

ORDINANCE NO. NS - 2391

AN ORDINANCE AMENDING THE BEND DEVELOPMENT CODE TO ADOPT THE EASTON MAJOR COMMUNITY MASTER PLAN

Findings:

- A. On June 24, 2020, Pahlisch Homes, Inc. submitted a Type III Quasi-judicial application for a Development Code amendment to create the Easton Major Community Master Plan.
- B. On August 24, 2020, 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 Easton 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 September 1, 2020, notice was mailed by the Planning Division to surrounding owners of record of property within 400 feet of the subject properties, and to the Old Farm and Southeast Bend Neighborhood Association representatives. On September 2, 2020, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at six locations, visible from adjacent rights of way.
- D. The Bend City Council held a public hearing on September 16, 2020, to consider the Planning Commission recommendation.
- E. The Development Code amendment for the Easton Major Community Master Plan approved by this Ordinance meets all applicable Development Code criteria, policies of the Bend Area Comprehensive Plan, and Oregon Statewide Planning Goals.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Development Code is amended to include the Easton Master Planned Development as contained in Exhibit A.


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

First Reading: September 16, 2020

Second reading and adoption by roll call vote: October 21, 2020

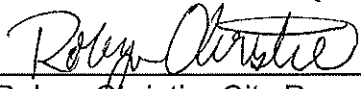
YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper

NO: none



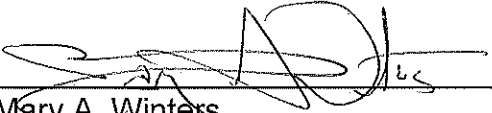
Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

Chapter 2.7
SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS,
AREA PLANS AND MASTER PLANS

2.7.4100 Easton Master Planned Development

2.7.4110 Purpose.

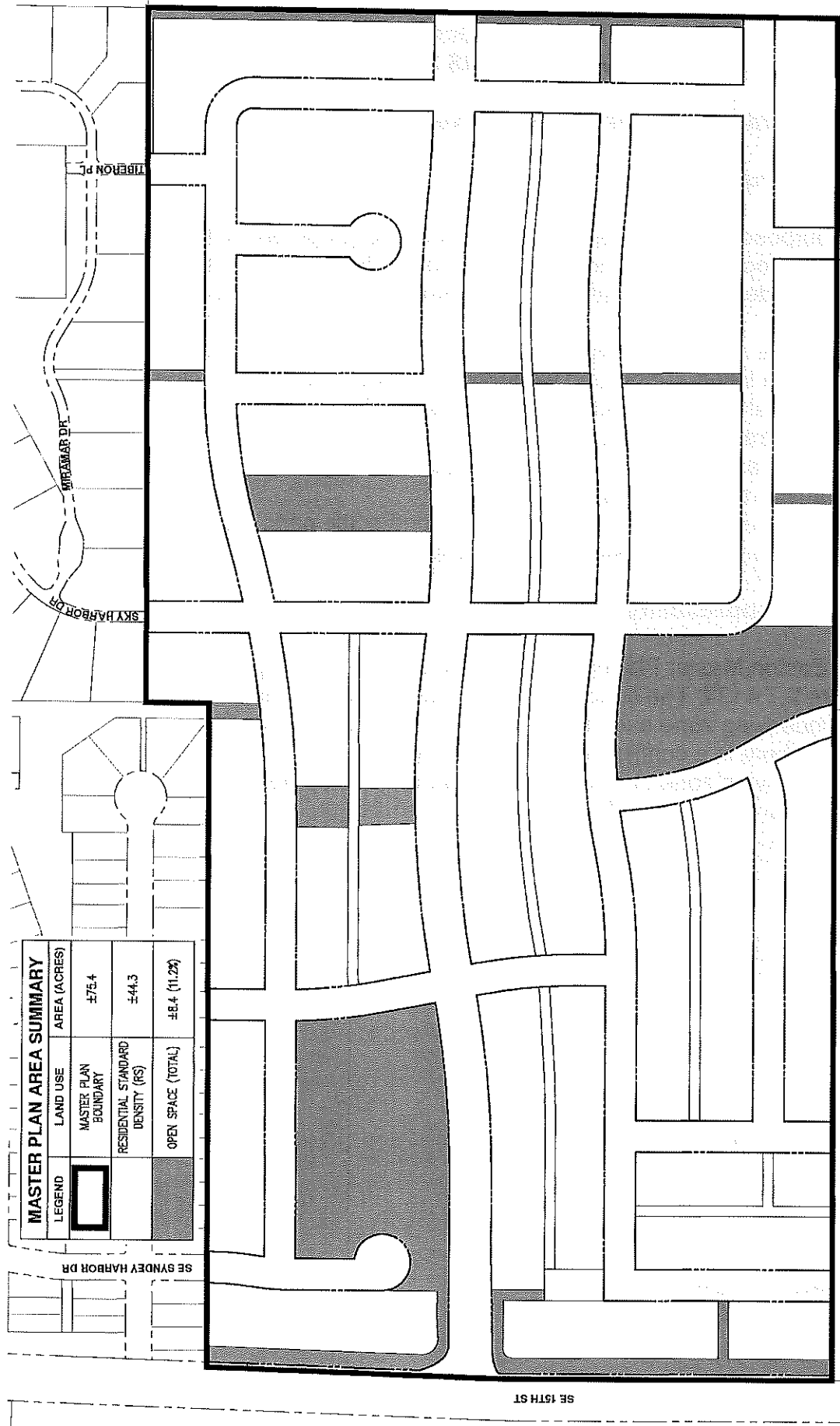
The purpose of the Easton Master Planned Development is to create a new residential neighborhood that sets the stage for a complete community extending south along the eastern side of SE 15th Street to Knott Road. The development standards will:

- Provide a mix of housing types for owners and renters of multiple lifestyles and income levels – including workforce housing – all in a coordinated neighborhood.
- Establish design standards for streets and blocks in order to create safe, functional, and attractive streetscapes.
- Create safe, attractive, and efficient pedestrian routes and other multi-modal transportation options.
- Preserve open space for a neighborhood-scale park, trail system, multiple pocket parks, and other community amenities.

2.7.4120 Applicability

The Easton Master Planned Development standards apply to the property identified in Figure 2.7.4120. The special standards of the Master Plan supersede the standards of the underlying zone and other applicable standards of the Bend Development Code. Where there is a conflict between the provisions of the Easton Master Plan and those of the underlying zone or other portions of the Development Code, the provisions of this district will control.

Figure 2.7.4120 Easton Master Plan



2.7.4130 Definitions.

- A. **Fourplex** means a type of housing with four dwelling units on one lot or parcel.
- B. **Lot Line, Front** means the property line abutting a street or open space tract.
- **Primary Front Lot Line** means the shortest front lot line abutting a street or open space. If there is more than one such lot line of equal length, then the applicant or property owner must choose which lot line is to be the Primary Front Lot Line.
 - **Secondary Front Lot Line** means all other front lot lines except the Primary Front Lot Line

2.7.4140 Review Procedures.

The following review procedures are applicable to single-family dwellings, duplexes, triplexes, and fourplexes within the Easton Master Planned Development:

- A. Single-family dwellings, duplexes, triplexes, and fourplexes are subject to BDC 4.2.400 *Minimum Development Standards Review*, BDC 3.6.200(H) *Duplex and Triplex Development*, BDC 4.2.500 *Site Plan Review* and BDC 4.2.600 *Design Review* do not apply.
1. Exemptions.
 - a. The following uses are exempt from BDC 4.2.400, Minimum Development Standards Review with existing full utility and full street frontage infrastructure:
 - i. Single-family detached housing.
 - ii. Attached single-family townhomes with vehicular access from an alley.
 - iii. Duplexes, triplexes, and fourplexes with vehicular access from an alley.
 - b. Single-family dwellings, duplexes, triplexes, and fourplexes that meet the standards of BDC 4.2.400(A)(3) are exempt from BDC 4.2.400, Minimum Development Standards Review.
- B. All other uses are subject to BDC 4.2.500, Site Plan Review. BDC 2.1.900 Architectural Design Standards and BDC 4.2.600, Design Review, do not apply.

2.7.4150 Residential Zoning Districts

- A. **Permitted Uses.** The land uses listed in Table 2.7.4150 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.3950, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 2.7.3950 may be permitted.

Table 2.7.4150 – Permitted and Conditional Uses

Land Use	RS
Residential	
Single-Family Detached Housing	P
*Accessory Dwelling Units (ADUs)	P
*Attached Single-Family Townhomes	P
Duplexes, Triplexes, Fourplexes	P
Residential Care Home (5 or fewer residents)	P
Adult Day Care	P
Family Childcare Home (16 or fewer children)	P
*Home Business (Class A/Class B)	P
*Accessory Uses and Structures	P
*Public and Institutional	
Parks	P
Recreational Facilities	P
***Schools	P
Miscellaneous Uses	
*Short-Term Rental	P

* Subject to special standards as described in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

** Subject to BDC 4.5.500.

*** Schools are permitted in the RS District, subject to the provisions of BDC 2.6.300 Public Facilities Zoning District (PF).

B. Setbacks.

	Primary Front	Secondary Front	Rear	Side
RS	10 ft.*	8 ft.*	5 ft.**	4 ft., except 8 ft. when side abuts an alley

*Garages and/or carports must maintain a minimum front setback of 20 feet.

**Garages and/or carports that access an alley must have a driveway with a minimum length of 18 feet.

Setback Exceptions.

1. BDC 2.1.300(H) Residential Compatibility Standards do not apply.
2. Attached Single-Family (Townhomes). Interior side setbacks are zero feet.
3. Architectural Features. The following architectural features are allowed to encroach into the front, side and rear setbacks by no more than two feet provided a minimum setback of three feet is provided from the property line: eaves, chimneys including fireplace enclosures and chimney chases, bay windows up to eight feet in width, window wells, and similar architectural features.
4. Front Setback Encroachments. The following may encroach into the front setback:
 - a. An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be set back a minimum of six feet from the front property line, as long as it does not encroach into any easement. No portion of the structure may encroach closer than six feet to the front property line including the architectural features in subsection (B)(3) of this section.
 - b. As shown in Figure 2.1.300, side entry garages that access a street must have a driveway with a minimum length of 20 feet from the front and side property lines.
 - c. Stairs, ramps and landings that are not roofed or enclosed above or below the steps may be in the front setback when they follow the grade.
5. Side and Rear Setback Encroachments. The following may encroach into side and rear setbacks:
 - a. An uncovered porch, patio, deck or stoop located above finished grade with a maximum floor height not exceeding 18 inches must be set back a minimum of 18 inches from the side and rear property lines, as long as it does not encroach into an easement.
 - b. Uncovered patios at finished grade are exempt from setbacks as long as it does not encroach into an easement.

C. Floor area ratio does not apply to any uses.

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area

and dimensions are subject to the type of residential structure being occupied. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

**Lot Areas and Dimensions in Easton
by Housing Type and Zone**

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Family Detached Housing;	RS	Minimum area: 2,700 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 75 ft.
Duplexes, Triplexes, and Fourplexes	RS	Minimum areas – Duplex: 3,900 sq. ft. Triplex: 5,500 sq. ft. Fourplex: 7,100 sq. ft.	Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.
Single-Family Attached Housing (Townhomes)	RS	Minimum area: 1,600 sq. ft. for each unit	Minimum width: 20 ft. at front property line for interior townhome lots and 24 ft. at front property line for exterior townhome lots Minimum lot depth: 50 ft.

Exceptions:

1. Bulb of a cul-de-sac or knuckle corner minimum width: 30 ft. at the front property line;
 2. Corner lots or lots where a side lot line abut an alley must be at least four feet more in width than the minimum lot width required in the zone.
 3. Frontage on a public street, private street, or open space tract is required. Lots fronting open space tracts must take access from a rear alley, and the property line fronting open space must be considered a front property line.
 4. Other exceptions permitted in the underlying Residential District are also permitted.
- E. Residential Density. Density standards may be averaged over more than one development phase within the Easton Master Plan, but gross density must be 5.11 to 7.3 units/acre. Duplexes, triplexes, and fourplexes are exempt from the maximum density standards, except when lots are created as part of a new subdivision application.
- F. Maximum Lot Coverage. The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Residential Lot Coverage

Residential Zone	Lot Coverage
Standard Density Residential (RS)	50% for lots with 2+ story homes 55% for lots with single-story homes 60% for lots with attached single-family townhomes, duplexes, triplexes and multifamily

G. Building Height Maximum: 30 feet

H. Architectural Design Standards. Buildings are not subject to the design standards of the underlying zoning district or the standards in BDC 3.6 Special Standards and Regulations for Certain Uses, except where explicitly referenced.

K. Additional Standards for Townhomes, Duplexes, Triplexes, and Fourplexes. Townhomes, duplex, triplex, and fourplex development not accessed by an alley must comply with the following standards:

1. Townhomes located on lots that meet the minimum width requirement for detached single-family homes are not subject to BDC 3.6.200(D), but must comply with the following standards:
 - a. Driveway approaches must be separated by a minimum of seven feet.
 - b. Driveway approaches must not exceed 20 feet in width.
2. Driveway approaches for duplexes, triplexes, and fourplexes must comply with the following standards:
 - a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (K)(2)(c) of this section.
 - b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.
 - c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest classification.
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. When lots or parcels only have frontages on collector streets or only on arterial streets, the City Engineer will determine which frontage may have one driveway approach based on the following:

- (A) Distance from the nearest intersection;
- (B) Clear vision areas;
- (C) Topography;
- (D) Utility conflicts; and
- (E) Pedestrian and bike conflicts in the vicinity.

iii. Lots or parcels with frontages only on local streets must comply with the following:

- (A) Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16-foot-wide driveway approach per frontage.
- (B) Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.
- (C) Fourplexes may have four driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

- 3. Clear vision standards do not apply between driveway approaches on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.
- 4. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3).

M. On-Site Surface Water Drainage

- 1. On-site surface water drainage may be addressed in the following ways. Alternatives may be approved by the City Engineer:
 - a. Roof drainage originating from residential properties may be conveyed to a public street and/or public storm drain collection and disposal system by subsurface piping, or curb weepholes, as approved by the City Engineer during permit review.
 - b. Roof and surface drainage originating from residential properties may be conveyed to a private storm drain collection and disposal system located in a Private Tract or easement. The City may allow for private drainage systems in

the public right-of-way if deemed appropriate by the City and maintenance agreements are executed between the homeowner's association and the City.

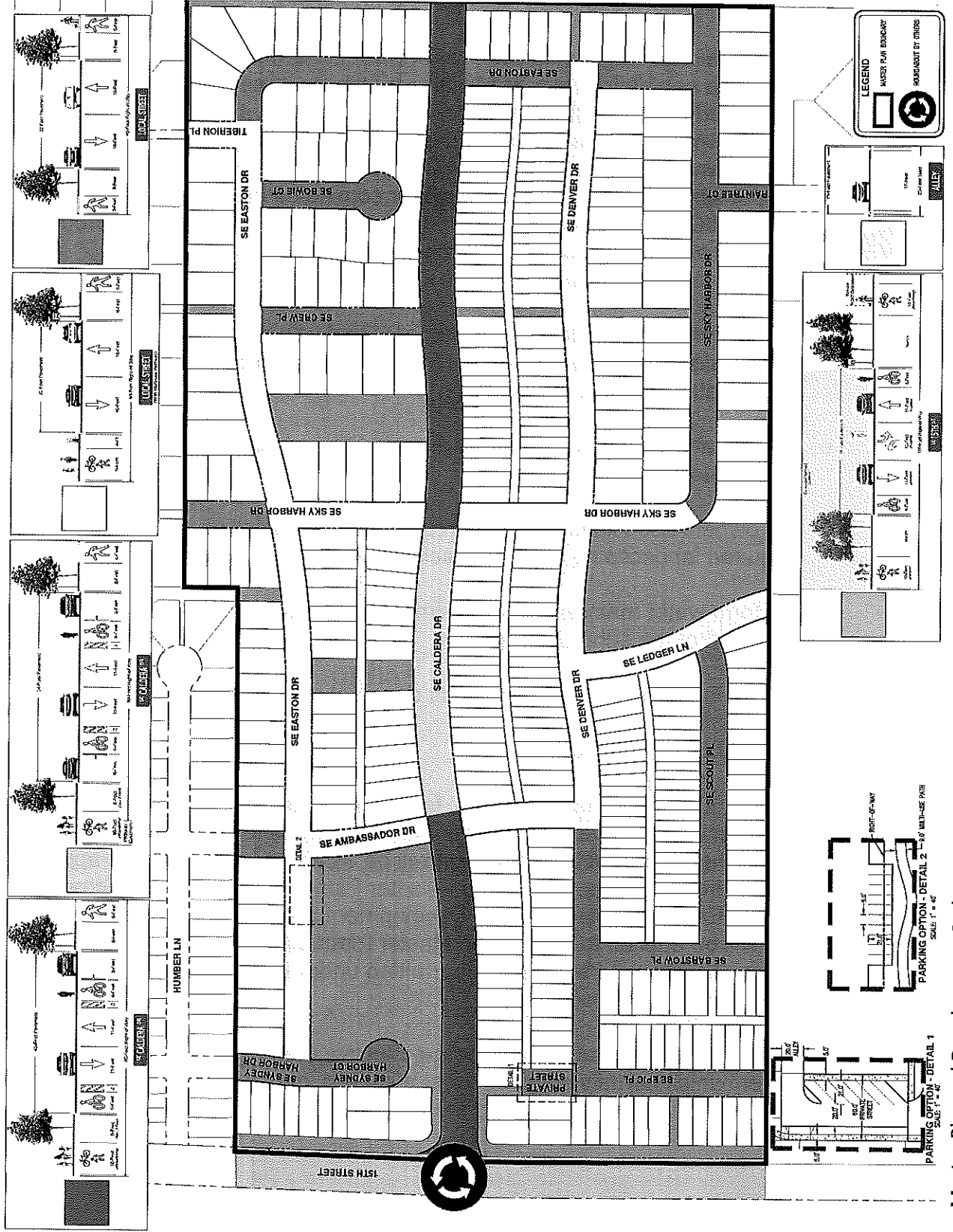
- c. Roof drainage originating from residential properties may be comingled with drainage originating from public streets, private streets, and/or alleys and conveyed to a non-UIC system located within a private tract to be owned by a homeowners association with a maintenance agreement between the homeowners association and the City outlining operational and maintenance responsibilities. The City may allow for comingled drainage to be conveyed to a non-UIC system located in the public right-of-way if deemed appropriate by the City and maintenance agreements are executed between the homeowner's association and the City.
- d. Private drainage facilities must be contained within the same or previous subdivision phase, or a stormwater easement must be provided for the stormwater facilities.
- e. Stormwater easements must be provided for public drainage facilities located on private property.
- f. An owners association must be responsible for installing and maintaining any required landscaping in private facilities located in a private tract.
- g. A storm water maintenance agreement must be signed with the City prior to final plat of the subdivision phase.

N. BDC 3.5.200 Outdoor Lighting Standards does not apply.

2.7.4160 Special Street Standards

- A. Figure 2.7.4160 depicts the street type, tentative street location and alignment in the Easton Master Planned Development and the standards to correspond to each street type. The precise street alignment will be established through the approval of tentative subdivision plans. The Easton Master Planned Development Street Type Plan and the Easton Master Planned Development Street Standards, Figure 2.7.4160, will be applied to the Easton Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process.
- A. Any City street standard adopted after the effective date of the ordinance codified in this chapter, which permits a lesser street standard, may be applied to the Easton Master Planned Development during the subdivision review process.

Figure 2.7.4160 Easton Street Type Plan and Standards



2.7.4170 Transportation Mitigation Plan

- A. Applicability. The following Transportation Mitigation Plan applies to all development within the Easton Master Planned District. The Transportation Mitigation Plan is adopted and implemented pursuant to BDC 4.7.600(D)(1).
- B. Alternate Transportation Design Standards. Transportation facilities within the Easton Master Planned District must comply with the standards set forth in BDC 2.7.4160 and Figure 2.7.4160.
- C. Transportation Mitigation. The following transportation mitigation measures must be constructed pursuant to the deadlines set forth in Table 2.7.4170 below.

Table 2.7.4170

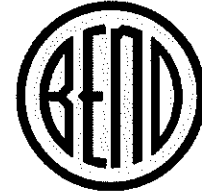
Mitigation Requirements	Trigger
Dedicate right-of-way for a single lane roundabout at SE 15 th Street and Caldera Drive	Phase 1
Stripe with crosswalks all legs of the intersection of SE 15 th Street and Caldera Drive. Install temporary lighting to illuminate crosswalks for safe routes to school, which must be relocated during roundabout construction.	Phases 1 and 2
Construction of a single lane roundabout at SE 15 th Street and Ferguson Road	Phase 1, unless otherwise approved to be constructed at a later date under a City agreement
Construct a minimum 10-foot multi-use path from the Bridges at Shadow Glen subdivision south to and through the lot frontage of SE 15 th Street	Phases 1 and 2
Construct Caldera Drive to City of Bend collector street standards, with a 46 foot paved cross section including 6 foot bike lanes (both sides), 2 foot buffers (both sides - between traffic and the bike lane), and two 11.5 foot travel lanes. Where parking bays are constructed, they will be 7.5 feet wide and constructed outside clear vision and sight distance. A 10-foot multi-use path shall be constructed on one side of the road and a 6-foot sidewalk on the other.	Phases 1, 3, 10

Mitigation Requirements	Trigger
Multi-use pathways that cross Caldera Drive must be striped, signed and include appropriate illumination	Phases 1, 3, 10
Construction of a single lane roundabout at 15 th Street and Caldera Drive	At 85% buildout (364 units), or 3,375 ADT/330 weekday PM peak hour trips
Extend the existing multi-use trail within the Bridges at Shadow Glen subdivision (east of 20901 SE Humber Lane) south to the proposed local road	Phase 13

2.7.4180 Future Capacity Reservation

- A. The Easton Master Plan reserves infrastructure capacity (sewer, water, and transportation) through and including November 6, 2035, for all site plan review and subdivision applications filed pursuant to the phasing plan through November 6, 2035. Site plan review and subdivision applications submitted after November 6, 2035 will be subject to new utility and transportation analyses.

**CITY OF BEND PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PZ 20-0477

HEARING DATE: September 16, 2020

APPLICANT: Pahlisch Homes, Inc.
210 SW Wilson Ave #100
Bend, OR 97702

OWNER: JL Ward Company and Josele Ward
210 SW Wilson Avenue, Suite 100
Bend, OR 97702

LOCATIONS: East side of SE 15th Street, south of Humber Lane; Tax Lots
181215CB02400 and 1812150001400.

REQUEST: Type III Quasi-judicial amendment to Bend Development Code Chapter 2.7, Special Planned Districts, to create the Easton Master Planned Development; a 75.4 acre Major Community Master Plan, with approximately 428 housing units (single-family detached and attached) and 8.4 acres of open space.

STAFF REVIEWERS: Karen Swenson, AICP, Senior Planner
(541) 388-5567; kswenson@bendoregon.gov
Chris Henningsen, Principal Engineer
(541) 693-2134, roster@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 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 Easton Master Plan encompasses 75.4 acres abutting the southern city limits. The master plan site abuts SE 15th Street (minor arterial) to the west, developed subdivisions (Bridges at Shadow Glen and Silver Ridge P.U.D.) to the north, large residential lots to the east and south that are within the Urban Growth Boundary, Raintree subdivision to the southeast, and unincorporated undeveloped land to the south that also is within the Urban Growth Boundary.
- 2. ZONE AND PLAN DESIGNATION:** The Easton Master Plan property is zoned Residential Standard Density (RS) and also designated RS on the Bend Comprehensive Plan Map.

The Bridges at Shadow Glen subdivision to the north is zoned and designated RS (pale yellow in image below). The Silver Ridge P.U.D. to the north and Raintree subdivision to the southeast are zoned and designated Low Density Residential (RL – gold color below). The remaining properties to the east and south are currently zoned Urbanizable Area (UA) but are currently designated RS in the Bend Comprehensive Plan except for one property to the south which is designated Medium Density Residential (RM – bright yellow below). The property to the west across SE 15th Street is zoned and designated primarily RS with a small portion of Convenience Commercial (CC), but is being developed with a new high school to the southwest and will be developed with a middle school to the northwest in the future. Caldera Drive, a new collector street, extends westward from SE 15th Street to Brosterhouse Road.

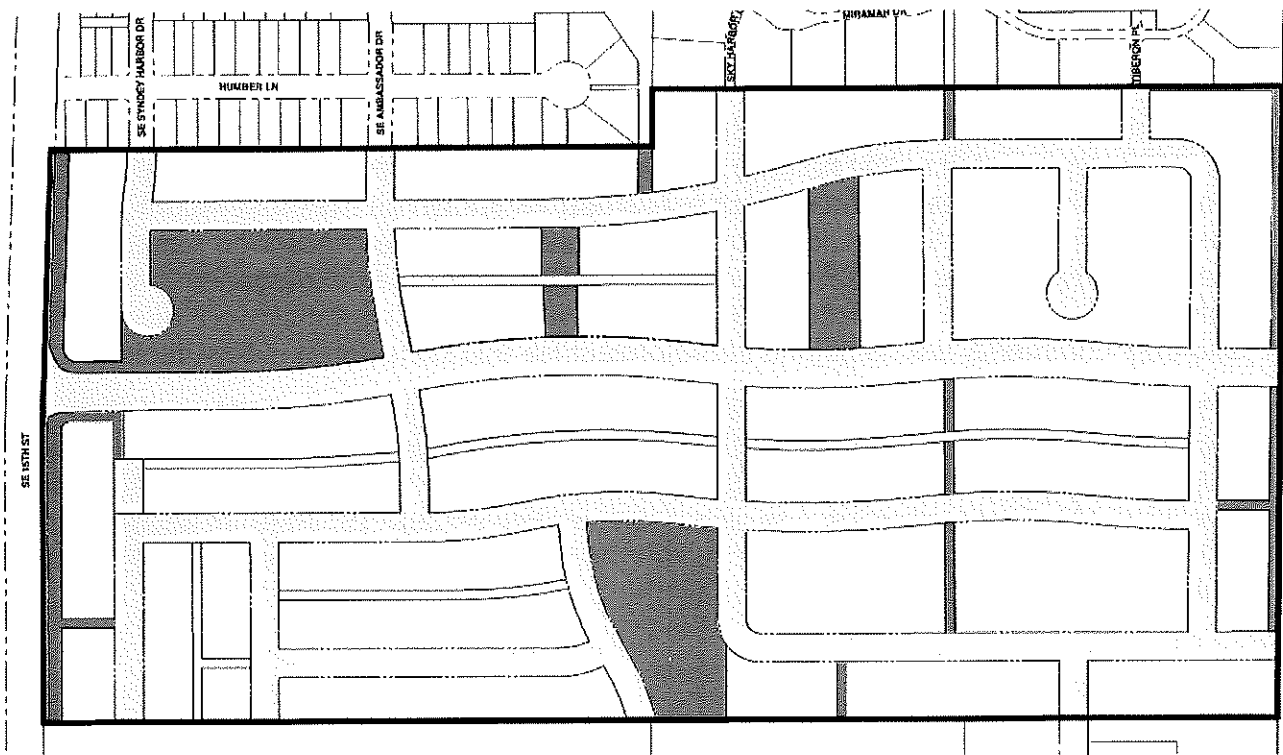


- 3. SITE DESCRIPTION & SURROUNDING USES:** The Easton Master Plan encompasses 75.4 acres and is comprised of two tax lots bounded by SE 15th Street (minor arterial) to the west, existing single-family residential uses to the north, and Bend City Limits to the east and south. Property to the west, across SE 15th Street is planned to be developed by the School District and include the future Caldera High School and a middle school. Alpenglow Park is located northwest of the Easton Master Plan on the west side of 15th Street.

A portion of the southeastern project boundary abuts Low Density Residential (RL) zoned land within City limits. The majority of property bordering Easton to the south and east is outside City limits but within the Urban Growth Boundary and the Southeast Area Plan ("the Elbow"). An existing Arnold Irrigation District canal bisects the eastern end of the site. Existing vegetation is typical of the east side of Bend and includes coniferous trees—primarily junipers—of varying heights and maturities. The project area does not contain any steep slopes.

Abutting properties along the northwest Master Plan boundary are designated RS and include the Bridges at Shadow Glen Subdivision. Existing residential uses abutting the northeast boundary are zoned RL and include the Silver Ridge Planned Unit Development (PUD).

- 4. **PROPOSAL:** This proposal is for a Major Community Master Plan, to be known as the Easton Master Plan. The Easton Master Plan will include approximately 428 housing units (including both single-family detached and attached homes) and 8.4 acres of open space.



- 5. **CONCURRENT APPLICATIONS:** The applicant has applied for a concurrent Transportation Plan Map amendment to shift the alignment of the east-west collector through the property to align with the new Caldera Drive and to remove the southern east-west collector street south of the subject property as well as the north-south collector connecting the two east-west collector streets. The Southeast Area Plan that is being considered concurrently by the Planning Commission and City Council proposes these same amendments. If the Southeast Area Plan is adopted prior to the adoption of this concurrent TSP Map Amendment by the applicant, the application will be withdrawn.
- 6. **PUBLIC NOTICE AND COMMENTS:** The applicant hosted a virtual public meeting in accordance with BDC 4.1.215, on Wednesday, April 22, 2020, at 5:30 p.m. via a Zoom

“webinar”. Documentation of public notices and verification of compliance forms were submitted with this application. Approximately 70 people attended the virtual public meeting, including the Old Farm and Southeast Bend Neighborhood Association Land Use Chairs.

On August 10, 2020, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way. These notices were posted for more than 10 days prior to the December 9, 2019 hearing date.

On August 3, 2020, the City of Bend Planning Division mailed notice of the August 24, 2020 Planning Commission public hearing for these applications to surrounding owners of record of property within 400 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Old Farm and Southeast Bend Neighborhood Association representatives. The notices for the public hearing were mailed more than 10 days prior to the first evidentiary hearing, in accordance with BDC 4.1.423.

The Planning Commission held a virtual public hearing on August 24, 2020. One citizen spoke at the public hearing, expressing concerns about development. Three individuals provided written comments of concern about abutting development prior to the public hearing.

On September 1, 2020, the City of Bend Planning Division mailed notice of the September 16, 2020 City Council public hearing for this application to surrounding owners of record of property within 400 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Old Farm and Southeast Bend Neighborhood Association representatives. No additional written comments were received in response to the public notice at the time this recommendation was written. Various agencies were also sent notice, and their comments are contained in the project file and considered in this decision.

7. **APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on June 16, 2020 and the application submittal materials were uploaded to ePlans on June 24, 2020. The Transportation Analysis Memo was uploaded on July 13, 2020. The application was deemed complete on July 15, 2020. In accordance with BDC 4.1.430, applications for major master plans are exempt from the 120-day review time limitation for final decision.

APPLICATION OF THE CRITERIA:

Bend Development Code

Chapter 4.5, Master Planning and Development Alternatives

4.5.100 Master Plan General Provisions.

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

FINDING: The Easton Master Plan boundary contains ±75.4 acres, all of which is designated for residential use. There are no planned commercial or institutional uses. Therefore, the most prominent uses permitted within the project are residential uses, and the project will be reviewed as a Major Community Master Plan.

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 the Easton Master Plan.

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

FINDING: The Easton Master Plan area is zoned RS. Planned uses for the project include attached and detached single-family homes, open space, and neighborhood parks which are all permitted uses in the RS zone, and as part of a community master plan, per Section C.3 below.

- 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 submitted Open Space and Trails Plan shows 8.4 acres of open space, which includes two neighborhood parks, one of which is planned to be owned and maintained by the Bend Parks and Recreation District (BPRD). Exhibit H of the application submittal is a letter from BPRD which acknowledges the ongoing coordination between the applicant and BPRD for the provision of a neighborhood park within the Easton Master Plan. Any additional open space areas not transferred to BPRD are planned be owned and maintained by the homeowners' association (HOA), in compliance with BDC 4.5.200(E)(4). The criterion is met.

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 Easton major community master plan is not subject to the 120-day review period specified in ORS 227.178.

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

FINDING: The Applicant's narrative provides descriptions of which exhibits submitted with the application address each of the submittal requirements listed in this section. Staff reviewed the application materials and determined that the applicable information was submitted and the

application was complete on July 15, 2020. The following is a summary of the exhibits submitted with this application:

- Exhibit A – Land Use Application Form
- Exhibit B – Easton Community Master Plan (Sheets P01-P07)
- Exhibit C – Easton Master Plan Draft Development Code
- Exhibit D – Preliminary Title Reports and Deeds
- Exhibit E – Transportation Documents
- Exhibit F – Utility Availability Memo
- Exhibit G – Neighborhood Meeting Documentation
- Exhibit H – Easton BPRD Coordination Letter
- Exhibit I – BLSD Comments
- Exhibit J – Utility Will Serve Letters
- Exhibit K – Tree Protection Plan
- Exhibit L – Commercial Proximity Exhibit

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: BCP Policy 11-35 requires master planning for areas over 20 acres. The Easton Master Plan Area totals over 20 acres under common ownership. Therefore, the project is subject to the Community Master Plan standards and requirements.

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 Easton Master Plan is planned to include 428 units of needed housing as defined by Oregon Revised Statute (ORS) 197.303(1)(a) as it provides attached and detached

single-family housing for both owner and renter occupancy. However, the applicant elects to use a deviation process in order to modify one or more BDC standards.

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 acknowledges the three-step process outlined above. Additionally, the submitted exhibits and documentation constitute a complete and thorough application that will allow the timeline to be compressed by reviewing and approving Steps 1 and 2 concurrently.

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 Utility Availability Memo (Exhibit F; BP-20-1835) issued by City of Bend Engineering Division shows that existing water and sewer facilities have adequate capacity to serve the Easton Master Plan or adequate facilities will be installed concurrent with construction and prior to occupancy or use. This criterion is met.

The Utility Availability Memo is binding on both the applicant and the City of Bend for a period of 15 years from the date of master plan approval.

- 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: The Transportation Impact Analysis (Exhibit E of the application) for the Easton Master Plan was prepared by Transight Consulting, LLC. The Traffic Analysis Memo issued by the City of Bend (BP-20-1357-TRFA) provides a list of mitigations to address compliance with Chapter 4.7. A Transportation Mitigation Plan is included in the Easton Development Code based on these mitigation measures.

- 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 subject property is zoned RS and designated RS on the Comprehensive Plan Map. BCP Policy 11-33 requires a minimum density of 5.11 dwelling units per acre and 10 percent of the housing must be non-single-family detached housing in the RS zone. The Easton Master Plan meets the applicable residential density standards, including the housing density and mix applicable to land designated RS and BCP Policy 11-33. The 75.4 acre Master Plan area includes capacity for 428 lots for future single-family homes, including 114 lots for townhomes (27 percent), which represents an overall density of 5.7 units per acre. The Master Plan does not rearrange plan designations or propose a zone change. This criterion is met.

- b. **The applicant has demonstrated that the standards and zoning district requirements contained in BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, are capable of being met during site plan or land division review, except as proposed to be modified by the applicant as part of a major community master plan. Where the applicant has proposed deviations to the above standards and/or zoning district requirements, the applicant has demonstrated:**

- i. That granting a deviation to the BDC standards and/or zoning district requirements will equally or better meet the purpose of the regulation proposed to be modified; or
- ii. That granting a deviation to the BDC standards and/or zoning district requirements is necessary due to topographical constraints or other unique characteristics of the property or specific development type proposed by the master plan; and
- iii. That any impacts resulting from the deviation are mitigated to the extent reasonably practical.

FINDING: A special plan district for the Easton Master Plan, to be codified in BDC Chapter 2.7, establishes unique standards for Easton that help to create a new residential neighborhood that sets the stage for a complete community within Opportunity Area #7 of the Bend Comprehensive Plan. Draft development code language creating the Easton Master Planned Development in BDC Chapter 2.7 is included as Exhibit C.

The entirety of the Easton Master Plan area is designated Standard Density Residential (RS) in the Bend Comprehensive Plan and is also zoned RS. The Easton master plan code sets forth the permitted uses and development standards for this zone, which closely mimic the permitted uses and standards within BDC 2.1, except as noted in the code deviations below.

All other applicable requirements from BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, are capable of being met during subdivision review, as indicated below. The criteria are met.

Chapter 2.1 - Residential Districts

In the residential zones, the special plan district for the Easton Master Plan contains deviations from the underlying Bend Development Code (BDC) standards to create a cohesive site and architectural arrangement that simultaneously provides a wide range of housing types, styles, and price points. The Easton Master Plan and corresponding development code language have been developed strategically to balance the provision of needed housing with the realities of market demand anticipated over the full build out of the project. Deviations from current BDC standards are necessary to prioritize both meeting anticipated demands for housing and the City's objectives for housing diversity. Consistent with the criteria above, these deviations support a project that meets or exceeds the intended benefits of the underlying standard.

The primary impact from the planned deviation is that a portion of the lots for detached and attached single-family homes may be smaller or narrower than the standard RS zone would allow.

Permitted Uses

Fourplexes are considered multi-family residential developments in the current Bend Development Code and are not allowed in the RS zone. Under the proposed Easton Master Plan Code, fourplexes would be allowed in the RS zone, with a similar scale to potential duplexes and triplexes.

Residential Setbacks

BDC 2.1.300(A) states that residential “setbacks provide private outdoor living space, building separation for fire protection/security, building maintenance, and sunlight and air circulation. The setback standards encourage placement of residences close to the street for public safety and neighborhood security.” The planned 1-foot reduction in side setbacks (from 5 feet to 4 feet) and 2-foot reduction in secondary front setbacks (from 10 feet to 8 feet) is mitigated by a community design that includes 8.1 acres of open space for public outdoor living space, additional building separation, and sunlight and air circulation. Conversely, in situations where a side lot line abuts an alley, the minimum side setback is planned to increase from 5 feet to 8 feet.

A minimum side setback of 4 feet allows residents sufficient space to access the sides of their homes and perform any necessary maintenance. Regarding fire protection, a minimum setback of 4 feet ensures structures (including eaves) maintain enough separation from property lines to comply with fire safety requirements. Setbacks of 3 feet or less could trigger additional building techniques per the building code to mitigate fire risk. On balance, the deviations will equally or better meet the purpose of the underlying standard.

Residential Lot Size and Dimensions

While no purpose of the lot dimension standards is explicitly stated in BDC 2.1.500, they are generally understood to ensure adequate space is provided for the type of residential use and structure, appropriate to the scale and character of the surrounding neighborhood. The proposed deviations from BDC standards reduce the minimum lot area in the RS zone for a unit of detached single-family housing to 2,700 square feet in order to provide additional types of workforce housing. Additionally, the minimum lot width in the RS zone for detached single-family home would be reduced from 40 feet to 30 feet, while corresponding lot depths would be increased from 50 feet to 75 feet. The planned lot sizes and widths of townhome lots (minimum 20/24-foot width) are appropriate to the scale and character that would be permitted in the RS zone. While not currently proposed in the Easton Master Plan, the minimum lot size for duplexes would be reduced to 3,900 square feet, in character with the 4,000 square foot minimum lot size in the RS zone citywide required under Oregon House Bill 2001. The proposed minimum lot size for triplexes, and fourplexes, if such housing types were to be proposed in the future within the Easton Master Plan, would be similarly reduced to 5,500 and 7,100 square feet, respectively.

In the absence of an explicit purpose stated for lot dimension standards, it should be noted that BDC 2.1.100 provides broader guiding principles of the residential districts, including: “Accommodate a range of housing needs, including owner-occupied and rental housing.” A primary reason why a deficit exists of the so-called “missing middle” housing, is that development standards often disincentivize (if not actually preclude) its construction. In a master planned community, strategically integrating different types of homes, including those on smaller or narrower lots, helps define the scale and character of the surrounding neighborhood as inherently appropriate for a range of housing. On balance, the deviation will equally or better meet the purpose of the underlying standard.

Minimum and Maximum Densities

As noted above, BCP Policy 11-33 outlines the required minimum density and housing mix for master plans by zoning district. Density standards may be averaged over more than one development phase within the Easton Master Plan, but gross density must be 5.11 to 7.3 units/acre. In the Easton Master Plan code, duplexes, triplexes, and fourplexes are exempt from the maximum density standards, except when lots are created as part of a new subdivision application, which reflects the exemptions under BDC 2.1.600.B.11, and adds fourplexes to the allowed exemptions..

Lot coverage

The maximum lot coverage in the RS zone for single-story and 2+-story single-family detached homes would increase by five percent under the proposed Easton Master Plan code. The maximum lot coverage for townhomes, duplexes and triplexes would remain the same as the existing code. This additional lot coverage for single-family detached homes would provide flexibility in housing architecture and layout while retaining the character of the overall development. Therefore, the deviations will equally or better meet the purpose of the underlying standard.

Architectural standards

The proposed Easton Master Plan includes the formation of an Easton Architectural Review committee. This committee would be responsible for compliance with the architectural standards that will be set forth in future conditions, covenants and restrictions (CC&RS). This process is similar to the private architectural review process within the Northwest Crossing Overlay Zone (BDC 2.7.300). The future architectural concepts and design guidelines will equally or better meet the purpose of the existing architectural standards set forth in the Bend Development Code in BDC 2.1.900 for residential development.

Stormwater Standards

BDC 2.1.1100 requires that on-site surface water drainage be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property. The Easton Master Plan development code provides alternatives for the retention of on-site surface water drainage, which may be approved by the City Engineer, which will meet the purpose of the existing code.

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

As shown in the proposed Preliminary Land Use Plan for the Easton Master Plan (submitted Sheet P07), the applicant has indicated preliminary lot lines for the intended uses, including the proposed blocks and access and circulation to each lot. As proposed, the proposed land use plan can meet the standards of BDC 3.1 during future land division review.

Chapter 3.2 – Landscaping, Street Trees, Fences and Walls

The proposed Preliminary Open Space and Trails Plan (Sheet P04 of the application) show conceptual street tree locations and proposed open space within the master plan. Fences and walls will be addressed in future land division review.

In terms of landscaping, the applicant recognizes the value and importance of incorporating trees and other existing vegetation into new neighborhoods. However, necessary site grading,

construction of public street infrastructure, underground utility connections, and storm drainage facilities often jeopardizes the health of existing vegetation and precludes the preservation of significant trees. Consequently, in addition to required street tree plantings that will be required with future subdivision and site plan review approvals, it is anticipated that onsite landscaping associated with future parks and single-family homes will incorporate additional trees into the overall landscape of the neighborhood.

BDC Chapter 1.2 defines "significant trees/vegetation" as individual trees with a specific trunk diameter (as indicated below) when measured 4 feet above the ground (known as DBH, for "diameter at breast height").

1. Deciduous trees: 6 inches or greater.
2. Coniferous trees: 10 inches or greater.

The submitted Preliminary Tree Protection Plan (Exhibit K of the application) shows all trees 6-inches or greater within the Easton master plan. This exhibit shows that the location of the parks in the Easton Master Plan was designed with tree preservation in mind.

The Tree Protection Plan shows where cut or fill will exceed 6 inches which precludes tree retention, as well as proposed street and alley locations. The Significant Tree Table inventories significant trees within Phase 1, consistent with BDC 3.2.200(C), and shows the location of existing trees to be removed and preserved by type and diameter at breast height (DBH).

Chapter 3.3 – Vehicle Parking, Loading and Bicycle Parking

Compliance with this section will be reviewed during future Site Plan review (for multi-family or commercial development) or building permit review (for duplex/triplex/fourplex or single-family housing). As proposed, compliance with this section can be met with the proposed land uses and configuration.

Chapter 3.4 – Public Improvement Standards

As noted elsewhere in this report, required water and sewer infrastructure will be provided concurrent with each phase of development, as shown on the Figure 1 and 2 of the Utility Availability Memo, BP-20-1835. Finally, a Transportation Analysis Memo (BP-20-1357-TFRA) has outlined the transportation mitigation necessary for the Easton Master Plan, which will be codified in BDC 2.7. Details of compliance with Chapter 3.4 will be reviewed during future land use division, but the applicant has shown that the transportation standards in this section can be met with some minor code deviations. A Preliminary Street and Circulation Plan (submitted Sheet P06) indicates the various street classifications within the Easton Master Plan.

Street Standards

Residential local streets require a 5 foot sidewalk on both sides of the road. In the Easton Master Plan, where multi-use paths may be installed on one side of the street. These paths must be a minimum of 9 feet wide and may be placed on one side of the street where there are no or limited driveway crossings, as approved by the City during tentative plan review. These multi-use paths equally meet the pedestrian needs of the community.

The cross section of Caldera Drive is slightly modified from the standard collector cross-section. Where on street parking is permitted on Caldera Drive, the parking stalls shall may be 7.5 feet wide, rather than 8 feet wide, in order to provide a desired cross section for all users of the right-of-way. This on street parking will be permitted on Caldera Drive where clear vision and sight distance can be shown to exist based on City standard collector street design speeds. Where parking is permitted on Caldera, bulb-outs/curb extensions shall be constructed to define the parking bays and the clear vision area at the intersections. In addition, unless otherwise approved by the City Engineer, a 10 foot wide asphalt multi-use path may be constructed on one side of Caldera Drive with a 6 foot sidewalk on the other side of the road, rather than 6-foot sidewalks on both sides. These deviations from the collector street standards meet or exceed the purpose of the existing standards.

Where multi-use paths are installed on streets within the Easton Master Plan, the road will be permitted to be installed offset from centerline in order to achieve 4 foot minimum landscape strips (6 foot preferred) as approved in tier III right of way (infrastructure) permit review. Where the multiuse path abuts the on street parking bays, either a 2 foot landscape strip or 12-foot path tight to the curb must be constructed, providing a buffer for car doors. The reduction of the landscape strip from the standard 5-foot width does not substantially reduce the benefit of the buffer provided between pedestrians and vehicles, and still provides enough area for street trees and other vegetation.

BDC 3.1.400.F.6 does not allow backing onto a local street, except for single-family, duplex and triplex uses. In the Easton Master Plan, head-in parking will be permitted only at a park off of a local street or on private property, where the Bend Park and Recreation department or the Homeowners Association would maintain the striping and accessible stall signage. All parking must be outside the clear vision area of an intersection and where sight distance can be shown to exist, and provide pedestrian connectivity to avoid pedestrian traffic behind parked vehicles. No parking stripes will be permitted within the right of way unless otherwise approved by the City Engineer and approved under a right of way permit. This alternative parking arrangement, meeting the safety requirements listed above, provides an equal standard to parallel parking on a local street.

Chapter 3.5 – Other Design Standards

BDC 3.5.200 sets forth outdoor lighting standards. The Easton Master Plan is exempt from these outdoor lighting standards, but outdoor lighting will be reviewed by the Easton Architectural Review committee formed by the Easton Homeowner's Association. This committee would be responsible for compliance with the architectural standards that will be set forth in future conditions, covenants and restrictions (CC&RS). This process is similar to the private architectural review process within the Northwest Crossing Overlay Zone (BDC 2.7.300).

BDC 4.5.500.D.3. Major Community Master Plan criteria (continued)

- 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 Easton Master Plan does not rearrange locations of existing plan designations. However, under Bend Development Code (BDC) 4.5.200(C)(3)(a), the text of a major community master plan must be included in BDC Chapter 2.7 Special Planned Districts. Consequently, this is a post-acknowledgement plan amendment to the acknowledged Bend Development Code. The approval criteria include applicable Statewide Planning Goals, applicable Oregon Administrative Rules (OAR) adopted by the Land Conservation and Development Commission (LCDC) that implement the Goals, and applicable City Comprehensive Plan policies. BDC 4.5.200(D)(3)(c), addressed below, requires evaluation of relevant 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 held a virtual public meeting via an online Zoom "webinar" and telephone on April 22, 2020. Notice was provided to property owners located within 500 feet of the subject properties, as well the Old Farm and Southeast Bend Neighborhood Associations, in compliance with BDC 4.1.215. The required City forms for Verification of Compliance and Verification of Neighborhood Meeting, as well as documentation of the mailing of notices are included in submitted Exhibit G. 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 notification area was expanded from 250 to 400 feet per the discretion of the Planning Director as allowed under BDC 4.1.420.A.5, and notification was also provided to the Old Farm and Southeast Bend Neighborhood Associations. 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 Petrosa Master Planned Development district. The proposed text amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan policies. 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 amendment 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.

The City will review and process this application consistent with the procedures detailed in the BDC Chapter 4.1, including consideration of any agency and public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.

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: The subject property has been identified in the City's Comprehensive Plan as appropriate for housing. The property is zoned RS, consistent with the designation in the Comprehensive Plan. The subject property does 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. Therefore, Goal 5 is satisfied.

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. The Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. The subject properties are not located within the WOZ nor do they contain an ASI. Maintaining or improving the quality of the community's air, water and land resources will be assured through enforcement of state and local regulations. Noise levels will not exceed DEQ noise regulations. Therefore, Goal 6 is satisfied.

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. Therefore, Goal 7 is satisfied.

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 (BPRD), via Policy 2-2.

The Easton Master Plan includes 8.4 acres of open space and the creation of approximately 1 mile of looped pathways throughout the project. The applicant and Bend Park and Recreation District (BPRD) have been collaborating on the possible transfer of a portion of the preserved open space to serve as a neighborhood park, and the 10-foot-wide multiuse path along the north side of SE Caldera Drive aligns with the High Desert Trail facility identified in BPRD's 2018 Comprehensive Plan. The City of Bend's Transportation System Plan (TSP) also identifies a primary multiuse path, which has not been constructed, running east/west through the existing neighborhood to the north. The extensive network of multiuse pathways provides recreational opportunities for pedestrians and cyclists and connects to the planned community center, open space, and individual homes within the community, as well as outward to BPRD's planned Alpenglow and High Desert Park facilities.

It is anticipated that parks and open space will be improved in conjunction with abutting residential construction. Therefore, Goal 8 is satisfied.

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: The subject property has been identified in the City's Comprehensive Plan as appropriate for residential uses. The Easton Major Master Plan does not change the uses or residential densities allowed on the subject property and does not include lands designated for commercial or industrial uses nor diminish the availability of these lands. Therefore, Goal 9 is satisfied.

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

FINDING: The subject properties have been identified in the City's Comprehensive Plan as appropriate for residential uses. The Master Plan is consistent with the applicable density and unit mix required by BCP Policy 11-33, and provides capacity for 428 housing units including 114 (27 percent) units of single-family attached housing. Therefore, Goal 10 is satisfied.

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 submitted Utility Availability Memo (Exhibit F; BP20-1835) indicate water and sewer capacity exists within the existing systems to serve the proposed master plan area. Goal 11 is satisfied.

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

FINDING: The Transportation Planning Rule (TPR) (OAR 660-012-0000) implements Goal 12 and states the purpose is "to provide and encourage a safe, convenient and economic transportation system." The TPR also supports mobility and accessibility, the availability of multimodal choices, efficient flow of freight, protection of existing and planned transportation facilities, and coordination among service providers.

The Transportation Element (submitted Exhibit E) of the Easton Master Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, a Transportation Impact Analysis, and a TPR analysis. The Transportation Analysis Memo issued by the City (BP-20-1357-TFRA) includes a list of mitigation and timing mechanisms to ensure compliance with state and local policies. Goal 12 is satisfied.

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 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. Therefore, Goal 13 is satisfied.

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 abuts the subject property to the south, 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.

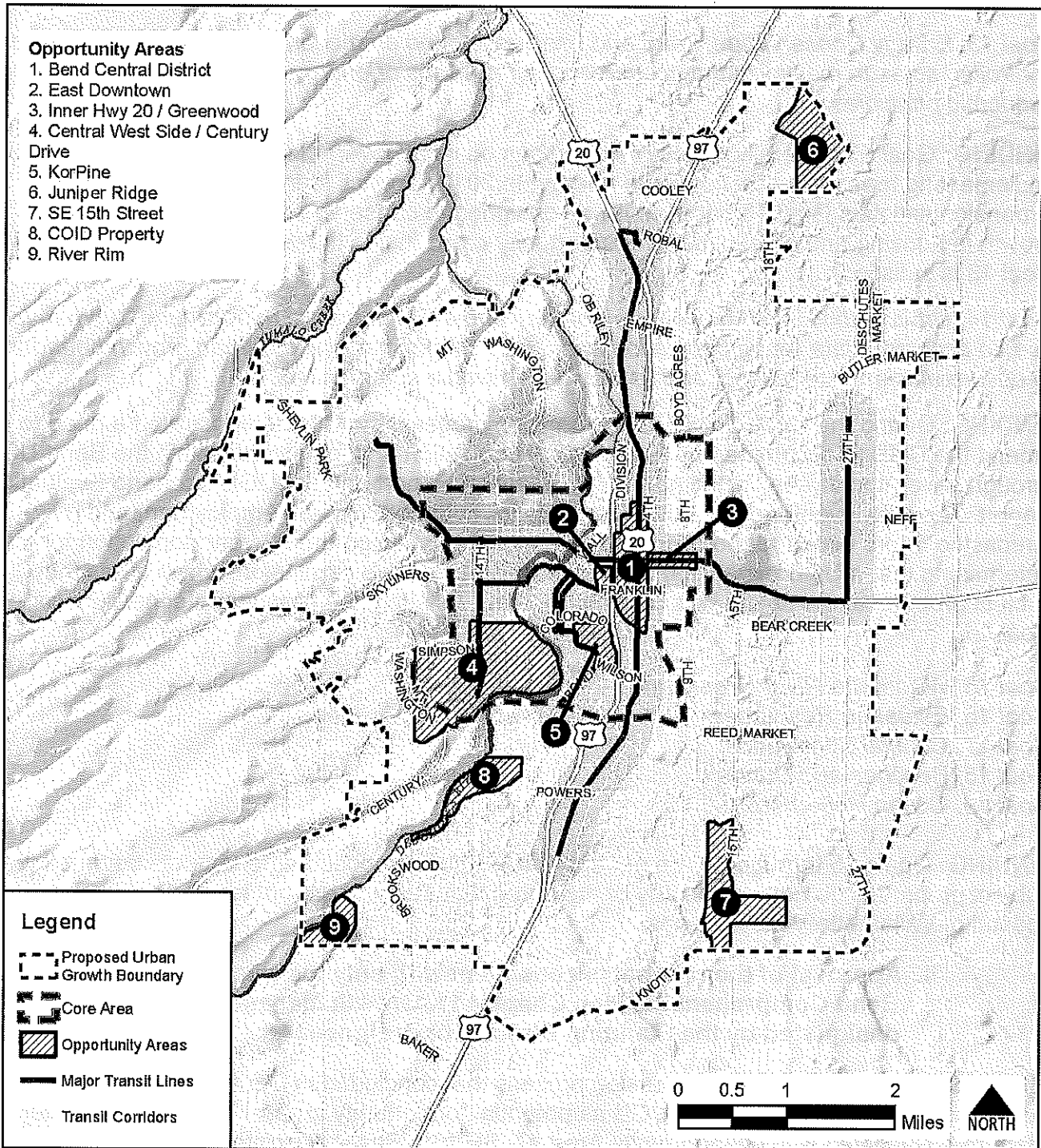
- ii. **Approval of the request is consistent with only the relevant policies of the Bend Comprehensive Plan Chapter 11, Growth Management, that are designated by the Planning Director or designee.;**

FINDING: As part of the UGB expansion process that concluded in December 2016, the City evaluated existing land within the UGB as potential "opportunity areas." The Easton Master Plan Area is located within Opportunity Area #7, SE 15th Street illustrated in Figure 11-1, below. Along with the UGB lands, the City adopted new BCP policies in Chapter 11—Growth Management intended to guide the development of master plan and opportunity areas. BDC 4.5.200(D)(3)(c), addressed below, requires evaluation of relevant BCP Chapter 11 policies.

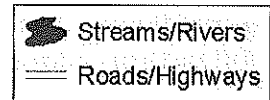
Bend UGB

Opportunity Areas

July 18, 2016



Data Source: Deschutes County GIS (2014)



Chapter 7 Transportation Systems

Transportation Systems Plan Objectives and Policies

Transportation and Land Use

7-1 Medium and high-density residential development should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to highest concentrations of population.

FINDING: The proposed Easton neighborhood is located adjacent to the new Caldera High School and a planned middle school. The school district is also considering plans for a new elementary school in the general area. Each of these facilities will be directly connected via sidewalks and trails with marked crossings at major intersections.

Commercial services are planned within the SEAP lands to the south. Street stubs will support walking, bicycling, and vehicular access to these lands from the Easton neighborhood as well as from existing residential development to the north and south. This will support the neighborhood commercial goals of these lands.

No transit is currently available in the area, but CET is actively working to obtain new buses and plans to begin fixed route service along SE 15th Street in 2021. The applicant is coordinating with CET to consider adding a transit stop along the frontage opposite the planned stop by Caldera High School. These discussions are ongoing. Ultimately, improvements to transit service coupled with the sidewalk and trail system will improve transit access for the overall area. The policy is met.

7-4 Developments at the edge of the urban area shall be designed to provide connectivity to existing and future development adjacent to the urban area.

FINDING: The Easton Master Plan abuts the city limits and the Southeast Expansion area on the east and south property line. The proposed roadway extensions and connections shown in the Easton Master Plan provide connections to and are consistent with the roadways shown in the adjacent Southeast Expansion Area. The policy is met.

Pedestrian and Bicycle System

7-28 The City shall work together with the Park District to acquire, develop and maintain the primary trails designated on the Bend Urban Area - Bicycle and Pedestrian System Plan; Figure 7-2. New development shall be required to construct and dedicate Primary Trails for public use according to this plan. The alignments depicted are general in nature and shall be located according to criteria defined in TSP Section 6.3.1.3. These trails, and future trail additions, shall support the need for non-motorized travel in the community.

FINDING: A proposed multi-use path is located on the north side of SE Caldera Drive consistent with the alignment for the High Desert Park Trail in the BPRD Comprehensive Plan. This design and alignment have been coordinated with BPRD staff. The policy is met.

7-30 The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and

parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3rd Street, the Bend Parkway and the railroad.

FINDING: As described above, complete pedestrian and bicycle facilities will be provided to the new Caldera High School. In addition, the pedestrian and bicycle facilities are planned along the entire length of SE Caldera Drive, to be extended in the future to major activity centers located within the Southeast Area Plan lands south and east of the property. The replacement of on-street bicycle lanes and sidewalks with three local streets and a multiuse path provides additional connections within a lower-stress environment. In addition, the sidewalk and multiuse pathway systems tie in with the City's Murphy Road overcrossing of the Burlington Northern-Santa Fe (BNSF) mainline and BPRD's planned overcrossing within Alpenglow Park. The provision of marked crossings and roundabouts along SE 15th Street (and planned installation of a school zone) will help link the new neighborhood with adjacent schools and parks.

7-32 ***Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.***

FINDING: Bike lanes are planned on both sides of the new SE Caldera Drive east-west collector with a two-foot buffer between the bike lanes and the travel lanes. The policy is met.

7-33 ***Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.***

FINDING: Property-tight sidewalks or property-tight/meandering multi-use paths are proposed along all streets consistent with Bend Standards and Specifications. The policy is met.

7-36 ***Bicycle and pedestrian facilities shall be designed and constructed to minimize conflicts between transportation modes.***

FINDING: The new SE Caldera Drive collector is being designed to separate pedestrians and bicyclists from vehicles and reduce conflicts. The two-foot buffer between travel lanes and bicycle lanes and the landscape buffer between pedestrian walkways and the roadway all help to reduce vehicle/pedestrian/bike interactions. Where the multiuse path abuts the on street parking bays, either a 2 foot landscape strip or 12-foot path tight to the curb shall be constructed, providing a buffer for car doors.

The design of the trail system through the project was selected along a route that maximizes access to area amenities such as parks and open space. It was also sited to avoid all driveway conflicts. The policy is met.

Public Transportation System

7-46 *To accommodate a fixed-route transit system, land use ordinances and other regulations shall be implemented that establish pedestrian and transit-friendly design along potential or existing transit routes.*

FINDING: As described, the pedestrian system is being extended throughout the site to connect to the SE 15th Street corridor. CET plans to expand fixed route transit service to the corridor in 2021. The policy is met.

Street System

7-48 *Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.*

FINDING: The location of the proposed SE Caldera Drive extension provides a needed east-west link that in the future will connect between SE 15th Street and SE 27th Street. The street is being designed to Major Collector standards to serve the entire Southeast Expansion area in addition to the Easton Master Plan area.

The spacing of the major roadways in this area and roundabout improvements provides an interconnected grid system with adequate spacing between roundabouts to support area travel needs. The policy is met.

7-49 *Where a subdivision or partition is adjacent to land likely to be divided in the future, streets, bicycle paths, and accessways shall continue through to the boundary line of the subdivision or partition in order to achieve connectivity within the grid system.*

FINDING: The site plan for the Easton Master Plan shows that all streets and pathways along the boundaries are extended to support development, connectivity, and access to the UGB expansion lands. Specific plans for other lands in the UGB expansion area have not yet been developed. The policy is met.

7-51 I *In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements. The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.*

FINDING: The design of the proposed east-west collector road includes special street standards that a narrower pavement width than City standards, allowing the omission of a center turn lane and inclusion of on-street parking, bicycle lanes, and a buffer area. A trail system is provided along the north side of the street consistent with BPRD plans. A formal Transportation Impact Analysis has been prepared to identify the surrounding area needs, as reviewed under BP-20-1357-TFRA. In addition, extensive studies have been prepared through the Southeast Area Plan process. The policy is met.

7-54 Traffic signals or roundabouts shall be constructed in accordance with the design, spacing and standards adopted by the City.

FINDING: The connection of Caldera Avenue with SE 15th Street has previously been identified as a future roundabout location. This improvement is already conditioned on development of the adjacent middle school. This roundabout will be located approximately 1,875 feet from the roundabout being built at the SE 15th Street/Knott Road intersection and will be built to City standards. In addition, a roundabout is also required at Ferguson Road and SE 15th Street, which is approximately 0.9 miles from the Caldera Avenue roundabout. These connections provide an even spacing of improved major roadway facilities. The policy is met.

7-56 The City shall consider the impact of improvements to or completion of existing facilities when considering the need for constructing new facilities.

FINDING: The proposed collector street meets the demand for an east-west connection across southeast Bend. Ferguson Road to the north and Knott Road to the south are spaced approximately 1 ¼ mile apart without other routes for vehicles to travel between SE 15th Street and SE 27th Street. In the future as the collector is extended through the Southeast Expansion area to SE 27th Street, the collector is also expected to offload east-west vehicles from the congested Reed Market Road corridor. The policy is met.

Bend Comprehensive Plan Chapter 11, Growth Management

General Growth Management Policies

11-2 The City will encourage infill and redevelopment of appropriate areas within Bend's Central Core, Opportunity Areas and transit corridors (shown on Figure 11-1).

FINDING: The Easton Master Plan encompasses 75.4 acres within Opportunity Area #7 identified in Figure 11-1 of the Bend Comprehensive Plan. The site has been identified as appropriate for housing. The Easton Master Plan establishes the street network and preserves open space to accommodate 428 future homes. The policy is met.

11-3 The City will ensure that development of large blocks of vacant land makes efficient use of land, meets the city's housing and employment needs, and enhances the community.

FINDING: The Easton Master Plan encompasses 75.4 acres of vacant land in the southeast side of Bend. The project area includes capacity for up to 428 single-family homes, including at least 10 percent attached townhomes.

The Easton Master Plan will include 8.4 acres of open space, including a potential public neighborhood park, a community center, midblock open space areas and trails, and multiuse pathways connecting future residents to the open space amenities. A community center and additional open space are planned near the entrance to the Easton Master Plan and will serve as a gateway feature as residents and visitors enter the neighborhood from SE 15th Street. The community center will include recreational fields and a looped walking path connecting to the multiuse pathway network, in addition to other more specific amenities.

The applicant continues to have on-going conversations with BPRD to establish the larger open space area at the southern edge of the project as a neighborhood park. Whether as a public park or private open space, these areas will provide numerous recreational opportunities for residents of all ages. Open spaces will be well-connected to the network of trails and multiuse paths and with ultimate design refined through future subdivision and site plan review applications. The policy is met.

11-4 Streets in the Centers and Corridors, Employment Districts, Neighborhoods, and Opportunity Sites will have the appropriate types of pedestrian, biking, and transit scale amenities to ensure safety, access, and mobility.

FINDING: The Easton Master Plan will establish a network of complete streets with enhanced pedestrian and biking amenities serving the needs of all residents. The submitted Preliminary Street and Circulation Plan shows the eastward extension of SE Caldera Drive (Major Collector) forming the east-west spine of the through the community with a meandering 10-foot multiuse pathway along the northern edge of the right-of-way. The network of 9-foot multiuse pathways running along the local streets all connect to SE Caldera Drive, which provides a direct connection to the multiuse paths running along both sides of SE 15th Street and links to the new high school, planned middle school, and Alpenglow Park. CET is planning to provide transit service down the SE 15th Street corridor in 2021. The policy is met.

Master Planning Policies

11-33 Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.

Table 11-1. Residential Master Plan Minimum Density and Housing Mix

Residential District	Implementing Zone(s)	General Density Range*	Master Plan Minimum Density *	Master Plan Minimum Housing Mix**
Urban Low Density	Residential Low Density (RL)	Min: 1.1 Max: 4.0	2.0	10%
Urban Standard Density	Residential Standard Density (RS)	Min: 4.0 Max: 7.3	5.11	10%
Urban Medium Density	Residential Medium Density (RM)	Min: 7.3 Max: 21.7	13.02	67%
	Medium-10 Density Residential (RM-10)	Min: 6.0 Max: 10.0	6.0	67%
Urban High Density	Residential High Density (RH)	Min: 21.7 Max: 43.0	21.7	90%

*Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to

calculate minimum and maximum densities.

**Housing mix is expressed as the minimum percent of units that must be single-family attached townhomes, duplex/triplex and/or multifamily residential units. See Bend Development Code for definition of housing types.

FINDING: The Easton Master Plan includes ±75.4 acres designated Urban Standard Density and zoned Residential Standard Density (RS). Based on the density and housing mix requirements outlined in BCP Policy 11-33 and Table 11-1, above. The allowable density ranges are as follows:

Table 1: Easton Master Plan Unit Mix

Minimum Units	10% Housing Mix at Minimum Units	Maximum Units	10% Housing Mix at Maximum Units
±386	±39	±550	±55

The submitted Preliminary Land Use Plan shows 428 single-family homes, including 114 townhomes (27 percent). This is within the allowable density range based on the subject site area. The policy is met.

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

FINDING: The Easton Master Plan does not rearrange the locations of the current Zoning Map or Comprehensive Plan Map designations. However, a concurrent Transportation System Plan Amendment is included with the application. Applicable criteria under 4.6.200 are addressed within this narrative. Therefore, the criteria do not apply.

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 subject property is currently designated for residential uses, thereby precluding commercial zoning or uses within the Easton Master Plan without a comprehensive plan amendment. However, as shown on the Commercial Proximity Exhibit (Exhibit L of the application), the project is compliant with the ½ mile radius standard from land planned or zoned for commercial use, which includes the commercial property to the southeast along SE 15th Street as well as property designated for commercial use to the southwest, within the Southeast Area Plan lands.

- 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 Easton Master Plan is anchored by an east-west collector street which will include a 10-foot-wide multiuse path along the northern frontage and 6-foot-wide sidewalks along the southern frontage as shown on the Preliminary Street Circulation Plan.

The 10-foot-wide multiuse path running along the northern side of the east-west collector will support BPRD's goal of establishing the High Desert Trail, eventually connecting southeast to High Desert Park and to the 15th Street trail to the west. BPRD identifies the High Desert Trail as a high priority in their 2018 Comprehensive Plan, and the City of Bend's TSP also identifies this facility as a primary multiuse path. A network of local streets containing a 9-foot-wide multiuse path on one side is also proposed radiating outward from the east-west collector and stubbing south for a future connection to the south. The criteria are met.

- 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.**

- a. Density Calculations and Exceptions. Minimum and maximum densities must be calculated in conformance with BDC 2.1.600(C), except as follows:**
 - i. Public and Institutional Uses and Miscellaneous Uses in Opportunity Areas. In opportunity areas as shown in the Bend Comprehensive Plan Figure 11-1, a maximum of 20 acres of residential designated land proposed for public and institutional uses and miscellaneous uses (BDC Table 2.1.200) may be excluded from the density calculation and housing mix. The density for the 20 acres must be taken from the residential designation with the lowest maximum density standard in the opportunity area. The master plan must provide the density and housing mix for the residential designated property in excess of 20 acres. No more than 20 acres may be exempted from the density and housing mix in an opportunity area;**

- ii. Open Space. Open space in compliance with subsection (E)(4) of this section may be excluded from the applicable density calculation; and*
- iii. Comprehensive Plan Designations. Land designated as Commercial, Mixed-Use, Industrial and Public Facilities may be excluded from the applicable density calculation.*

b. Minimum standards are as follows:

- ii. RS Comprehensive Plan Designation. At least 70 percent of the maximum gross density of the RS Comprehensive Plan designation, with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 10 percent of total housing units.*

FINDING: This project meets the applicable density standards in BDC 4.5.200(E)(3) by showing that the Easton Master Plan area will contain the housing unit count and mix prescribed in BCP Policy 11-33, which reflect the standards of this section. Housing density and mix is addressed further in the response to BCP Policy 11-33, above. The applicable criteria are met.

- 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.*

FINDING: The Easton Master Plan shows the gross area within the master plan boundary is 75.4 acres. The submitted Preliminary Open Space and Trails Plan shows 8.4 acres (11 percent of gross area) of open space, including two neighborhood parks. Exhibit H of the application is a letter from BPRD acknowledging the ongoing communication and coordination between Pahlisch Homes, Inc. and BPRD regarding new neighborhood park to be conveyed to BPRD. Any additional open space areas not transferred to BPRD are planned be owned and maintained by the HOA. The criteria are met.

- 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 submitted Preliminary Open Space and Trails Plan shows 8.4 acres (11 percent

of gross area) of open space, including two neighborhood parks. Exhibit H is a letter from BPRD acknowledging the ongoing communication and coordination between Pahlisch Homes, Inc. and BPRD regarding a new neighborhood park to be conveyed to BPRD. Any additional open space areas not transferred to BPRD are planned to be owned and maintained by the HOA, in compliance with BDC 4.5.200(E)(4). The criterion is met.

- 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 timeline of the BPRD's acquisition of the neighborhood park and other public open space will be established in the final development agreement between Pahlisch Homes, Inc. and BPRD. HOA-owned and maintained open space will be designated as tracts (or similar) on the final subdivision plat for each corresponding phase. The criterion is, or can be, met.

F. Duration of Approval.

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

FINDING: The time frame studied in the transportation analysis extended to 2040, and the Water and Sewer Analysis Application assumed an open-ended timeline to achieve full build out. The Phasing Plan (submitted Sheet P05) shows the location and lot count for each phase. The applicant requests the maximum approval duration, 15 years, as allowed by this section.

PLANNING COMMISSION RECOMMENDATION: Based on the application materials submitted by the Applicant, and the findings in this recommendation which are based on the Applicant's narrative addressing the relevant criteria for approval, the Planning Commission

recommends that the Bend City Council adopt an ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, to create the Easton Master Planned Development as proposed in Exhibit A.

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF BEND**

DEVELOPMENT CODE TEXT ()
AMENDMENT & MASTER PLAN ()
APPLICATION #PZ 20-0477 ()
RECOMMENDATION TO CITY COUNCIL ()

NATURE OF THE APPLICATION

A Development Code Text Amendment and Master Plan application for the Easton Master Plan.

1. The property subject to a Development Code Text Amendment and Master Plan review is 75.4 acres within the Bend City limits, east of SE 15th Street. The master plan area is comprised of two tax lots: tax lot 2400 of Deschutes County Assessor Map 181215CB and tax lot 1400 of Deschutes County Assessor Map 181215.
2. The applications were deemed complete when all application materials were submitted and the fee was paid on July 15, 2020.
3. The application was submitted in accordance with Section 4.1.220 of the Bend Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 4.1.423 of the Bend Development Code, was provided.
4. The Bend Planning Commission conducted the public hearing on August 24, 2020. One member of the public testified at the hearing. The staff report and recommendation, together with the testimony of the applicant and the public at this hearing, were considered and are part of the record of this proceeding. At the conclusion of the hearing, the Planning Commission voted to recommend for approval the application with the condition of approval listed in this Final Order.

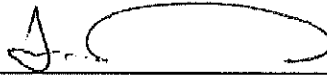
CONCLUSION

On the basis of this record, this Development Code text amendment and master plan, PZ 20-0477 is consistent with the criteria of Section 4.5.300 of the Bend Development Code and all other applicable standards and criteria. This conclusion is supported by the specific findings of fact contained in the Staff Recommendation to the Planning Commission.

RECOMMENDATION

It is recommended by the Planning Commission of Bend that the City Council approve this Development Code Text Amendment and Master Plan application, PZ 20-0477.

This RECOMMENDATION was presented to and approved by the City of Bend Planning Commission on August 24, 2020.



Planning Commission Chair

Attest _____

Ayes: 4

Absent: 3

Nays: 0

Abstain: 0

Vacant: 0