

ORDINANCE NO. NS -2407

AN ORDINANCE AMENDING THE BEND DEVELOPMENT CODE TO MODIFY THE PETROSA MAJOR COMMUNITY MASTER PLAN

Findings:

- A. On January 28, 2021, Pahlisch Homes, Inc. submitted a Type III Quasi-judicial application for a Development Code amendment to modify the Petrosa Major Community Master Plan, increasing the master plan area by 12.1 acres.
- B. On March 8, 2021, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend Article XXI of Chapter 2.7 of the Development Code to modify the Petrosa Master Planned Development.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On April 1, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Mountain View Neighborhood Association representative. On April 6, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at three locations, visible from abutting rights of way.
- D. The Bend City Council held a public hearing on April 21, 2021, to consider the Planning Commission recommendation.
- E. The Development Code amendment to modify the Petrosa Major Community Master Plan approved by this Ordinance meets all applicable Development Code criteria, policies of the Bend Comprehensive Plan, and Oregon Statewide Planning Goals.

THE CITY OF BEND ORDAINS AS FOLLOWS:

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

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

First Reading: April 21, 2021

Second reading and adoption by roll call vote: May 5, 2021

YES: Mayor Sally Russell

Mayor Pro Tem Gena Goodman Campbell

Councilor Barb Campbell

Councilor Melanie Kebler

Councilor Anthony Broadman

Councilor Megan Perkins

Councilor Rita Schenkelberg

NO: none

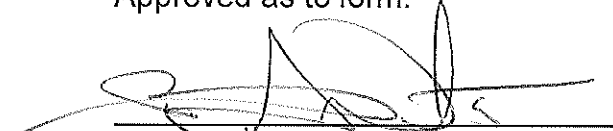

Sally Russell, Mayor

Attest:



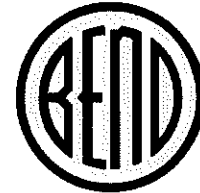
Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PLMOD20210109

HEARING DATE: April 21, 2021

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

OWNERS: Jennifer Lynn and Magdalena Beth Davidson
63060 Deschutes Market Road
Bend, OR 97701

North Unit Irrigation District
2024 NW Beech St
Madras, OR 97741

Stewart Revocable Trust
21435 Butler Market Rd
Bend, OR 97701

LOCATIONS: 63060 Deschutes Market Rd, Bend, OR 97701; Tax Lot 1712230000711
21435 Butler Market Rd, Bend, OR 97701; Tax Lot 1712230001501
No situs address; Tax Lot 1712230000099

ZONE: Urbanizable Area (UA) – to be rezoned to be consistent with the
Comprehensive Plan upon annexation

COMP PLAN: Commercial (CG) – Tax Lot 771
Residential Standard Density (RS) – Tax Lots 99 & 1501

PROPOSAL: Type III Modification of Approval of the Petrosa Major Community Master Plan to increase the master plan area by 12.1 acres, including 9.1 acres to be zoned Standard Density Residential (RS) southeast of Butler Market and Eagle Road, 2.1 acres encompassing the North Unit Irrigation District Canal east of Deschutes Market Road to be zoned RS and kept as open space, and 0.9 acres to be zoned General Commercial (CG) east of Deschutes Market Road and north of the commercially zoned land in the Petrosa Master Plan.

STAFF REVIEWERS: Karen Swenson, AICP, Senior Planner
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Evan Malone, Engineering Associate
(541) 388-5525, emalone@bendoregon.gov

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Development Code

Criteria

Chapter 4.5, Master Planning and Development Alternatives

Standards

Chapter 2.1, Residential Districts

Chapter 2.2, Commercial Zoning Districts (CC)

Chapter 2.7, Special Planned Districts (Petrosa)

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

Chapter 3.4, Public Improvement Standards

Chapter 4.7, Transportation Analysis

Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan

Chapter 11, Growth Management

Oregon Administrative Rules

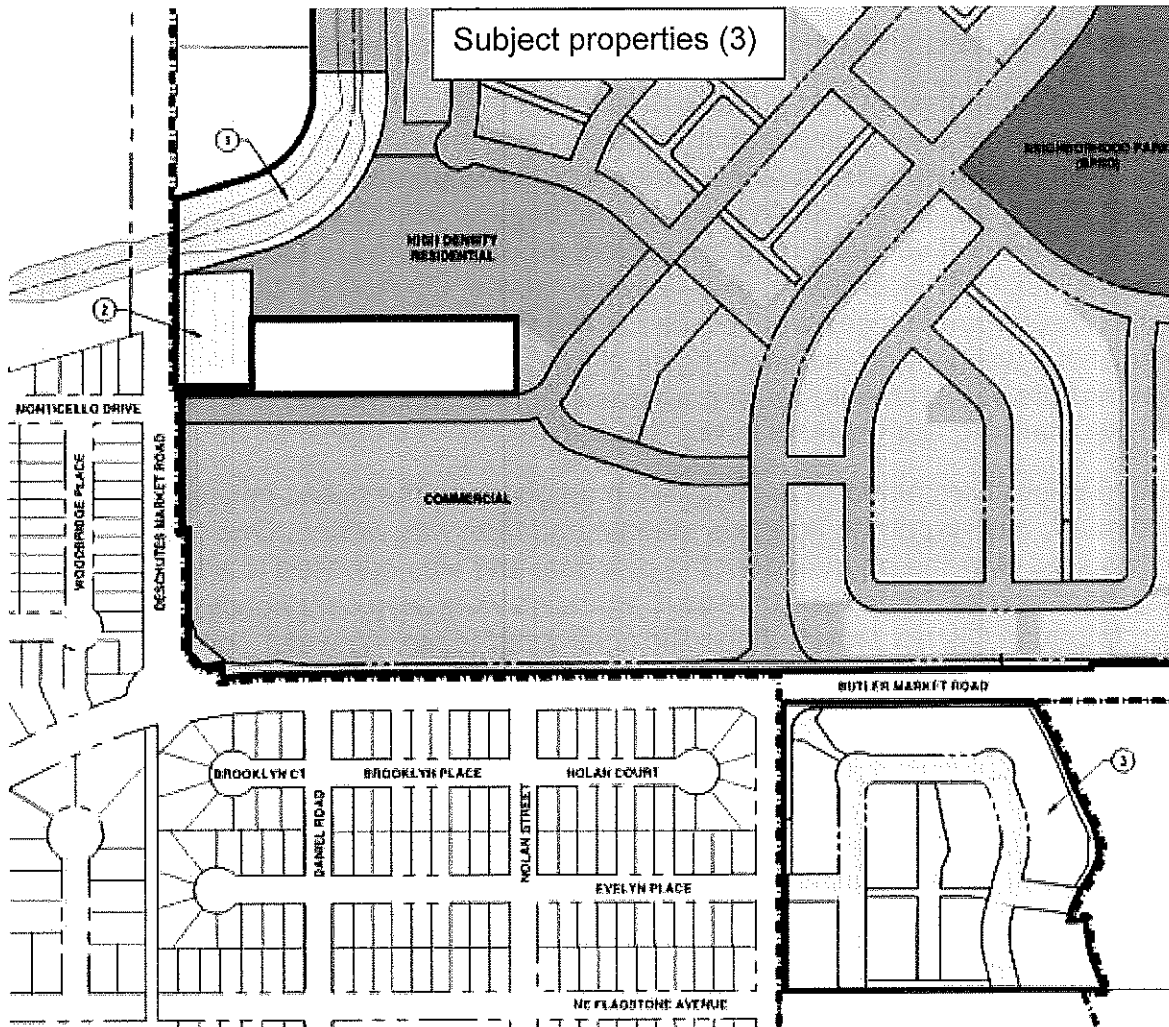
Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

1. SITE DESCRIPTION & SURROUNDING USES:

As currently approved, the Petrosa Master Plan encompasses 177 acres of the 261-acre Northeast Edge Urban Growth Boundary (UGB) Expansion Area. The properties planned to be added to the Petrosa master plan total ±12.1 acres and include three tax lots. Tax Lots 99 and 711 are located at the western boundary of the Northeast Edge Expansion Area along Deschutes Market Road. The third property to be added is located south of Butler Market Road and east of Eagle Road.

Tax Lot 99 is ±2.1 acres, designated RS, and contains a portion of the North Unit Irrigation District (NUID) canal. Tax Lot 771 is ±0.9 acres, designated CG, and contains a single-family home. Tax Lot 1501 is ±9.1 acres, designated RS, and contains two single-family homes and various outbuildings. Existing vegetation across all three properties is typical of the northeast side of Bend and includes coniferous trees—primarily juniper—of varying heights and maturities.



4. **PROPOSAL:** Type III Modification of Approval of the Petrosa Major Community Master Plan to increase the master plan area by 12.1 acres, including 9.1 acres to be zoned Standard Density Residential (RS) southeast of Butler Market and Eagle Road, 2.1 acres encompassing the North Unit Irrigation District Canal east of Deschutes Market Road to be zoned RS and kept as open space, and 0.9 acres to be zoned General Commercial (CG) east of Deschutes Market Road and north of the commercially zoned land in the Petrosa Master Plan.
5. **CONCURRENT APPLICATIONS:** The applicant will apply for annexation of these three properties in the near future, with the intention that the master plan modification and annexation will be considered concurrently by the Bend City Council.
6. **PUBLIC NOTICE AND COMMENTS:** The applicant hosted a virtual public meeting through Zoom in accordance with BDC 4.1.215, on Wednesday, October 14, 2020, at 5:30 p.m. Documentation of public notices and verification of compliance forms were submitted with this application. According to the meeting sign-in sheets, approximately 7 members of the public attended the public meeting, including the Mountain View Neighborhood Association Land Use Chair.

On February 23, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at three locations, within 10 feet from adjacent rights of way of

the subject properties, until the April 21, 2021 hearing date per BDC 4.1.425.

The Planning Commission held a public hearing for the Petrosa MPD modification on March 8, 2021, and issued a recommendation of approval to the Council. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On April 1, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Mountain View and Boyd Acres Neighborhood Association representatives. On April 6, 2021, Notice of Proposed Development signs were posted by the applicant along the property frontages at three locations, visible from adjacent rights of way. No comments were received in response to these notices at the time this summary was prepared, and no comments were received prior to the Planning Commission public hearing.

No written public comments were received in response to the public notices for the City Council public hearing at the time this recommendation was written. One nearby property owner inquired over the phone about the proposal and was opposed to additional development east of Eagle Road. Various agencies were also sent notice, and the Central Oregon Irrigation District provided specific comments regarding water rights that are contained within the project file.

- 7. APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on January 28, 2021 and the application submittal materials were uploaded between January 28 and February 4, 2021. The application was deemed complete on February 4, 2021. In accordance with BDC 4.1.430, applications for major master plans are exempt from the 120-day review time limitation for final decision.

APPLICATION OF THE CRITERIA:

Bend Development Code

Chapter 4.5, Master Planning and Development Alternatives

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

- 1. The following modifications to a master plan, PUD or special planned district may be approved with a land division or with an application in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review, and Design Review, unless the Development Services Director elevates the application to the Planning Commission for hearing as a Type III application.**
 - a. Increase or decrease of residential densities relative to that approved in the master plan by no more than 15 percent, when such change conforms to the Bend Comprehensive Plan and its density ranges. In no case shall the density fall below the minimum density established in BDC 4.5.200(E)(3)(b). Master plans 20 acres or larger must comply with the density standards of BDC 4.5.200(E)(3);**

- b. A reduction to the amount of open space or landscaping relative to that approved in the master plan by no more than 10 percent, when such change complies with the master plan's minimum open space requirements;
 - c. An increase in lot coverage by buildings relative to that approved in the master plan by no more than 15 percent of the approved lot coverage (e.g., approved lot coverage of 40 percent may increase to 46 percent);
 - d. Any changes in the amount of parking relative to that approved in the master plan by no more than 15 percent. A proposed modification that is part of an approved TPDM plan must comply with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan;
 - e. A change in the location or alignment for proposed streets, parking lot configuration, utility easements, landscaping or other site improvements as long as the change is in substantial conformance with the approved master plan; and
 - f. Increase or decrease in the size and/or height of a building relative to that approved in the master plan by no more than 10 percent.
2. In no case will a modification under subsections (F)(1)(a) through (f) of this section be approved that causes a minor master plan that was approved without any deviations to this code to fail to meet a minimum or maximum standard as set in this code.
 3. All other changes require a modification in conformance with BDC 4.1.1325, Modification of Approval.

FINDING: The proposed modification to the Petrosa master plan increases the land area of the Petrosa master plan by 12.1 acres, property not currently within the Petrosa master plan shown on Figure 2.7.3920. The proposal requires an amendment to the Development Code. Therefore, the proposal cannot be reviewed under this section and instead will be reviewed under BDC 4.1.1325.

4.1.1325 Modification of Approval.

A. An approval may be modified at any time after a decision becomes final.

FINDING: The Petrosa Master Plan was adopted on February 19, 2020. The adopting ordinance (NS-2363) became effective 30 days later on March 20, 2020. Therefore, the application is eligible for modification.

B. Modification Review Procedures.

1. A modification that does not have significant additional impacts on surrounding properties must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.
 2. A modification that has significant additional impacts on surrounding properties must be reviewed under all criteria applicable to the entire approval and may, at the discretion of the City, require the filing of a new application.
 3. A modification must not be considered to have significant additional impacts on surrounding properties if the identified impacts could be addressed under the applicable provisions of this code at the time of future development (e.g., a future site plan review or conditional use permit application).
 4. A modification that is a new proposal must be filed as a new application.
- C. An application for a modification of a Type I approval must be processed as a Type I application. All other modifications must be processed as a Type II application unless elevated to a Type III process by the Development Services Director.

FINDING: The Modification includes the addition of 12.1 acres to the approved 177-acre Petrosa Master Plan. Applicable criteria are addressed below. The modification application is being processed as a Type III application.

- D. The original approval time limitation is governed by BDC 4.1.1310.
- E. Modifications of development approvals must meet the approval criteria required in subsection (B) of this section in the appropriate corresponding section of this code (e.g., modification of a site plan review approval is subject to BDC Chapter 4.2; modification of a conditional use permit is subject to BDC Chapter 4.4, modification of a master plan or special planned district is subject to the applicable sections in BDC Chapter 4.5). For modifications of a master plan, PUD or special planned district approved under land use regulations in place prior to April 14, 2017, see subsection (F) of this section.

FINDING: The Petrosa Master Plan modification is subject to the applicable sections in BDC Chapter 4.5, which are addressed below.

- F. Modifications of a master plan, PUD or special planned district approved under land use regulations in place prior to April 14, 2017, must meet the approval criteria required in subsection (B) of this section in one of the following sections in BDC Chapter 4.5, Master Planning and Development Alternatives:
1. The modification of a master plan, PUD or special planned district that is primarily for residential uses is subject to the applicable approval criteria in BDC 4.5.200(D).325

FINDING: The Petrosa Master Plan was approved after April 14, 2017. Therefore, the referenced criteria do not apply to the modification.

4.5.100 Master Plan General Provisions.

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

FINDING: The Petrosa Master Plan modification will add 12.1 acres of land designated residential (11.2 acres) and commercial (0.9 acres) to the current Master Plan boundary. With the addition of these properties, the Petrosa Master Plan boundary contains 189.1 acres, of which 19.8 acres (10.5 percent) is commercial and 169.3 acres (89.5 percent) is residential. Therefore, the most prominent uses within Petrosa continue to be residential uses, and the project is still considered a Major Community Master Plan.

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

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

FINDING: No density transfers are contemplated or proposed in the Petrosa Master Plan modification. The project meets the applicable density standards in BDC 4.5.200(E)(3) by showing that the Northeast Edge Expansion Area will contain the housing unit count and mix prescribed in BCP Policy 11-59. The applicable criteria are met.

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

FINDING: While the current zoning of the properties to be added is UA, they are designated RS and CG on the Comprehensive Plan Map. Annexation of these properties, submitted concurrently with the modification, will rezone the properties to RS and CG. No changes to permitted uses codified in Petrosa Code (BDC 2.7.3900) are included with this application.

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

FINDING: The addition of property containing a portion of the NUID canal expands the Petrosa Master Plan's open space program and creates the opportunity for additional future pathway locations. Various open space areas will be owned and maintained by a private homeowner's association (HOA) and others by the Bend Parks and Recreation District (BPRD). The standard will be met.

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

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

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

FINDING: The Applicant's narrative provides descriptions of which exhibits submitted with the application address each of the submittal requirements listed in this section. Staff reviewed the application materials and determined that the applicable information was submitted and the application was complete on February 4, 2021. The following is a summary of the exhibits submitted with this application:

- Exhibit A – Modification Application Forms
- Exhibit B – Annexation Application Forms (not applicable to this application)
- Exhibit C – Petrosa Community Master Plan Modification Plans (Sheets P01-P09)
- Exhibit D – Map and Legal Description
- Exhibit E – Preliminary Title Report
- Exhibit F – BPRD Coordination Letter
- Exhibit G – Bend-La Pine School District (BLSD) Coordination Letter
- Exhibit H – Utility Availability Memo (SWA 20-5211)
- Exhibit I – Traffic Analysis Memo
- Exhibit J – Avion Water Company Will Serve letter
- Exhibit K – Neighborhood Meeting Materials
- Exhibit L – Petrosa Development Code
- Exhibit M – COID Correspondence

The applicant also submitted the required project narrative.

4.5.200 Community Master Plan.

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

B. Applicability.

- 1. Community master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.**

2. **Community master plans are required for any property or combination of adjacent properties under common ownership totaling 20 acres or larger at the date of adoption of this code, unless exempted below.**

FINDING: Policy 11-56 of the Bend Comprehensive Plan allows annexations in the Northeast Edge Expansion Area that are at least 40 acres in area, subject to master plan application. This overall project is subject to the community master plan requirements because it includes adjacent properties totaling more than 40 acres.

C. Review Process.

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

FINDING: The Petrosa Master Plan modification includes needed housing as defined by Oregon Revised Statute (ORS) 197.303(1)(a). However, the Applicant elects to use a deviation process in order to modify one or more Development Code standards. Thus, the modification is also subject to the same review process as the original major master plan.

3. **Major Community Master Plans. Major community master plans are processed as follows:**

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

FINDING: The Applicant is seeking to compress the time schedule by providing all information necessary for approval of Steps 1 and 2 concurrently. The Applicant further intends to proceed to Step 3 with the submittal of a subdivision tentative plan for southeastern residential addition

to the master plan. However, an application for subdivision tentative plan cannot be accepted until the Master Plan modification is adopted and effective and the annexation process is final.

D. Community Master Plan Approval Criteria.

- 1. Minor or Major Community Master Plan. The City may approve, approve with conditions, or deny a proposed minor or major community master plan application based on meeting all of the following criteria:**
 - a. The community master plan complies with subsection (E) of this section, Standards and Regulations.**

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

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

FINDING: The Existing Utility and Easement Plan (Sheet P09 of the application) shows existing water, sanitary sewer, overhead power, and irrigation facilities abutting and crossing through the site. The Utility Availability Memo (SWA 20-5211) issued by the City of Bend Engineering Division shows that existing sewer facilities have adequate capacity to serve the properties planned to be added to the Petrosa Master Plan or adequate facilities will be installed concurrent with construction and prior to occupancy or use. The Avion Water District provided the applicant with a letter indicating the capacity and availability to serve the additional properties. The applicable criteria are met.

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

Chapter 4.7, Transportation Analysis

4.7.600 Significant Impacts and Mitigation Measures.

D. Timing of Improvements.

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

FINDING: An updated Transportation Facilities Report was prepared by Transight Consulting and submitted to the City in conjunction with the modified Petrosa Master Plan. A Traffic Analysis Memo issued by the City of Bend for the modified Petrosa Master Plan is included as Exhibit I of this application and outlines specific mitigation requirements that will apply upon the future development of the subject properties. The Transportation Mitigation Plan for the original Petrosa Master Plan is codified in BDC 2.7.3980. No additional off-site mitigation is required with the addition of the subject properties, as the mitigation plan was based upon buildout of the entire Northeast Edge Expansion Area.

D. Community Master Plan Approval Criteria. (continued)

3. Major Community Master Plan. In addition to the approval criteria in subsection (D)(1) of this section the City may approve, approve with conditions, or deny a proposed major community master plan application based on meeting all of the following criteria:

- a. The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the master plan application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section.

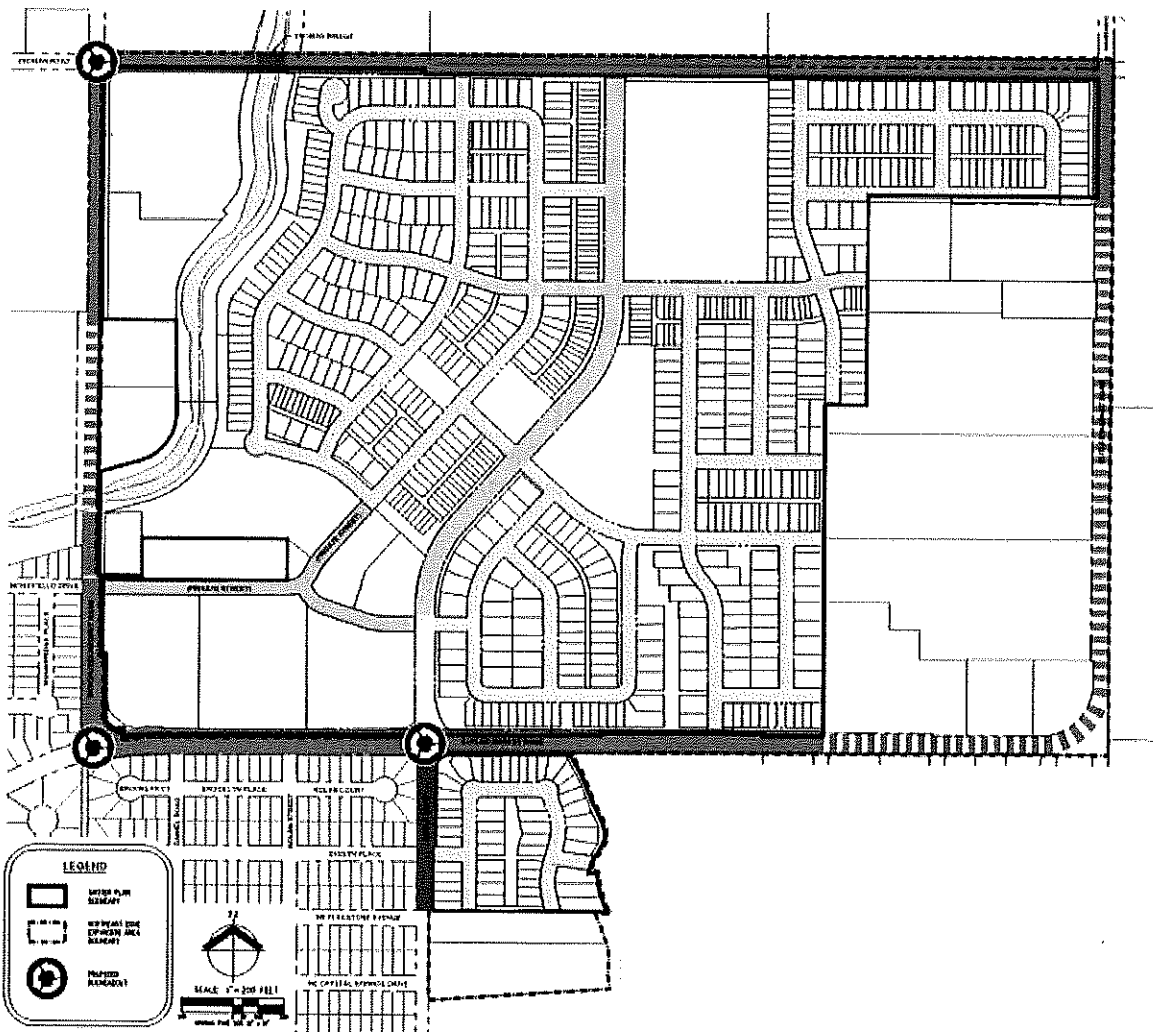
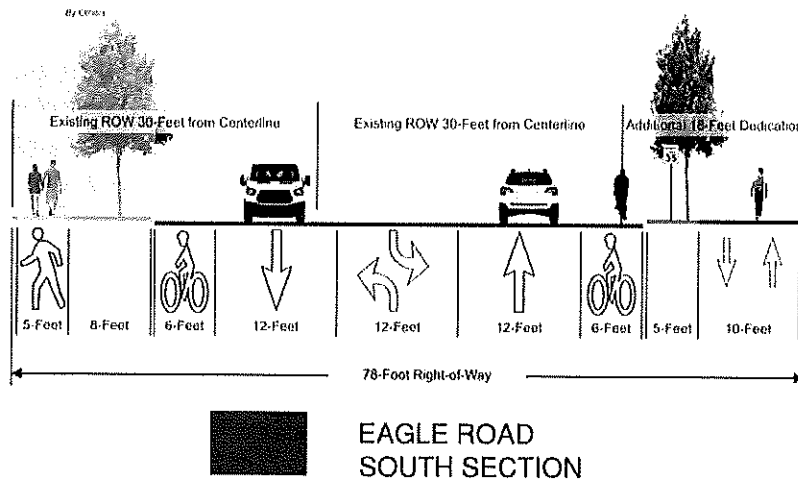
FINDING: The Petrosa Major Community Master Plan modification meets the applicable density standards by showing that the Northeast Edge Expansion Area will continue to contain the housing unit count and mix prescribed in BCP Policy 11-59. Housing density and mix is addressed further in the response to BCP Policy 11-59, below. The additional properties will be zoned consistent with their Comprehensive Plan designations. The applicable criteria are met.

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

FINDING: Special standards for the properties within the Petrosa Master Planned Development is codified in BDC 2.7.3900. The modification does not include changes to the zoning district requirements but includes a new street cross section for Eagle Road, south of Butler Market Road in BDC 2.7.3970 as set forth in the proposed code amendments.

Eagle Road will be constructed to a modified City of Bend Collector standard with a multi-use pathway on the east side of the roadway (as shown in the cross section below for the street segment shown in dark green in the map below). The overall right-of-way width of 78 feet will meet the requirements of BDC 3.4 for a collector street including two 6-foot bike lanes, two 12-foot travel lanes and a 12-foot median, with a 10-foot property tight multi-use path and a 5-foot

planter strip along the property frontage. Therefore, this deviation of 2 feet from the standard collector width of 80 feet will equally or better meet the purpose of the underlying standard.



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

FINDING: The Petrosa Major Community Master Plan Modification does not include an amendment to the Bend Comprehensive Plan text, therefore this section applies.

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

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

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

FINDING: The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC 4.1.215. The applicant held a virtual public meeting (due to COVID-19 restrictions) on October 14, 2020. Notice was provided to property owners located within 500 feet of the subject properties, as well the Mountain View Neighborhood Association, in compliance with BDC 4.1.215. The required City forms for Verification of Compliance and Verification of Neighborhood Meeting, as well as documentation of the mailing of notices were included in the submittal. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. The requirements of this goal have been met.

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

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

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

FINDING: The proposal is a major community master plan modification that includes an amendment to add two new figures within the Petrosa Master Planned Development code. The proposed text amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan policies specific to the subject property, BCP 11-76 and 11-77. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed community master plan

modification and its associated text and map amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions.

This Goal is applicable to the application for a Master Plan modification, which will be subject to BDC 4.5.200(D)(3)(c) in lieu of the typical quasi-judicial criteria in BDC 4.6.300. The City will review and process this application consistent with the procedures detailed in the BDC Chapter 4.1, including consideration of any agency and public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.

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

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

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

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

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

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

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

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

- *"The proposal does not include new areas along the Deschutes River or Tumalo Creek; the proposed efficiency measures and areas for expansion direct growth away from these areas.*
- *The proposal will maintain and improve the quality of air resources because it has been designed to reduce the growth of vehicle miles traveled (VMT), which will help in limiting or*

avoiding new greenhouse gas emissions from auto and truck traffic.

- *The planned housing mix makes a shift from single-family detached, to more attached housing types, which studies have shown typically consume less energy than single-family dwellings.”*

The adopted Comprehensive Plan policies ensure compliance with Goal 6.

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

FINDING: No 100-year floodplains or mapped landslide areas are located within these subject properties. Therefore, Goal 7 is satisfied.

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

FINDING: The City adopted the Bend Comprehensive Plan and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the Bend 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 (BPRD), via Policy 2-2.

The addition of the 2.1-acre NUID canal property expands the Petrosa Master Plan's open space program and creates the opportunity for additional future pathway locations. BPRD identifies the North Unit Canal Trail as a high priority in their 2018 Comprehensive Plan, and the City of Bend's Transportation System Plan (TSP) also identifies this facility as a primary multiuse path.

The applicant and BPRD have been working collaboratively towards an agreement on the final design, program, and financing of the planned neighborhood park, trails, and open space within the Master Plan and subsequent modification. It is anticipated that parks and open space will be improved in conjunction with abutting residential or commercial construction. Because the proposal is consistent with the adopted Bend Development Code, and the acknowledged Bend Comprehensive Plan, it is also consistent with this Statewide Planning Goal. Therefore, Goal 8 is satisfied.

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

FINDING: The subject properties have been identified in the City's Comprehensive Plan as appropriate for housing and commercial uses. Upon annexation, these properties will be zoned consistent with their plan designations, thus maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-76 and 11-77.

The addition of the 0.9-acre commercial property fronting along Deschutes Market Road will support the planned 22-acre commercial center anchored in the southwest corner of the project with frontage on two minor arterials—Deschutes Market Road and Butler Market Road—and the Eagle Road neighborhood route. Local market analysis shows high demand in the area for a grocery-anchored retail center. Moving north from Butler Market Road, higher intensity retail

uses will transition to a more neighborhood scale with a pedestrian-friendly shopping street framed by mixed-use buildings, live/work townhomes, and outdoor spaces creating a vibrant atmosphere ideal for hosting festivals, farmers markets, and similar civic events. The location and configuration of the commercial and residential areas within the Master Plan are interrelated and will work together to encourage economic development. The expansion of the Petrosa Master Plan boundary will continue to support this vision. Therefore, Goal 9 is satisfied.

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

FINDING: The subject property was included as a part of the City’s Goal 10 inventory of needed housing when the City of Bend expanded its Urban Growth Boundary in 2016. The subject properties have been identified in the City’s Comprehensive Plan as appropriate for housing and commercial uses. Upon annexation, these properties will be zoned consistent with their plan designations, thus maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-76 and 11-77. The housing unit count and mix required in these policies specifically address the housing needs outlined in the City’s Housing Needs Analysis.

Table 18 of the City’s Housing Needs Analysis (shown below) indicate the needed types of housing units in the City of Bend. The Petrosa Master Plan (per the Bend Comprehensive Plan policies for the Northeast Edge Expansion area) provides 1100 housing units with at least 10% as townhomes (single-family attached) and 40% as duplex, triplex or multi-family units. This meets the needed housing mix shown in Table 18 of the Housing Needs Analysis.

Table 18. Needed housing by needed mix, Bend, 2014-2028

	Needed Units (2008 - 2014)	Units permitted 2009 to end of July 2014	Remaining Need (Mix applied to remaining total)	
			Units	Percent of New Units
Single-family detached	9,175	2,411	7,574	55%
Single-family attached	1,668	112	1,377	10%
Multi-family	5,838	389	4,819	35%
Total	16,681	2,912	13,770	100%

Source: ECONorthwest

This master plan modification provides 51 additional units, while continuing to meet the housing mix requirements set forth in the Bend Comprehensive Plan policies, as detailed in Table 1 and 2 of this decision. Therefore, Goal 10 is satisfied.

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

FINDING: The Petrosa Master Plan contemplated how the entire expansion area can be served by existing or planned utilities, transportation networks, and public services. The additional properties to be annexed with this application were evaluated under the original Petrosa Master

Plan application. The Annexation Agreement is currently being revised to incorporate the additional property and formalize the sequencing and financing mechanisms for needed infrastructure. The Petrosa Master Plan Modification shows how public facilities, including sanitary sewer and potable water, are available and planned throughout the project site. With the Annexation Agreement, which will be submitted for concurrent review of this Master Plan modification by the City Council, Goal 11 is satisfied.

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

FINDING: The Transportation Planning Rule (TPR) (OAR 660-012-0000) implements Goal 12 and states the purpose is “to provide and encourage a safe, convenient and economic transportation system.” The TPR also supports mobility and accessibility, the availability of multimodal choices, efficient flow of freight, protection of existing and planned transportation facilities, and coordination among service providers. For areas not yet annexed into the City, the TPR is addressed at the time of annexation, under BDC 4.9.600.

The Transportation Element of the approved Petrosa Master Plan included a Transportation Facilities Report (TFR), a Transportation Impact Analysis, and a TPR analysis. To address the impacts of urbanizing the Northeast Edge UGB lands, an annexation agreement was adopted that identified the specific timing, responsibilities, and allocation of costs between various agencies and affected property owners for the required transportation improvements.

The applicant submitted a second TFR on October 28, 2020 detailing the planned modification of the Petrosa Master Plan and confirming that mitigation for the three properties was previously addressed in the framework-level area plan. The City’s Traffic Analysis Memo, prepared by the City upon review of the submitted TFR, was submitted as part of the application. Goal 12 is satisfied.

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

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

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

FINDING: During the City’s 2016 UGB expansion process, the City demonstrated a need to amend the UGB to accommodate future urban population and job growth within the Bend UGB, through several analyses, including the Urbanization Report and the UGB Scenario Evaluation

Report. The City inventoried its buildable lands for both housing and employment and forecasted future needs for housing and employment based on the 20-year population forecast, determining that a UGB expansion was necessary. This UGB expansion, which included the Northeast Edge expansion area, was adopted in 2016. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

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

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

FINDING: As part of the UGB expansion process that concluded in December 2016, the City brought 2,380 acres of land into the UGB in order to continue to provide a 20-year supply of residential, commercial, and industrial land. The process took more than a decade, with 70 public meetings, three technical advisory committees, and dozens of citizen volunteers. The Northeast Edge is one of the nine designated expansion areas illustrated in Figure 11-4 of the Comprehensive Plan. Along with the UGB lands, the City adopted new BCP policies in Chapter 11—Growth Management intended to guide the development of the expansion areas.

Bend Comprehensive Plan Chapter 11, Growth Management

Specific Expansion Area Policies

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

Policies 11-74 and 81 are specifically applicable to the Northeast Edge expansion area:

- 11-74 The City will initiate an Area Plan for the Northeast – Butler Market Village area. The Area Plan will address policies 11-74 through 11-81. 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 modification to the Petrosa Master Plan will add 12.1 acres to the 177 acres previously approved and annexed (PZ-19-0515, PZ-20-0005). The addition of these three properties is consistent with the framework-level Area Plan submitted with the approved master plan and no further changes are necessary. Consequently, with the addition of the subject properties, the annexed areas within the Northeast Edge Expansion Area will be more than 40 contiguous acres and subject to an approved master plan. The policy is met.

11-75 *Within the area identified on Figure 11-4, the central planning concepts are to: create a new, complete community as a node that sets the stage for additional urban growth in the future; and increase the mix of housing and land uses in the area to increase the completeness of the existing neighborhoods inside the UGB.*

FINDING: The addition of 12.1 acres to the Petrosa Master Plan boundary will further solidify the creation of a complete community, with housing in close proximity to employment and commercial services that are scaled to serve the frequent needs of neighborhood and area residents.

The 0.9-acre commercial property fills a gap in the planned 22-acre commercial center, contributing to the creation of neighborhood-scale commercial areas connected to the larger, grocery-anchored retail center at the intersection of Deschutes Market Road and Butler Market Road. The NUID canal property will be preserved as open space and support the continuation of the canal trail network along the east side of the canal. The RS-designated property south of Butler Market Road will allow for approximately 51 additional needed housing units, and the planned improvements to Eagle Road will result in an extension of the multiuse trail network south of Butler Market Road. A future Tentative Subdivision application will be submitted for this property following the Master Plan Modification and Annexation approval. The policy is met.

11-76 *This area shall provide for a mix of residential and commercial uses, including 222 gross acres of residential plan designations and 22 gross acres of commercial plan designations (excluding existing right of way).*

FINDING: The modified Northeast Edge Land Use Plan shows a mix of RS, RM, and RH plan designations totaling 226 gross acres of residential designations, and 22 gross acres of CG designation, which is within 1% of the listed residential and commercial plan designation areas. The policy is met.

11-77 *In order to provide sufficient housing capacity and mix, the residential plan designations shall include 178 gross acres of RS, 21 gross acres of RM, and 16 gross acres of RH. Acreages exclude existing right of way. The acreage of RS includes roughly 14 acres for an elementary school site, which may be designated PF if a site has been acquired by the School District prior to completion of the Area Plan. Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 1100 housing units, including at least 10% single family attached housing and at least 40% 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: BCP Policy 11-77 outlines two separate and distinct pathways for providing sufficient housing capacity and mix. The first pathway is based on the listed residential plan designations. While the approved Petrosa Master Plan did not elect to use this pathway, the Northeast Edge Land Use Plan shows areas equal to or greater than the acreages listed in BCP Policy 11-77 for each plan designation: 188.3 gross acres of RS, 21.7 gross acres of RM, and 16.0 gross acres of RH. The RS area includes 10.3 acres for a potential elementary school site, the location and size of which has been coordinated with Bend-La Pine School District. Coordination with Bend-La Pine School District is documented in Exhibit G of the application. Since the potential school site has not yet been acquired by the School District, it remains designated RS, but is not included in the count of residential units below. The RS area also includes 2.2 acres of existing Cole Road right-of-way, and the RM area includes 0.7 acres of existing Cole Road right-of-way.

The Petrosa Master Plan was explicitly approved under the second pathway upon demonstrating that the Northeast Edge Expansion Area—the Petrosa Master Plan and framework-level Area Plan together—can provide capacity for at least 1,100 housing units, including at least 10 percent (110 units) as single-family attached housing and 40 percent (440 units) as multifamily and duplex/triplex housing.

The modification adds land to the Petrosa master plan that will be zoned RS upon annexation, which is planned to include lots for future detached single-family homes and open space. The Petrosa master plan has been designed to contain a variety of housing types to serve a diverse housing market. Planned housing types include multifamily apartments, duplexes, triplexes, fourplexes, townhomes, urban rear-loaded homes, traditional front-loaded homes (both single- and two-story), and larger-lot single-level homes.

Table 1 below details the area of each residential zone within the master plan and framework-level area plan.

Table 1: Northeast Edge Expansion Area Zoning

Residential Zone	Master Plan (Gross Acres)	Area Plan (Gross Acres)	Total Area (Gross Acres)
RS	131.6*	56.7	188.3*
RM	21.7**	0.0	21.7**
RH	16.0	0.0	16.0
TOTAL	169.1	56.7	226.0

*Area includes 10.3 acres for potential school site and 2.2 acres of existing Cole Road ROW

**Area includes 0.7 acres of existing Cole Road ROW

Table 2 below shows the mix of housing planned for construction within the modified Petrosa Master Plan, based on the conceptual lot layout shown on the Northeast Edge Land Use Plan. This modification does not change the planned units within the RM and RH zone. However, the addition of the 9.1-acre RS property south of Butler Market Road is anticipated to increase total RS housing within the Petrosa Master Plan by approximately 51 units. Generally, it is anticipated that the RS zone will contain the majority of the project’s detached single-family homes; the RM zone will contain primarily single-family attached (townhomes), triplexes, and fourplexes; and the RH zone will contain larger multifamily buildings, potentially with some

townhomes, triplexes, and fourplexes.

Table 2: Planned Housing Mix, Petrosa Master Plan

Master Plan			
Residential Zone	Total Units	Townhomes	Duplex/Triplex/Multi
RS	532	0	0
RM	189	120	18
RH	424	0	424
Subtotal	1,145	120	442
Area Plan			
RS	290*	0	0
Total	1,435	120	442

*Assumes density of 5.11 units/acre

The modified Northeast Edge Land Use Plan with Tables 1 and 2, above, show that the Northeast Edge Expansion Area—the Petrosa Master Plan modification and framework-level Area Plan together—will continue to provide capacity for at least 1,100 housing units, including at least 110 units as single-family attached housing and 440 units as multifamily and duplex/triplex housing. Therefore, the policy is met

11-78 *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 both inside and outside the UGB. The transportation network shall be consistent with the Bend Transportation System Plan.*

FINDING: The Street Circulation Plan shows the street and multimodal network that connects the Petrosa Master Plan internally, but also to other properties within the Northeast Edge and lands outside the UGB. The modification adds a new street cross section to the Petrosa Master Plan for the portion of Eagle Road south of Butler Market Road. This portion of Eagle Road is planned to include a 10-foot-wide multiuse pathway along the east side and will connect to the multiuse pathway network along Butler Market Road and provide east-west and north-south connectivity throughout the Petrosa master plan.

The applicant submitted a Transportation Facilities Report on October 28, 2020 detailing the modification of the Petrosa Master Plan to include three parcels that were already assumed and included in the Petrosa Master Plan transportation documents. The City’s Traffic Analysis Memo is included in Exhibit I of the application and includes requirements for bike lanes and multi-modal paths along the property frontage of the subject properties.

The Petrosa Master Plan Modification ensures that connections are available to serve all abutting lands, and the planned roadway system does not preclude future development opportunities. The policy is met.

11-79 *Coordination with the Bend-LaPine School District is required in order to identify a suitable site for an elementary school within this area.*

FINDING: Exhibit G of the application is a letter from the Bend-La Pine School District (BLPSD) documenting BLPSD support of the modification and indicating that the planned school site will continue to meet their needs for a future elementary school. The policy is met.

11-80 *Coordination with Bend Park and Recreation district is required in order to address provision of parks and trails within this area.*

FINDING: Exhibit F of the application is a letter from the BPRD acknowledging coordination that is leading towards a development agreement between Pahlisch Homes, Inc. and BPRD for a new neighborhood park and associated trails and open space to be conveyed to BPRD. The letter also documents BPRD's review of the planned modification and annexation. The policy is met.

11-81 *Coordination with Central Oregon Irrigation District is required in order to address circulation and access issues related to the existing canals in this area and to identify opportunities for trails to be co-located with canal easements or right of way.*

FINDING: Exhibit M of the application is a letter from COID confirming ongoing coordination with the applicant and its consultants on issues related to the irrigation canal. As the project evolves, the Applicant and its consultant will continue to coordinate with COID. The policy is met.

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

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

4.9.700 Zoning of Annexed Areas.

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

FINDING: Prior to future development of the subject property, the land added to the Petrosa Master Plan must be annexed into the City of Bend. Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the zoning district that implements the Comprehensive Plan Map designation. This criterion is met.

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

FINDING: The Petrosa Master Plan modification does not propose an amendment to the Bend Comprehensive Plan Map or text. Therefore, this criterion does not apply.

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

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

FINDING: The addition of the three subject properties to the Petrosa Master Plan will expand the perimeter of the master plan boundary. The entirety of this expanded master plan boundary is within 0.5-miles of commercial goods and services. However, the large size of the Expansion Area means the northeast corner of the Petrosa Master Plan boundary is more than 0.6 miles from the Petrosa commercial area, and 1,748 feet of the master plan perimeter stills falls outside the 0.5-mile radius.

Where the minimum distances set forth in this standard cannot be met, the standard expressly allows the review authority to find the standard is met where the intent and purpose of the standard are adequately addressed. Here, the purpose and intent of the standard—that a community master plan must have close and convenient access to commercial goods and services by walking or biking—can still be met. Specifically, the relatively small number of future residents who live outside the 0.5-mile radius will have multiple routes where either the entirety or majority of their route to commercial goods and services will be on 10- or 12-foot-wide, curb and grade-separated multiuse paths. The original master plan approval confirmed the purpose and intent of this standard was met.

All three subject properties in the master plan modification are within the 0.5 mile radius. Therefore, the standard is met.

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

FINDING: The addition of property containing a portion of the NUID canal expands the Petrosa Master Plan's open space program and creates the opportunity for additional future pathway locations. The submitted Preliminary Street Circulation Plan shows a 10-foot multiuse path on the east side of Eagle Road extending south of Butler Market Road. This new path will intersect

with the east-west pathway network along Butler Market Road and the 12-foot-wide multiuse pathway running north through the center of Petrosa, connecting residents and visitors to the park and school. The criteria are met.

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

FINDING: The Petrosa Master Plan modification continues to meet the applicable density standards in BDC 4.5.200(E)(3) by showing that the Expansion Area will contain the housing unit count and mix prescribed in BCP Policy 11-77. Housing density and mix is addressed further in the response to BCP Policy 11-77, above. The applicable criteria are met.

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

FINDING: The Petrosa Master Plan Modification map (Sheet P03) shows the gross area within the Master Plan boundary will be increased to 189.1 acres. The NUID property will be zoned RS but will remain as open space. The Master Plan Modification map shows 25.7 acres (13.6 percent of gross area) of open space. Exhibit F of the application is a letter from BPRD which acknowledges the outline of a draft development agreement between Pahlisch Homes, Inc. and BPRD for the new neighborhood park and associated trails. Any additional open space areas not transferred to BPRD are planned be owned and maintained by the HOA. The criteria are met.

- b. The open space must be conveyed in accordance with one of the following methods:**
 - i. By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities; or**
 - ii. By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City. Private open space must be located in a tract and include an open space easement.**

FINDING: The modification includes the addition of the southern portion of the NUID main canal east of Deschutes Market Road. Once annexed, the property will be zoned RS—consistent with its land use designation—but will remain as open space. The Master Plan Modification map (Sheet P03) shows 25.7 acres (13.6 percent of gross area) of open space.

Exhibit F is a letter from BPRD which acknowledges the outline of a draft development agreement between Pahlisch Homes, Inc. and BPRD for a new neighborhood park and associated trails and open space to be conveyed to BPRD. Any additional open space areas not transferred to BPRD are planned be owned and maintained by the HOA, in compliance with BDC 4.5.200(E)(4). The criterion is met.

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

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

F. Duration of Approval.

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

FINDING: The Petrosa Master Plan Modification does not alter the duration of approval. The time frame studied in the transportation analysis extended to 2040, and the Water and Sewer Analysis Application assumed an open-ended timeline to achieve full build-out. Per this section, the infrastructure capacity is reserved for 15 years from the date of the adoption of original master plan in 2019 until 2034. The Phasing Plan will be supplemented by an approved Annexation Agreement detailing the various triggers and timelines for infrastructure improvements, as well as reserved capacity

PLANNING COMMISSION RECOMMENDATION: Based on the application materials submitted by the Applicant, and the findings in this recommendation which are based on the Applicant's narrative addressing the relevant criteria for approval, the Planning Commission recommends that the Bend City Council adopt an ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, to modify the Petrosa Master Planned Development as proposed in Exhibit A.