposed as part of this master plan. All streets are proposed to be public, constructed to City standards for dedication to the City.

**E. New Lot and Parcel Access. In order to protect the operations and safety of arterial and collector roadways, access management is required during lot and parcel development. New lots and parcels created through land division that have frontage onto an arterial or collector street shall provide alternative options for access as indicated below:**

- 1. Residential lots or parcels not intended for multifamily housing shall provide alley access to the individual lots fronting onto the arterial or collector.**
  - a. Exception to Residential Alleys. The Review Authority may determine that an alley is impractical due to physical or topographical constraints. In this situation, double frontage lots may be permitted.**

**FINDING:** This application does not include any residential lots that have frontage onto an arterial or collector street.

- 2. Nonresidential and multifamily housing lots or parcels shall provide other access alternatives to the individual lots that abut the arterial or collector street.**
  - a. Double frontage lots or parcels of adequate depth to accommodate the future use may be permitted. The creation of double frontage lots does not relieve the property owner from their responsibilities to construct and maintain the sidewalk and park strip on the no access side.**
  - b. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification.**

**FINDING:** All proposed lots are for single-family residential dwelling units; no nonresidential or multifamily housing lots are proposed. This section does not apply.

- 3. The land division shall also provide for local street grid connections to the arterial and collector street in accordance with the block length and perimeter standards of this section.**

**FINDING:** No land division is proposed with this application; however, the master plan provides a draft for a future tentative plan. The details of the block sizing are addressed above. All blocks are designed to meet the City's block sizing requirements, with the exception of the southern loop of "Road C", for which a deviation is proposed due to topography/natural features, development patterns, and a BPRD request.

### **3.1.300 Multi-Modal Access and Circulation.**

- A. Purpose. The purpose of this section is to ensure safe, accessible, direct and convenient multi-modal circulation by developing an on-street and off-street system of access corridors and public sidewalks throughout the City.**
- B. On-Site Pedestrian Facilities. For all developments except single-family and duplex dwellings on their own lot or parcel, pedestrian access and connectivity shall meet the following standards:**
  - 1. Pedestrian ways shall:**
    - a. Connect all building entrances within the development to one another.**

- b. **Connect all parking areas, storage areas, recreational facilities, common areas (as applicable), and adjacent development to the building’s entrances and exits.**
- c. **Extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible as described in subsection (C) of this section, Off-Site Multi-Modal Facilities.**
- d. **Connect or stub to adjacent streets and private property, in intervals no greater than the block perimeter standards.**

**FINDING:** The proposed development is entirely for single-family residences; therefore, these requirements do not apply. However, connections to several adjacent streets (Jesse Place, Mt. Hood Drive, and McClain Drive) are proposed in the submitted master plan.

- e. **Provide pedestrian facilities within developments that are safe, accessible, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following:**
  - i. **Convenient and Direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
  - ii. **Safe.** Bicycling and pedestrian routes that are free from hazards and safely designed by ensuring no hidden corners, sight-obscuring fences, dense vegetation or other unsafe conditions.
  - iii. **Accessible.** All pedestrian access routes shall comply with all applicable accessibility requirements.
  - iv. **Primary Entrance Connection.** A pedestrian access route shall be constructed to connect the primary entrance of each building to the adjacent streets. For commercial, industrial, mixed-use, public, and institutional building entrances, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, connections shall be provided to each employee entrance. For multifamily and triplex dwellings, the “primary entrance” is the front door (i.e., oriented toward the street). For buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling and be accessible.

**FINDING:** The proposed master plan includes sidewalks on both sides of every street, for safe, accessible and reasonably direct connections through the neighborhood. This master plan is for a single-family subdivision and does not include commercial, industrial or multi-family uses, so pedestrian access routes to primary building entrances do not apply.

**2. On-Site Pedestrian Facility Development Standards. On-site pedestrian facilities shall meet the following standards:**

- a. **On-site pedestrian walkways shall have a minimum width of five feet.**

**FINDING:** All proposed pedestrian walkways within the master plan area are proposed to be five feet or greater.

- b. **Pedestrian walkways shall be lighted in conformance with BDC 3.5.200, Outdoor Lighting Standards.**
- c. **Switchback paths shall be required where necessary to meet the City's adopted accessibility requirements and City of Bend Standards and Specifications. Accessible alternate routes such as ramps and/or lifts shall be provided when required.**

**FINDING:** The applicant has not proposed any deviations from the City lighting requirements. As such, the applicant will necessarily be subject to the regulations then in effect at the time of subdivision review for each phase of the project. No switchback paths are required or proposed in the subject master plan area.

- d. **The City may require landscaping adjacent to a pedestrian walkway for screening and the privacy of adjoining properties. The specific landscaping requirements shall balance the neighbors' privacy with the public safety need for surveillance of users of the public walkway. Tall, sight-obscuring fences or dense landscaping thick enough to conceal hazards are prohibited.**

**FINDING:** The master plan proposal is for a single-family residential subdivision (community master plan). Every lot will necessarily include open space and/or landscaping between the sidewalks and/or paths and houses to accommodate required setbacks. No additional screening landscaping is proposed or necessary.

- e. **Vehicle/Walkway Separation. Where walkways are parallel and abut a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum landscaped strip. Special designs may be permitted if this five-foot separation cannot be achieved.**
- f. **Housing/Walkway Separation. Pedestrian walkways shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the walkway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. No walkway/building separation is required for commercial, industrial, public, or institutional uses.**

**FINDING:** The applicant has not proposed any deviations from these requirements. All the proposed street sections include a curb and raised sidewalk, in compliance with this standard (see submitted plans). While still raised and curbed, the proposed master plan includes two areas where the sidewalks are proposed to be curb tight (rather than property tight), due to steep slopes. Both designs comply with the requirements of this section.

- g. Walkway Surface. Walkway surfaces shall be concrete and conform to accessibility requirements. Asphalt, brick/masonry pavers, or other durable surface that makes a smooth surface texture, and conforms to accessibility requirements, may be allowed as determined by the City. Multi-use paths and trails (i.e., for bicycles and pedestrians) shall be the same materials. (See also BDC 3.4.200, Transportation Improvement Standards.)**

**FINDING:** The applicant proposes concrete sidewalks throughout the master plan area. The multi-use paths within the two proposed pedestrian access easements (one on north side, one on west side) are proposed to be asphalt, to provide a durable smooth surface.

- 4. Developments subject to development review shall construct sidewalks within and abutting the subject property along public and private streets.**

**FINDING:** The applicant proposes construction of sidewalks, per City requirements, on both sides of every proposed street in the future Shevlin West subdivision, in compliance with this requirement.

### **C. Off-Site Multi-Modal Facilities.**

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

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

**FINDING:** The “Urban Area Bicycle and Pedestrian System”, shown on 2016 TSP Figure 9.5, does not identify any primary or connector multi-use paths on the subject property. However, the plan does include a mid-block multi-use path connection along its western edge, between proposed Lots 55 and 56. This proposed trail provides a mid-block connection to a natural trail in the open space to the immediate west of the subject property, which continues to the east to connect into the Bull Springs Trail and Shevlin Park. This mid-block connection was originally proposed further south, in order to meet the lot and block spacing requirements. However, its location was shifted to its currently proposed location in response to a specific request from BPRD. The details of this request are discussed above in the response to BDC 3.1.200(D)(2).

- b. Connector multi-use paths may be required for pedestrians and bicycles at or near mid-block where the block length exceeds the maximum length required by BDC 3.1.200, Lot, Parcel and Block Design. Connector multi-use paths may also be required where cul-de-sacs or dead-end streets are permitted, to connect to other streets, and/or to other developments.**

**FINDING:** The proposed master plan includes a mid-block multi-use path between Lots 55 and 56, providing a mid-block connection for a block that exceeds maximum block length, as allowed by this criterion. Multi-use path connections are not feasible at the end of the proposed cul-de-sacs, as both proposed cul-de-sacs are bounded by steep terrain.

- c. Primary and Connector Multi-Use Path Dedication and Construction. Primary and Connector multi-use path alignments shall be dedicated and constructed in accordance with the City’s Design Standards and Construction Specifications.**

**FINDING:** The proposed multi-use path will be dedicated and constructed in accordance with the City’s Design Standards and Construction Specifications. Detailed construction plans will be developed for the future tentative plan submittal.

**3.1.400 Vehicular Access Management.**

**A. Purpose. The purpose of this section is to present standards and procedures for evaluating and managing vehicular access and circulation during development review to maintain adequate safety and operational performance standards and to preserve the functional classification of roadways as required by the City’s Transportation System Plan (TSP) and this code by:**

- **Providing reasonable access to individual properties via adequately spaced local streets and alleys;**
- **Providing a multi-modal transportation system;**
- **Protecting the rights of individuals to reasonable access to private property; and**
- **Ensuring safe and efficient travel for all.**

**B. Applicability. This section shall apply to vehicular access for all properties that abut public and private streets.**

**C. Approval of Access Required. Proposals for new access shall comply with the following procedures:**

- 1. Permission to access City streets shall be subject to review and approval by the City based on the standards contained in this chapter and the provisions of BDC Chapter 3.4, Public Improvement Standards. Access will be evaluated and determined as a component of the development review process.**

**FINDING:** No new access is proposed for the master plan area. Therefore, no permission to access City streets is required for the master plan. Extensions of existing streets (McClain, Jesse, and Mt. Hood) is proposed, however, and will be designed and constructed to City standards. Access to the new streets from individual lots in the future subdivision will be reviewed during building permit processes.



**D. Traffic Study Requirements. A transportation impact analysis (TIA) may be required under BDC Chapter 4.7, Transportation Analysis, for certain types and intensities of development proposals and to determine access restrictions of driveways onto arterial and collector roadways.**

**FINDING:** The proposed master plan does not propose to access any arterial or collector roadways. Further, the Westside Infrastructure Group Development Agreement (WIG DA) approved under City file PZ 18-0696 (Ordinance No. NS-2316, effective November 16, 2018) includes a transportation impact analysis and findings demonstrating compliance with BDC Chapter 4.7. The City Engineer reviewed the TIA in a Transportation Analysis Memo dated August 3, 2018. City findings in support of PZ 18-0696 and the resulting improvements specified in the WIG DA demonstrate compliance with BDC Chapter 4.7. In particular, Section 5.2 of the WIG DA notes:

*“5.2 Transportation. This Agreement is intended to serve as the Transportation Mitigation Plan under BDC Section 4.7.600D.1 for the future individual master plan applications that will be submitted by the respective Parties. The analysis from which these mitigation measures were derived followed the methodology required to ensure consistency with the Transportation Planning Rule for transportation facilities under the City's jurisdiction, which will allow the Properties to be rezoned to be consistent with the comprehensive plan designations upon future annexation with future transportation analyses. The Parties may rely on this Agreement for the purposes of master plan approval, and the City is bound to accept this Agreement and the evidentiary support referenced by exhibits as demonstrating compliance with the referenced code sections.”*

**E. Conditions of Approval. To ensure the safe and efficient operation of the street and highway system, the City may require the closing, consolidation, or relocation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways and cross access routes), development of frontage or backage streets, installation of traffic control devices, and/or other mitigation measures that comply with this code, the City's Standards and Specifications, and are approved by the City.**

**FINDING:** The applicant does not anticipate conditions being necessary at the master plan stage for conditions of approval imposing any of the above standards.

**F. Access Management Requirements. Access to the street system shall meet the following standards:**

- 1. Except as authorized under subsection (F)(4) of this section, lots and parcels in all zones and all uses shall have one access point. Single-family dwellings on corner lots at the intersection of two local streets may have one access point per frontage.**
- 2. If a lot or parcel has frontage on two or more streets of different street classifications, the property shall access the street with the lowest classification.**
- 3. For lots or parcels abutting an alley, access may be required to be taken from the alley. Outside of the Downtown Wall Street/Bond Street couplet, the City may determine that an alley is not an adequate roadway for primary access if both of the following criteria are met:**

- a. The alley does not provide adequate or sufficient access to the proposed development; and
  - b. Access to the higher classification roadway will be safe.
4. **Additional Access Points.** An additional access point may be allowed when it is demonstrated that the additional access improves on-site circulation, and does not adversely impact the operations of the transportation system. If the second access point is only available to an arterial or collector roadway, the City may require one or more of these conditions of approval:
- a. Locating the access the maximum distance achievable from an intersection or from the closest driveway(s) on the same side of the street;
  - b. Installation of turn restrictions limiting access to right-in and right-out when the new access would be located within 200 feet of an existing or planned traffic signal or roundabout and no left turn lane exists to accommodate left turn storage on the arterial or collector;
  - c. Establishing a shared access with an adjoining property when possible; and/or
  - d. Establishing a cross access easement with an adjoining property when possible.
5. **Access Spacing Requirements.** The maximum distance achievable between two driveways or a driveway and an intersection shall be provided. Access spacing shall accommodate City of Bend Standards and Specifications for curb reveal between driveway apron wings.

**FINDING:** No driveways are proposed as part of this master plan application. Driveway locations for individual lots will be proposed and reviewed during the building permit process. Due to the large lot sizing, the applicant is not requesting any deviations from this access spacing requirement and the maximum distance achievable between two driveways or a driveway and an intersection will be provided during future development.

6. **Access Operations Requirements.** Backing from an access onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or for any use when backing into an alley if adequate backing distance is provided. The design of driveways and on-site maneuvering and loading areas shall include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

**FINDING:** Only single-family dwellings and local streets are proposed, which, when combined, are explicitly excluded from this requirement.

7. **Driveways shall be designed and located to provide a vehicle in the driveway with an unobstructed view of the roadway for a sufficient distance as required by City Standards and Specifications or the American Association of State Highway and Transportation Officials (AASHTO) policy on intersection sight distance requirements as determined by the City.**

**FINDING:** No deviations are proposed for this requirement, which will be imposed at the time of building permit review. The proposed local streets are as straight as feasible and all proposed lots are large in size, providing ample opportunity for driveway designs and locations to provide unobstructed views to meet AASHTP intersection sight distance requirements.

**8. Driveway widths, designs, and materials shall comply with City of Bend Standards and Specifications.**

**FINDING:** No deviations are proposed for these requirements, which will be imposed at the time of building permit review. The proposed lots are large in size, providing ample opportunity for driveway designs to comply with City standards and specifications.

**G. Shared Access. For traffic safety and access management purposes, the number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City may require shared driveways as a condition of development approval in accordance with the following standards:**

- 1. Shared Driveways and Frontage Streets. Shared driveways and frontage streets are encouraged, and may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable land to indicate future extension. For the purpose of this code, stub means that a driveway or street temporarily ends at the property line, and shall be extended in the future as the adjacent property develops, and developable means that a property is either vacant or it is likely to redevelop.**

**FINDING:** Specific driveway locations will be determined during the building permit process. No private streets are proposed within the master plan area. The master plan area does not include nor abut any arterial or collector streets. Shared access driveways may be desired for some lots, however frontage streets are not relevant nor feasible within this master plan area. All driveway locations will be reviewed by the City during the future building permit processes.

- 2. Access Easements. Access easements for the benefit of affected properties shall be recorded for all shared driveways, including walkways, at the time of final plat approval or as a condition of development approval.**

**FINDING:** No driveways are proposed at this time. If shared driveways are proposed in the future, associated access easements will also be proposed at that time.

- 3. Cross Access. Cross access is encouraged, and may be required between contiguous sites in the Public Facilities, Mixed-Use, Commercial and Industrial Zones and for multifamily housing developments in the Residential Zones in order to provide for direct circulation between sites and uses for pedestrians, bicyclists and drivers and to enable compliance with the collector and arterial access management requirements of this chapter.**

**FINDING:** The subject property is designated Low Density Residential (RL) and does not include multifamily housing. This requirement does not apply.

**H. Driveway Widths.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). When obtaining access to off-street parking areas backing onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. **Single-family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads; however, the driveway opening or connection to the street shall not be wider than 24 feet.**
2. **Multifamily developments shall have a minimum driveway opening width of 20 feet, and a maximum width of 30 feet. The dimension may exceed 30 feet if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.**
3. **Other Uses.** Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 35 feet.
4. **Driveway Aprons.** Driveway aprons shall be installed between the street and the private drive. Driveway apron design and location shall conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways.

**FINDING:** Specific driveway locations and designs will be determined during the building permit process. No private streets are proposed within the master plan area. The master plan area does not include nor abut any arterial or collector streets. Shared access driveways may be desired for some lots, however frontage streets are not relevant or feasible within this master plan area. All driveway locations will be reviewed by the City during the future building permit processes.

**I. Fire Access and Parking Area Turn-around.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive as measured around the building. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner (except for single-family dwellings and alleys that provide adequate backing width).

**FINDING:** The applicant has not proposed any deviations from this requirement. As such, the applicant will be subject to the regulations in effect at the time of tentative plan review. The

proposed master plan includes only single-family lots. Therefore, parking areas and turnaround areas for service and delivery vehicles are not necessary.

**J. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet six inches for their entire length and width.**

**FINDING:** The applicant has not proposed any deviations from this requirement. As such, the applicant will be subject to the regulations in effect at the time of tentative plan review. As a single-family development, there are no necessary aisles or turn-arounds. The development does not include any private streets.

**K. Barricades. Except as otherwise provided in an approved Master Planned Development, gates, barricades or other devices intended to prevent vehicular and/or pedestrian access shall not be installed across any approved driveway or private street that provides access to multiple properties except when required by the City to restrict vehicle access to an arterial or collector street.**

**RESPONSE:** No barricades are proposed in this master planned development, in compliance with this requirement.

**L. Construction. The following development and maintenance standards shall apply to all driveways and private streets. The City of Bend Standards and Specifications document shall prevail in the case of conflicting rules related to the design and construction of public infrastructure.**

- 1. Surface Options. Driveways, required parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing or a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality. Gravel is not allowed.**
- 2. Surface Water Management. When an impervious surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to prevent the flow of stormwater onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City specifications. Durable nonpaving materials (e.g., grass-crete, eco-stone) are encouraged to facilitate on-site infiltration of stormwater.**

**FINDING:** The applicant has not proposed any deviations from this requirement. As such, the applicant will be subject to the regulations in effect at the time of tentative plan review.

### **3.1.500 Clear Vision Areas.**

**A. Purpose. Clear vision areas are established to ensure that obstructions do not infringe on the sight lines needed by motorists, pedestrians, bicyclists and others approaching potential conflict points at intersections.**

**B. Applicability.** In all zones, clear vision areas as described below and illustrated in Figures 3.1.500.A and 3.1.500.B shall be established at the intersection of two streets, an alley and a street, a driveway and a street or a street and a railroad right-of-way in order to provide adequate vision of conflicting traffic movements as well as street signs. These standards are applicable to public and private streets, alleys and mid-block lanes, and driveways.

**C. Standards.** The clear vision areas extend across the corner of private property from one street to another. The two legs of the clear vision triangle defining the private property portion of the triangle are each measured 20 feet back from the point of intersection of the two corner lot lines, special setback line or access easement line (where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection). Additional clear vision area may be required at intersections, particularly those intersections with acute angles, as directed by the City Engineer, upon finding that additional sight distance is required (i.e., due to roadway alignment, etc.).

There shall be no fence, wall, vehicular parking, landscaping, building, structure, or any other obstruction to vision other than a street sign post, pole (e.g., power, signal, or luminaire pole) or tree trunk (clear of branches or foliage) within the clear vision area between the height of two feet and eight feet above the level of the curb. In cut sections, embankments shall be graded to comply with these requirements.

**FINDING:** The applicant has not proposed any deviations from this requirement. As such, the applicant will be subject to the regulations in effect at the time of tentative plan review.

**D. Exceptions.**

1. In all zones, at the intersection of an alley and a street or a driveway and a street, the minimum length of the two legs of the clear vision triangle defining the private property portion shall be 10 feet.

**FINDING:** The applicant has not proposed any deviations from this requirement. As such, the applicant will be subject to the regulations in effect at the time of tentative plan review.

**CHAPTER 3.3, VEHICLE PARKING, LOADING AND BICYCLE PARKING**

**3.3.300 Vehicle Parking Standards for On-Site Requirements.**

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in this section.

**A. Off-Street Parking Requirements.** The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). In applying the exceptions and reductions listed in subsections

(B), (C), and (D) of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces shall be rounded down to the nearest whole number.

**Table 3.3.300  
Required Off-Street Vehicle Parking Spaces**

Use	Minimum Requirement
<b>Residential</b> ...	
<b>Single-family, attached or detached, including a manufactured home on individual lot.</b>	<b>2 parking spaces per dwelling unit</b>

**FINDING:** The applicant is not proposing any deviations from the off-street parking standards for the master plan area. These requirements will be reviewed by the City during the tentative plan and building permit processes. The proposed master plan includes large residential lots, with ample opportunity to comply with the minimum off-street parking requirements for every lot.  
...

**CHAPTER 3.4, PUBLIC IMPROVEMENT STANDARDS**

**3.4.200 Transportation Improvement Standards.**

**A. Development Requirements. No development shall occur unless the development has frontage or approved access to a public or private street, in conformance with the provisions of BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, and the following standards are met:**

- 1. Streets within or adjacent to a development shall be improved in accordance with the Bend Urban Area Transportation System Plan (TSP), provisions of this chapter and other pertinent sections of this code.**

**FINDING:** All the proposed lots have frontage on, or access to, a proposed public street. The 2016 TSP does not identify any new arterials, connectors or other local streets on the subject property. The proposed master plan includes extension of all existing streets abutting the subject property, include Mt. Hood Drive, Jesse Place, and McClain Drive, in compliance with City standards. McClain Drive from the eastern property line to Shevlin Park Road is being improved to City standards through an adjacent development by a separate applicant (NW Bend McClain Holdings, LLC). NW Bend McClain Holdings, LLC abuts the majority of this section of McClain Drive.

- 2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public street right-of-way and private street easements shall be dedicated to the City, Deschutes County or the Oregon Department of Transportation.**

**FINDING:** The proposed streets were designed in accordance with BDC 3.4. Public street right-of-way will be dedicated to the City, as required by code. The applicant has not proposed any deviations from this right-of-way and easement requirement. As such, the applicant will necessarily be subject to the regulations then in effect at the time of subdivision review for each phase of the project.

**C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a public right-of-way by acceptance of a deed, where no plat will be recorded; and provided, that the street is deemed essential for the purpose of implementing the Bend Urban Area Transportation System Plan, and the deeded right-of-way conforms to this code. All deeds of dedication shall be in a form prescribed by the City and shall name “the public” as grantee.**

**FINDING:** All streets within the master plan area are proposed to be public streets built to City standards, and will be dedicated to the public through the recording of the final plat.

**E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the City of Bend Standards and Specifications document, the provisions of this chapter and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.**

- 1. Street grades shall be designed and/or constructed as approved by the City Engineer in accordance with the design standards in Tables A through E in this section.**

**FINDING:** Streets within the Shevlin West subdivision are proposed to be public local streets, which are required to comply with Table D of this section. All proposed streets meet the standards of this table, including width, planter strips, sidewalks, curbs and grades. The proposed right-of-way is 60 feet, with pavement widths of 32 feet (except McClain Drive, which is proposed to be 28 feet of pavement to match the roadway to the south), and grades do not exceed 10 percent. The applicant will necessarily be subject to the regulations in effect at the time of subdivision review for each phase of the project.

**F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths defined in Street Improvement Standards Tables A through E. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts.**

...



**Table A: Improvement Standards for Dedicated Public Roadways in Residential Zones  
(UAR, RL, RS, RM-10, RM and RH)**

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Max. Grade (3)	Sidewalks Both Sides	Bike Lanes	Curbs
Local Street (1) UAR, RL, RS, RM-10	60'	24'/28'/32'	5'	10%	5'	No	Yes
Cul-de-Sac All Residential Zones	60'	24'	5'	10%	5'	No	Yes

Requirements:

1. Local Streets:
  - a. 24-foot-wide street – No parking allowed on either side of the street.
  - b. 28-foot-wide street – Parking allowed on one side.
  - c. 32-foot-wide street – Parking allowed both sides in UAR, RL, RS, and RM-10 Zones.
  - d. 36-foot-wide street – Parking allowed both sides in RM and RH Zones.
  - e. Special street widths (see subsection (J) of this section).

...

**FINDING:** All proposed streets in the master plan area are local streets and are shown on the plans with 60-foot rights-of-way, in compliance with this requirement. All streets include curbs, 5-foot planter strips and 5-foot sidewalks. All of the streets are proposed to be constructed with 32 feet of pavement, except McClain Drive, which is proposed to be 28 feet of pavement, to match the roadway cross-section to the south within County jurisdiction.

...

- L. Sidewalks, Planter Strips, Curbs, Bicycle Lanes. Sidewalks, planter strips, curbs and bicycle lanes must be installed in conformance with the applicable provisions of the Bend Urban Area Transportation System Plan, the Bend Comprehensive Plan, City of Bend Standards and Specifications and the following standards:**
1. The planter strip distance is measured from the face of the curb to the inside edge of the sidewalk.
  2. Sidewalks must be separated from the street by a planter strip and placed at the property line, where practicable, or as otherwise directed by the City Engineer.
  3. In areas with high pedestrian volumes, the City Engineer may approve a minimum 10-foot-wide sidewalk, curb tight, with street trees in tree wells and/or landscape planters.
  4. Bicycle lanes must be constructed on all collector and arterial streets unless otherwise designated.
  5. Planter strips are not required on T-courts.
  6. Where practical, sidewalks must be allowed to meander around existing trees in conformance with the requirements of the Americans with Disabilities Act.
  7. All public and private streets must have sidewalks and curbs.

**FINDING:** All streets in the master plan area are proposed to be local streets. Curbs, 5-foot sidewalks and 8-foot planter strips are proposed on both sides of every street. As noted previously, the sidewalks are generally property tight. In a few areas, the sidewalks are proposed to be curb tight, along Road “B” and Road “C”, as well as along the future park frontage, in response to a request from BPRD. No other meandering of sidewalks is proposed. Pedestrian traffic is anticipated to be local; high pedestrian traffic is not anticipated. Along the proposed future BPRD park, 8-foot sidewalks are proposed, to support loading and unloading of vehicles in this area.

**M. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80 degrees.**

**FINDING:** The submitted plans show that all the proposed streets are laid out to intersect at right angles, in compliance with this requirement.

**N. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a property are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with Tables A through E in this section.**

**FINDING:** The subject property does not include any existing rights-of-way. All proposed rights-of-way are designed to meet City standards; street rights-of-way are proposed to be 60 feet and will be dedicated to the City at the time of final plat.

**O. Cul-de-Sacs. A cul-de-sac street shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.**

- 1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a curb radius of no less than 45 feet. Turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus access road of 20 feet in width.**

**FINDING:** The proposed master plan includes two cul-de-sacs, which terminate with a circular turnaround with a 48-foot radius. Both cul-de-sacs are necessary due to significant topography in each area. Topographical constraints beyond each cul-de-sac are such that construction of a roadway is not feasible.

**P. Grades and Curves. Grades shall not exceed those shown in Tables A through E in this section, unless approved through a waiver in accordance with BDC 3.4.150.**

- 1. Centerline curve radii and vertical curves shall conform to the American Association of State Highway and Transportation Officials (AASHTO) design criteria.**

2. At the intersections of arterial and/or collector streets, the approach grade shall average no more than +/- four percent for 250 feet from the edge of the intersecting roadway at full improvement. Local streets intersecting arterials or collectors shall provide a minimum of 50 feet of approach grade at no more than an average of +/- four percent.
3. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the City Engineer.
4. Lesser grades may be required at intersections as per City specifications. Grades in excess of 10 percent are subject to Fire Department approval.

**FINDING:** All streets are proposed to be local streets, conforming to City specifications. No proposed street grades exceed 10 percent. Detailed construction plans will be developed through the future tentative plan process.

**Q. Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, City of Bend Standards and Specifications and the following standards:

1. Curb exposure shall be per City Standards and Specifications.
2. All public and private streets shall have curbs, except there shall be no curbs on alleys unless otherwise approved by the City Engineer.
3. Curb extensions at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24 feet. Curb extensions shall not be used on streets with bike lanes.

**FINDING:** All the proposed streets include concrete curbs, designed to City Standards and Specifications. No alleys are proposed. No curb extensions are proposed. Curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches will be designed during the tentative plan process and subsequent construction plans. The applicant has not proposed any deviations from City standards for these elements.

### **3.4.300 Public Use Areas.**

**Public open space and parks contribute to the livability of a growing community. They provide space for outdoor recreation and habitat for urban wildlife. These urban spaces are maintained and managed by the Bend Metro Park and Recreation District (BMPRD). Future public use areas are evaluated through the City's land use application process.**

**A. Neighborhood Parks.** The following standards will be used to evaluate a proposed development to determine if the property includes an area that is suitable for a neighborhood park. Upon meeting these standards, the developer shall enter into negotiations with the Bend Metro Park and Recreation District regarding district purchase of land within the property proposed for development for construction of a neighborhood park.

1. The subject property is located within a service area identified on the Neighborhood Parks Plan Map adopted by the Bend Metro Park and Recreation District as needing neighborhood parks.
2. The property proposed for development is 10 acres or larger in area.
3. The Bend Metro Park and Recreation District has indicated that the subject property contains a sufficient area that is suitable for neighborhood park development based on the Bend Metro Park and Recreation District Neighborhood Park Classification and Development Standards.

**FINDING:** A future neighborhood park is proposed in the northwest corner of the 40-acre master plan area. The applicant met with Bend Park and Recreation District leadership several times to discuss the proposed Master Plan, with a specific focus on open space, trails, and recreation facilities. An approximate 3.51-acre area in the northwest corner of the subject property will be dedicated to BPRD for a neighborhood park. In addition, the applicant and BPRD have coordinated on the siting and design of trails connecting the master plan area to adjacent open spaces and adjacent developments. The master plan includes the park and trail connections and open space areas. BPRD provided a letter (Exhibit D) documenting compliance with this criterion and noting their support of the Rio Lobo master plan application.

#### **B. Dedication Requirements.**

1. Where a proposed park, playground or other public use shown in a plan adopted by the Bend Metro Parks and Recreation District is located in whole or in part in a proposed development, the City may require the dedication or reservation of this area.
2. If determined by the City Council to be in the public interest in accordance with adopted Bend Comprehensive Plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the development of a character, extent and location suitable for the development of parks and other public uses.
3. All required dedications of public use areas shall conform to BDC 3.4.100(D), Conditions of Development Approval.

**C. Acquisition by Public Agency.** If the developer is required to reserve land area for a park, playground, or other public use, the land shall be transferred by deed to the appropriate public agency within six months following final approval, at a price agreed upon prior to approval of the development, or the reservation shall be released to the property owner.

**FINDING:** The applicant is required to reserve 10% of the total project area for open space, trails and/or parks. The proposed master plan includes a 3.51-acre neighborhood park in the northwest corner, which will be dedicated to BPRD. The applicant and BPRD have coordinated regarding this park (see Exhibit D) and will enter into a development agreement to detail the park development, including detail on park design, development responsibilities, and timing of dedication.

#### **3.4.400 Sanitary Sewer and Water Service Improvements.**

**A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City’s construction specifications as described in the City of Bend Standards and Specifications document and the applicable Bend Comprehensive Plan policies.**

**FINDING:** The applicant submitted a sewer and water capacity analysis with estimated flows and mainline locations to the City for review. On March 7, 2019, the City provided a signed UAM Certificate (BP 19-0802-SWA), approving the proposed water and sewer facilities, with conditions. This water and sewer analysis, mapping, UAM Certificate and supporting documentation is included in Exhibit A. Detailed infrastructure construction plans will be submitted and reviewed as part of the future tentative plan application, and will address the mitigations required in the Utility Availability Memo.

**B. Sewer and Water Plan Approval. Construction of sewer and water improvements shall not commence until the City Engineer has approved all sanitary sewer and water plans in conformance with City of Bend Standards and Specifications.**

**FINDING:** Development of the subdivision will involve a Tentative Plan application, including construction plans. The applicant will obtain City approval for all sanitary sewer and water plans prior to construction.

**C. Public Facility Plan Improvements. Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Water and Sewer Public Facility Plans. The developer may be entitled to system development charge credits and reimbursement for the improvements if eligible under the applicable provisions of the Bend Code.**

**FINDING:** The applicant submitted a water and sewer capacity analysis with estimated flows and pipe sizes to the City for review. On March 7, 2019, the City provided a signed UAM Certificate (BP 19-0802-SWA), approving the proposed water and sewer facilities, with conditions. This water and sewer analysis, mapping, UAM Certificate and supporting documentation are included in Exhibit A. Both this criterion and the WIG Development Agreement provide allowances for system development charge credits for oversized water and/or sewer facilities, for which the developer plans to pursue at the appropriate time.

#### **3.4.500 Storm Drainage Improvements.**

**A. Storm Drainage Improvements Required. Storm drainage facilities shall be depicted on City-approved engineered construction drawings and installed to serve each new development in accordance with applicable City construction specifications as described in the City of Bend Standards and Specifications and BC Title 16, Grading, Excavation, and Stormwater Management.**

**B. Accommodation of Upstream Drainage. Drainage facilities shall be designed and constructed to accommodate increased runoff so that discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion**

will not occur as a result of the proposed land disturbance or development activity. Such facilities shall be subject to review and approval by the City Engineer.

- C. Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for management of additional runoff caused by the development in accordance with City of Bend Standards and Specifications. Drainage shall not be directed to an existing watercourse, channel, stream or canal. Storm drainage facilities shall comply with applicable State and Federal regulatory requirements.

**FINDING:** The applicant has not proposed any deviations from these storm drainage requirements. As such, the applicant will be subject to the regulations then in effect at the time of tentative plan review for each phase of the project.

#### **3.4.600 Utilities.**

- A. Underground Utilities.** All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface-mounted transformers; surface-mounted connection boxes and meter cabinets; temporary utility service facilities during construction; and high capacity electric lines operating at 50,000 volts or above, which may be placed above ground.

The following additional standards apply to all development, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All above-ground equipment shall not obstruct clear vision areas and safe intersection sight distance for vehicular traffic in conformance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.
2. The City reserves the right to approve the location of all surface-mounted facilities.
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

- B. Easements.** Easements shall be provided and recorded for all underground utility facilities where required by the City.

**FINDING:** The applicant has not proposed any deviations from these underground utility requirements. As such, the applicant will be subject to the regulations then in effect at the time of subdivision tentative plan review for each phase of the project.

#### **3.4.700 Easements.**

**A. Requirement. Easements for sewer facilities, storm drainage, water facilities, street facilities, electric lines or other public/private utilities shall be dedicated on a final plat, or other instrument approved by the City.**

**FINDING:** The applicant has not proposed any deviations from this easement requirement. Easements for public and private utilities will be dedicated on the final plat, or other instrument approved by the City.

**B. Provision. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.**

**FINDING:** The applicant has received “Will Serve” letters from Pacific Power, Cascade Natural Gas, and Bend Broadband, which are included in Exhibit H.

**C. Standard Width. The City’s standard width for exclusive public main line utility easements shall be 20 feet, unless otherwise specified by the utility company, applicable district, or City Engineer.**

**FINDING:** The applicant has not proposed any deviations from this easement requirement. As such, the applicant will necessarily be subject to the regulations then in effect at the time of subdivision review for each phase of the project.