



COMMUNITY  
DEVELOPMENT

**FINDINGS OF  
BEND PLANNING COMMISSION  
FOR BEND COMPREHENSIVE PLAN AMENDMENTS  
AND BEND DEVELOPMENT CODE TEXT AMENDMENTS**

**PROJECT NUMBER:** PZ 20-0479

**HEARING DATE:** January 25, 2021

**APPLICANT:** City of Bend  
709 NW Wall Street, Suite 102  
Bend, OR 97701

**LOCATION:** The subject properties ("site") make up the "Elbow" or Southeast Expansion Area. It consists of the 30 properties identified in Exhibit A and totals 479 acres. It is bordered by 15<sup>th</sup> Street on the west, Knott Road on the south, 27<sup>th</sup> Street on the east, and Ferguson Road and the existing city limits of Bend to the north.

**REQUEST:** A Type IV legislative amendment to the Bend Comprehensive Plan and the Bend Development Code to adopt the Southeast Area Plan. The request includes amendments to the Comprehensive Plan map and text of Chapters 6 and 11 of the Comprehensive Plan, and adoption of amendments to the text of Chapters 1.2, 2.7, 2.8, 4.1, 4.2, 4.3, 4.5, and 4.9 of the Bend Development Code.

**STAFF  
REVIEWERS:** Damian Syrnyk, AICP  
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**I. APPLICABLE CRITERIA:**

**(1) Bend Comprehensive Plan**

Chapter 5, Housing  
Chapter 6, Economy  
Chapter 11, Growth Management

**(2) Bend Development Code**

Chapter 4.6, Land Use District Map and Text Amendments  
Section 4.6.200, Legislative Amendments

Section 4.6.600, Transportation Planning Rule Compliance

Oregon Administrative Rules

Chapter 660 Division 8, Interpretation of Goal 10, Housing

Chapter 660 Division 9, Economic Development

Chapter 660 Division 12, Transportation

Chapter 660 Division 15, Statewide Planning Goals and Guidelines

**II. APPLICABLE PROCEDURES:**

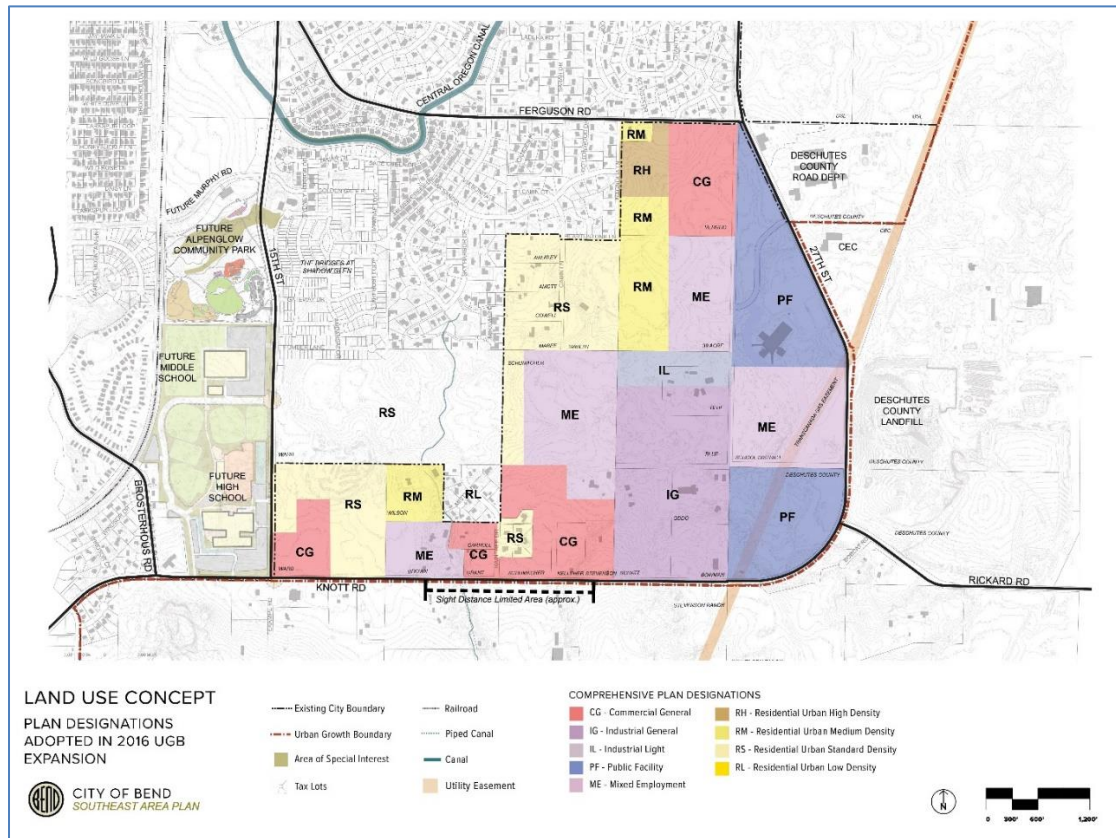
**(1) Bend Development Code**

Chapter 4.1, Development Review and Procedures

**III. FINDINGS OF FACT:**

1. **LOCATION:** The Elbow urban growth boundary (UGB) expansion area, aka the Southeast Expansion Area, is 479 acres in size. The Southeast Expansion area is located east of 15<sup>th</sup> Street, north of Knott Road, west of SE 27<sup>th</sup> Street, and south of Ferguson Road and the existing city limits of Bend.
2. **ZONE AND PLAN DESIGNATION:** The Southeast Expansion Area was included in the Bend UGB through adoption of Ordinance 2271 in 2016. The properties within this expansion area are currently zoned UA, Urbanizable Area. The Comprehensive Plan designations adopted in 2016 include Standard Residential (RS), Medium Density Residential (RM), High Density Residential (RH), Commercial General (CG), Mixed Employment (ME), Industrial General (IG), Industrial Light (IL), and Public Facilities (PF). The following figure shows the Comprehensive Plan designations adopted in 2016 for the Southeast Expansion area.

*Existing Comprehensive Plan Designations in the Elbow/Southeast expansion area*



**3. SITE DESCRIPTION & SURROUNDING USES:** The Southeast Area Plan is roughly 479 acres in size and borders 15<sup>th</sup> Street to the west, Knott Road to the south, SE 27<sup>th</sup> Street to the east, and Ferguson Road and the existing city limits to the north.

The area north and west of the Southeast Expansion area includes several existing residential neighborhoods developed with single family dwellings. One parcel due west of the site is a 75-acres property that was recently approved as the Easton Master Plan (See PZ-20-0477). Caldera High School is under construction due west to the west side of 15<sup>th</sup> Street. A church is located due south of the site, at the intersection of Knott Road and Tekampe Rd. The Knott Landfill and Deschutes County Road Department are located due east of the Southeast on the east side of 27<sup>th</sup> Street.

**4. PROPOSAL:** This proposal is a set of legislative amendments to the Bend Comprehensive Plan and the Bend Development Code to adopt the Southeast Area Plan. This set of amendments includes:

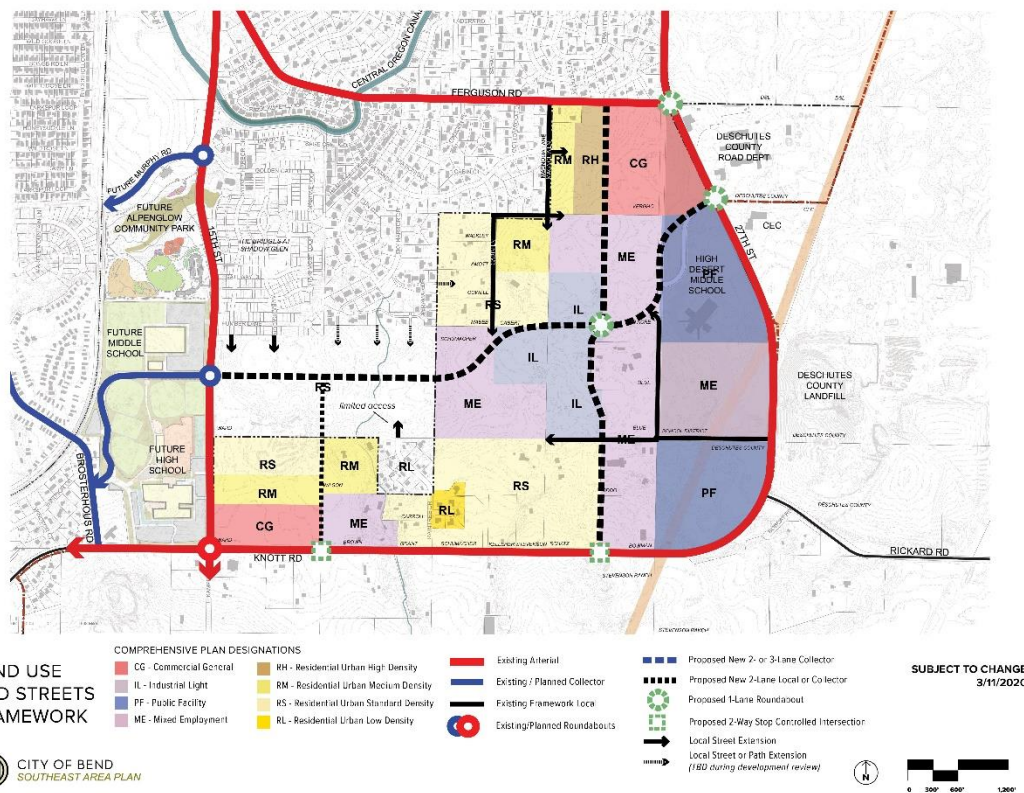
- Amendments to the text of several policies in Chapters 6 and 11 of the Bend Comprehensive Plan

## Exhibit "A"

- Amendments to the Bend Comprehensive Plan map that change the designations of some of the properties in the Southeast Expansion Area
- Amendments to the text of the Bend Development Code to adopt a section in BDC Chapter 2.7, for the Southeast Area Plan, and additional conforming amendments to Chapters 1,2, 2.8, 4.1, 4.2, 4.3, 4.5, and 4.9.
- Adopting the Southeast Area Plan Summary Report, including the Infrastructure Funding Plan, as Appendix "N" of the Bend Comprehensive Plan.

The proposal does not include any amendments to the Transportation System Plan (TSP). The east-west (Caldera) and north-south collectors shown on the proposed comprehensive plan map changes were included in the TSP adopted by the City Council on September 2, 2020 (See Ordinance 2381).

### *Proposed Comprehensive Plan Amend Amendments for Elbow/Southeast Expansion Area*



## IV. PROCEDURAL FINDINGS:

- 1. PLANNING COMMISSION REVIEW:** The matter before the Planning Commission is the review of several amendments to the Bend Comprehensive Plan and Bend Development Code to adopt and implement the Southeast Area Plan. The amendments to the Bend Comprehensive Plan include: amendments to the text of Chapters 6 and 11; amendments to

the Bend Comprehensive Plan Map to reflect new plan designations for certain properties in the Southeast Expansion Area, and; adoption of the Southeast Area Plan Summary Report as new Appendix. The amendments to the Bend Development Code include amendments to: Chapter 1.2, Definitions; Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans, Chapter 2.8 Urbanizable Area District; Chapter 4.1, Development Review and Procedures; Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review; Chapter 4.3 Subdivisions, Partitions, Replats and Property Line Adjustments; Chapter 4.5 Master Planning and Development Alternatives, and; Chapter 4.9 Annexations.

- 2. PUBLIC NOTICE AND COMMENTS:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on December 18, 2020. A notice of the January 25, 2021, Planning Commission public hearing was printed in the Bend Bulletin on January 5, 2021, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 5, 2021.

- 3. FINDINGS ON COMPLIANCE WITH BEND DEVELOPMENT CODE 4.1.500, TYPE IV LEGISLATIVE PROCEDURES**

#### ***4.1.505 Type IV Applications***

***Legislative decisions are made after public notice, public hearings and a recommendation by the Planning Commission to the City Council, except the City Council is the sole review authority for annexations. [Ord. NS-2302, 2018; Ord. NS-2122, 2009; Ord. NS-2016, 2006]***

**FINDINGS:** The proposal meets this criterion because a final decision to adopt the amendments to the plan map, plan text and development code text will be made following these requirements. Notice of the public hearings before the Bend Planning Commission and Bend City Council are, or will be, published in the Bend Bulletin newspaper. Through this staff report, Staff recommends the Planning Commission, after a least one public hearing, forward the amendments on to the City Council with a recommendation for adoption. Staff will then present the Planning Commission's recommendations to the City Council at a public hearing.

#### ***4.1.510 Hearing Required***

***No legislative change can be adopted without review by the Planning Commission and a final public hearing before the City Council, except the City Council is the sole review authority for annexations. Public hearings are set at the discretion of the Development Services Director, unless otherwise required by State law. [Ord. NS-2302, 2018; Ord. NS-2251, 2015; Ord. NS-2122, 2009; Ord. NS-2016, 2006]***

**FINDINGS:** The Planning Commission received a presentation about the proposed legislative changes at a work session on January 11, 2021, which was open to the public, and will review the proposed changes and hold a public hearing scheduled for January 25, 2021. The City Council will review the proposed legislative changes and hold a final public hearing at a date to be determined, prior to adoption.

**4.1.515 Notice**

**A. Published Notice.**

**1. Notice of a Type IV legislative change shall be published in a newspaper of general circulation in the City at least 20 days prior to each public hearing.**

**2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**

**B. Posted Notice. Notice shall be posted at the discretion of the Development Services Director.**

**C. Individual Notice. For site-specific applications, individual notice to property owners, as defined in BDC 4.1.220(A), shall be provided.**

**D. Neighborhood Associations. Notice of Type IV legislative changes shall be mailed to the designated representative of any neighborhood association recognized by the City of Bend, where the legislative change affects any land within the boundary of such neighborhood association.**

**FINDING:** The proposal meets this criterion because notice has been given as required and described above.

**4.1.520 Initiation of a Legislative Change.**

**Requests for a plan map or text amendment of the Bend Comprehensive Plan or its implementing documents may be initiated by an individual, corporation, or public agency upon submittal of an application, supporting documentation and payment of required fees. The City Council, Planning Commission or Development Services Director may also initiate legislative changes.**

**FINDING:** The requested legislative changes were initiated by the City Council through several Council actions. The City Council passed Resolution #3114 on May 2, 2018, directing that an area plan be developed for the Elbow or Southeast Expansion Area. This action was followed by the Council's approval of an amendment to Contract #318225 to begin work on the Southeast Area Plan. Finally, City Council passed Resolution #3135, on September 19, 2018, which approved the formation of the Southeast Area Plan Advisory Committee (SEAPAC).

**4.1.525 Review Authority.**

**A Type IV change must be reviewed by the Planning Commission prior to action being taken by the City Council, except the City Council is the sole review authority for annexations.**

**FINDING:** Prior to the City Council taking action, the Planning Commission received a presentation about the proposed legislative changes at a work session on January 11, 2021,



which was open to the public, and will review and hold a public hearing scheduled for January 25, 2021. Subsequently, the City Council will review the proposed legislative changes and hold a final public hearing prior to adoption.

**4.1.530 Final Decision**

***All legislative changes shall be adopted by ordinance.***

**FINDING:** If approved, the proposed legislative changes will be adopted by ordinance. The adopting ordinance will be drafted to list the legislative changes to be enacted through adoption, including the amendments to the Comprehensive Plan map, and the amendments to the text of the Comprehensive Plan and Development Code.

**V. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:**

**CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS**

**4.6.200 Legislative Amendments.**

***A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the Comprehensive Plan and map, Development Code and changes in the Zoning Map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with BDC Chapter 4.1, Development Review and Procedures, and shall conform to BDC 4.6.600, Transportation Planning Rule Compliance. A legislative amendment may be approved or denied.***

**FINDING:** The recommended amendments involve broad public policy rather than application to an individual property owner and the changes to the Zoning Map are not directed at a small, specific number of properties. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

***B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a legislative amendment shall be based on all of the following criteria:***

**1. The request is consistent with the applicable State land use law;**

**FINDING:** The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economic Development and Goal 10: Housing.

**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 proposed amendments satisfy Goal 1 because the City used its citizen involvement program to insure the opportunity for citizens to be involved in all phases of the planning process<sup>1</sup>. The citizen involvement process provided multiple opportunities for citizens to be involved and provide input into the plan. On September 19, 2018, the City Council passed Resolution #3135 through which they approved the formation of the Southeast Area Plan Advisory Committee (SEAPAC) to both provide input to the project team and serve as a forum for community input<sup>2</sup>. SEAPAC held twelve (12) public meetings between December 2018 and December 2020. In addition to SEAPAC meetings, the City conducted three open houses to obtain additional input on the SEAP. Two open houses were conducted in person in March and July 2019 with the third open house held online from October 22 to November 12, 2020. Finally, the City maintained a project website on which meeting and open house materials were posted, starting in September 2018. The Planning Commission, serving as the City's citizen involvement committee, will hold at least (1) one public hearing on the proposed amendments before forwarding a recommendation to the City Council, who will hold their own public hearing before taking action on the amendments.

**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 satisfies Goal 2 because it was developed using an adequate factual base and included coordination with the affected government units. The factual base in support of the Comprehensive Plan and Development Code amendments is presented in the Southeast Area Plan Summary Report. This report documents the land use changes considered over four scenarios, the research that went into developing the Code Amendments, and the analysis supporting the Infrastructure Funding Plan. In addition, the proposal satisfies Goal 2 because of the work and data documented in the Summary Report Technical Appendices. The Technical Appendices include the work products presented to SEAPAC for their review and action that were developed between January 2019 and December 2020.

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<sup>1</sup> See Citizen Involvement Program dated October 26, 2009 at <https://www.bendoregon.gov/home/showdocument?id=33917>.

<sup>2</sup> See Section 2 of Resolution #3135 at <https://www.bendoregon.gov/home/showpublisheddocument?id=38840>.



With respect to coordination of the plan with the affected government units, the City engaged with affected governments directly and through SEAPAC to obtain their feedback on the plan and its changes.

- The Bend-LaPine School District, Bend Park and Recreation District, and Oregon Department of Transportation-Region 4 had representatives serve on SEAPAC
- City project team members presented the project to the Deschutes County Solid Waste Advisory Committee on November 27, 2018
- City project team members coordinated with transportation staff of Deschutes County, ODOT Region 4, and the Bend Metropolitan Planning Organization (MPO) in a meeting held March 25, 2019
- City project team members coordinated specifically with ODOT Region 4 staff regarding transportation modeling through meetings held December 17, 2019, February 5, 2020, and April 24, 2020.

Based on the forgoing findings, the proposal satisfies Goal 2.

**Goal 3, Agricultural Lands and Goal 4, Forest Lands.** Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the Southeast plan area. The area that is the subject of this legislative proposal is within the Bend urban growth boundary, but outside of the Bend city limits.

**Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

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

**Goal 6, Air, Water and Land Resources Quality** are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. The subject properties are not located within the WOZ nor do they contain an ASI.

Goal 6 is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

**Goal 7, Areas Subject to Natural Hazards** is not applicable because the area does not contain Areas Subject to Natural Hazards and the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

**Goal 8, Recreational Needs** requires the City to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. The City adopted the Bend Comprehensive Plan and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the Comprehensive Plan establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District, via Policy 2-2.

Bend Parks and Recreation District (BPRD) currently owns a 32-acre site located in the southeast corner of the SEAP area and has identified the site as the location for the future High Desert Community Park. The Comprehensive Plan designation for the site is Public Facilities (PF). No changes to the Comprehensive Plan designation area proposed.

In addition, the city has worked closely with the Bend Park and Recreation District on bicycle and pedestrian connectivity to the future park site. The proposal is consistent with Statewide Planning Goal 8 because it is consistent with the adopted Bend Development Code, and the acknowledged Bend Comprehensive Plan.

**Goal 9, Economic Development**, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintains an adequate land supply for economic development and employment growth. This finding addresses Goal 9 (OAR 660-015-0000(9) and the rules applicable to post acknowledgement plan amendments under OAR 660-009-0010(4).

The Southeast Expansion Area was included in the Bend UGB in 2016 to provide land for both housing and employment. The plan designations applied in 2016 are reflected in Policy 11-95, and included 67 acres of land in commercial plan designations, 76 acres of land in industrial plan designations, 103 acres in mixed employment designations, and 75 acres for public facilities designations.

A Market and Land Use Analysis was conducted in January 2019 to support decision-making regarding land use refinements and future development opportunities in the Southeast Expansion Area (See Appendix F of the Technical Appendices). The results of the analysis concluded the Southeast Expansion Area would support the planned employment land uses in the area, and provided information that informed the refinements in employment plan designations proposed through the Southeast Area Plan. Briefly, the analysis concluded that businesses more likely to locate in the Commercial General areas would do so after sufficient numbers of housing units were constructed to support retail, office, and similar businesses in the Southeast. With respect to industrial land uses, the analysis found that the types of types of businesses needing industrial zoning and that would potentially locate in the Southeast Expansion Areas were less intensive industrial uses such as research and development, flex space, and specialty manufacturing.

The proposed area plan proposes changes to the arrangement of commercial, industrial, mixed use, and public facilities designations. These changes are reflected in the proposed changes to the Comprehensive Plan Map, and discussed in Chapter 6 of the Summary Report. The changes include reductions in the number of acres of land with commercial designations of 24 acres, and reductions in the number of acres of land with industrial designations of 38 acres. These proposed changes in the amount of land in commercial and industrial land designations trigger review against the rules under OAR 660-009-0010(4). To address this rule, the proposal includes proposed policies that require the City to ensure these respective supplies of land will be replaced in the future. Appendix II of the Technical Appendices includes the draft changes to the text of the Bend Comprehensive Plan, include proposed policies 6-23, 11-85, and 11-86. The purpose of these policies is to recognize that in situations where commercial and industrial land use designations are changed through the adoption of an area plan, that the City take some subsequent action to ensure these supplies are replaced to ensure adequate supplies of land for commercial and industrial land uses. The proposal satisfies OAR 660-009-0010(4) because it includes proposed amendments to the Comprehensive Plan consistent with the requirements of this division. This will ensure compliance with Goal 9.

**Goal 10, Housing**, requires provisions to provide for the housing needs of citizens of the state.

**FINDING:** The proposal meets this criterion because it includes land for the housing needs of the citizens of the state, and in the amounts of different designations for different types of housing and in a variety of densities. This finding addresses OAR 660-015-0000(10) and OAR 660-008 for the plan designation and policy changes for housing in the Southeast Expansion Area.

The Elbow or Southeast Expansion Areas was included as a part of the City's Goal 10 inventory of needed housing when the City of Bend expanded its Urban Growth Boundary in 2016. Specific policies regarding housing in the Elbow area expansion area are found in BCP Policies 11-95 and 11-96 (previously Policies 11-77 and 11-78). The Southeast Area Plan includes more land for housing than designated under the 2016 Comprehensive Plan designations for the Elbow. The proposal includes four (4) acres of land designated Urban Residential Low Density (RL), 105 acres of land designated Urban Residential Standard Density (RS), 35 acres of land designated Urban Residential Medium Density (RM), and ten (10) acres Urban Residential High Density (RH). A total of 154 acres of land are designated for housing, with an estimated capacity of 1,231 units based on the allowed densities of these plan designations. The proposed arrangement of plan designations and their implementing zoning districts provide for a variety of housing types that can be developed at a variety of densities.

For the purpose of addressing Goal 10 in this finding, the City finds that OAR 660-008-0020 and 660-008-025 are the rules applicable to review. With respect to OAR 660-008-0020, the proposal satisfies this criterion because it includes proposed changes to the Comprehensive Plan map to designate these lands for housing. The proposed Comprehensive Plan designations for the Southeast (See above map) show which areas are designated for housing. The proposal also satisfies OAR 660-008-0025 because it consistent with existing City regulations regarding annexation and rezoning of property consistent with the Comprehensive Plan map. The only changes to the City's Comprehensive Plan policies and land use regulations (See BDC 4.9) are

intended to allow annexations of any size to proceed after the approval of an area plan. Based on these findings, the proposal is consistent with Statewide Planning Goal 10.

**Goal 11, Public Facilities and Services**, requires the City 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. The proposal includes an analysis of transportation and sewer collection infrastructure needs, based on the land use concepts identified above (See Summary Report Chapter 7, Appendices W, X, and Z). The proposal includes plans for providing a timely, orderly, and efficient arrangement of transportation and sewer collection infrastructure, as proposed in the Infrastructure Funding Plan. The Infrastructure Funding Plan identifies three (3) significant transportation projects to serve the land uses in the Southeast, including two roundabout improvements for intersections and an urban upgrade for the frontage of both Knott Road and 27<sup>th</sup> Street abutting the Southeast. With respect to sewer collection, the plan also identifies sewer improvements needed to serve the Southeast, including a pump station, a force main, and two gravity sewer collection lines. The IFP further identifies additional sewer collection lines that will be City projects to fund and construct. Finally, the IFP identifies locations for future waterline improvements for the Avion Water Company to use when coordinating with development. Therefore, compliance with Goal 11 is satisfied.

**Goal 12, Transportation**, is to provide and encourage a safe, convenient and economic transportation system. This finding addresses Goal 12 and the applicable section of its implementing administrative rule (OAR 660-012), Section 660-012-0060. This section addresses plan and land use regulation amendments that affect transportation facilities and whether they significantly affect transportation facilities. The proposal satisfies Goal 12 because it includes plans for a safe, convenient, and economic transportation system for the Southeast Expansion Area. The Southeast Area Plan included developing alignments for two new collector roads, one east-west (aka Caldera) and one north-south to provide access to and from the area to Ferguson Road, 27<sup>th</sup> Street, Knott Road, and 15<sup>th</sup> Street. The proposed land use regulations for the Southeast Area Plan further include plans for a system of multi-use paths within and outside of proposed rights of way, providing for safe pedestrian travel throughout the area. Finally, the land use regulations for the Southeast Area Plan include plans for alternative collector standards that provide for safe multi-modal travel east-west and north-south through the area by including both on-street bike lanes, sidewalks, and off-street multi-use paths for pedestrian and bicycle travel.

Section 660-012-0000 of the Transportation Planning Rule (TPR) identifies the overall purpose of Statewide Goal 12 to encourage a safe, convenient, and economic transportation system. The TPR also seeks to provide modal choices, improve accessibility, encourage coordination among transportation providers, protect facilities and corridors for their identified function, and facilitate movement of freight. The proposal satisfies OAR 660-012-0060 because a transportation analysis has identified where the trips from the Southeast Expansion Area will have a significant impact, and includes a letter from the Oregon Department of Transportation (ODOT) Region 4 through which ODOT agrees with the City on establishing a per trip fee for the Southeast Expansion Area as the City's contribution to mitigating the impacts of trips on ODOT's facilities.

The Summary Report Technical Appendices includes an Appendix FF, which is a December 2, 2020 technical memorandum from Kittelson and Associates documenting the TPR Analysis and

Infrastructure Needs for the Southeast Expansion Area. This document outlines the analysis and conclusions for documenting compliance with the requirements of OAR 660-012-0060. Appendix GG includes the Findings addressing compliance with OAR 660-012-0060, which are incorporated by reference herein.

ODOT Region 4 has provided a November 19, 2020 letter in which ODOT concurs with the City's analysis demonstrating compliance with OAR 660-012-0060. ODOT concluded that it is reasonably likely that the listed mitigation projects will be fully funded by the 2040 planning horizon year. ODOT stated this is consistent with OAR 660-012-0060(4)(b)(D). This provision of the TPR allows transportation providers (City/ODOT) to determine if improvements identified in local TSPs or Comprehensive Plans are reasonably likely to be addressed by the end of the planning period in order to avoid further degradation of the transportation facilities. Finally, ODOT concluded that the system-wide benefits of the proposed mitigation projects are sufficient to balance the significant affects generated by the Southeast Area Plan.

Based on the forgoing findings, the proposal satisfies Goal 12 and OAR 660-012-0060.

**Goal 13, Energy Conservation** is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

**Goal 14, Urbanization**, requires the City 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.

The proposal satisfies Goal 14 because it includes amendments to the Comprehensive Plan and Development Code to support the development of urban uses within the Southeast Expansion Area of the Bend UGB. 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 (See Appendix L to the Comprehensive Plan) and the UGB Scenario Evaluation Report (See Remand Record 04547). The City inventoried its buildable lands for both housing and employment and forecasted future needs for housing and employment based on the 20-year population forecast, determining that a UGB expansion was necessary. This UGB expansion, which included the subject Southeast Area, was adopted in 2016. As such, the proposal is consistent with Goal 14.

Furthermore, the amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these amendments and therefore, the City's long-standing acknowledgment of compliance with Goal 14 is satisfied.

**Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources** are not applicable to the proposed changes.

Based on the above discussion, the amendments to the BDC are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

Because the code amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

***2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;***

**FINDING:** The goals established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The goals are generally carried out through policies, which are statements of public policy. The following Goals and Policies are applicable:

**Chapter 1: Plan Management and Citizen Involvement**

**Goals:**

- ***Create and Preserve Great Neighborhoods. Bend has a variety of great neighborhoods that promote a sense of community and are well-designed, safe, walkable, and include local schools and parks. Small neighborhood centers provide local shops, a mix of housing types, and community gathering places. The character of historic neighborhoods is protected and infill development is compatible.***
- ***Protect and Enhance Bend's Natural Beauty, Heritage and Natural Environment. As Bend grows, it preserves and enhances natural areas and wildlife habitat. Protect and enhance Bend's natural beauty noting especially the trees, rocks, rivers, view, sounds and historic structures. Wildfire risk management is a key consideration. Bend takes a balanced approach to environmental protection and building a great city.***
- ***Ensure Quality Design and Attractive Development. Ensure that the "built environment" is as attractive as feasible.***

**FINDING:** The proposed amendments support well-designed, safe, walkable neighborhoods with a varied mix of housing types and densities; neighborhood commercial development that will serve future residents and residents in existing adjacent neighborhoods; and compatible transitions between existing and future development.

The proposed development code amendments support the protection of natural beauty and the natural environment, specifically preservation of significant trees (those that are 24" or greater in diameter measured at breast height) and preservation of significant rock outcroppings (naturally formed rock outcroppings that are a minimum of 3,000 square feet in area and eight feet in height). The proposed amendments provide a balanced approach, requiring a general preservation standard of 50% of significant trees, which can potentially be fit into the code required open space, as well as built in flexibility for larger footprint users such as school and anchor retail stores.



The amendments support quality, pedestrian-oriented design through design standards focused on enhancing the pedestrian realm including limitations on drive through facilities, shopping street specific design standards, and enhanced building entrances.

**Policies:**

***Development within the Urban Growth Boundary***

***1-7 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.***

**FINDING:** The amendments allow a mix of residential and nonresidential uses within the Urban Growth Boundary and a well-connected active transportation network, providing pedestrian friendly access to goods and services, convenient to nearby existing and future residents which increases walkability and reduces trips and vehicle miles traveled.

***Citizen Involvement***

***1-15 The City shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.***

***1-16 The City will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.***

**FINDING:** The citizen involvement process for the proposed amendments and plan provided multiple opportunities for citizens to be involved and provide input into the plan. On September 19, 2018, the City Council passed Resolution #3135 through which they approved the formation of the Southeast Area Plan Advisory Committee (SEAPAC) to both provide input to the project team and serve as a forum for community input<sup>3</sup>. SEAPAC held twelve (12) public meetings between December 2018 and December 2020. In addition to SEAPAC meetings, the City conducted three open houses to obtain additional input on the SEAP. Two open houses were conducted in person in March and July 2019 with the third open house held online from October 22 to November 12, 2020. Finally, the City maintained a project website on which SEAPAC meeting and open house materials were posted, starting in September 2018. The Planning Commission, serving as the City's citizen involvement committee, will hold at least (1) one public hearing on the proposed amendments before forwarding a recommendation to the City Council, who will hold their own public hearing before taking action on the amendments.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on December 18, 2020.

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<sup>3</sup> See Section 2 of Resolution #3135 at <https://www.bendoregon.gov/home/showpublisheddocument?id=38840>.

## Chapter 2: Natural Features and Open Space

### Goals:

- ***to preserve interesting and distinct geologic formations and areas of natural vegetation;***

**FINDING:** The proposed development code amendments support the preservation of interesting and district geological formations and areas of natural vegetation with requirements to preserve a minimum of 50% of significant trees and preservation of significant rock outcroppings.

### Policies:

***2-6 Major rock outcrops, stands of trees, or other prominent natural features identified in the Comprehensive Plan shall be preserved as a means of retaining the visual character and quality of the community.***

***2-11 The City shall develop flexible subdivision and development standards that make it easier for developers to provide open space within a neighborhood.***

**FINDING:** The proposed development code amendments support the preservation of significant rock outcroppings and significant trees, beyond those identified in the Comprehensive Plan, which helps to retain the visual character and quality of the community. The amendments include flexible development standards, through multiples exceptions, to make it easier for developers to preserve significant trees and rock outcroppings (which can both be located within open space in a neighborhood). The proposed exceptions include reductions to setbacks, landscaping requirements, and lot dimensions as well as increases to lot coverage and flexible parking requirements.

## Chapter 5: Housing

### *Neighborhood Appearance*

***5-36 The City encourages flexibility in design to promote safety, livability and preservation of natural features. To that end, the City will provide development code standards to allow flexibility on dimensional standards, such as lot size and setbacks, to achieve these objectives.***

**FINDING:** As stated above, the proposed development code amendments encourage flexibility in design, through exceptions, to promote preservation of natural features including significant rock outcroppings and significant trees. The exceptions include reductions to setbacks, landscaping requirements, and lot dimensions as well as increases to lot coverage and flexibility in parking requirements.

### *Transportation connectivity*

**5-38 *Medium-and high-density residential developments 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 the highest concentrations of population.***

**FINDING:** The Southeast Area is not currently served with fixed-route transit service. The two closest existing CET routes are Routes 5 and 6. Both routes provide service on 27th Street between Reed Market Road and St. Charles Hospital. Both routes also provide east-west service between 15th Street and 27th Street. CET's recently adopted 2040 Transit Master Plan identifies the need to provide new fixed-route transit service to Southeast Bend. This new service will connect southeast Bend to the primary transit network and utilize existing routes in the near- to mid-term along Murphy and/or Brosterhous Road. It initiates a microtransit pilot to test demand and build understanding of desired travel patterns for a potential new fixed route. In the mid- to long-term this route will connect the developing population and employment in Southeast Bend, including the new high school, to the transit network. In the near-term, CET has plans for transit stops to be located on SE 15th Street including one at the new Alpenglow Park, and another to be placed near Caldera High School and the planned middle school.

The amendments include a reconfiguration of medium- and high- density comprehensive plan designations to be closer to the proposed general commercial (CG) areas in the northeast and southwest areas within the Southeast Area Plan. Additionally, the amendments allow for some standalone high-density residential in certain locations in the CG zones. Combined, these amendments will provide maximum access to goods and services the CG zones as the area develops, to the highest concentrations of the population in the SEAP area. In addition, the plan calls for a well-connected multi-modal network to connect existing and future residential development to Caldera High School and Alpenglow Community Park (both under development) to the west, the existing High Desert Middle School to the east, as well as the planned future High Desert Park site owned by BPRD in the southeast and a future elementary school in the SEAP area.

**5-42 *Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks.***

**FINDING:** No substantial changes are proposed to the two existing Public Facilities comprehensive plan designated areas in the subject area (with the exception of a reduction to the PF designation north of the existing High Desert Middle School). Furthermore, no changes are proposed to the permitted and conditional uses in the residential zones that would further limit the locating of schools and parks in residential zones.

As stated above, the Southeast Area Plan includes a bicycle and pedestrian plan that supports the land use and roadway network planning. This system includes a robust multi-use path network that will be supported by walking and bicycle facilities along new local and collector roads within SEAP. These facilities have been planned in close coordination with existing and planned regional BPRD routes, which connect to local and citywide recreational destinations and employment centers. BPRD has several existing and planned multi-use paths near and within

southeast Bend, including in the SEAP area. These facilities provide connections to Alpenglow Community Park and the future High Desert Park site, as well as connections between existing and future schools, neighborhoods, and commercial and employment centers. In addition to these planned BPRD multi-use paths, SEAP includes over three miles of recommended multi-use paths as part of the active transportation network.

**5-44 Sidewalks will be required in all new developments. Separated sidewalks will be required on all new streets. However, an alternative system of walkways that provide adequate pedestrian circulation may be approved.**

**5-46 Bikeways shall be considered as a transportation element, and adequate facilities shall be provided as a part of new development.**

**FINDING:** The proposed alternative street standards continue to provide bicycle and pedestrian facilities to accommodate pedestrians, bicycles, street trees and pedestrian amenities, while providing flexibility to meet the land use context.

Planned and recommended multi-use paths are included in the Plan. Planned multi-use paths within the SEAP area are supportive of the planned BPRD routes by providing local connections to these more regional routes. In addition, development of the planned SEAP multi-use path alignments considered and are consistent with the City's Low Stress Network (LSN) and Key Walking and Biking Routes identified with the Bend TSP.

**Refinement Plan Areas (See related policies in Chapter 11, Growth Management and Chapter 1, Plan Management and Citizen Involvement.)**

**5-58 A refinement plan that includes residential areas may prescribe residential density limits on specific properties which differ from the density range provided for in the Comprehensive Plan. However, the average density of residential development allowed within a refinement plan area shall not be less than 80 percent or more than 100 percent of the maximum density, including applicable density bonuses or transfers, prescribed for the area by its pre-existing comprehensive plan map designations.**

**FINDING:** The proposed area plan is consistent with this plan policy because it includes several plan designations for housing, and does not propose limiting the density of housing in any of these designations. The proposed amendments to the Comprehensive Plan increase the number of acres of land for housing, and change the arrangement of land designated for housing. The designations include RL, RS, RM, and RH. The proposed additions to BDC Chapter 2.7 do not include any limitations on the maximum allowed density in each designation.

## **Chapter 6: Economy**

### **Goals:**

- Promote a vital, diverse and sustainable economy, while enhancing the community's overall

livability.

- Ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.
- Create commercial areas that support multimodal access.
- Encourage more small neighborhood commercial developments and convenience commercial centers to reduce the number and length of single occupancy vehicle (SOV) trips.

**FINDING:** The proposed amendments, including the Southeast Area Plan as a new appendix to the Comprehensive plan, are intended to provide for a wide range of light industrial, commercial, and mixed-use throughout the plan area. They are also intended to ensure an adequate supply of industrial and commercial lands needed for industrial and commercial jobs while still providing for a variety of residential development types and compatible transitions to the existing residential neighborhoods.

The proposed comprehensive plan map amendments include a reconfiguration of the CG zones into two commercial nodes, one in the southwest and one in the northeast corner of the Southeast Expansion Area. The proposed development code text amendments include requirements for "Shopping Streets" intended to serve as neighborhood main streets with accessible, pedestrian oriented goods and services for the future and existing residential uses nearby. These commercial areas, located adjacent to higher- and medium- density zones, are intended to reduce the number and length of single occupancy vehicle (SOV) trips and encourage multimodal access.

#### **Policies:**

#### ***6-1 Bend's economic lands (commercial, industrial and mixed use) serve Bend residents and the needs of a larger region.***

**FINDING:** The Southeast Expansion Area was included in the UGB in 2016 to provide for a number of land needs, including employment land. The existing plan designations were established in the context of the citywide evaluation of land needs, UGB Remand compliance, and update of the City's Comprehensive Plan. In the Southeast Expansion Area, the designations were applied at a high level, with the flexibility to be refined during the Area Plan (i.e. this application). This approach was encapsulated in text and policies included in Chapter 11 of the BCP related to area planning of UGB expansion areas.

Through the area planning process, SEAPAC and the project team further analyzed the existing comprehensive plan map designations. The proposed refinements to the land use plan have been made based on input and analysis from the following three areas:

- A more detailed analysis of physical conditions and constraints, including topography and identified limitations on safe transportation access to Knott Road;
- Input from SEAPAC members and the broader community of southeast Bend; and

- Direction from the City Council and the State Department of Land Conservation and Development (DLCD).

The proposed amendments include modifications to the comprehensive plan map designations, specifically a reduction in CG land from 67 to 43 acres, a reduction in industrial lands from 76 (IL, IG combined) acres to 38 IL acres, and an increase in ME land from 103 to 140 acres.

DLCD's strong recommendation was to maintain a minimum of 38 acres of industrial land for jobs in the Southeast. This change is a reduction from the 76 acres required by the City's Comprehensive Plan policy adopted in 2016 during the UGB expansion process. This proposal includes a requirement, through a proposed new comprehensive plan policy (policy 11-103) that the City commit to replacing the loss of light industrial land elsewhere in the City in the near term (within five years of the date of SEAP adoption). Additionally, a new comprehensive plan policy (policy 11-104) is proposed to ensure an adequate supply of commercially designated land for commercial uses.

The proposed comprehensive plan text and map amendments ensure adequate economic lands (commercial, industrial and mixed use) to serve Bend residents and the needs of the larger region.

***6-3 Investment in transportation, water, sewer, fiber, and other utility infrastructure should be prioritized to serve economic lands.***

**FINDING:** This proposal is consistent with this policy because it includes an infrastructure funding plan that identifies the necessary transportation and sewer collection infrastructure to serve the employment lands in the Southeast Expansion Area. For the purpose of addressing this plan policy, the City is focusing on that infrastructure over which the City has jurisdiction: transportation and wastewater collection. The Infrastructure Funding Plan (See Appendix HH), identifies the intersection improvements (roundabouts), frontage improvements on Knott Road and 27<sup>th</sup> Street, and the sewer collection infrastructure (pump station, force main, gravity lines), needed to serve the employment lands in the Southeast.

***6-4 Infrastructure will be planned, designed, and constructed to support continued economic growth and orderly development.***

**FINDING:** This proposal is consistent with this policy because it plans for infrastructure needed to support economic growth and orderly development in the Southeast Area. Specifically, the Summary Report and supporting appendices outline, at a high level, the transportation, sanitary sewer, water, storm water, and other utilities (natural gas, electric power, and fiber optic communications) required to support development of the land uses in the Southeast Area Plan. Additional detail and planning for transportation and sewer infrastructure, including alignments and possible funding mechanisms, is also included in this proposal.

***6-6 Employment lands for Bend's target sectors will be provided and protected to***



*promote expansion of existing businesses and attract new businesses.*

**6-9** *The City will prioritize providing an adequate number of suitable industrial sites while also providing a variety of commercial sites.*

**FINDING:** As stated above, employment lands for Bend's target sectors, as well an adequate amount of industrial lands and land for a variety of commercial sites, have been provided.

### ***Industrial Development***

**6-22** *Wherever industrial uses abut residential uses or residential zoning, special development standards relating to setbacks, screening, signs, and building height will be established for the industrial uses.*

**FINDING:** The proposal map amendments include two locations where industrial lands abut residential lands. The existing development code includes special development standards for industrial uses when located adjacent to residential zoning in order to minimize impacts of the industrial use. This proposal includes the following design standards, in addition to the existing standards in the BDC, for industrial uses: articulated building entries; durable, quality materials; and parking standards aimed to minimize impacts on the public realm.

### ***Mixed Use Development***

**6-24** *Mixed-use development will achieve the following purposes:*

- *provide a variety of employment opportunities and housing types;*
- *foster pedestrian and other non-motor vehicle access within and to the site;*
- *ensure compatibility of mixed-use development with the surrounding area and minimize off-site impacts associated with the development;*
- *ensure the site planning, access, parking areas and building designs are functionally coordinated and aesthetically pleasing;*

**FINDING:** The proposed amendments include an increase in ME designated land from 103 acres to 140 acres. This increase is intended to provide additional job capacity and a variety of employment opportunities while addressing topography and compatibility constraints (much of the land previously designated for industrial uses is proposed to be re-designated to mixed employment). The proposed amendments also include 43 acres of CG designated land. Both the ME and CG zones allow for mixed use development, with limitations. In addition to the existing development and design standards in the ME and CG zones, the proposed amendments aim to provide a variety of housing types, foster pedestrian and other non-motor vehicle access, ensure compatibility of mixed-use development, and ensure the site design is functionally coordinated and aesthetically pleasing. Specifically, the amendments include allowance of live/work townhomes, stand-alone residential (in the CG zone only, in specific circumstances), and limitations on service stations and drive-throughs. Additionally, in the CG zones, design

standards specific to shopping streets, including requirements for parking to be located behind buildings and limits on vehicular access, are included.

### ***Commercial Development***

**6-29 *New commercially designated areas are encouraged to develop with mixed-use centers to include housing, open space, commercial development, and other employment uses.***

**FINDING:** As previously stated, the proposed development code text amendments encourage development of mixed-use centers by:

- Requiring shopping streets in the two CG zones, with specific development standards and prohibited uses, and
- By allowing for stand-alone residential in the CG zone in certain locations and with specific development and design standards.

Additionally, the proposed plan encourages the development of mixed-use centers by identifying community design opportunities for subareas within the SEAP boundary. Specifically, the Northeast and Southwest subareas are identified as walkable, mixed-use areas that include housing, open space, commercial development and other employment uses.

**6-31 *Proposed Comprehensive Plan Map amendments for new commercial centers shall meet the location and size standards in the Comprehensive Plan text in addition to Plan amendment and/or zone change criteria.***

**FINDING:** The proposed comprehensive plan map amendments include two CG designated areas that are consistent with the size and location of the commercial centers in the Comprehensive Plan. Chapter 11 of the Comprehensive Plan includes the following text regarding size of commercial centers:

"Bend's commercial areas take the form of one of two general shapes: (1) Centers, which are focal areas of commercial or mixed uses at an intersection, or contained within one to three blocks..."

The project team tested the proposed CG designated areas through design studies to ensure they would be consistent with this text. The Summary Report includes site studies (See Chapter 6, Community Design). The proposed CG areas are each located at an intersection, and two blocks deep. Based on this design work, the proposal satisfies this policy.

**6-39 *The City will limit the amount of ground-floor residential development in the commercial zones and mixed employment zones to preserve economic lands for economic uses.***

**FINDING:** The amendments will allow single-family attached townhomes, duplexes, triplexes, and multifamily uses as standalone residential uses in the Commercial General zone in certain locations, specifically when not located on a designated shopping street or arterial. This is

consistent with the best practices for zoning mixed-use districts as stated in *Enabling Better Places: User's Guide to Zoning Reform*: "Ground floor commercial requirements are a common pitfall when establishing mixed-use districts. Non-residential ground floor uses may be required along the primary retail corridor (typically no longer than ¼ mile), but should not be required throughout the district . . . permitting residential as a single use should be allowed, which provides population support for the area."

While the proposed amendments allow for limited ground floor residential uses in the CG zone, this use is limited to sites that do not have frontage on a shopping street or arterial. Additionally, standalone residential uses in the CG zone are required to meet specific development and design standards, including building orientation, transparency minimums, and building articulation standards, in order to maintain the commercial character of the zone. Standalone residential uses in the CG zone are required to meet the minimum residential density standards of the RH zone, with no maximum density proposed. The resulting potential additional, high density residential uses in the CG zone are intended to support the commercial uses in the commercial and mixed employment zones.

The proposed amendments allow for the flexibility to occupy space with a residential use in accordance with market demand while not precluding ground floor commercial uses now or in the future. The proposed amendments limit the amount of ground-floor residential development in the commercial zones and mixed employment zones through location standards in order to preserve economic lands for economic uses, consistent with this policy.

## ***Chapter 7: Transportation Systems***

### **Goals:**

#### ***Efficiency:***

- ***Encourage the development of land use patterns that provide efficient, compact use of land, and facilitate a reduced number and length of trips.***

***FINDING:*** The amendments allow a mix of residential and nonresidential uses within the Urban Growth Boundary and a well-connected active transportation network, providing pedestrian friendly access to goods and services, convenient to nearby existing and future residents which increases walkability and reduces the number of vehicle trips and vehicle miles traveled.

### **Objectives:**

- ***To promote land use patterns that support fewer vehicle trips and shorter trip lengths***

### **Policies:**

***7-5 The City shall continue to explore mixed use zoning as one of the land use patterns that will promote fewer vehicle trips and shorter trip lengths.***

**FINDING:** The SEAP and proposed amendments provide opportunities for all transportation users including those that drive within and to the area, as well as bicyclists, and pedestrians. The amendments promote land use patterns with a mix of uses and strategically located commercial centers to support fewer and shorter vehicular trips for both existing residents in the southeast neighborhoods of Bend as well as future residents in the SE Plan area.

### ***Pedestrian and Bicycle Systems***

#### ***Objectives:***

- ***To support and encourage increased levels of bicycling and walking as an alternative to the automobile***
- ***To provide safe, accessible and convenient bicycling and walking facilities***

***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 3<sup>rd</sup> Street, the Bend Parkway and the railroad.***

**FINDING:** As stated above, the Southeast Area Plan includes a bicycle and pedestrian plan that identifies safe, accessible and convenient bicycling and walking facilities and supports the land use and roadway network planning. This system includes a robust multi-use path network that will be supported by walking and bicycle facilities along new local and collector roads within SEAP. These facilities will provide access to the proposed commercial centers. They have been planned in close coordination with existing and planned regional BPRD routes, which connect to local and citywide recreational destinations and employment centers. BPRD has several existing and planned multi-use paths near and within southeast Bend, including in the SEAP area. These facilities provide connections to Alpenglow Community Park and the future High Desert Park site, as well as connections between existing and future schools, neighborhoods, and commercial and employment centers. In addition to these planned BPRD multi-use paths, SEAP includes over three miles of recommended multi-use paths as part of the active transportation network.

Additionally, the alternative street standards are consistent with the Transportation System Plan and will help develop safe and convenient bicycle and pedestrian circulation in the SE Plan area.

***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:** The proposed alternative collector and arterial street standards are consistent with the Transportation System Plan and include bike lanes as well as options for a shared multi-use path in addition to bike lanes where appropriate. The proposed alternative street standards will help develop safe and convenient bicycle and pedestrian circulation in the SE Area.

**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:** The intent of the proposed alternative collector and arterial street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. The alternative street standards continue to provide options for on-street parking, bicycle facilities, multi-use paths, and sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities.

## **Street System**

### **Objectives:**

- *To provide a practical and convenient means of moving people and goods within the urban area that accommodates various transportation modes*
- *To provide a safe and efficient means to access all parts of the community*
- *To provide an attractive, tree-lined, pedestrian friendly streetscape sensitive to protecting the livability of the community*

### **General Policies:**

**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.*

**7-50** *Streets shall be classified and generally located according to the Bend Urban Area - Roadway System Plan (Figure 7-1), and the Street Functional Classification (Table 7-1). Transportation project development review and approval shall be subject to the provisions of the Bend Development Code.*

**7-51** *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 SEAP includes a recommended street plan that supports the preferred land use plan and provides for adequate infrastructure to accommodate future travel to, through, and within the Southeast Area. The street plan includes a network of collector roads, a local framework road, walking and biking infrastructure, and intersection improvements that are consistent with and expand upon planned infrastructure within the Bend TSP.

Additionally, the amendments include alternative collector and arterial street standards that allow for narrower streets and lane standards, on-street parking, multi-use paths, and other pedestrian friendly design elements. These alternative standards will reduce vehicle speed, avoid construction of excessive pavement and create livable neighborhoods.

In addition, the amendments include bicycle facility and multi-use path location and development standards. These requirements will result in an interconnected network of complete streets that provides safe, optimized travel of all modes. Low Stress Bicycle facilities and Multi-Use Paths will provide connections to schools, parks, destinations, as well as cross-city travel. Multi-Use Paths can be used to provide low-stress facilities through the area.

Therefore, compliance with Chapter 7 has been met.

## ***Chapter 8: Public Facilities and Services***

### ***Goals***

- ***To have public and private utility systems provide adequate levels of service to the public at reasonable cost;***
- ***For the city, county, and special districts to coordinate the provision of adequate urban services in an efficient and timely manner to support urban development;***
- ***For new development to pay its fair share of the cost of major facilities needed to support development;***
- ***To locate and operate public buildings and other public facilities to best serve the needs of the residents.***

**FINDING:** This proposal is consistent with the Chapter 8 goals because it includes infrastructure planning that outlines, at a high level, the transportation, sanitary sewer, water, storm water, and other utilities required to serve the Southeast Area. Additional details and planning for transportation and sewer infrastructure, including alignments and possible funding mechanisms, are also included in the SEAP and SEAP Funding Plan. The Funding Plan identifies funding strategies and recommendations needed to fund infrastructure for the SEAP, balancing the need to provide adequate levels of service to the public at reasonable cost while ensuring new development pays its fair share of the cost of major facilities needed to support development.



## ***Policies***

***8-19 The City shall continue to coordinate with private providers and irrigation districts in matters of water concerns within the Urban Growth Boundary.***

**FINDING:** Water service for the entire Southeast Expansion Area—as well as some of the surrounding adjacent development—is provided by Avion Water Company (“Avion”). Throughout the planning process the City coordinated with Avion to identify options for future water service in the Southeast Area. The City will continue to coordinate with Avion as the area develops in the future.

***8-49 The City may consider funding mechanisms and agreements to address on-site and off-site improvements, modernization of existing infrastructure to City’s standards and specifications, and impacts to infrastructure inside the current City limits.***

**FINDING:** The SEAP Funding plan identifies possible funding mechanisms to address off-site infrastructure improvements needed for the development of properties in the Southeast Area.

Therefore, compliance with Chapter 8 has been met.

## ***Chapter 9: Community Appearance***

### ***Policies***

***9-2 Community appearance shall continue to be a major concern and the subject of a major effort in the area. Major natural features, such as rock outcrops or stands of trees, should be preserved as a community asset as the area develops.***

**FINDING:** Community appearance is a major component and subject of the SEAP and proposed amendments. The amendments prioritize the public realm and focus on people-oriented design. They include limitations on drive-through facilities and automobile-oriented uses in the CG and ME zones; specific design standards for stand-alone residential uses in the CG zone; emphasized entries, detailed quality materials, and limitations on parking in the IL zone; and alternative street standards with landscaped planting strips. Additionally, the amendments prioritize the preservation of natural features including significant rock outcroppings and significant trees to preserve these features as the area develops.

***9-3 The city will use advisory committees, public workshops, and other measures, to identify those characteristics that give the community its individual identity and preserve and expand those characteristics as growth occurs.***

**FINDING:** The plan and proposed amendments reflect the vision and input from the Southeast Area Plan Advisory Committee (SEAPAC) and in person and online public open houses, at which characteristics that give the community its individual identity were identified.

The recommendations contained within the Southeast Area Plan (proposed to be adopted as an appendix to the Comprehensive Plan) are the product of extensive input by the community. Throughout the process, the City worked closely with property owners, area residents, partner agencies and other stakeholders to establish the vision and desired characteristics to preserve and build upon as the area grows.

**9-6 The city shall develop designs for arterial and collector streets that include landscaped planter strips and medians. Such designs shall include trees in the planter and median strips when practical and safe.**

**FINDING:** As previously stated, the proposed amendments include alternative collector and arterial street standards that include requirements for landscaped planter strips.

Therefore, compliance with Chapter 9 has been met.

## **Chapter 11: Growth Management**

### **Goals**

- **Encourage the city's evolution from small town to livable city, with urban scale development, amenities, and services in appropriate locations, while preserving and enhancing the natural environment and history of the community;**
- **Create new walkable, mixed use and complete communities by leveraging and complementing land use patterns inside the existing boundary and using expansion to create more complete communities;**
- **Plan Bend's infrastructure investments for the long term;**

**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. The subject Southeast Area was identified as an appropriate location to accommodate urban development, amenities, and services.

The plan and proposed amendments support the development of new walkable, mixed-use and complete communities that will support the existing development in southeast Bend. Additionally, the amendments include provisions for preservation of natural features including significant rock outcroppings and significant trees.

In addition, the plan includes an Infrastructure Funding Plan that identifies needed infrastructure investments to enable future, long term development.

### **General Growth Management Policies:**

**11-1 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.**

**FINDING:** As previously stated, the amendments will encourage a mix of uses to develop within the UGB, helping to provide complete communities for both the existing, primarily residential development in the southeast portion of Bend as well as for the future residents of the Southeast Area. The proposed mix of uses and population density, provide the "completeness" that is needed to reverse the growth of vehicle miles traveled per capita and increase walking, biking, transit, and linked trips by automobiles.

**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:** As previously stated, the proposed amendments include alternative collector and arterial street standards that allow for narrower streets and lane standards, on-street parking, multi-use paths, and other pedestrian friendly design elements. These alternative standards will ensure safety, access, and mobility.

In addition, the amendments include bicycle facility and multi-use path location and development standards. These requirements will result in an interconnected network of complete streets that provides safe, optimized travel of all modes. Low Stress Bicycle facilities and Multi-Use Paths will provide connections to schools, parks, destinations, as well as cross-city travel.

The special street standards, bicycle facilities, and multi-use paths will help create a safe and accessible environment for all modes of travel.

### ***Policies for Centers and Corridors***

**11-8 *New commercially designated areas are encouraged to develop with mixed-use centers to include housing, open space, commercial development, and other employment uses.***

**FINDING:** The proposed new commercially designated areas are encouraged to develop with mixed-use centers that include housing, open space, commercial development, and other employment uses.

The proposed development code text amendments encourage development of mixed-use centers by:

- Requiring shopping streets in the two CG zones, with specific development standards and prohibited uses, and
- Allowing for stand-alone residential in the CG zone in certain locations and with specific development and design standards.

Additionally, the proposed plan encourages the development of mixed-use centers by identifying community design opportunities for subareas within the SEAP boundary. Specifically, the Northeast and Southwest subareas are identified as walkable, mixed-use areas that include

housing, open space, commercial development and other employment uses.

**11-10** *The City will encourage the development of Neighborhood Commercial centers. Such centers should be scaled to serve the frequent needs of the residents of the neighborhood.*

**FINDING:** As stated above, the amendments will encourage the development of Neighborhood Commercial centers by requiring a "shopping street" in each of the CG zones and also allowing for development of more traditional, large footprint retail such as a national grocery or goods store, that are needed to serve the frequent needs of the residents of the neighborhood.

### ***Policies for Residential Areas and Neighborhoods***

**11-16** *Medium-and high-density residential developments 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 the highest concentrations of population.*

**FINDING:** The proposed amendments are consistent with this policy as discussed in findings for policy 5-38 above.

**11-17** *Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks. The School District and Park District facilities plans will determine the location and size of needed schools and parks.*

**FINDING:** The proposed amendments are consistent with this policy as discussed in findings for policy 5-42 above. Furthermore, the future location and size of needed schools and parks will be determined by the School District and Park District facilities plans.

### ***General Area Planning Policies***

**11-21** *Area Plans are intended to coordinate development and provide flexibility to tailor land use regulations and/or transportation and infrastructure plans to respond to area- or site-specific conditions.*

**FINDING:** The proposed Area Plan is intended to coordinate development and to tailor land use designations and regulations to respond to area- and site-specific conditions. The Area Plan includes:

- A vision and guiding principles;
- Evaluation of the area's existing conditions and market potential for new housing, commercial and employment uses;
- Land use alternatives for refining the City's Comprehensive Plan designations;
- A recommended land use plan providing: a variety of housing choices; commercial, mixed

employment and light industrial land uses; and, land for open space and future parks and schools;

- A transportation plan that is integrated with the land uses, consistent with Bend's recently updated Transportation System Plan (TSP), and includes key streets, multi-use trails, and plans for future transit;
- Recommendations for preserving significant trees and rock outcrops as part of future development of the area;
- Proposed amendments to the Comprehensive Plan and zoning code to implement the plan;
- Master planning for the area's sanitary sewer system and coordination with the Avion Water District; and
- An infrastructure funding plan.

During the area plan development process, the City worked closely with property owners, area residents, partner agencies and other stakeholders to evaluate and respond to area- and site-specific conditions, as well as an extensive market and land use analysis. Combined, these analyses resulted in the proposed tailored land use regulations and comprehensive plan map designation amendments.

**11-23 *The City may require Area Plans prior to development in UGB expansion areas.***

**FINDING:** The proposed Area Plan precedes urban development in the UGB expansion area therefore this proposal is consistent with this policy.

**11-24 *Where Area Plans propose land uses that are inconsistent with the adopted plan designation(s), a plan amendment must be approved prior to or concurrent with adoption of the Area Plan.***

**FINDING:** The Southeast Area Plan proposes land uses that are different than the plan designations adopted in 2016. These designations are reflected on the current Bend Comprehensive Plan Map and in the Summary Report (See page 18, Figure 4, of Summary Report). Therefore a comprehensive plan map and text amendment is proposed concurrent with the proposed adoption of the Area Plan. Therefore, this proposal is consistent with this policy.

**11-25 *An Area Plan that includes residentially designated land may prescribe residential density limits on specific properties that differ from the density range provided for in the Comprehensive Plan. However, the average density of housing within each residential plan designation in the plan area must remain within the range established by the adopted comprehensive plan map designations and applicable Comprehensive Plan policies, including applicable density bonuses or transfers. Deviation from this range requires approval of a plan amendment prior to or concurrent with the Area Plan that creates consistency between the plan designations and the average densities within each plan designation in the area plan. Certain areas, including large master plan sites and UGB***

***expansion areas are subject to additional policies in this Chapter and/or additional standards in the development code regarding residential densities.***

**FINDING:** This policy is not applicable to review of the proposed area plan because the proposed Comprehensive Plan and Development Code text amendments do not include any that would prescribe residential density limits different from those already specific in the Comprehensive Plan.

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

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

**FINDING:** The proposed Area Plan complies with the policies of Chapter 11 of the Comprehensive Plan, as demonstrated in these findings. This proposal includes a refinement of the spatial arrangement of the plan map designations, as shown in Figure 14 of the Summary Report (included above in this report). The relevant policies for the Southeast Area are found at Policies 11-93 to 11-102). The proposed area plan includes proposed changes to Policy 11-95 to reflect the final arrangement of plan designations in the Elbow/Southeast Expansion Area. The area plan satisfies Policy 11-96 because it includes capacity for 1,231 housing units, and includes more acres of residential land than required by Policy 11-96. Based on this finding, the proposal satisfies these policies.

***11-28 Some UGB expansion areas have identified preliminary needs for schools and parks. The need and location for schools and parks is determined by the facility planning of the School District and Park District. The School Attendance Areas and Park Service Areas may change and the Area Plans for the UGB expansion areas should take into account any updated school and park needs when the plan is prepared.***

**FINDING:** The proposed plan and amendments were developed and prepared in close coordination with the Bend-LaPine School District and Bend Park and Recreation District. The plan takes into account the most current school and park plans and needs and is therefore consistent with this policy.

### ***Master Planning Policies***

***11-32 The City will provide the opportunity for master plans to proceed under clear and objective standards where the applicant does not seek to deviate from the standards of***



***the development code, the adopted zoning map, or Comprehensive Plan map.***

***11-35 Master plans are required for developments over 20 acres unless otherwise specified in the Development Code. Properties in UGB expansion areas where a master plan is required are shown on Figure 11-4.***

***11-36 Where an approved City-initiated Area Plan exists, the City may find that some or all elements of a required master plan have been addressed and satisfied if they are already addressed by the Area Plan.***

***11-37 Approval of a City-initiated Area Plan that encompasses one or more properties over 20 acres (including abutting land in common ownership) does not exempt such properties from master plan requirements.***

**FINDING:** The proposed amendments include an amendment to the text of policy 11-37 above, which will allow for developments over 20 acres (including abutting land in common ownership) to meet the master plan approval criteria instead of the master plan requirements. Because of the level of detail included in Area Plans, many of the requirements of a master plan have already been satisfied therefore developments over 20 acres are proposed to only meet the approval criteria and not all requirements for master plans.

#### ***City-Initiated Area Plan Policies***

***11-38 The City may initiate Area Plans for neighborhoods, UGB expansion areas, opportunity areas within the city, or other discrete geographic areas.***

***11-39 Area Plans may be initiated by the City Council at its own initiative or at the request of property owners, if the owners agree to bear the cost of creating the plan. The City may, at its discretion, assist with some or all of the cost of creating an Area Plan initiated at the request of property owners.***

***11-40 The area to be included in a City-initiated Area Plan, and the scope, shall be approved by the City Council by resolution.***

**FINDING:** This Area Plan was initiated by the City Council, Resolution #3135, on September 19, 2018, which approved city funding to cover costs of creating the Area Plan, the scope, and the area to be included in the plan.

#### ***Specific Expansion Area Policies***

##### ***The Elbow (aka Southeast Expansion Area)***

***11-93 The City will initiate an Area Plan for the Elbow area. The Area Plan will address policies 11-76 through 11-84. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level Area Plan for the rest of the subarea. Following adoption***

***of the Area Plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved.***

**FINDING:** The proposed application is consistent with this policy because it is for an Area Plan for the "Elbow" area. This policy inaccurately references policies 11-76 through 11-84 as applicable. These policies are specific to the Northeast – Butler Market Village, East Highway 20, and DSL Property and are not applicable to "The Elbow" area. The correct reference in this policy should be comprehensive plan policies 11-94 through 11-102. This proposal includes an amendment to this policy to the correct referenced numbers.

The Area Plan addresses policies 11-94 through 11-102 as outlined below, therefore meeting the intent of this policy.

***11-94 This area, as identified in Figure 11-4, is intended to provide for employment uses to take advantage of good transportation access on Knott Road and 27th and existing city streets (and future improved access with the Murphy Extension) with a mix of residential uses providing a compatible transition from the employment lands to existing neighborhoods to the west. This mix of uses is also intended to increase the completeness of the existing low density neighborhoods.***

**FINDING:** The proposed amendments including the Area Plan and comprehensive map plan amendments area intended to provide for employment uses that take advantage of good transportation access on Knott Road and 27<sup>th</sup> and existing city streets including the Murphy Extension. The amended comprehensive plan map designations expand the CG zone in the NE corner to have frontage on 27<sup>th</sup> and reconfigure the CG zone in the SW to have expanded frontage along Knott Road. The proposed ME and IL zones will have excellent transportation access from the existing arterials and proposed collectors while still allowing for compatible transitions from these employment lands to the existing and future residential neighborhoods. Additionally, the proposed employment land use designations and transportation improvements respond to the challenging topography by addressing transportation access from Knott Road. Due to the rocky outcrops and topography, there is limited sight distance on Knott Road, therefore a special intersection design is recommended. The proposed north-south collector is located to provide adequate sight distance and good access to adjacent properties.

The proposed mix of uses will increase the completeness of the existing low density neighborhoods by providing a greater variety of housing types and densities, providing land for employment and light industrial uses such as in-demand flex space, providing neighborhood commercial development to serve existing and future residents, and providing for public facilities and amenities such as neighborhood parks, community parks, and schools.

***11-95 This area shall provide for a mix of residential, commercial and industrial uses, including 122 gross acres of residential plan designations, 67 gross acres of commercial plan designations, 76 gross acres of industrial designations, 103 gross acres of mixed employment plan designations, and 75 gross acres of public facilities (excluding existing right of way).***

**FINDING:** The proposed amendments to this policy include these changes: 154 acres for residential uses (RL, RS, RM, RH); 43 acres for commercial uses (CG); 38 acres for industrial uses (IL); 142 acres for mixed employment uses (ME), and; 66 acres for public facilities, including parks and schools (PF). The forgoing findings support the decrease in the numbers of acres of land with commercial and industrial designations, and include a proposed policy commitment to ensure the City takes action to replace these lands. The remaining changes to the number of acres of land in residential and mixed employment designations represent increases over those adopted with this policy in 2016. With respect to the public facilities designation, the decrease of nine (9) acres consists of land for which a change in plan designation is proposed from public facilities to a commercial designation. Based on this finding, the proposal will be consistent with the amended plan policy.

**11-96** *In order to provide sufficient housing capacity and mix, the residential plan designations shall include 77 acres of RS, 36 acres of RM, and 9 acres of RH (excluding existing right of way). Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 820 housing units, including at least 17% single family attached housing and at least 47% multifamily and duplex/triplex housing types. The Area Plan may include and rely on plan designations, zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.*

**FINDING:** The proposal satisfies this plan policy because the Southeast Area Plan includes more acres of land for housing, and provides a capacity greater than 820 housing units. The plan designations include 105 acres of land designated RS, 35 acres of land designated RM, and 10 acres of land designated RH. While one less acre of land is designated RM, it has been replaced by another acres of land designated RH. In addition, the planned densities of these residential designations allow for the development of 1,231 units.

**11-97** *The alignment of a new collector street between 15th Avenue and 27th Avenue / Knott Road shall be determined in coordination with the City, consistent with the Transportation System Plan.*

**FINDING:** The alignment of the new collector street between 15th Avenue and 27th Avenue/Knott Road (SE Caldera Drive) was determined in coordination with the City and is consistent with the Transportation System Plan. This new collector road will serve as the key east-west connection for SEAP lands and provide a parallel route to Ferguson Road and Knott Road.

**11-98** *Subsequent planning for this subarea shall address funding for the Murphy Road extension from Brosterhous to 15th Avenue.*

**FINDING:** Funding for the Murphy Road extension from Brosterhous to 15th Avenue has already been secured and construction of the new two-lane roadway connecting Brosterhous Road to 15th Street, including a crossing over the BNSF Railway, is underway and expected to be completed in Summer 2021. Therefore, this policy has been addressed.

**11-99** *The street, path and bikeway network shall provide connectivity throughout this*

**area, connect to existing abutting local roads, and provide opportunities for connections to adjacent undeveloped land inside the UGB. The transportation network shall be consistent with the Bend Transportation System Plan.**

**FINDING:** The proposed transportation network is consistent with the TSP and provides north-south and east-west connectivity throughout the Southeast area, connecting to existing abutting roads including 15<sup>th</sup> St, Knott Rd/27<sup>th</sup>, and Ferguson Rd. Additionally, the proposed roadway and active transportation network provides opportunities for vehicular, pedestrian and bicycle connections to adjacent developed and undeveloped land inside the UGB.

**11-100 Coordination with Bend Park and Recreation district is required in order to address provision of parks and/or trails within this area.**

**FINDING:** The Southeast Area Planning process included close coordination with the Bend Park and Recreation District, including one-on-one meetings with BPRD staff as well as representation on the SEAP advisory committee, to address and ensure adequate provision of parks and trails within the Southeast Area.

**11-101 Coordination with the Bend-La Pine School District will occur during area planning within this subarea.**

**FINDING:** As previously noted, the Southeast Area Planning process included close coordination with the Bend-La Pine School District, including one-on-one meetings with BLSD staff as well as representation on the SEAP advisory committee.

**11-102 Coordination with other special districts and utility providers is required within this area.**

**FINDING:** As previously noted, water service for the entire Southeast Expansion Area is provided by Avion. Throughout the SEAP planning process the City coordinated with Avion to identify options for future water service in the Southeast Area.

The plan text, plan map, and development code changes for the Southeast Area Plan are consistent with all applicable provisions of Bend's Comprehensive Plan, as outlined above.

**3. The applicant can demonstrate a public need or benefit for the proposed amendment.**

**FINDING:** The proposal meets this criterion because it completes a necessary step to facilitating the development of land included in Bend's urban growth boundary. As indicated in forgoing findings, the "Elbow" aka Southeast Expansion Area was included in the Bend UGB in 2016 to provide land for housing, employment, and other uses. The justification for including the Elbow was documented in the 2016 Urbanization Report (See Appendix L to the Bend Comprehensive Plan. The City Council's decision to include the Elbow in the UGB included concurrent amendments to the Comprehensive Plan to include a new Chapter 11, Growth Management. Specific Policies applicable to the Southeast area expansion properties are found in BCP

Policies 11-93 through 11-102. These policies identify a need for a minimum of 820 housing units, with a specific mix of housing types, as well as need for specified commercial and industrial lands to accommodate future employment.

The proposed area plan, including the funding plan, and amendments are needed to make the property ready for future development in order to meet the City's projected needs for housing and employment lands.

Therefore, the amendments to the Bend Comprehensive Plan and BDC meet this criterion.

#### **4.6.500 Record of Amendments.**

**The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.**

**FINDING:** In the event the proposed amendments are adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the Bend Development Code and Bend Comprehensive Plan available to the public on the City's website.

#### **4.6.600 Transportation Planning Rule Compliance.**

**When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.**

**FINDING:** This application includes proposed comprehensive plan text and map amendments therefore compliance of the Area Plan for the Southeast UGB expansion area with this criterion and the Oregon Administrative Rule (OAR) 660-012-0060 ("the Transportation Planning Rule (TPR)) is required. This finding expands on the finding presented above addressing compliance with Goal 12 and OAR 660-012-0060.

The proposal was reviewed to determine whether it significantly affects a transportation facility, in accordance with TPR. It maintains consistency between the Comprehensive Plan and other land use regulations and the TSP. A technical analysis was prepared to address the transportation effects of the SEAP land uses with the "reasonably likely to be funded" list from the TSP (see Southeast Area Plan Summary Report, Technical Appendix FF, *Transportation Planning Rule Analysis & Infrastructure Needs*, by Kittelson & Associates, November 24, 2020).

As presented in the supporting analysis, the planned transportation facilities will be adequate to serve planned land uses as follows:

- The reasonably likely to be funded list within the TSP is appropriate to accommodate future land use growth within the Bend UGB, including SEAP. As such, the SEAP Urbanization does not result in a significant effect on City facilities, as defined by the TPR.

- Funding at two ODOT intersections on the reasonably likely to be funded list will rely partially on monies generated by future development within SEAP. Accordingly, a proportionate share contribution will be assessed at the time of development permit. This "ODOT trip fee" will be used to help fund construction of changes at the US 97/Reed Market intersection and along the US 20 corridor (i.e., the US 20/27th Street intersection).

Based on the technical analysis and commitments made by the City and ODOT, it is reasonably likely that the listed mitigation projects will be fully funded by the 2040 planning horizon year. This is consistent with TPR subsection OAR 660-012-0060(4)(b)(D). This provision of the TPR allows transportation providers (City/ODOT) to determine if improvements identified in local TSPs or Comprehensive Plans are reasonably likely to be addressed by the end of the planning period in order to avoid further degradation of the transportation facilities. Further, the system-wide benefits of the proposed mitigation projects are sufficient to balance the significant affects generated by the Southeast Area Plan. Additional details are provided in a supporting TPR evaluation of ODOT facilities.

- Funding of the multimodal network of streets and intersections within the SEAP area will be provided through a combination of City and private development funds, as detailed in the SEAP Funding Plan (Technical Appendix to the Southeast Area Plan Summary Report).

Based on the analysis and agreed upon ODOT trip fee, the proposed amendments comply with the criteria of this section.

**VI. CONCLUSIONS:**

Based on the above Findings, the proposed amendments meet all applicable criteria for adoption.

**VII. RECOMMENDATION:**

The Planning Commission recommends approval of the amendments to the City Council.