

ORDINANCE NO. NS-2440

AN ORDINANCE TO AMEND BEND DEVELOPMENT CODE CHAPTER 2.7 TO ESTABLISH THE TALLINE MASTER PLANNED DEVELOPMENT

Findings

- A. On December 8, 2021, AKS Engineering and Forestry initiated an amendment to the Bend Development Code (BDC) Chapter 2.7, Special Planned Districts, to create the Talline Master Plan Development. The subject area is comprised of Tax 200 and 300 on Deschutes County Assessor's Map #17-12-25-00.
- B. On March 14, 2022, the Bend Planning Commission held a virtual public hearing on the proposed amendments, with public notice provided in accordance with BDC 4.1.400, and issued a recommendation that the City Council adopt the requested amendments in Exhibits A and B, and the findings in Exhibit C.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of BDC Chapters 4.1.423-4.1.125. On March 31, 2022, the City of Bend Planning Division mailed notice of the City Council hearing for this application to surrounding owners of record of property within 500 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Summit West and Awbrey Butte Neighborhood Association representatives. On March 30, 2022, a Notice of Proposed Development sign was posted by the applicant along the property frontage visible from the abutting right of way.
- D. The Bend City Council held a public hearing on April 20th, 2022 to consider the Commission's recommendation.
- E. The requested amendments approved by this Ordinance meet all applicable Bend Development Code criteria, policies of the Bend Comprehensive Plan and Oregon Statewide Planning Goals.


THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The text and related graphics of BDC 2.7 are amended as shown in Exhibit A.
- Section 2. The Bend Comprehensive Plan Map is amended as shown in Exhibit B.
- Section 3. The City Council adopts the Findings in support of this ordinance as contained in Exhibit C.

First reading: April 20, 2022.

Second reading and adoption by roll call vote: May 4, 2022.

YES: Mayor Pro Tem Gena Goodman-Campbell NO: none
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg


Sally Russell, Mayor

ATTEST:


Robyn Christie, City Recorder

Approved as to Form:

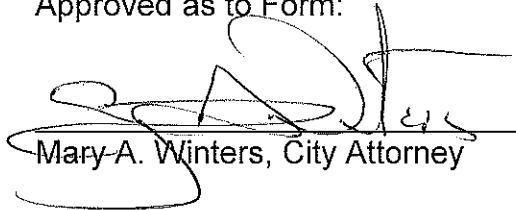

Mary-A. Winters, City Attorney

EXHIBIT A

Article XXII. Talline Master Planned Development

2.7.XXXX Talline Master Planned Development.

2.7.XXXX Purpose.

The purpose of the Talline Master Planned Development is to implement the policies in Chapter 11, Growth Management of the Bend Comprehensive Plan (BCP) regarding the Shevlin Area, and to create appropriate development standards for the residential and commercial uses within the Talline Master Plan area. The development standards will:

- A. Provide a variety of housing types in a coordinated neighborhood that implements the relevant Bend Comprehensive Plan policies:
 - 1. Promote efficient land use and neighborhood connectivity by helping complete adjacent neighborhoods with neighborhood-scale commercial services.
 - 2. Blend the density of the RS land already within the City with the RL plan designation of the Shevlin Area to provide capacity for a minimum of 190 housing units, including at least 20 townhomes and at least 35 multi-unit/duplex/triplex/quadplex housing units.
 - 3. Implement the transect concept, measures to make the development and structures fire resistant, and RS/RL plan designation densities while providing for a mix of housing types and clustering developed areas to provide for open space preservation.
- B. Establish a commercial area that can accommodate a range of small and medium sized businesses serving the needs of nearby residents.
- C. Establish an interconnected street system consistent with the Transportation System Plan with cross-sections appropriate to the characteristics of the site and adjacent land uses.
- D. Create safe, attractive, and efficient pedestrian routes and other multi-modal transportation options.

2.7.XXXX Applicability.

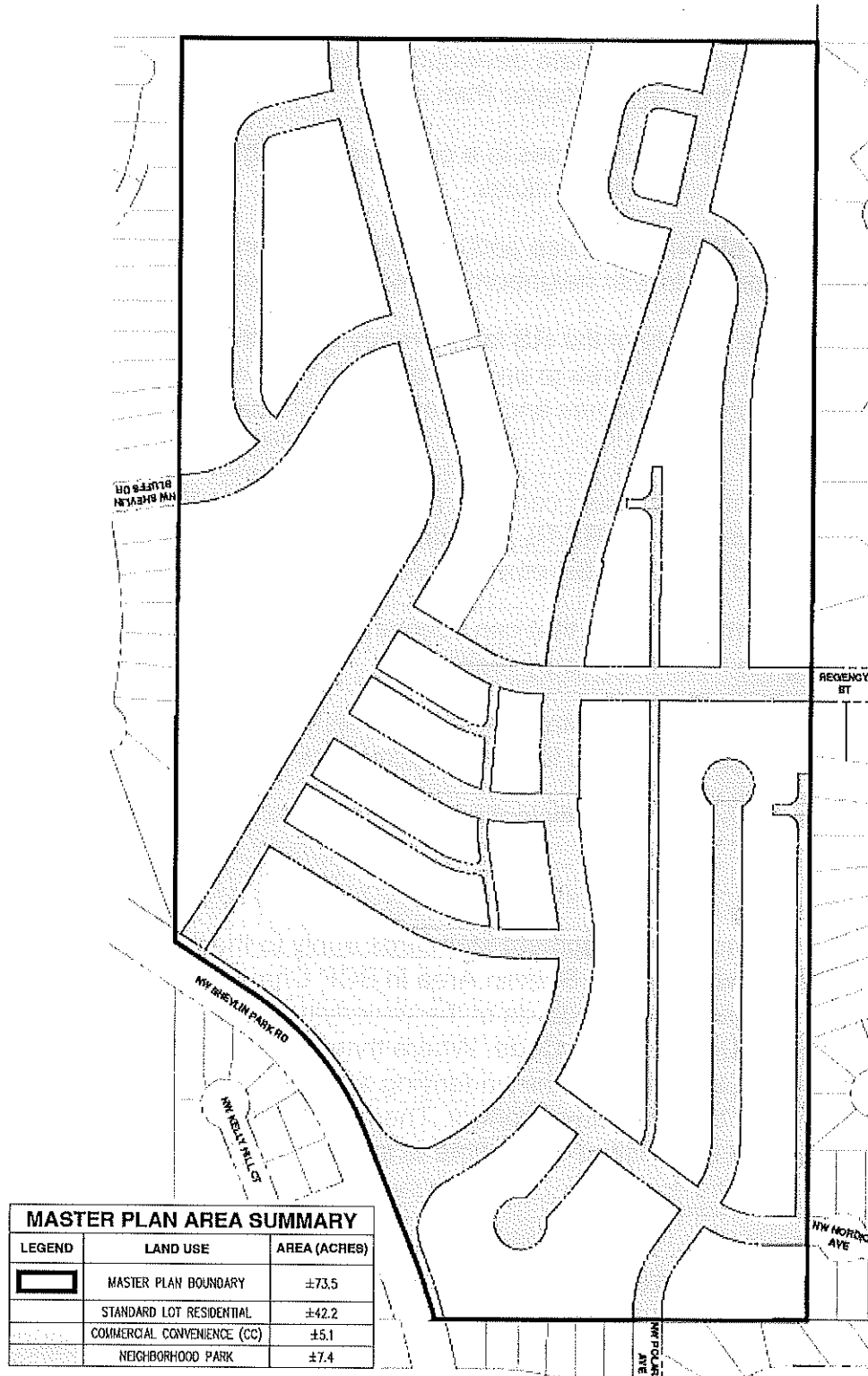
The Talline Master Planned Development standards apply to the property identified in Figure 2.7.XXXX, a portion of which is the Shevlin Area in BCP Chapter 11. The special standards of the Master Plan supersede the standards of the underlying zone and other applicable standards of the Bend Development Code. Where there is a conflict between the provisions of the Talline Master Plan and those of the underlying zone or other portions of the Development Code, the provisions of this district will control. The final determination of the overlay zone or district boundary will be established at the time of subdivision platting and right-of-way dedication

2.7.XXXX Districts.

- A. Standard Lot Residential Overlay. The purpose of the Standard Lot Residential District is to blend the underlying RS and RL zones by allowing standard density dwelling units on smaller lots than otherwise permitted in the underlying RL zone in order to meet the unit and housing mix requirements in BCP Policy 11-133.

B. Commercial Convenience District. The purpose of the Commercial Convenience District is to connect commercial uses to the adjacent residential uses they are intended to serve. This district encourages a mix of residential and commercial uses, and can accommodate a range of small and medium sized businesses serving the needs of nearby residents.

Figure 2.7.XXXX – Talline Master Plan



2.7.XXXX Review Procedures.

The following review procedures are applicable to uses and structures within the Talline Master Planned Development:

- A. Single-unit attached dwellings, accessory dwelling units, townhomes, live/work townhomes, duplexes, triplexes, quadplexes, and cottage-cluster developments are subject to BDC 4.2.400, Minimum Development Standards Review. The submittal of a Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400, Approval Criteria is required and will be verified through the building permit process.
- B. Multi-unit developments with five or more residential units and buildings in the Commercial Convenience District are subject to BDC 4.2.500, Site Plan Review. BDC 2.2.600, Commercial Design Review Standards, and BDC 4.2.600, Design Review, do not apply.
- C. Conditional Use Permit. Conditionally permitted uses require a Conditional Use Permit in accordance with BDC Chapter 4.4.

2.7.XXXX Standard Lot Residential Overlay.

- A. Permitted Uses. All uses permitted in the RS Zone.
- B. Height Standards. The height standards of the RS Zone apply, except buildings on lots having greater than 10 percent slope will be permitted an additional five feet in building height.
- C. Lot Area and Dimensions. The lot area and dimensions of the RS Zone apply. For flag lots, there may be no more than three "flag poles" in a row.
- D. Density. The blended RL and RS density requires that capacity be provided for a minimum of 190 dwelling units, including a minimum of 20 townhomes and 35 multi-unit and duplex/triplex/quadplex housing units. Residential units in the Commercial Convenience zone count towards the minimum housing mix requirements.
- E. Lot Coverage. The lot coverage standards of the RS Zone apply, except floor area ratio does not apply.
- F. Setbacks. The setbacks of the RS Zone apply, except solar setbacks do not apply.
- G. On-Site Surface Water Drainage.
 - 1. On-site surface water drainage may be addressed in the following ways. Alternatives may be approved by the City Engineer:
 - a. Roof drainage originating from residential properties may be conveyed to a public street and/or public storm drain collection and disposal system by subsurface piping, or curb weepholes.
 - b. Roof and surface drainage originating from residential properties may be conveyed to a private storm drain collection and disposal system located in a private tract or easement. The City may allow for private drainage systems in the public right-of-way if deemed appropriate by the City and maintenance agreements are executed between the homeowners association and the City.

c. Roof drainage originating from residential properties may be commingled with drainage originating from public streets and/or alleys and conveyed to a non-UIC system located within a private tract to be owned by a homeowners association with a maintenance agreement between the homeowners association and the City outlining operational and maintenance responsibilities. The City may allow for commingled drainage to be conveyed to a non-UIC system located in the public right-of-way if deemed appropriate by the City and maintenance agreements are executed between the homeowners association and the City.

d. Private drainage facilities must be contained within the same or previous subdivision phase, or a stormwater easement must be provided for the stormwater facilities.

e. Stormwater easements must be provided for public drainage facilities located on private property.

f. A homeowners association must be responsible for installing and maintaining any required landscaping in private facilities located in a private tract.

g. A storm water maintenance agreement must be signed with the City prior to final plat of the subdivision phase.

H. BDC 3.5.200, Outdoor Lighting Standards, does not apply.

2.7.XXXX Commercial Convenience District.

A. The standards of the underlying Commercial Convenience District apply.

2.7.XXXX Special Street Standards.

A. Figure 2.7.XXXX depicts the street type, tentative street location and alignment in the Talline Master Planned Development. Table 2.7.XXXX defines the standards to correspond to the street type shown in Figure 2.7.XXXX. The precise street alignment will be established through the approval of tentative subdivision plans. The Talline Master Planned Development Street Type Plan, Figure 2.7.XXXX, and the Talline Street Master Planned Development Standards, Table 2.7.XXXX, will be applied to the Talline Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process.

B. Due to topography, natural features, and existing development, block length and perimeter maximums do not apply to streets located or aligned in general conformance with Figure 2.7.XXXX, Talline Street and Circulation Plan.

C. Parallel on-street parking is permitted within pull-out parking bays on collector streets. There is no limitation on the number of consecutive parking spaces in any bay.

D. Street trees are not required along lots or tracts planned for open space.

E. Any City street standard adopted after the effective date of the ordinance codified in this chapter, which permits a lesser street standard, may be applied to the Talline Master Planned Development during the subdivision review process.

Figure 2.7.XXXX – Talline Street and Circulation Plan

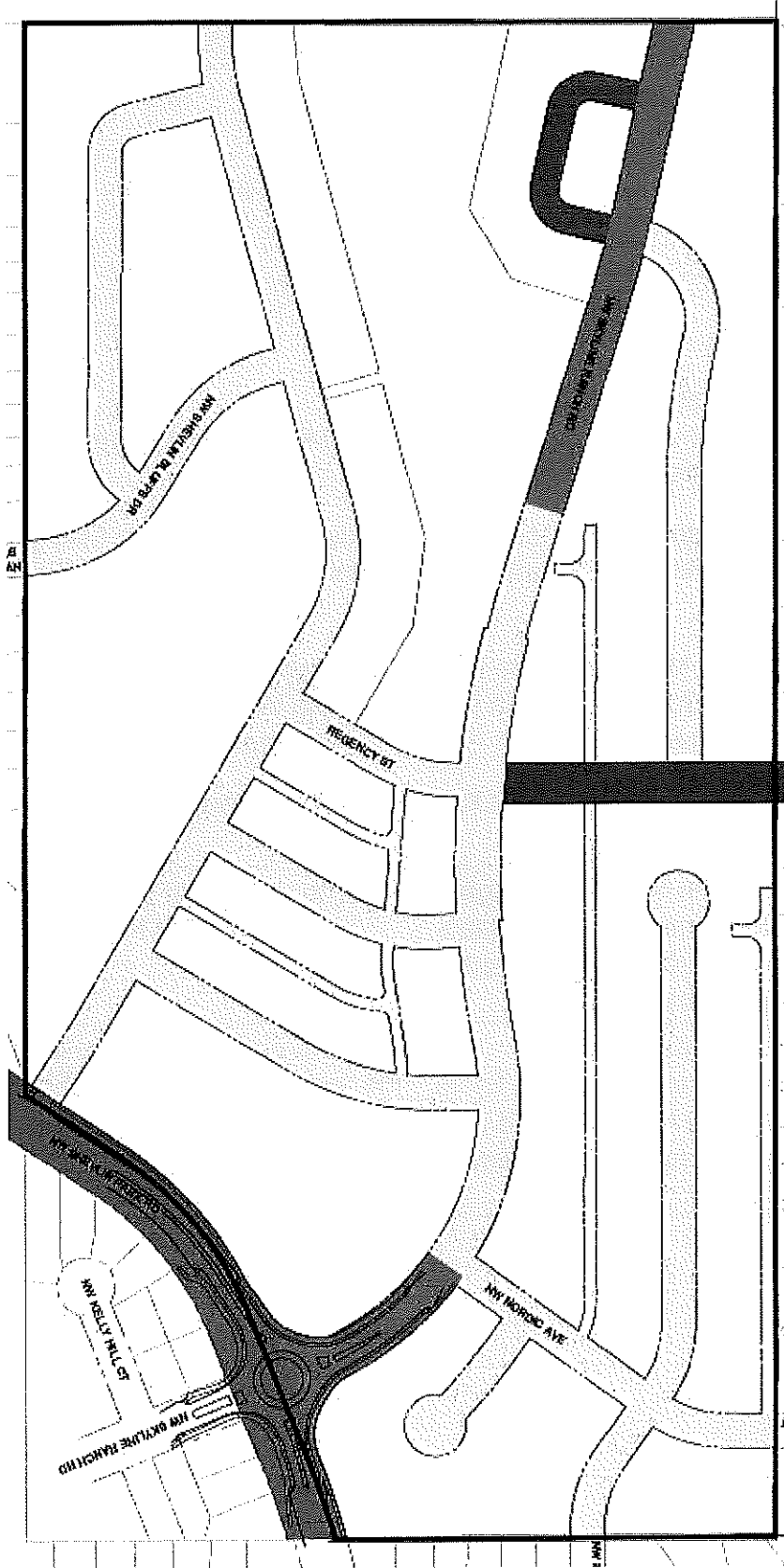


Table 2.7.XXXX – Talline Street Standards

STREET LEGEND AND SPECIFICATIONS									
LEGEND	STREET TYPE	RIGHT-OF-WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANTER WIDTH	MULTI-USE PATH WIDTH	SIDEWALK WIDTH
	MINOR ARTERIAL	100 FT	48 FT	12 FT	8 FT	N/A	VARIES	N/A	VARIES
	NEIGHBORHOOD COLLECTOR	70 FT	36 FT	12 FT	6 FT	N/A	VARIES	10 FT	6 FT
	COLLECTOR	VARIES (70 FT-73 FT)	40 FT	11.5 FT	6 FT + 2.5 FT BUFFER	N/A	VARIES	8/10 FT	6 FT
	COLLECTOR W/ PARKING BAY	VARIES (70 FT-80 FT)	48 FT	11.5 FT	6 FT + 2.5 FT BUFFER	8 FT	VARIES	8/10 FT	6 FT
	LOCAL STREET	60 FT	32 FT	10 FT	N/A	N/A	VARIES	N/A	5 FT
	LOW VOLUME LOCAL STREET	50 FT	28 FT	14 FT	N/A	N/A	5 FT	N/A	5 FT
	PUBLIC ALLEY	VARIES (20 FT-25 FT)	16.2 FT	18.2 FT	N/A	N/A	N/A	N/A	N/A

* 10' MULTI-USE PATH SOUTH OF REGENCY INTERSECTION, 8' MULTI-USE PATH NORTH OF REGENCY INTERSECTION.

2.7.XXXX Transportation Mitigation Plan.

A. Applicability. The following Transportation Mitigation Plan applies to all development within the Talline Master Planned District.

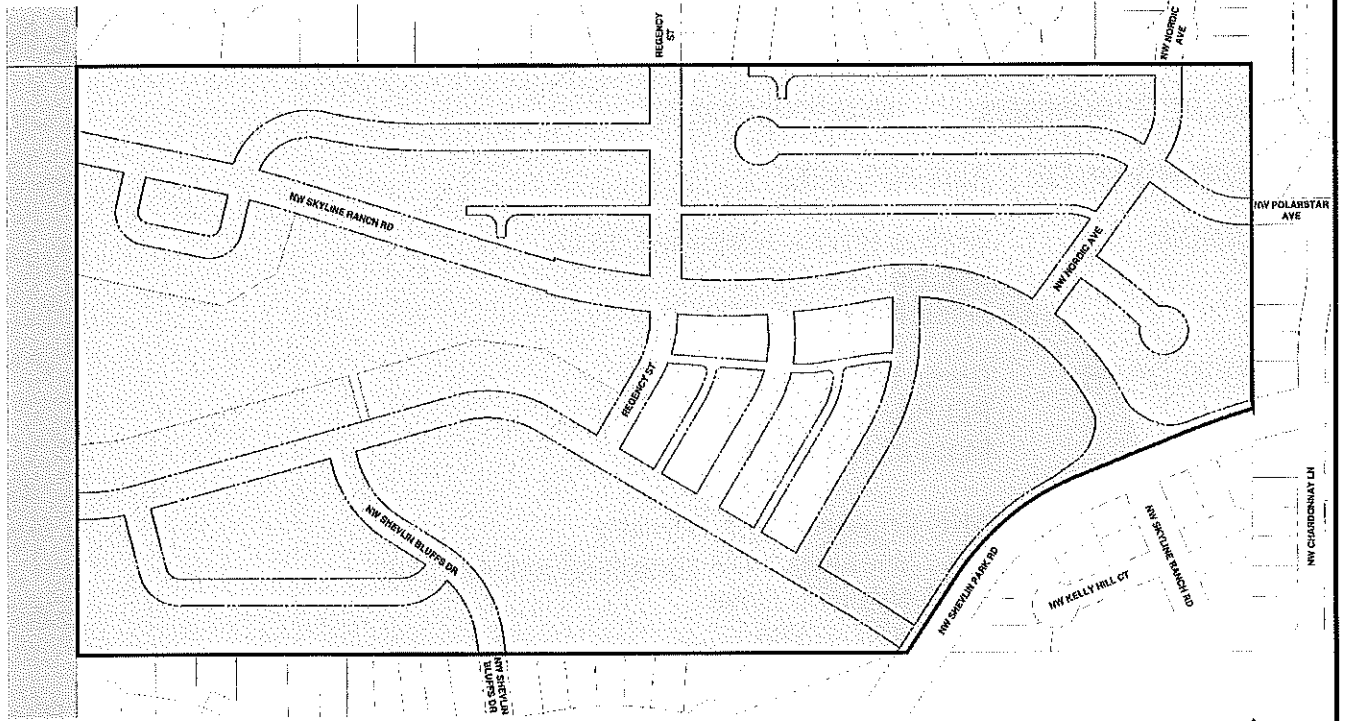
B. Alternate Transportation Design Standards. Transportation facilities within the Talline Master Planned District must comply with the standards set forth in BDC 2.7.XXXX and Figure 2.7.XXXX.

C. Transportation Mitigation. The following transportation mitigation measures must be constructed pursuant to the schedule set forth in the Westside Infrastructure Group Development Agreement (Ordinance NS-2316), summarized in Table 2.7.XXXX below.

Table 2.7.XXXX – Transportation Mitigation

Mitigation Requirement	Trigger
Dedicate NW Shevlin Park Road right-of-way and construct a single-lane asphalt roundabout at Skyline Ranch Road and Shevlin Park Road	Prior to platting or improvement of lots that represent 237 PM peak hour trips
Construct Regency Street to the Neighborhood Collector section in Table 2.7.XXXX from its current improved terminus to the Master Plan boundary (±850 feet).	Prior to platting of the phase that includes the segment of Regency Street intersecting the eastern boundary of the Talline Master Plan

EXHIBIT B – COMPREHENSIVE PLAN MAP AMENDMENTS

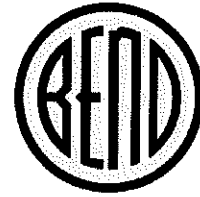


LEGEND	ZONE	AREA (ACRES)
[Pattern]	MULTI-FAMILY RESIDENTIAL (MF)	2.750
[Pattern]	TRANSFORMED ZONE (TZ)	1.573
[Pattern]	LOW-DENSITY RESIDENTIAL (LD)	156.2
[Pattern]	SUBSIDIARY OF RESIDENTIAL (SR)	2.975
[Pattern]	TRANSFORMED ZONE (TZ)	1.819
[Pattern]	RESTRICTED TRANSFORMED ZONE (RTZ)	0.0



AT THE CITY OF...

EXHIBIT C



**COMMUNITY
DEVELOPMENT**

**FINDINGS IN SUPPORT OF
RECOMMENDATION TO THE CITY COUNCIL**

PROJECT NUMBER: PLSPD20211096

HEARING DATE: April 20th, 2022

OWNER: Skyline Ranch Northwest, LLC
945 Roberts Drive
Hood River, OR 97031

DEVELOPER: Curtis Homes LLC
PO Box 1935
Maupin, OR 97037

CONTACT: AKS Engineering & Forestry
Joey Shearer, AICP shearerj@aks-eng.com
2777 NW Lolo Drive
Bend, OR 97703

LOCATIONS: 62660 Skyline Ranch Road - north of intersection of Shevlin Park Road and Skyline Ranch Road; Tax Lots 200 and 300 on Deschutes County Assessor's Map # 17-12-25-00

REQUEST: A Type III application for a Community Master Plan encompassing 73.5 acres, including 5.3 acres within the City Limits as well as the 68.2-acre Shevlin Area Urban Growth Boundary (UGB) Expansion Area

STAFF REVIEWERS: Nicolas Lennartz, Associate Planner
(541) 330-4020, nlennartz@bendoregon.gov
Chris Henningsen, Principal Engineer
(541) 693-2134, chenningesen@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 2.8, Urbanizable Area District (UA)

Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
 Chapter 3.4, Public Improvement Standards
 Chapter 4.7, Transportation Analysis

Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan

Chapter 11, Growth Management

Oregon Administrative Rules

Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

- 1. LOCATION:** The Talline Master Plan encompasses the 68.2 acres of the Shevlin Area Urban Growth Expansion Area, along with the 5.3-acres within the southerly subject property (zoned Residential Standard Density). The remainder of this southerly subject property (Tax Lot 300) is outside City limits, and is zoned Urbanizable Area (UA) while this area is zoned Residential Low Density (RL) and Commercial Convenience (CC) on the Comprehensive Plan Map.

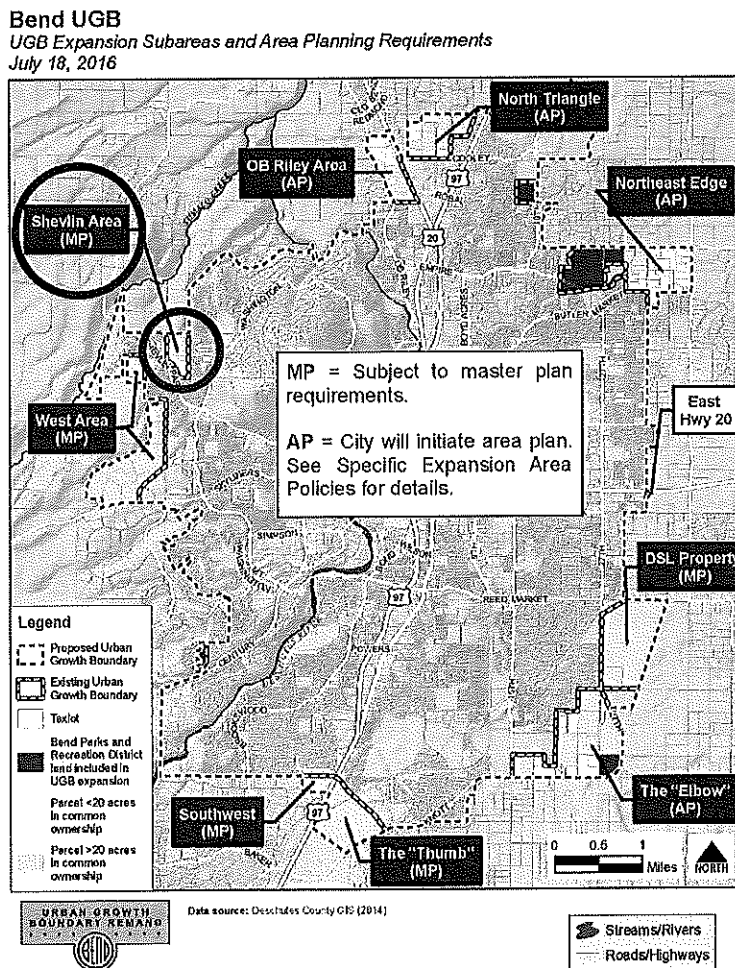


Figure 11-7, Bend Comprehensive Plan, Chapter 11 Growth Management, and project area

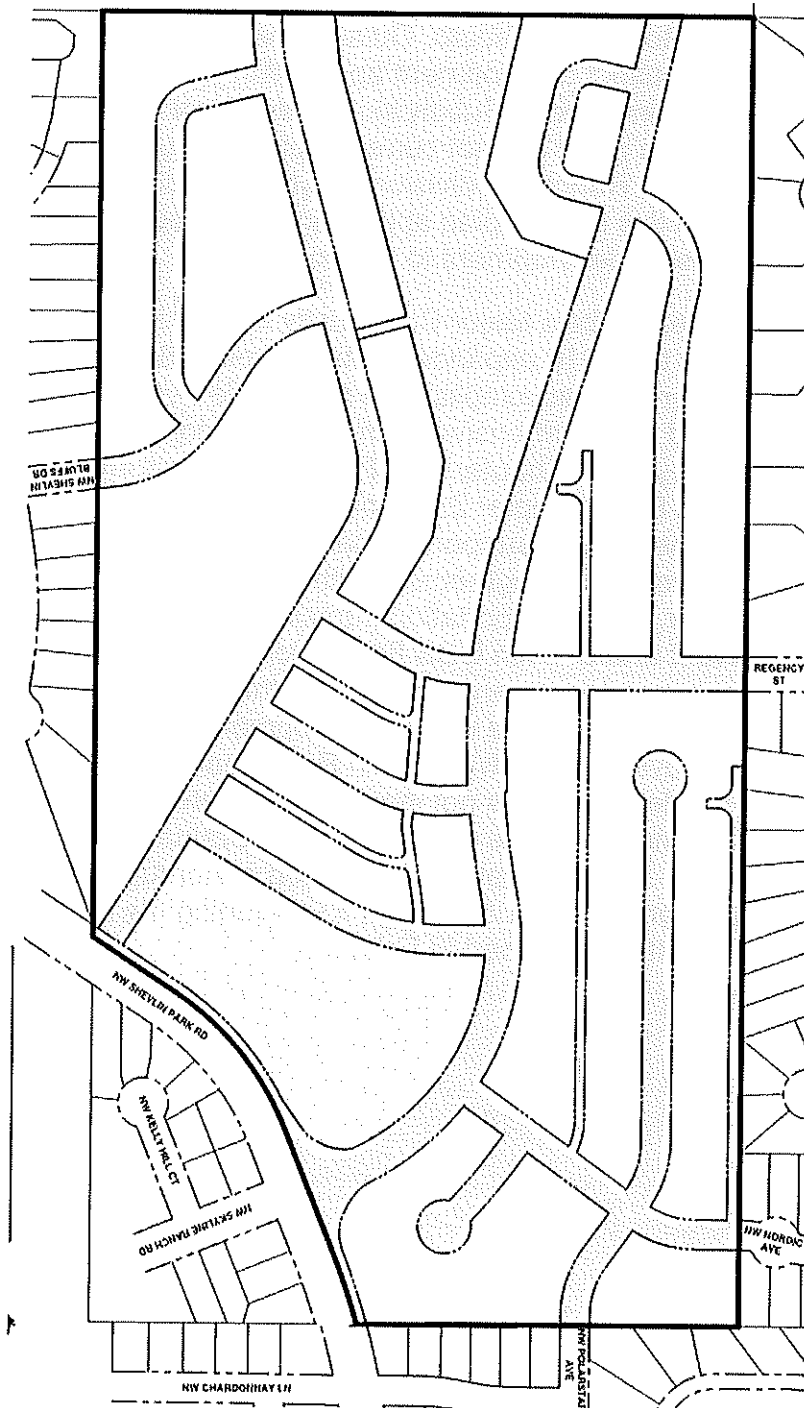


****Subject properties***

- 2. ZONE AND PLAN DESIGNATION:** The Talline Master Plan property is within the Shevlin Area of the 2016 Urban Growth Boundary (UGB) expansion, identified as Shevlin Area. The properties consist of approximately 73.5 total acres, currently zoned UA and RS, with a Comprehensive Plan designation of Low Density Residential (RL) and Convenience Commercial (CC). The Comprehensive Plan specifies that the property will be developed with 60 gross-acres of residential plan designations, with 8 gross-acres of commercial plan designations (Comprehensive Plan Policy 11-132).
- 3. SITE DESCRIPTION & SURROUNDING USES:** As shown on the submitted sheet *P02 Existing Conditions Plan* and existing aerial view, the property currently contains a number of structures in support of a mining operation, which are planned for removal with this development. Topography on the site varies, but generally slopes downhill moving east to west, with significant variation and near-vertical rock walls in certain locations. There is a pronounced ridge running along the southwest portion of the site. Existing vegetation is typical of the west side of Bend and includes coniferous trees of varying heights and maturities. Above-ground and high-voltage overhead transmission lines traverse the subject properties from the southeast diagonally towards the northwest of the site, as well. The site is bounded by the existing NW Shevlin Park Road right-of-way to the southwest.

Existing single-family residential subdivisions (zoned RS) abut the site to the east and west, and across Shevlin Park Road to the south. Outside the UGB to the north, Deschutes County has approved a transect development application for a Master Development Plan and Tentative Plan for Skyline Ranch Subdivision in the Westside Transect Zone. The lands abutting the site to the north are not currently platted, but are being reviewed as future phases of this Skyline Ranch subdivision. Skyline Ranch Road and the north-south local street proposed with this master plan application are proposed to align with these roadways within the transect development to the north.

4. **PROPOSAL:** This proposal is for a Major Community Master Plan for the 73.5-acre Shevlin Area that was included in the 2016 expanded Urban Growth Boundary, to be known as Talline. The applicant intends to accomplish the applicable Policies of Chapter 11 (Growth Management) of the Bend Comprehensive Plan through adoption of this Major Community Master Plan as required by BDC Chapter 4.5. The proposal will involve amendments to both the text and maps in BDC Chapter 2.7 to provide specific development provisions, maps, roadway and trail network in support of the project and to satisfy City standards. The applicant is party to a development agreement with the City (Ordinance NS-2316) for the guarantee of water, sewer, and transportation infrastructure for the future urban development for the West and Shevlin UGB Expansion Areas, including the subject properties. The development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development of these properties; in particular, a future roundabout improvement at NW Shevlin Park Road and NW Skyline Ranch Road. This proposed major master plan does not increase the water, sewer or transportation infrastructure needs beyond the needs anticipated and evaluated in support of the Development Agreement. The applicant has provided a thorough narrative and documents in support of the application (Exhibits A through K), including the proposed Development Code text for the Talline MPD contained in Exhibit J.



MASTER PLAN AREA SUMMARY		
LEGEND	LAND USE	AREA (ACRES)
	MASTER PLAN BOUNDARY	±73.5
	STANDARD LOT RESIDENTIAL	±42.2
	COMMERCIAL CONVENIENCE (CC)	±5.1
	NEIGHBORHOOD PARK	±7.4

***Conceptual Map - Talline Master Plan**

6. PUBLIC NOTICE AND COMMENTS: The applicant(s) hosted a virtual public meeting on June 2, 2021 via Zoom Webinar. Verification of public meeting forms were included in the submittal to the City with the master plan application form, along with a summary of the comments and discussion points from the meeting. According to the documents a number of concerns were raised at the meeting including street improvements, street extensions, construction timing, utilities (primarily power-lines) and pathway connections among other issues.

On February 22, 2022, a *Notice of Proposed Development* sign was posted by the applicant along the property frontage at the intersection with Skyline Ranch Road, visible from the abutting roadway. This notice was posted throughout the comment period.

On February 18, 2022, the City of Bend Planning Division mailed notice of the Planning Commission hearing for these applications to residents and surrounding owners of record of property within 500 feet of the subject properties, and to the Summit West and Awbrey Butte Neighborhood Association Representatives. The notices for the public hearing were mailed more than 10 days prior to the first evidentiary hearing, in accordance with BDC 4.1.423. There will be at least two evidentiary hearings for this application; one before the Planning Commission on March 14, 2022, and another before the City Council on April 20th, 2022.

On January 24, 2022 the City notified the Oregon Department of Land Conservation and Development (DLCD) via a Post-Acknowledgement Plan Amendments (PAPA) notice, with over 35-days' notice to the initial March 14, 2022 hearing.

On March 14, 2022, the City of Bend Planning Commission held a virtual public hearing regarding the requested Talline master plan. The Planning Commission, following the hearing and oral testimony which included three members of the public, voted 7-0 in favor of recommending approval of the master plan to the City Council. A copy of the recommendation signed by the chair of the Planning Commission is contained in the file for this review.

On March 31, 2022, the City of Bend Planning Division mailed notice of the City Council hearing for this application to surrounding owners of record of property within 500 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Summit West and Awbrey Butte Neighborhood Associations. The notices for the public hearing were mailed in accordance with BDC 4.1.423.

Several written public comments were received in response to the public notice at the time this recommendation was written. The substances of these comments is detailed below along with a response from City staff.

Comments:

1. The Exhibit C, referenced as Talline Master Plan, is missing from the application submittal.
2. Concerns regarding the existing overhead utility power transmission lines currently traversing the site, potentially leading to increased health and wildfire risks and decreased property values.

3. The application must illustrate the location of all utilities, including power lines, with the master plan submittal, and request a condition of approval that ensures power lines are not relocated along the southern boundary of the development unless fully underground.
4. Public transportation should be extended to the area to service new residents, and facilities supporting their establishment should be required.
5. Concerns regarding the future street extensions with the master plan, particularly NW Regency Street, NW Polarstar Avenue and NW Nordic Avenue, with increased traffic and congestion as a result of the development. Also related concerns regarding construction traffic during the various phases of construction that may utilize these streets.

Staff Response:

1. Exhibit C is not labelled correctly within the application submittal, but all relevant materials are submitted as shown on sheets P01-P10. While this is an inconvenient oversight on behalf of the applicant, the requisite submission materials are present and address all relevant criteria of the BDC as detailed throughout this recommendation.
2. Staff has been aware of the concern regarding the overhead power lines since the original pre-application meeting with the City in March 2021 (PLPRE20210320). City standards and specifications do not explicitly address health and safety criteria with regards to utility lines and placement. The standards of *BDC 3.4.600 Utilities* note that all utility lines including electric and related facilities must be placed underground excepting certain high-capacity electric lines. Per comments from the applicant in coordination with the franchise utility company, these are high-voltage transmission lines that may be placed above-ground. The transmission lines are contained within multiple phases of the proposal, however, Phase 1 includes the majority of the transmission lines, and it is anticipated that the initial Phase of the subdivision will address the power lines and review them for conformance with all applicable Standards and Specifications. At the March 14th, 2022 virtual public hearing regarding the proposed master plan, the applicants indicated the intent of leaving the overhead power lines in their existing location with future development.
3. The master plan application must demonstrate compliance with the standards of this code (in Title 3) to the extent that they are able to be satisfied upon future tentative plan application reviews. As such, specific compliance in certain instances is not explicitly required, and only that those same standards may be met with the future development. Phase 1 of the Talline master plan will review the over-head transmission lines and apply all applicable criteria to their location, placement and easement dedications accordingly. It is worth noting that high-capacity electric lines operating at 50,000 volts or above are permitted to remain above-ground, per *BDC 3.4.600 Utilities* (see below in this recommendation). At the March 14th, 2022 virtual public hearing regarding the proposed master plan, the applicants indicated the intent of leaving the overhead power lines in their existing location with future development.
4. The City of Bend strongly supports multi-modal and public transit, and it is anticipated that future extension of public transit be considered by the Cascades East Transit (CET) authority. The master plan review does not explicitly require that this be established prior to approval.
5. The master plan is obligated by the Bend Development Code to connect all abutting streets, and to provide vehicular and multi-modal access throughout the

development area in accordance with Title 3. The proposal connects these abutting streets which were previously stubbed to the property boundary, and connects them to the primary thoroughfare of the project site (NW Skyline Ranch Road) which is the primary access point of the development at the intersection with NW Shevlin Park Road. The submitted traffic study indicates the majority of traffic is to use NW Skyline Ranch Road for access to the site. The submitted Traffic Analysis Memo and TFR review PRTFR202105212 found that the proposed extensions of streets was appropriate to meet City requirements, and provided these streets be improved as outlined in the review, no deficiencies were identified. The City will coordinate with abutting property owners during each respective phase of the master plan development, and address site-specific issues related to construction traffic, privacy and related amenities such as fencing.

Various agencies were also sent notice, and their comments are contained in the project file and considered in this decision.

- 8. APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on December 8, 2021 and most required submittal materials were uploaded on December 1, 2022. The application fee was paid on December 8, 2021. The application was deemed incomplete on January 7, 2022. The applicant provided the requested materials on January 19, 2022 and the application was accepted as complete on that day. In accordance with BDC 4.1.430, applications for major master plans are exempt from the 120-day review time limitation for final decision.

The applicant has applied for a concurrent annexation (PLANX20211097) which will be heard concurrently by the City Council per BDC 4.9.300 at the April 20th, 2022 meeting.

APPLICATION OF THE CRITERIA:

Bend Development Code

Chapter 4.5, Master Planning and Development Alternatives

4.5.100 Master Plan General Provisions.

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

FINDING: BDC 4.5.200.B requires a Community Master Plan for any property or combination of adjacent properties under common ownership totaling 20 acres or greater. In accordance with BDC 4.5.200.B, this application includes a proposed Community Master Plan for a residential development greater than 20 acres in size. No other master plan category is proposed. Given the application is predominantly residential in nature, the community master plan category is most appropriate.

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

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

FINDING: No density transfers are contemplated or proposed with this development. The proposed master plan will provide the number of housing units specified in Policy 11-133 of the Bend Comprehensive Plan. BDC 4.5.200.E.3 notes that: "To the extent that the Bend Comprehensive Plan Chapter 11, Growth Management, proposes a different mix of housing and/or density standards in the specific expansion area policies, then those policies apply." The proposal meets the density standards in the specific area expansion policies of the Comprehensive Plan, thereby complying with BDC 4.5.200.E.3.

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

FINDING: The Talline Master Plan property is currently zoned Urbanizable Area (UA) outside City limits, and zoned Residential Standard Density (RS) within the City limits. The subject properties outside City limits are designated RL (Low Density Residential) and CC (Convenience Commercial) on the Comprehensive Plan map, whereas they remain RS within City limits on the Comprehensive Plan map. The applicant is seeking approval of a major community master plan for a predominantly residential community (with a commercial node) within the RL, RS and CC zones. Only uses permitted by the Bend Development Code are proposed.

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

FINDING: The Talline major community master plan incorporates approximately 7.4 acres of open space, or 10-percent of the master plan area, in compliance with BDC 4.5.200.E.4. The open space will be public, and a public park is planned in coordination with the Bend Parks

and Recreation District (BPRD). The space is to be maintained by the BPRD. This criterion will be met. No private facilities are proposed with this application.

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

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

1. Existing Conditions Submittal Requirements.

....

2. Proposed Master Plan Submittal Requirements.

a. Narrative that describes the following:

- i. Development boundary subject to proposed Master Plan. May also reference submitted maps or diagrams;**
- ii. Project description;**
- iii. Description, approximate location, and approximate timing of each proposed phase of development. The phasing plan may be tied to necessary infrastructure improvements. May also reference submitted maps or diagrams;**
- iv. How the proposed water, sewer, and street system will serve the size and type of development and uses planned for this area;**
- v. How the location and sizing of water and sewer facilities on site will be consistent with existing and planned facilities;**
- vi. How water flow volumes will be provided to meet fire flow and domestic demands;**
- vii. The function and location of any private utility system;**
- viii. Compliance with the applicable approval criteria set forth at BDC 4.5.200 Community Master Plan, BDC 4.5.300 Institutional Master Plan, and BDC 4.5.400 Employment Master Plan;**
- ix. Types of residential uses and planned densities; and**
- x. Bend Comprehensive Plan Map compliance analysis which explains how plan designation acreages in the Bend Comprehensive Plan Map designations for the subject site or sites, including minimum and maximum residential density ranges, are implemented by the Master Plan, including rearranging the plan designations and or zoning that retains the same total**

area of all plan designations on the subject site or within one percent of the same total acres. All other changes must be processed concurrently as a Comprehensive Plan amendment and zone change.

- b. Scaled maps or diagrams that include the following information (as applicable):
- c. Draft Development Code text, figures, and tables in a format prescribed by the City, which proposes changes to the development standards and zoning district requirements intended to implement the Major Master Plan. The draft text, figures, and tables must also include any proposed districts, street layouts, and cross-sections that vary from standards.
- d. A letter or other written documentation from the Bend Metro Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity to review the design for options to enhance existing parks and trails, and develop new parks and trails.
- e. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity to review the Master Plan area for compliance with the School Facility Plan, latest edition.
- f. Transportation analysis in compliance with BDC Chapter 4.7. Transportation Analysis.
- g. Institutional and Employment Master Plans must submit a Transportation and Parking Demand Management (TPDM) Plan in compliance with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.
- h. Water and Sewer Capacity Analysis.
- i. Information required by BDC 2.7.400 Waterway Overlay Zone, BDC 2.7.700 Upland Areas of Special Interest Overlay Zone, BDC 3.5.200 Outdoor Lighting Standards, and/or BC Chapter 5.50 Noise, as applicable.
- j. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
- k. A Title Report prepared within the previous 90 days.

FINDING: 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 January 19, 2022. The following is a summary of the exhibits submitted with this application listed in the Table of Contents of

the narrative. It should be noted that Exhibit C was improperly labelled in the submittal, and public comments were received indicating a concern that the Exhibit C was outstanding. However, the Exhibit C, where referenced in the submitted narrative is submitted as sheets P01-P10 in the Cityview portal.

Exhibits:

Exhibit A: Property Owner Authorization Forms

Exhibit B: Annexation Forms

Exhibit C: Talline Master Plan (Submitted as Sheets P01-P10)

Exhibit D: Preliminary Title Report and Deeds

Exhibit E: Traffic Analysis Memo & Transportation Facilities Report

Exhibit F: Utility Availability Memo

Exhibit G: Bend Park and Recreation District Letter

Exhibit H: Bend-La Pine School District Letter

Exhibit I: Neighborhood Meeting Documents

Exhibit J: Draft Development Code

Exhibit K: Wildfire Mitigation Plan

4.5.200 Community Master Plan.

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

B. Applicability.

- 1. Community master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.**
- 2. Community master plans are required for any property or combination of adjacent properties under common ownership totaling 20 acres or larger at the date of adoption of this code, unless exempted below.**

FINDING: The subject properties are approximately 73.5 acres in total area. The property does not qualify for any exemptions to the master planning requirements outlined in this section.

C. Review Process.

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

FINDING: The Talline community master plan includes needed housing as defined by the Oregon Revised Statutes 197.303(1)(a). The applicant is electing to utilize the deviation process (major master plan) with changes proposed to a limited range of BDC standards while maintaining compliance with the Comprehensive Plan. No changes are proposed to the Bend Comprehensive Plan.

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

FINDING: The applicant has provided all information necessary for approval of Steps 1 and 2 concurrently. The applicant further intends to proceed to Step 3 with the submittal of subdivision tentative-plans for future phases. However, an application for tentative plan cannot be accepted until the Master Plan is adopted and the annexation process is final.

D. Community Master Plan Approval Criteria.

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

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

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

FINDING: The Westside Infrastructure Group Development Agreement (WIG DA - Ordinance No. NS-2316, effective November 16, 2018, City file #PZ 18-0696) demonstrates compliance with this section. The West and Shevlin UGB expansion areas were incorporated in this development agreement at their maximum permissible development potential as specified in the Bend Comprehensive Plan to assess impacts on the sewer and water systems. The requirements of the WIG DA are binding on both the applicant and the City for a period of 15 years from enactment, until November 16, 2033. Those findings and conclusions adopted in support of Ordinance NS-2316 are incorporated herein by reference. In addition, the applicant submitted to the City a Sewer & Water Analysis Application. The signed Utility Availability Memo (PRSWA20212270) is in Exhibit D.

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

Chapter 4.7, Transportation Analysis

4.7.600 Significant Impacts and Mitigation Measures.

D. Timing of Improvements.

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

FINDING: Chapter 4.7 was addressed fully in PZ 18-0696 and the WIG DA. Transportation system deficiencies were identified through the combined TIA prepared for all West and Shevlin UGB expansion area properties based on the maximum development potential identified for each property in the Bend Comprehensive Plan. Specific transportation improvements and mitigation payments were identified and imposed through the terms of the WIG DA, which serves as the Transportation Mitigation Plan required under BDC 4.7.600.D.2. Those findings of compliance with BDC Chapter 4.7 in support of Ordinance No. NS-2316 demonstrate compliance with this criterion.

In addition, the applicant submitted a supplemental Transportation Facilities Report (Exhibit E of the application) which was reviewed by City staff. The City issued a Traffic Analysis Memo (PRTFR20215212) on November 7, 2021 outlining site-specific transportation mitigation requirements. Implementation of these mitigation measures indicates compliance with BDC 4.7.

- 3. Major Community Master Plan. In addition to the approval criteria in subsection (D)(1) of this section the City may approve, approve with conditions, or deny a proposed major community master plan application based on meeting all of the following criteria:**
 - a. The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the master plan application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section.**

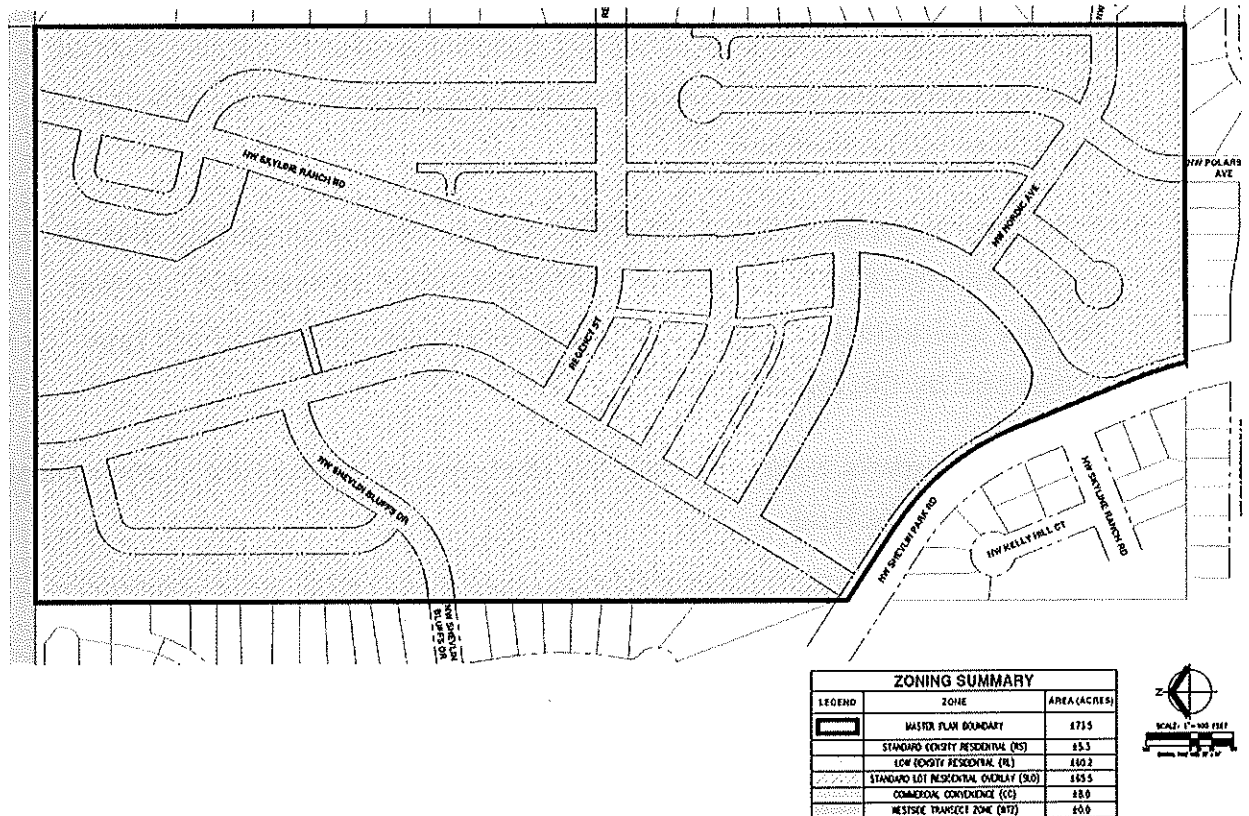
FINDING: The Bend Comprehensive Plan (BCP) is very specific as it pertains to the subject properties, which are identified in Figure 11-7 as *Shevlin Area (MP)*, indicating the area is subject to a master plan process. The proposed master plan includes rearrangement of plan designation locations of the subject property within the thresholds permitted by this section.

The submitted sheet *P06 Preliminary Zoning Map* shows that the placeholder plan designations have been rearranged, but the planned residential and commercial plan designations are consistent—within one percent—with the acreages on the existing Comprehensive Plan map and in BCP Policy 11-132. The applicable policies from the BCP are noted below:

11-132 *This area shall provide for a mix of residential and commercial uses, including 60 gross acres of residential plan designations and 8 gross acres of commercial plan designations (excluding existing right of way).*

11-133 This area must provide capacity for a minimum of 162 housing units, including at least 10% townhomes and at least 21% multi-unit and duplex/triplex/quadplex housing types.

In addition to the 5.3 acres of RS-designated land already within the City, Talline provides 60.2 gross acres of residential plan designations (RL) and 8.0 gross acres of commercial plan designations (CC) which exclude any existing rights of way. Housing density and mix is addressed further in the response to BCP Policy 11-133, below. Subsection (E)(3) is also addressed below. No other changes to the plan designations and density/housing numbers are planned.



***Submitted sheet P06 Preliminary Zoning Map**

City staff notes that the designations are within the required ranges (within 1 percent) for each respective zone (commercial and residential, respectively) per the total acreage of the subject properties in accordance with BCP Policy 11-132. However, the proposed location and boundaries of the Commercial Convenience zoned lands incorporate a significant amount of newly proposed right of way within the abutting streets to the site along the north, east and west frontages of the site. Typically, the zone boundary aligns with the centerline of the right of way, although this is not an explicit standard in the Bend Code. The proposed boundaries of the Commercial Convenience-zoned lands result in an effective metric of 5.1-acres of Convenience Commercial property after subtracting the abutting right of ways to be dedicated with the future phases of the master plan. Further complicating this issue is the fact that commercial development contains no density standards similar to residential development, which more carefully directs the degree of impact between uses. Given that there is no explicit standard that directs the location of zone boundaries, and that the totality of acreage remains compliant with the criterion above, the requirements of this section are found 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: Shevlin Area (MP) is designated as Urban Low Density (RL) and Commercial Convenience (CC) on the Bend Comprehensive Map. The RL zone implements this plan designation and prescribes setbacks, lot dimensions, lot coverage and other development standards that would effectively prevent construction of the housing units and mix required under BCP Policy 11-133. Therefore, a special plan district to be codified in BDC Chapter 2.7 establishes unique standards for the Talline master plan to ensure implementation of the transect framework, the housing mix required by BCP 11-133 and compatibility with existing homes in the surrounding neighborhoods. Draft development code language establishing the Talline Master Planned Development is included in Exhibit J of the application. Demonstration of the degree for compliance with the standards and regulations contained in Title 2 and 3 are included at the end of this staff recommendation.

Residential Zones and Development Standards

While the RL zone contemplated with the Talline Master Plan aligns with the City's standard RL zone, a new Standard Lot Overlay (SLO) would be established over all residentially-zoned lands proposed within the project area (see submitted sheet *P06 ZONING MAP*).

The SLO is proposed to contain the attached single-unit dwelling types required under BCP Policy 11-133 and establishes development standards similar to the City's RS zone, which abuts the site to the south, west and east. The SLO further establishes additional height standards for specific lots due to the excessive slope in certain areas, along with special flag-lot standards and drainage standards to account for access and drainage constraints as a result of topography throughout the project area.

The deviation from the RL standards resulting in reduced lot dimensions, setbacks, and greater lot coverage is mitigated by a community design that includes 7.4 acres of open space (10% of site area) providing additional building separation, sunlight and air circulation, and most importantly a housing mix required under BCP Policy 11-133. On balance, the deviations will equally or better meet the purpose of the underlying standard and are necessary due to BCP Policy 11-133 and other BCP policies implementing the transect concept.

Street Standards

The Preliminary Street Sections (Sheets P08) show planned street cross-sections for the various road classifications within the Talline master plan. New and extended local streets will meet the standard in the Bend Development Code, but modified collector standards are planned for NW Skyline Ranch Road as authorized by the WIG DA (Exhibit L). A critical design consideration for the collector street is lowering vehicle speeds and supporting safe multimodal travel, both at marked crossings and north through the existing neighborhood. The modified cross-sections are summarized below:

Collector (with Parking Bay): NW Skyline Ranch Road forms the primary north/south spine through Talline as it enters the community from the planned roundabout at NW Shevlin Park Road. Residential lots front both sides but will take access from rear alleys or a local street instead of the collector street. Except where additional width is needed to accommodate parking bays, the standard section is 40-foot-wide pavement width within a 70 to 73-foot-wide right-of-way with curbs, buffered bike lanes, a 6-foot-wide sidewalk on the east side, and an 8 to 10-foot-wide paved asphalt multiuse pathway on the west side of the street.

Low-Volume Local: A short, looped local street is planned to serve 9 lots at the northern end of NW Skyline Ranch Road. The planned section includes 28-foot-wide pavement width within a 50-foot-wide right-of-way with 5-foot-wide sidewalks.

As stated above, a primary design intent of the circulation system is to provide lower speeds and safe multimodal travel within Talline and through the existing neighborhoods around the site. The deviations from the City's street standards are relatively minor but include proven traffic calming measures that will benefit the community. Within this context, the planned street cross-sections will equally or better meet the purpose of the City's street standards, and negative impacts resulting from the modifications are not anticipated.

The Talline Major Community Master Plan set (Exhibit C) and Draft Talline Development Code (Exhibit J) contain the proposed modifications, as summarized above. The criteria are met.

All other applicable requirements from BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, are capable of being met during subdivision review. However, general compliance with the applicable standards in Title 2 and 3 are included at the end of this staff recommendation. The criteria are met.

- c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend**

Comprehensive Plan amendment must demonstrate compliance with the following:

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

FINDING: The proposed major master plan does not propose a Comprehensive Plan amendment. Therefore, the application must demonstrate compliance with the relevant Statewide planning goals and consistency with the relevant policies of Comprehensive Plan Chapter 11, Growth Management. Given the urban intent of the land located within the Urban Growth Boundary, several of the Statewide Planning Goals do not apply to this proposal. As discussed under each goal, the Statewide Planning Goals largely impose obligations on local governments to develop programs, policies, and implementation measures consistent with the requirements of the Statewide Planning Goals.

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

FINDING: The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC 4.1.215. The applicant hosted a public meeting on June 12, 2021. The required City forms for Verification of Compliance and Verification of Neighborhood Meeting, as well as documentation of the mailing of notices are included in the submittal. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. The requirements of this goal have been met.

Conformance with Goal 1 is further achieved through compliance with Title 4 of the Bend Development Code, Applications and Review Procedures. Section 4.6.300 of the Development Code establishes that major community master plans shall follow a Type III procedure as governed by Chapter 4.1. An initial public hearing before the Planning Commission will precede a second public hearing before the City Council. The public involvement procedures identified in the Development Code are being followed, which will ensure compliance with Statewide Planning Goal 1.

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

FINDING: The proposal is a major community master plan that includes an amendment to add new text to the BDC to add a new Talline Master Planned Development overlay-zone. The proposed amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan policies specific to the subject property, BCP 11-109 to 11-115. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed community master plan and its associated text and map amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions. Therefore, the proposal complies with Statewide Planning Goal 2.

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

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

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

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

FINDING: In the 2016 UGB expansion decision, the City Council found that the subject properties do not include any of the following Goal 5 resources: riparian corridors, wetlands, Federal Wild and Scenic Rivers, State Scenic Waterways, groundwater resources, approved Oregon Recreation Trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources and cultural areas. Those findings note that the City relied on the inventory included in the Deschutes County Comprehensive Plan and available information from State and Federal sources to make this determination. The Council also found that the big game winter range (BGWR) is included in the West and Shevlin areas, based upon a 2009 Oregon Department of Fish and Wildlife (ODFW) map of big game (deer and elk) winter ranges. However, none of the subject properties are within the Deschutes County Wildlife Combining Zone. As there are no Safe Harbor provisions to guide the creation of a wildlife protection program, the City used an

economic, social, environmental and energy (ESEE) analysis process and requirements of OAR 660-023-0040 and 660-023-0050 to guide the development of a protection program. Through this analysis, Council found that the BGWR values in the West and Shevlin Areas could be protected by applying a combined “Limit” and “Allow” approach through transect concepts and master planning. To address this approach, the City adopted the following Comprehensive Plan policies:

- 11-72** *The City will consider applying the concept of a “transect” to appropriate areas. The transect is a series of zones that transition from urban to rural which can reduce the risk of wildfire and provide an appropriate transition from urban uses to national forest lands and other resource areas, such as wildlife habitat, that will not be urbanized within the long-range future.*
- 11-130** *The concepts for the Shevlin area, shown on Figure 11-7, are to promote efficient land use and neighborhood connectivity by filling in a “notch” in the prior UGB with compatible residential development; help complete adjacent neighborhoods with small, neighborhood-scale commercial services; and avoid development in sensitive areas nearer to Tumalo Creek.*
- 11-131** *The master plan process shall be used to establish appropriate development regulations to implement the transect concept, measures to make the development and structures fire resistant, and RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.*

The proposed master plan implements the transect concept and other requirements of the Comprehensive Plan and Bend Development Code. For the above reasons, the requirements of Goal 5 are met.

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

FINDING: Air and water quality are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which have been acknowledged by the Department of Land Conservation and Development. The subject properties are not located within the WOZ nor do they contain an ASI. Maintaining or improving the quality of the community’s air, water and land resources will be assured through enforcement of state and local regulations. Noise levels will not exceed DEQ noise regulations. Through the 2016 UGB expansion, the City found that the UGB expansion satisfied Goal 6 for several reasons:

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

avoiding new greenhouse gas emissions from auto and truck traffic.

The adopted Comprehensive Plan policies ensure compliance with Goal 6.

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

FINDING: No 100-year floodplains or mapped landslide areas are located within this master plan area. During the City of Bend's recent UGB expansion process, wildfire risk was identified as significant in the area of the subject properties of this application. As a result, the City included wildfire hazard as one of the performance measures in evaluating the UGB expansion scenarios. The City Council found that the Growth Management Chapter 11 of the City's Comprehensive Plan included policy language focused on mitigating the risk of wildfire. Specifically, the adopted Policy 11-5 reads:

"The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend."

The City, in collaboration with a wildfire consultant, found that wildfire risks can be mitigated through implementation of the UGB expansion and future master plan and subdivision applications. There are three basic approaches to wildfire mitigation recognized by the City of Bend: development pattern, construction technique, and vegetation management. Each of these approaches is addressed in detail in the Talline Wildfire Mitigation Plan (Exhibit K of the application). This plan is based on many of the National Fire Protection Association (NFPA) Wildfire Protection standards that were utilized in the Tree Farm subdivision and were approved with the Discovery West and Treeline Master Plans. Plan elements include implementation of the transect concept, a well-connected transportation network, managed open space buffers, and fire-resistant building materials and construction methods. Therefore, the goal is met.

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 (BCP) and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the BCP establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District, via Policy 2-2. Furthermore, the specific policies relevant to the Shevlin Area in the BCP directly require coordination with the Bend Parks and Recreation Department (BCP policy 11-134) to 'address provision[s] of parks and/or trails within this area'. The applicant notes that 10% of park land and open space are included in the Talline community master plan, and that the applicant has directly coordinated with the Bend Parks and Recreation Department regarding the final design, programming and financing of the proposed park. The project would establish a public park owned and maintained by the BPRD and

extends BPRD's 'Quail Trail' in the form of an 8 to 10-foot multi-use pathway that also satisfies City requirements for low-stress rights of way. Therefore, Goal 8 is found 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 residential and commercial uses. The Master Plan reconfigures the placeholder plan designations while maintaining the applicable gross areas contemplated in BCP Policies 11-132. The 5.12-acre commercial site frames the primary entrance into Talline with frontage on two higher order streets, NW Shevlin Park Road (minor arterial) and the planned NW Skyline Ranch Road extension (collector). It is anticipated that future commercial uses will be neighborhood in scale and provide the potential for goods and services to be located within an easy walk or biking distance for future residents as well as existing, surrounding neighborhoods. The commercial center will also include the multi-unit development component of the required housing mix in a mixed-use configuration. The location and configuration of the commercial and residential areas within the Master Plan are interrelated and will work together to encourage economic development. Therefore, Goal 9 is found satisfied.

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

FINDING: The subject property was depicted within Shevlin Area in Chapter 11, Growth Management, of the Comprehensive Plan during the City's 2016 UGB Expansion. This area was identified as one of the several areas to provide needed housing with the city's UGB, directly responding to Goal 10. Specific Policies applicable to the Shevlin Area expansion properties are found in BCP Policies 11-129 to 11-135. The proposed community master plan is a required process to make the property ready for development. The proposed deviations from BDC Titles 2 and 3 provide the flexibility necessary for the subject property to be developed with the amount of housing specified in the City's Comprehensive Plan to provide for needed housing. Without the deviations, due to topography and open space requirements, the required number of single-family, duplex, triplex, quadplex and multi-unit developments in the Comprehensive Plan for the subject property would not be met.

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: ECO Northwest

Note: The numbers do not balance going across because the needed mix was applied to the first and third columns, while the units permitted column reflects the actual percentage of what was permitted from 2009-2014.

***City of Bend Housing Needs Analysis, Table 18, Page 75**

Table 18 (above) of the City's Housing Needs Analysis (HNA, 2016) indicates the needed types of housing units in the City of Bend. Approximately 42 contemplated units for this master planned are within multi-unit developments, which will contribute to the overall need of 4,819 units by 2028. The latest data regarding multi-family units approved or under construction was not readily available, however, the number is well below the current goal as detailed by the HNA. The proposal also includes approximately 176 detached single-unit developments, and 48 townhomes (single-unit attached dwellings) which contribute to the overall need of 7,547 units and 1,377 units, respectively, as detailed in Table 18 of the HNA.

Consistent with BCP Policy 11-133, the Master Plan sets the stage to ensure that the overall Shevlin Expansion Area can provide capacity for at least 162 total units, including at least 10% single-family attached housing and 21% multi-unit development types. Furthermore, the types of housing proposed are in accordance with the Housing Needs Analysis of the city, which illustrate a deficit with regards single-family detached, attached and multi-unit housing. Therefore, Goal 10 is satisfied. Based on these findings, the proposal is consistent with the Statewide Planning Goal 10.

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

FINDING: The applicant is a party in the Westside Infrastructure Group (WIG), which entered into a development agreement with the City (Ordinance NS-2316, effective November 16, 2018) to guarantee sewer, water, and transportation infrastructure mitigation in a timely, orderly and efficient manner for the future urban development for the West and Shevlin UGB expansion areas, within which the subject properties are included. This development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development in the above-mentioned areas, including the subject properties, meeting the requirements of Goal 11. The proposed master plan is consistent with the development assumptions utilized for this agreement.

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

FINDING: Section 660-012-0000 of the Transportation Planning Rule (TPR) identifies the overall purpose of Statewide Goal 12 to encourage a safe, convenient, and economic transportation system. The TPR also seeks to provide modal choices, improve accessibility, encourage coordination among transportation providers, protect facilities and corridors for their identified function, and facilitate movement of freight.

Oregon Administrative Rule Chapter 660, Division 12, is the Transportation Planning Rule (the TPR) adopted by the Land Conservation and Development Commission (LCDC). The TPR implements Goal 12, Transportation, and is an independent approval standard in addition to Goal 12 for map amendments. Oregon Administrative Rules 660-012-0060(1) and (2) apply to amendments to acknowledged land use regulation (including a zoning map), such as this major community master plan application.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application has a significant effect, as that term is defined in OAR 660-012-0060(1). If not, then the analysis ends, and the TPR is satisfied. The City may rely on transportation improvements found in transportation system plans and planned facilities, as allowed by OAR 660-012-0060(4)(a), (b), and (c), to show that failing intersections are not made worse or intersections not currently failing remain functional. If there is a "significant effect," then the Applicant must demonstrate appropriate mitigation under OAR 660-012-0060(2).

The planned transportation improvements, internal circulation system, and street cross-sections will support residential and commercial uses within the Talline master plan while also improving connectivity and the functionality of critical transportation facilities in the northwest area of Bend. The project will extend NW Skyline Ranch Road, a collector street that includes dedicated facilities for vehicles, bicycles, and pedestrians. As the north/south spine through the community, a critical design consideration for this collector street is lowering vehicle speeds and supporting safe multimodal travel. The project also extends all abutting local streets that improve the connectivity of the transportation system in the surrounding neighborhoods.

The transportation analysis (Exhibit E of the application) prepared by Transight Consulting includes a Transportation Facilities Report and addresses compliance with the WIG DA (Exhibit L of the application). The City's prior approval of the WIG DA addressed the City's formal Transportation Impact Analysis requirements as well as compliance with

the Transportation Planning Rule for City facilities. This assessment and agreement included the impacts of multiple properties on Bend's west side and considered the cumulative transportation improvements on City and County major roadway facilities throughout the area.

In their findings supporting the WIG DA, the City Council concluded:

"The \$1.4 million dollar payment for off-site mitigation will be used by the City to make improvements to the 14th Street corridor. These off-site improvements have been determined by the City to off-set the significant effects at other City facilities. In addition, the DA requires the construction of two roundabouts (Shevlin Park Rd/Skyline Ranch Rd and Skyliners Rd/Skyline Ranch Rd). The combination of the payment for off-site improvements and the construction of these two roundabouts provides the mitigation necessary to satisfy the TPR and allow the properties to be rezoned to match their Comprehensive Plan designations at the time of annexation without additional off-site transportation improvements."

The planned transportation improvements within the Talline master plan are consistent with the WIG DA. Therefore, 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.

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 Talline MPD areas, was adopted in 2016. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

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

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

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 Shevlin Area is one of the nine designated expansion areas. 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. Consistency with these policies is detailed below.

Bend Comprehensive Plan Chapter 11, Growth Management

11-5 The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend.

FINDING: Policy 11-5 precisely mirrors BCP Policy 10-18 from the Natural Forces chapter. The discussion regarding Wildfire in Chapter 11 is as follows:

Wildfire

Wildfire risk (the likelihood of a fire occurring based on historical fire occurrence and ignition sources) is identified by the Greater Bend Community Wildfire Protection Plan (2012), as high to extreme in the Bend area. Vegetation management, such as thinning and brush removal, may reduce the hazard (resistance to control, once a fire starts, based on weather, topography, and vegetation type) in some areas, but further mitigation measures are needed to protect new and existing development in the Wildland Urban Interface (WUI). Additional mitigation measures fall into two categories: development patterns and construction techniques.

Construction techniques are typically enforced through the use of building codes. For example, the building codes found in the 2012 International Wildland-Urban Interface Code (IWUIC) would provide a logical extension of the International Fire Code presently used by the City of Bend to protect commercial buildings. The IWUIC is directed toward the protection of residential development in the wildland-urban interface. The City will involve key stakeholders to determine the appropriate building code language necessary to reduce wildfire hazard to residential structures located in the WUI.

The IWUIC may require some modification to meet Bend's development pattern needs in the UGB expansion areas. The IWUIC depends on widely spaced buildings to provide defensible space against wildfire; however, this may not be an appropriate land use pattern in areas that are expected to expand in the future. Therefore, in expansion areas where greater land use efficiency (i.e., smaller lots and more closely spaced buildings) is appropriate, the City may consider allowing buffers of aggregated defensible space commensurate with wildfire hazard instead of widely spaced individual buildings.

This UGB policy applies to the subject property as a property with an Urban Growth Boundary expansion area. The Talline Master Plan can be found to reduce wildfire risk through its planned development pattern, open space buffers, managed vegetation guidelines, and building construction methods as detailed in the Wildfire Mitigation Plan (Exhibit K of the application).

Development Pattern

The design of the Master Plan includes wildfire mitigation measures throughout the site, including managed open space and establishing defensible space with the lower-density portions of development. The layout of new streets and access ways will provide a complete and looped network of roads and trails that provide options for evacuation routes in the event of an emergency.

Construction Techniques

New homes will meet the current state and local building codes relative to fire safety. The Talline Architectural Review Committee (ARC) and Covenants, Codes, and Restrictions (CC&Rs) will ensure a variety of construction techniques are utilized to reduce the risk of fire loss, fiber-cement siding, concrete (or similar) surfaces in most exterior applications. All of these items, in addition to compliance with minimum setback standards, have fire reduction advantages that exceed current building code requirements.

Vegetation Management

The concept of defensible space will be implemented through the reduction of fire fuels within the Home Ignition Zone (up to 200 feet from the foundation of a home) as it applies on individual lots and open space buffers within Talline. These vegetation management guidelines

will be incorporated into the CC&Rs and enforced and managed by the ARC and HOA and in order to ensure long-term compliance. In addition to the vegetation standards discussed above, the CC&Rs will include language specifying that no weeds, noxious plants or unmaintained vegetation may be planted or allowed to grow on a lot, which is consistent with the goal of vegetation management. Lawns must be irrigated and regularly mowed, conifer limbs should be kept at least 5 feet, vertically and horizontally, from homes. Gutters, roofs, eaves, and decks should be kept clear of pine needles, leaves, and other flammable debris, particularly during the threat of fire season.

The lands immediately to the north of the subject properties are within an area currently under review with Deschutes County for additional phases of a previously approved subdivision (Skyline Ranch, multi-phase County subdivision) with lots between 2.5 and 3-acres in area. Therefore, the lands along the exterior of the Talline Master Plan area will be entirely developed pending the recording and buildout of these future phases. Larger lots are also proposed along this northerly boundary, better transitioning into the lower-density developments to the north, as well. This results in an urbanized boundary on all sides of the development in the long-term, further insulating the site from wildfire risks. These wildfire strategies are found appropriate for the development, and this policy standard is found met.

11-44 *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%).*

11-45 *Where changes are proposed to the arrangement of plan designations, the proposed arrangement must comply with the relevant policies of this Chapter.*

The Talline Master Plan will provide, aside from the existing 5.3 acres of RS-zoned land already within the City, 60.2 gross acres of residential plan designations (RL) and 8.0 gross acres of commercial plan designations (CC) in accordance with BCP Policy 11-132. The language of the above policies conflicts with the specific policies of the Shevlin Area (reviewed below) regarding 'buildable land' for commercially-zoned lands within the Talline Master Plan. The policy 11-132 states that the plan must provide '8 gross acres of commercial plan designations (excluding existing right of way)'. The proposal objectively achieves this minimum requirement with 8.0-gross-acres of CC-zoned land; however, the boundaries of the CC-zoned lands include the majority of newly proposed abutting rights of way along the north, east and west sides of this area. The policy as noted above excludes only existing, and not proposed rights of way, and does not explicitly provide a minimum for 'buildable' lands. Due to the lack of specificity with regards to buildable versus gross acreage in the policies specific to the Shevlin Area in the BCP, the spatial arrangement policies are considered met with the supply of gross-acreage of CC-zoned lands.

11-51 Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1. Table 11-1. Residential Master Plan Minimum Density and Housing Mix.

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

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

* Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to calculate minimum and maximum densities.

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

FINDING: Talline includes 73.5 contiguous acres and encompasses the entirety of the Shevlin Area UGB Expansion Area as well as 5.3 acres zoned RS and located within City limits. Density and housing mix requirements for the 60.2-acres of residentially designated land within the Shevlin Area are set by BCP Policy 11-133 and supersedes the standards in BCP Table 11-1. However, the 5.3 acres of RS already within the City, are subject to the standards in BCP Table 11-1. The Preliminary Zoning Map (Exhibit C) and the Draft Development Code (Exhibit J) show how density and housing mix will be blended across Talline. The response to BCP Policy 11-133, below, provides a more detailed analysis of the density and housing mix requirements. The applicable policies are met.

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 11-109 through 11-115 are specifically applicable to the West Area:

11-129 Master planning is required for this area. The master plan must be consistent with both master plan standards in the development code and policies 11-130 through 11-135, below.

FINDING: The applicant proposes this major community master plan in compliance with this policy and BDC Chapter 4.5. Policies 11-129 through 11-135 are addressed below.

11-130 *The concepts for the Shevlin area, shown on Figure 11-7, are to promote efficient land use and neighborhood connectivity by filling in a “notch” in the prior UGB with compatible residential development; help complete adjacent neighborhoods with small, neighborhood-scale commercial services; and avoid development in sensitive areas nearer to Tumalo Creek.*

FINDING: The Talline Master Plan implements the transect concept through its planned zoning, transportation system, and preservation of open space. The RL zone requires larger lots and lower densities along the UGB, while the SLO overlay allows more standard densities adjacent to existing neighborhoods. The plan further addresses the ‘notch’ in the City’s northwest boundary with a cohesive and integrated network of roadways and compatible-scale neighborhoods. The relatively modest area of commercial development also addresses the need for small, neighborhood-scale commercial services that may provide future residents with better access to goods and services. The development layout does not encroach into the Tumalo Creek area or canyon adjacent to the site. This policy is found satisfied.

11-131 *The master plan process shall be used to establish appropriate development regulations to implement the transect concept, measures to make the development and structures fire resistant, and RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.*

FINDING: The Talline Master Plan shows the implementation of the transect concept with open space and larger residential lots abutting County lands at the northern project boundary, transitioning to townhomes and eventually neighborhood commercial moving south through the project. A special plan district for Talline, codified in BDC Chapter 2.7, establishes standards for the CC zone and SLO to reinforce the transect concept and ensure that future subdivision will contain lots meeting the required number and mix of housing units. Exhibit K contains the Talline Wildfire Mitigation Plan. This plan is based on many of the National Fire Protection Association (NFPA) Wildfire Protection standards that were utilized in the Tree Farm and were approved with the Treeline and Discovery West Master Plans. Plan elements include implementation of the transect concept, a well-connected transportation network, managed open space buffers, and fire-resistant building materials and construction methods. The policy is met.

11-132 *This area shall provide for a mix of residential and commercial uses, including 60 gross acres of residential plan designations and 8 gross acres of commercial plan designations (excluding existing right of way).*

FINDING: The submitted Preliminary Zoning Map (Exhibit C) shows Talline provides the required mix of residential and commercial uses. Talline includes 73.5 contiguous acres and encompasses the entirety of the Shevlin Area UGB Expansion Area as well as 5.3 acres zoned RS and located within City Limits. In addition to the 5.3 acres of RS already within the City, Talline provides 60.2 gross acres of residential plan designations (RL) and 8.0 gross acres of commercial plan designations (CC). BCP Policy 11-132 is met. See above for additional consideration regarding this policy reviewed under BDC 4.5.200.3.D.a.

11-133 This area shall provide capacity for a minimum of 162 housing units and a maximum of 200 housing units, including at least 10% single family attached housing and at least 21% multifamily and duplex/triplex housing types.

FINDING: The zoning and planned unit count for Talline is summarized in Table 1 of the submitted narrative (page 18).

Table 1: Zoning and Unit Count, Talline Master Plan					
Zone	Master Plan (Gross Acres)	Density Range (Units/AC)¹	Minimum Units¹	Maximum Units	Planned Units
RS	±5.3	5.11 – 7.3	±28	±38	±224
RL	±60.2	2.0 – 4.0	±162	±240	
CC	±8.0	NA	NA	NA	±42
TOTAL	±73.5		±190	±278	±266

¹ Per BCP Table 11-1, unless otherwise specified in BCP Policy 11-133

In order to satisfy BCP Policy 11-133, the Talline Master Plan must show it provides capacity for at least 162 housing units, including at least 10% (17 units) townhomes and 21% (35 units) multi-unit and duplex/triplex/quadplex housing (middle housing), separate from the 5.3 acres of RS-zoned land already within City Limits. The 5.3 acres of RS-zoned land is subject to BCP Table 11-1, which establishes a density range of 5.11 to 7.3 unit per acre and requires a minimum 10% (3 units) housing mix (townhomes or middle housing). Together, at least 55 units must be townhomes, middle or multi-unit housing. The planned housing mix is shown in Table 2.

Table 2: Planned Housing Mix, Talline Master Plan			
Housing Type	Minimum Required	Planned Lots/Units	Percentage of Total Units
Detached Single-Unit	135	±176	±66%
Townhomes	20	±48	±18%
Multi-Unit/Duplex/Triplex/Quad	35	±42	±16%
Housing Mix Subtotal	55	±90	±34%
TOTAL UNITS	190	±266	±100%

Therefore, the Talline Master Plan provides capacity for the minimum number of units and housing mix consistent with BCP Table 11-1 and BCP Policies 11-132 and 11-133. The policy is met.

11-134 Coordination with Bend Park and Recreation district is required in order to address provision of parks and/or trails within this area.

FINDING: Exhibit G is a letter from BPRD documenting the coordination between the Applicant and BPRD, which has included multiple meetings on site. The Applicant and the BPRD have been working collaboratively towards an agreement on the final design, program, and financing of the planned open space that would allow it to be owned and maintained by BPRD as a public park within the Master Plan. Additionally, the project extends BPRD's "Quail Trail" with a 8 to 10-foot-wide paved multiuse path that also meets City objectives for their expanding network of low stress bikeway facilities currently lacking in the vicinity of the site. The policy is met.

11-135 Coordination will occur with the Bend-La Pine School District during area planning for this area.

FINDING: Exhibit H is a letter from the Bend-La Pine School District indicating that no additional schools are necessary within Talline project area. This policy is satisfied.

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

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

4.9.700 Zoning of Annexed Areas.

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

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

FINDING: This master plan proposal does not include a zone change request, as the zone change to bring the zoning into compliance with the Comprehensive Plan designation (RL & CC) will occur through the annexation process (PLANX20211097). The proposed master plan does not include a proposed amendment to the Bend Comprehensive Plan Map or text. This section is not applicable.

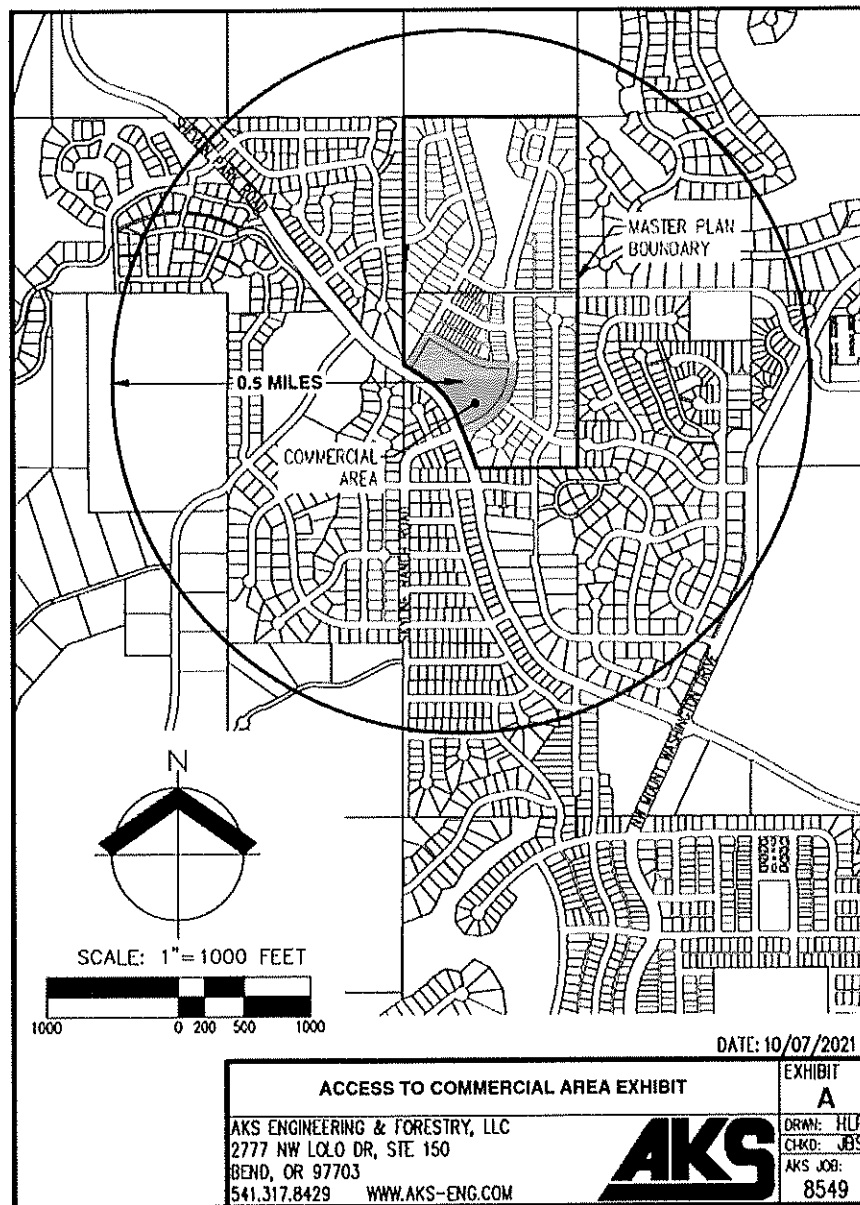
E. Standards and Regulations. Minor and major community master plans must comply with the following standards:

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 Talline Master Plan includes an 8-acre area designated for commercial uses. Figure 2 shows that Talline and its entire perimeter is within 0.5 miles of lands planned, zoned, or developed for commercial use. Therefore, the applicable standards are met.

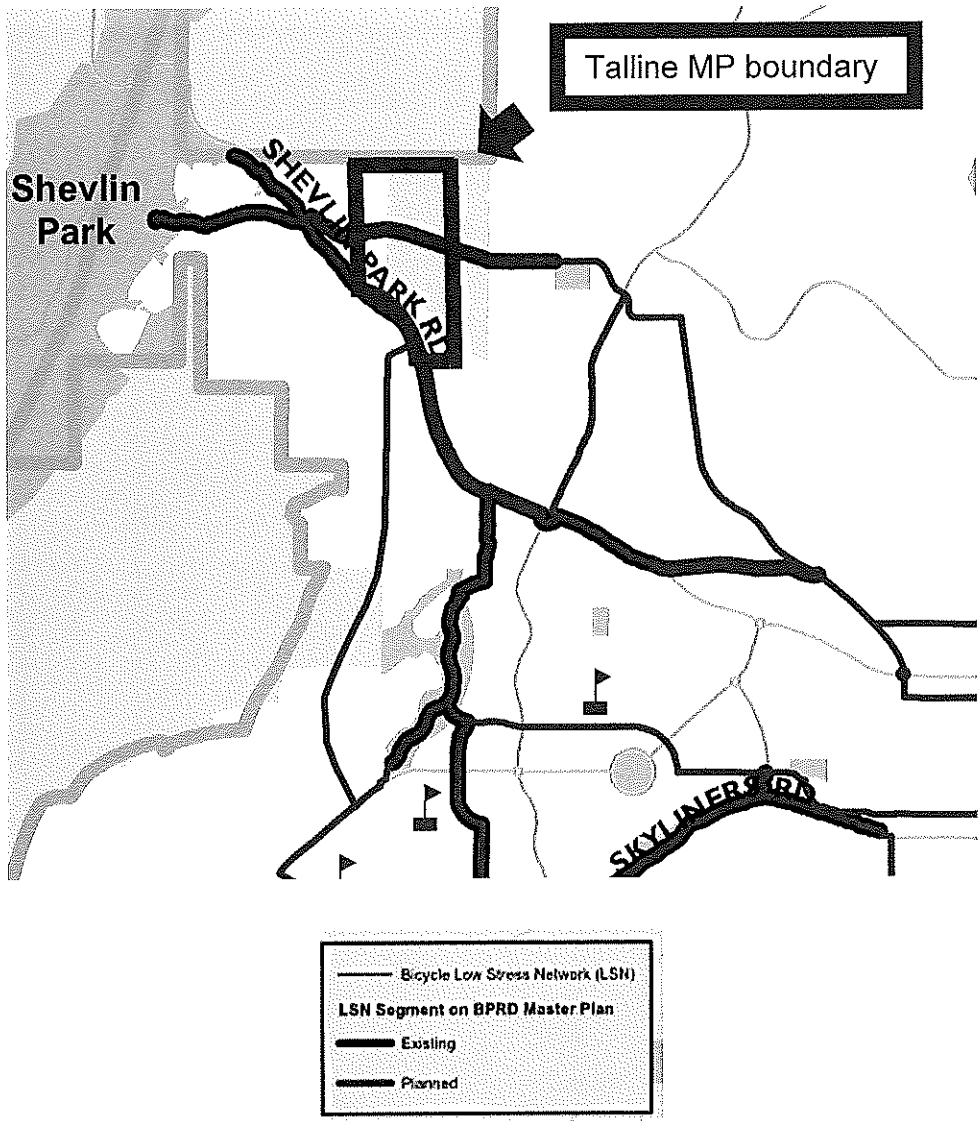
Figure 1: Access to Commercial Goods and Services



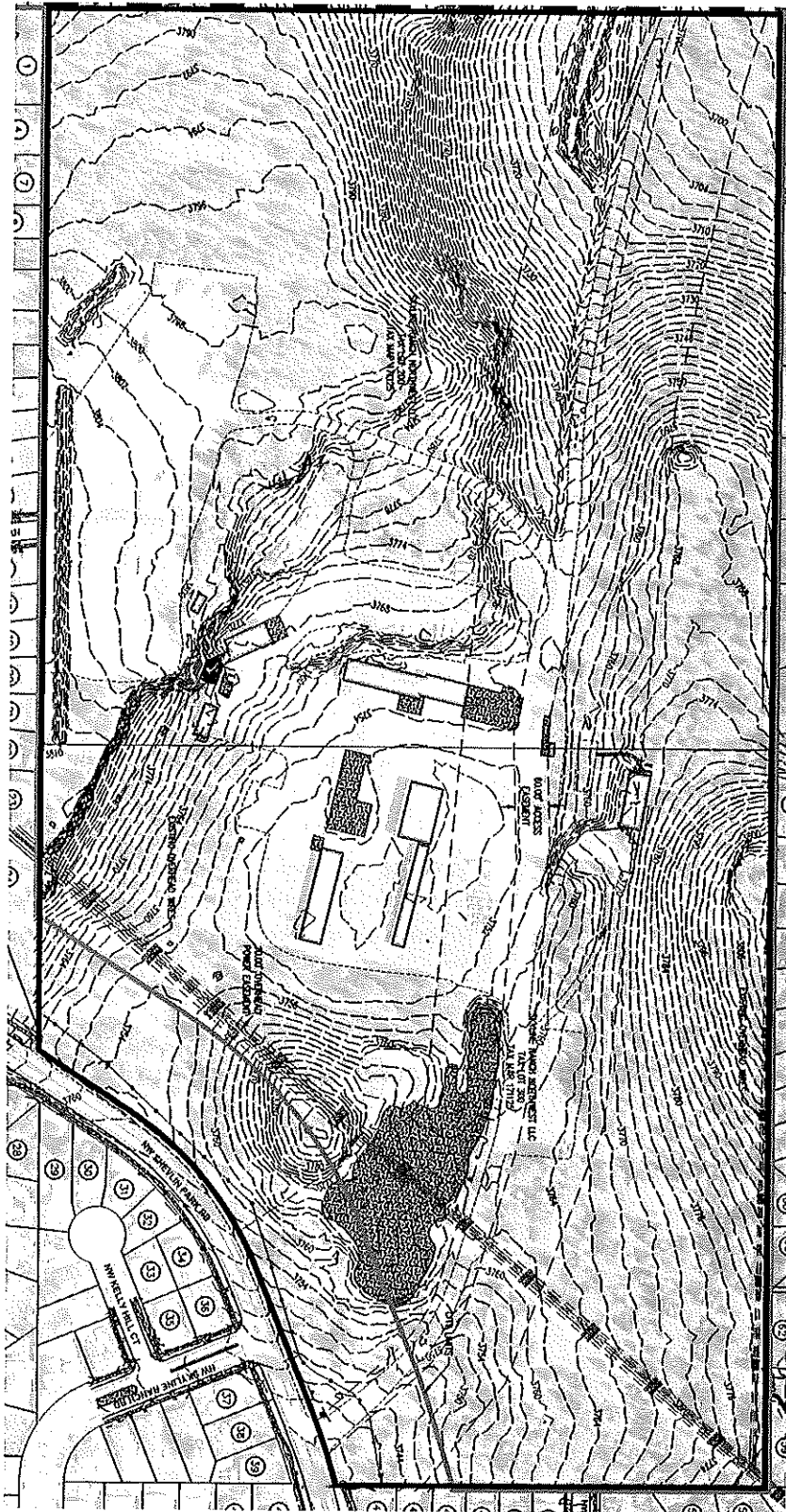
**Map of proposed commercially-zoned lands, and 0.5-mile proximity*

- 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 Preliminary Street Circulation Plan shows bicycle lanes, 6-foot-wide sidewalks, and 8 to 10-foot-wide multiuse trails running east/west and north/south through Talline. The project extends the BPRD's "Quail Trail" westward on a 8 to 10-foot-wide paved multiuse path that also meets the City objectives for their expanding network of low stress bikeway facilities (Figure 5-1, page 90 of TSP). Comments from BPRD are included in Exhibit G, and detail the support of the realignment of the trail due to the site in context, but notes the potential issues of maintenance as the BPRD does not maintain trails in public right of ways. The Applicant, its consultant team and BPRD met on-site several times and confirmed the planned alignment is superior to original alignment, which included stubbing a wider path into the western property boundary at NW Shevlin Bluffs Drive. The connection from NW Regency Street then south onto NW Skyline Ranch Road to Shevlin Park Road avoids the most significant grade changes and provides opportunities for safe crossings of higher order streets. The grades of the trail, should it traverse the site east to west as the adopted plans suggest, would exceed reasonable limits as a nearly vertical rock-wall on the site generally prohibits this direct alignment. In consideration of the constraints of the site, the alternative design to follow the Collector Street, Skyline Ranch Road, as opposed to the more direct route through Regency Street and Shevlin Bluffs Drive, is considered appropriate.



**Enlarged view of Figure 5-1, City of Bend TSP Page 90*



**Topography of subject properties as shown on sheet P02 Existing Conditions*

- 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: This project meets the applicable density standards in BDC 4.5.200(E)(3) by showing that the Shevlin Area will contain the housing unit count and mix prescribed in BCP Policy 11-133. Housing density and mix is addressed further in the response to BCP Policy 11-133, above. The requirements of the BCP supersede the general provisions of this section. 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.**
 - 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 Preliminary Master Plan shows the gross area shows 7.4 acres of open space, 10% of the 73.5-acre project. Exhibit G includes a letter from BPRD acknowledging coordination with the Applicant and an interest in developing a neighborhood park within the Talline Master Plan. Open space areas will be recorded as tracts on the final plat, in compliance with BDC 4.5.200(E)(4) and conveyed to BPRD or another appropriate legal entity. The criteria are, or can be, met.

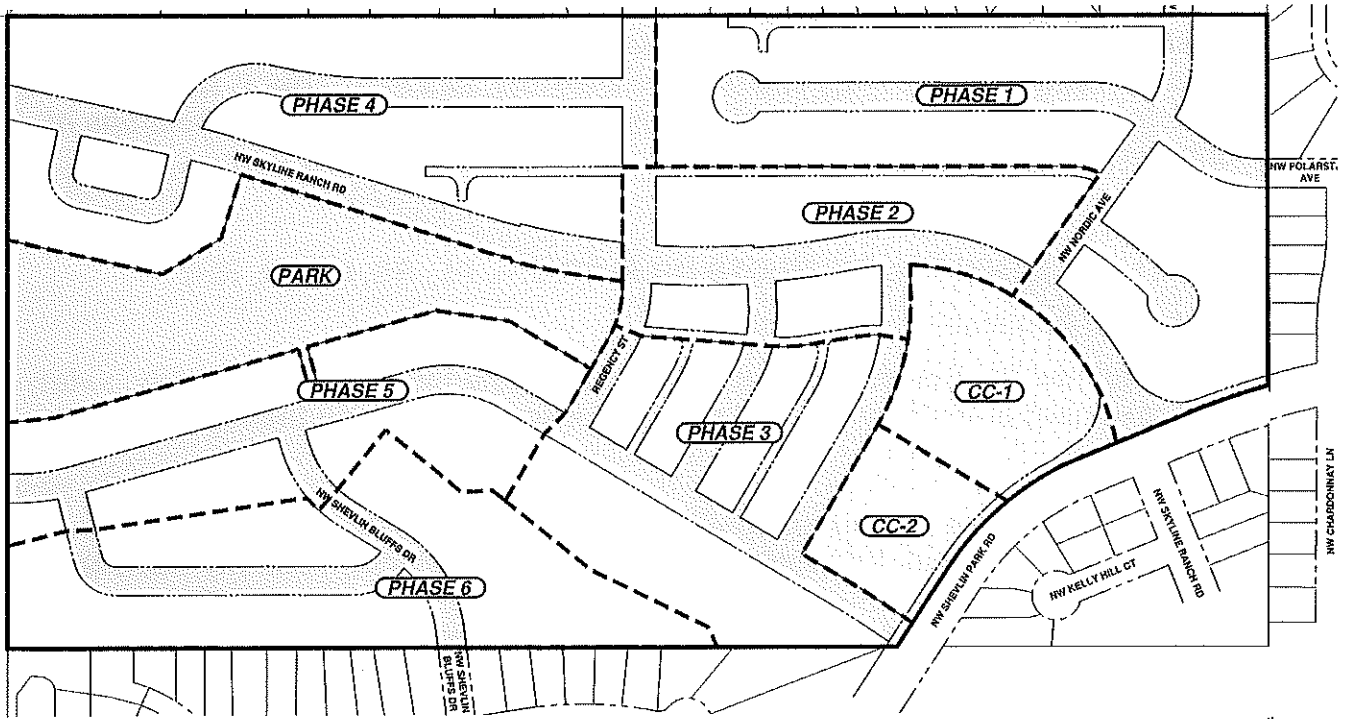
- c. Adequate guarantee must be provided to ensure permanent retention of common open space and recreation areas which may be required as conditions of approval.**

FINDING: The park is anticipated to be eventually transferred under jurisdiction of the Bend Parks and Recreation Department. The letter authored by BPRD in support of the Master Plan states as follows regarding the Park Land Dedication: *The proposed development is located within a park search area and BPRD is interested in developing a neighborhood park within the Talline Neighborhood. BPRD and the applicant have met multiple times to discuss a possible park location and we look forward to continue working with them on this matter.* 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. [Ord. NS-2289, 2017]**

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



PHASING SUMMARY	
PHASE	AREA (ACRES)
PH 1	211.3
PH 2	26.7
PH 3	28.7
PH 4	214.3
PH 5	27.7
PH 6	28.9
PARK	27.4
CC-1	23.4
CC-2	22.1
MASTER PLAN AREA	573.5



NOTE: ROAD LINES AND SPACING ARE PRELIMINARY AND SUBJECT TO CHANGE IN FUTURE PLANS.

***Submitted sheet P05 PRELIMINARY PHASING PLAN**

As noted above in BDC 4.5.200.D.3.b, the findings below show that the standards and regulations contained in BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, can be met through future site plan review or land division applications in compliance with the Talline master plan.

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

2.1.100 Purpose, Applicability and Location.

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

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

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

Table 2.1.100

Zone District Characteristics

Zone District	Location and Characteristics
Low Density Residential (RL)	The Low Density Residential District consists of large urban residential lots that are served with a community water system and DEQ permitted community sewer, private on-site septic systems, or municipal sewer systems. The residential density range in this district is 1.1 to 4.0 dwelling units per gross acre.
Standard Density Residential (RS)	The Standard Density Residential District is intended to provide opportunities for a wide variety of residential housing types at the most common residential densities in places where community sewer and water services are available. The

Zone District	Location and Characteristics
	residential density range in this district is 4.0 to 7.3 dwelling units per gross acre.

FINDING: The subject properties within the current City limits are zoned RS, and the lands outside are designated RL and CC on the City’s Comprehensive Plan map. Those lands outside the City boundary will be automatically rezoned to RL/CC through a concurrent annexation process (PLANX20211097), therefore, the requirements of these residential zones must be demonstrated to be achievable through the community master plan review.

The submitted Preliminary Zoning Map indicates that a total of the 73.5-acres of the Talline Master Plan area, 5.3-acres are zoned RS and 60.2-acres are zoned RL. The appropriate density ranges, utilizing the metrics above, result in a range of 28-38 units in the RS zone, and 162-240 units in the RL zone. 266 total units are proposed, 42 of which are proposed to be located within the CC zone, resulting in a total of 224 units proposed within the RS and RL zones (within the SLO). Therefore, the proposed density meets the underlying zone standards.

2.1.200 Permitted Land Use.

A. Permitted Uses. The land uses listed in Table 2.1.200 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.1.200, land uses that are incidental and subordinate to a permitted use and land uses that are approved as “similar” to those in Table 2.1.200 may be permitted. The land uses identified with a “C” in Table 2.1.200 require conditional use permit approval prior to development, in accordance with BDC Chapter 4.4, Conditional Use Permits.

Table 2.1.200 – Permitted and Conditional Uses

Land Use	RL	RS
Residential		
Single-unit detached dwelling	P	P
*Townhomes	P	P

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

N = Not Permitted

**Permitted as part of a master plan subject to BDC Chapter 4.5.

FINDING: The applicant is proposing a total of 224 units across all residentially-zoned lands within the SLO, including a mix of 176 detached single-unit houses and 48 townhomes. These are permitted uses within the RL and RS zones.

2.1.300 Building Setbacks.

FINDING: As part of the Talline master plan, the northerly portion of the master plan will be

subject to the Standard Lot Residential (SLO) overlay. The Talline Master Plan code which will be adopted into BDC 2.7 sets forth the setbacks for this overlay zone which match the standard RS-zone setbacks, excepting solar standards which will not apply due to the significant topographies throughout the development area.

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

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

Residential Use	Zone	Minimum Lot Area	Lot Width/Depth
Single-Unit Detached Dwelling;	RL	Minimum area: 10,000 sq. ft. with approved septic or sewer system	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line except for townhomes and flag lots Except for townhomes, corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone
	RS	4,000 sq. ft.	Lots or parcels existing prior to November 5, 2021, that are less than 2,500 square feet in the RH Zone may have a triplex or a quadplex Development alternatives: see BDC Chapter 3.8
Townhomes See BDC 3.6.200(D)	RL*	Average minimum lot or parcel size: 1,500 sq. ft. for each unit	Minimum width: 20 ft. at front property line for interior townhome lots and 25 ft. at front property line for exterior townhome lots. Minimum lot depth: 50 ft.

***When permitted as part of a master plan subject to BDC Chapter 4.5, Master Planning and Development Alternatives.**

FINDING: The applicant submitted a proposed special planned district with this master plan application, as provided for in BDC 4.5.200 (D)(3), proposing a Standard Lot Residential (SLO) overlay. This overlay utilizes RS-zone lot area and dimension standards that will apply throughout the overlay. The special standards also note that up to 3 flag-lot poles may be proposed, pending compliance with the standards for flag lots in BDC Title 3. As detailed in the findings above for BDC 4.5.200, these deviations are requested due to topographical

challenges, lot shape, and policy conflicts between the Bend Development Code and the Comprehensive Plan.

2.1.600 Residential Density.

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

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

**Table 2.1.600
Residential Densities**

Residential Zone	Density Range
Low Density Residential (RL)	1.1 – 4.0 units/gross acre
Standard Density Residential (RS)	4.0 – 7.3 units/gross acre

...
FINDING: The submitted Exhibit J, draft Talline Development Code, proposes a density standard commensurate with the requirements of the Master Plan and BCP policies detailed throughout this recommendation which supersede the underlying zone standards. The proposed density language is as follows in Exhibit J:

The blended RL and RS density requires that capacity be provided for a minimum of 190 dwelling units, including a minimum of 20 townhomes and 35 multi-unit and duplex/triplex/quadplex housing units. Residential units in the Commercial Convenience zone count towards the minimum housing mix requirements

The Bend Comprehensive Plan Map identifies the 68.2-acres currently outside City limits as the Shevlin Area in Chapter 11 of the Comprehensive Plan. Upon annexation for those 68.2 acres, the area will be automatically rezoned RL (60.2 acres) and CC (8.0 acres) accordingly. Combining the lands zoned Residential Standard Density (RS) within the existing 5.3-acres within City limits, the resulting densities are averaged over several phases as is permitted within a Master Planned Development.

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

11-133 This area must provide capacity for a minimum of 162 housing units, including at least 10% townhomes and at least 21% multi-unit and duplex/triplex/quadplex housing types.

In order to satisfy BCP Policy 11-133, the Talline Master Plan must show it provides capacity for at least 162 housing units, including at least 10% (17 units) townhomes and

21% (35 units) multi-unit and duplex/triplex/quadplex housing, separate from the 5.3 acres of RS already within City Limits. The allowable density of the Shevlin Area combined with the existing RS-zoned lands, which require 28 to 38 units, is therefore within 190 and 278 total units, whereas 266 are proposed. This density standards of the BCP and Policy 11-133 supersede the underlying zone standards, which require in an effective density of 2.0-4.0 units/acre in the RL zone, and 5.11-7.3 units/acre in the RS zone. The density standards can be met.

C. Density Calculation.

1. Maximum housing densities are calculated as follows:

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

2. Minimum housing densities are calculated as follows:

- a. The area subject to minimum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit; sensitive lands; firebreaks; and canals and their associated easements.**
- b. The area for future streets is included in the area subject to minimum housing density.**
- c. For purposes of calculating minimum density, fractional units are rounded up to the next whole unit.**
- d. As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to minimum housing density is three and one-half acres (total site area minus one acre of neighborhood commercial uses, minus a half-acre of sensitive lands). If the minimum density is 4.0 dwelling units per acre, then a minimum**

number of 14 units is required on the site.

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

FINDING: The subject properties in total are 73.5 acres in area. Following annexation of the Shevlin Area and combined with 5.3 acres of land currently within City limits and zoned Residential Standard Density (RS), there will be a total of 65.5 acres of residentially-zoned lands (the RL-zoned lands totaling 60.2 acres). Due to the inclusion of the RS-zoned lands in this Master Plan proposal, Table 11-1 from the BCP must apply, which provides special standards for not only density, but housing mix as well. The policies of the BCP supersede the underlying zone standards per policy 11-51.

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

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

* Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to calculate minimum and maximum densities and for exemptions to the general density ranges.

** Housing mix is expressed as the minimum percent of units that must be townhomes, duplexes/triplexes/quadplexes and/or multi-units. See Bend Development Code for definitions of housing types.

***Table 11-1, BCP**

Table 1 in the submitted narrative summarizes the resulting effective density for each respective zone, RL and RS, as shown below.

Table 1: Zoning and Unit Count, Talline Master Plan					
Zone	Master Plan (Gross Acres)	Density Range (Units/AC) ¹	Minimum Units ¹	Maximum Units	Planned Units
RS	±5.3	5.11 – 7.3	±28	±38	±224
RL	±60.2	2.0 – 4.0	±162	±240	
CC	±8.0	NA	NA	NA	±42
TOTAL	±73.5		±190	±278	±266

¹ Per BCP Table 11-1, unless otherwise specified in BCP Policy 11-133

***Table 1, submitted narrative, page 18**

The RL-zoned lands result in a required range of 162-240 total units, whereas the RS-zoned lands yield between 28-38 units. The total number of units proposed within the residentially-zoned lands is 224 units, which fall within the combined minimum (190 units) and maximum (278 units) aggregated between the two zones. Therefore, the density standards are found met for each respective zone.

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

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

2.1.700 Maximum Lot Coverage and Floor Area Ratio.

A. Maximum Lot Coverage. The following maximum lot coverage and floor area ratio standards apply:

**Table 2.1.700
Residential Lot Coverage**

Residential Zone	Lot Coverage	FAR
Low Density Residential (RL)	35%	None
Standard Density Residential (RS)	50% for lots or parcels with single-story dwelling unit(s) and single-story accessory structures. 45% for all other lots or parcels.	1.1 for three-story residential uses and accessory structures. None for all other uses.

B. Exceptions.

- 1. Lot Coverage for Affordable Housing. See BDC 3.6.200(C).**
- 2. Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.**

FINDING: The proposed Talline Special Planned District (Exhibit J of the application) proposes that RS-zoned standards will apply throughout the SLO, but that FAR standards will not apply. The lack of a FAR standard matches the requirement in the RL zone, but deviates from the RS-zoned lands which require a maximum of 1.1 FAR, and apply to only 3-story residential structures. This deviation is not considered a significant change, and the lack of FAR will allow greater flexibility with site designs on smaller lots. The need for defensible space and fire separation, as detailed in the submitted Exhibit K *Wildfire Mitigation Plan*, will equally or better address any potential impacts from the lack of this requirement.

2.1.800 Building Height.

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

A. Standard. The following building heights apply to all development within the Residential District.

- 1. Buildings within the UAR, RL, RS, RM-10 and RM Districts shall be no more than 35 feet in height.**
- 2. Buildings within the RM Zone may be no more than 40 feet in height.**
- 3. Buildings within the RH Districts may be no more than 50 feet in height.**

B. Exceptions to Maximum Building Height Standard for Affordable Housing. See BDC 3.6.200(C).

FINDINGS: The Talline draft development code (Exhibit J) details that the height standards within the SLO will mirror the RS-zone standards, excepting that lots with greater than 10 percent slope are permitted an additional 5-feet of building height. The significant topography

throughout the site warrants flexibility, and assigning the privilege to only lots constrained by the topography is reasonable. This standard equally meets the intent and purpose of the height standards to retain neighborhood-scaled design, and does not deviate beyond a reasonable degree. Therefore, the height standards proposed are appropriate for the master plan.

2.1.900 Architectural Design Standards

2.1.950 Design Standards

A. Applicability. This section applies to all of the following types of buildings:

- 1. Triplex.**
- 2. Quadplex.**
- 3. Townhome.**

FINDING: The draft development code for lots within the SLO does not include any special design standards. The townhomes contemplated for the SLO will be subject to the design standards of this chapter, which are to be reviewed upon future submission of development permits after master plan approval, annexation and tentative plan review approval. No deviations to this section are proposed.

2.1.1100 Other Design Standards

A. On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.

FINDING: The subject properties contain significant topography throughout the project area, and special drainage standards are proposed in the draft Talline Development Code (Exhibit J) which address the need for flexibility. The special standards note that roof drainage may be conveyed to a public street or a public storm drain via subsurface piping, and that private drainage facilities may be viable where approved and facilitated by the City Engineer. The proposed code further offers timing requirements for drainage facilities to be contained within the same or previous phase, or that a stormwater/drainage easement be conveyed as appropriate. Due to the topography throughout the site, retention of all drainage on the lot of origin is generally impractical. The mechanisms of approval as described in the draft code allow the City Engineer discretion with regards to site specifics, and therefore retains the same standards to the degree reasonable.

B. Development must comply with BDC 3.5.200, Outdoor Lighting Standards, and 3.5.400, Solar Standards.

FINDING: The draft development code for Talline (Exhibit J) states that the standards of BDC 3.5.200 will not apply throughout the SLO. The intent of this section, per the language of BDC 3.5.200, states as follows:

It is the intent of this section to allow citizens, businesses, and public agencies in Bend to illuminate residential, commercial, industrial, and public areas, roadways and

walkways with lighting fixtures appropriate to the need while using such illumination in a way that preserves urban vistas and is directed onto and is confined to the property from which it is generated.

The draft development code does not explicitly state how the lighting standards will be applied and reviewed throughout the SLO, and only that the lighting standards of this section do not apply. However, the submitted narrative on page 33 states: *As detailed in the Draft Development Code (Exhibit J), outdoor lighting standards will be enforced by the Talline Architectural Review Committee with construction of new buildings.* The enforcement of the lighting standards is imperative to the livability of the neighborhood at large, and to alleviate the general light pollution as a result of urbanization. Provided the Talline Architectural Review committee enforce appropriate lighting standards that achieve the same or similar result with regards to ambient lighting, the proposed deviation is viable.

The draft Talline development code (Exhibit J) also exempts solar setbacks from the SLO. The purpose of the solar setback standards in *BDC 3.5.400* is *'to create lot divisions, layouts and building configurations to help preserve access to sunlight to one- and two-unit dwellings'*. The generally significant topography throughout the site would complicate application of solar setbacks within the SLO, which take into account local grades and directions of abutting slopes. The submitted Wildfire Mitigation Plan (Exhibit K) details the degree to which CC&R's will require defensible spaces between all units, adequate setbacks and fire separation through application of modern and restrictive building code standards. Therefore, the application of special fire-mitigation measures will equally or better meet the intent of the solar setback standards.

C. Garages and carports must be accessed from alleys where practical. In this instance, the term "practical" means that there is an existing or platted alley that could be used in its current condition or improved to provide access.

FINDING: Alleys are proposed in several areas within the Talline project area. Comments from the Engineering Division as outlined in the submitted TAM (PRTFR20215212) indicate that certain identified lots within the master plan are required to take access from the abutting local street due to significant topography. The lots are otherwise required to take access from the lowest classification street (alley).

D. A sink outside of a kitchen or wet bar may be added in compliance with the following:

- 1. In a garage or accessory structure if the space is not conditioned as defined in BDC Chapter 1.2, Definitions. A garage or accessory structure must not contain a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven.**
- 2. In a laundry room. The laundry room may include utility hook-ups for gas or electric laundry appliances. A laundry room must not contain a dishwashing machine; a range hood, or similar equipment; or a stove, range, or oven.**

E. Required vehicle parking in a dwelling unit's garage or carport must be a minimum of nine feet by 18 feet.

FINDING: These standards are to be reviewed upon submission of future development permits, and may be met.

CHAPTER 2.2 – COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

2.1.100 Purpose, Applicability and Location.

This chapter applies to all development in the Central Business District (CB), Convenience Commercial District (CC), Limited Commercial District (CL) and the General Commercial District (CG). Collectively, these districts are the City's Commercial Zoning Districts. The purpose of these zoning districts is to:

- Allow a mixture of complementary land uses that may include housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to reduce vehicle miles traveled;
- Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
- Provide flexibility in the location and design of new developments and redevelopment to anticipate changes in the market;
- Reinforce streets as public places that encourage pedestrian and bicycle travel;
- Provide roadway and pedestrian connections to residential areas;
- Provide transitions between high traffic streets and neighborhoods;
- Encourage efficient land use by facilitating compact, high density development and minimizing the amount of land that is needed for surface parking;
- Facilitate development (land use mix, density and design) that supports public transit, where applicable;
- Provide appropriate locations and design standards for automobile- and truck-dependent uses;
- Provide both formal and informal community gathering places;
- Maintain a distinct storefront character that identifies the Central Business District;
- Connect the Convenience Commercial District to neighborhoods and other employment areas; and
- Provide visitor accommodations and tourism amenities.

2.2.200 Zoning District Location and Characteristics.

Zone District	Location and Characteristics
Convenience Commercial District (CC)	The Convenience Commercial District is adjacent and connected to the Residential District(s) it is intended to serve. Convenience Commercial uses are larger in scale and area than neighborhood commercial uses and provide for frequent shopping and service needs of nearby residents. The zone is intended to provide locations for a wide range of small and medium sized businesses and services as a convenience to the neighboring residential areas. New convenience commercial nodes shall develop as commercial centers rather than a commercial strip and be limited in size up to 5 acres.

[...]

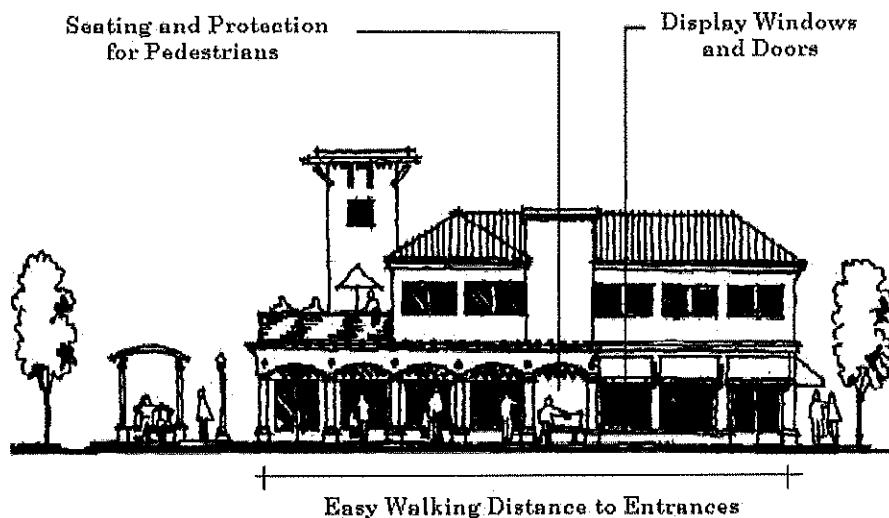
2.2.600

- A. Purpose.** The Commercial Design Review standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles. These design standards are in addition to the standards related to commercial development in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls, and BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.
- B. Applicability.** BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, contains the procedural requirements that pertain to this section.
- C. Standards.** For developments subject to site plan or design review, the following standards shall be met. A design feature used to comply with one standard may be used to comply with another standard.
- 1. Residential Building Design Review.** All residential buildings subject to site plan or design review shall comply with the Residential District design guidelines, as listed in BDC 2.1.900, Architectural Design Standards, and not the commercial design review standards of this section.
 - 2. Commercial Design Review.** The following standards apply to all commercial and mixed-use buildings:
 - a.** Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using the installation of a combination of architectural features and a variety of building materials. Landscaping should be planted adjacent to the walls. Walls that can be viewed from public streets shall be designed with windows totaling a minimum of 10 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30 percent of the wall length.
 - b.** Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the Review Authority.

- c. In addition, a portion of the on-site landscaping shall be planted adjacent to the walls of a building so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls.
 - d. The predominant building materials should be characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
 - e. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat rooftops; however, a maximum of 30 percent of the building elevations visible from the adjacent right-of-way may include flat roof components. Overhanging eaves, sloped roofs, parapet walls that have variations vertically and horizontally with decorative features, and multiple roof elements are highly encouraged. Mansard style roofs are discouraged.
 - f. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and/or integral planters are required.
 - g. Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public are encouraged and may be calculated as part of the landscaping requirements of BDC Chapter 3.2.
 - h. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building is prohibited except as approved for building trim. The City of Bend color guide provides samples of acceptable and unacceptable colors. The use of trademark colors requires City approval.
 - i. Exterior lighting shall comply with the outdoor lighting provisions of BDC 3.5.200. Light poles and/or fixtures and flag poles shall not exceed 25 feet in height.
 - j. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters shall be architecturally screened from view. Heating, ventilation and air conditioning units shall have a noise attenuating barrier to protect adjacent Residential Districts from mechanical noise.
3. **Large-Scale Buildings and Developments.** For the purpose of this section, “large-scale buildings and developments” are defined as:

- a. Individual buildings with more than 20,000 square feet of enclosed ground-floor space. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - b. Multiple-building developments with a combined enclosed ground-floor space more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).
4. **Design Standards for Large-Scale Buildings and Developments.** All large-scale buildings and developments, as defined above, shall provide human-scale design by conforming to all of the following standards:
- a. Incorporate changes in building wall direction and divide large masses into varying heights and sizes, as shown in Figure 2.2.600. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; windows; screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting as described in BDC 3.5.200 (Outdoor Lighting Standards)); and similar features.

Figure 2.2.600. Design of Large-Scale Buildings and Developments (Typical)



Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required design style.

5. **Exceptions to Commercial Design Review Standards.** An exception to the design standards of this section may be approved by the Planning Commission through a Type III Process if the Commission finds that the proposed development complies with the purpose and intent of the Commercial Design Review standards. The applicant shall pay a fee specified by the City for Planning Commission review.

FINDING: The submitted draft code for the Talline (Exhibit J) project area states that *The standards of the underlying Commercial Convenience District apply.* However, the draft review procedures concerning the CC zone state the following in Exhibit J:

Multi-unit developments with five or more units and buildings in the Commercial Convenience District are subject to BDC 4.2.500, Site Plan Review. BDC 2.2.600, Commercial Design Review Standards, and BDC 4.2.600, Design Review, do not apply.

The Talline Architectural Review Committee is anticipated to enforce the appropriate design elements through independent review, which can meet the standards of this section equally or better. While the explicit design standards are not applicable as proposed within the draft code, the review committee is an appropriate mechanism to ensure consistency across the CC-zoned lands within this master plan while meeting or exceeding the standards of this section. Therefore, the deviation from the applicable design standards remains compliant with the overall intent of supplying detailed, human-scaled design while affording flexibility to the development. Draft CC&R's are to be reviewed with the appropriate and corresponding phase of the subdivision.

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

3.1.200 Lot, Parcel and Block Design.

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

FINDING: This application does not include land division; no new lots are proposed at this time. However, the proposed master plan indicates the future intent to subdivide the subject property and the proposed master plan demonstrates the ability of the application to comply with the lot depth and width requirements as noted in the proposed Talline master plan code (Exhibit J of the application and described above). All draft lots shown in the proposed master plan (Sheet P04) meet these requirements set forth in the Talline master plan code, in compliance with this requirement.

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

FINDING: This application does not include any land division; no new lots are proposed at this time. However, the proposed master plan indicates the future intent to subdivide the subject

property. While the site does not include watercourses or any rock outcroppings that have been identified as Areas of Significant Importance (ASI), the subject property does contain several areas of steep slopes and rock outcroppings, necessitating increased sizes of some lots to preserve these features and avoid excessive cuts, fills and steep driveways. Increased lot sizes in these instances are not required, but necessitated by the layout of required streets and the presence of significant variation in topography.

4. Each lot or parcel shall abut upon a street other than an alley for the minimum width required for lots or parcels in the zone, except:

- a. For lots or parcels fronting on the bulb of a cul-de-sac, the minimum frontage shall be 30 feet;**
- b. For approved flag lots or parcels, the minimum frontage shall be 15 feet;**
- c. For lots or parcels in zero lot line developments, the minimum frontage shall be 20 feet; and**
- d. In zones where a minimum frontage width is not specified, the minimum frontage requirement shall be 50 feet.**

FINDINGS: This application does not include any land division; no new lots are proposed or created. However, the proposed master plan indicates the future intent to subdivide the subject property. Two cul-de-sacs are proposed in the project area, and all lots along the cul-de-sacs retain the minimum frontage required by this section. Three flag-lots are proposed, consecutively, each with 15-feet of frontage along NW Shevlin Bluffs Drive, a local street. Otherwise, all lots meet the standard frontage requirements of the RS-zone, as supported by the SLO special standards of the draft Talline Development Code (Exhibit J). These standards can be met.

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

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

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

FINDING: This application does not include any land division. However, the proposed master plan lays out approximate lot lines for future land division. All proposed corner lots in the master plan are shown at least five feet wider than this proposed minimum average lot width as put forth in the Talline master plan code, which utilizes the standards of the RS-zone with regards to lot area and dimensions.

7. All permanent utility service to lots or parcels shall be provided from underground facilities. The developer shall be responsible for complying with requirements of this section, and shall:

- a. **Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with rules and regulations of the Public Utility Commission of the State of Oregon.**
- b. **All underground utilities and public facilities installed in streets shall be constructed prior to the surfacing of such streets.**

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

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

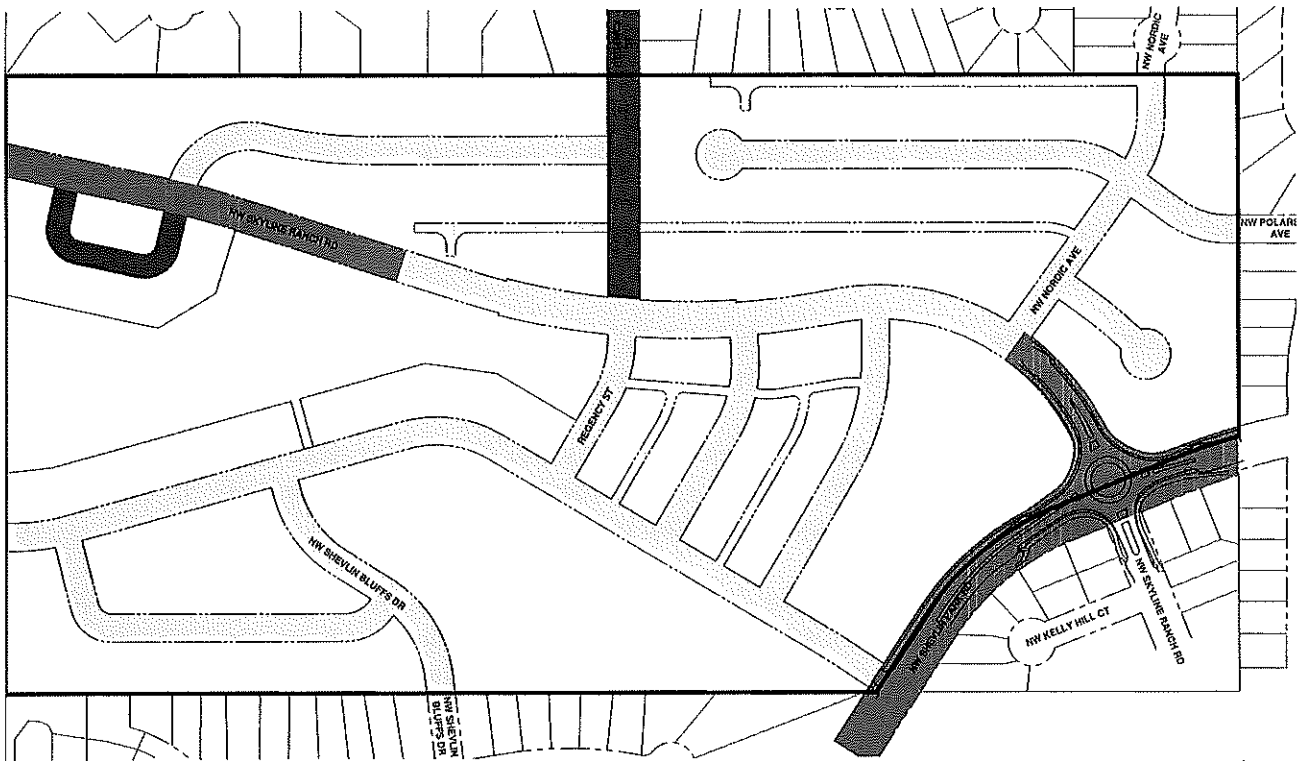
1. **New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established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

FINDING: The 2020 TSP identifies the extension of Skyline Ranch Road, a major collector, through the subject property. The master plan extends Skyline Ranch Road in accordance with the TSP. The subject property is not included in any applicable special area plans, refinement plans, master neighborhood development plans or other adopted or approved development plans at this time. The proposed master plan extends all existing local streets abutting the property line, in their proper projection, to create continuous streets into the proposed master plan area. The streets proposed to be extended and constructed to City local street standards include NW Shevlin Bluffs Drive, NW Regency Street, NW Nordic Avenue and NW Polarstar Avenue. The lands to the north of the project site are contained within a master-planned transect development under Deschutes County jurisdiction, which is to continue NW Skyline Ranch Road to the north, as well.

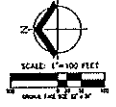
2. **Block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets.**
 - a. **Six hundred sixty feet block length and 2,000 feet block perimeter in all Residential Zones;**
 - b. **Four hundred feet block length and 1,500 feet block perimeter in the Central Business District, Convenience Commercial, Mixed-Use Riverfront and Professional Office Districts;**
 - c. **Six hundred sixty feet block length and 2,640 feet block perimeter for all other Commercial, Industrial and Mixed Employment Districts;**

- d. An exception may be granted to the maximum block length and/or block perimeter by the Review Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards.

FINDING: Due to topography constraints, the block length and perimeter standards cannot be met in the Talline master plan and access corridors between the streets are similarly unattainable due to steep slopes. The proposed Talline master plan code exempts the master plan from these block length and perimeter standards provided the streets are in general conformance with the Talline Street Circulation Plan, as shown below.



STREET LEGEND AND SPECIFICATIONS									
LEGEND	STREET TYPE	RIGHT-OF-WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANTER WIDTH	MULTI-USE PATH WIDTH	SIDEWALK WIDTH
[Solid Grey]	MAJOR ARTERIAL	124 FT	48 FT	13 FT	8 FT	N/A	1000	N/A	1000
[Dotted Grey]	NEIGHBORHOOD COLLECTOR	76 FT	36 FT	12 FT	8 FT	N/A	1000	10 FT	6 FT
[Horizontal Lines]	COLLECTOR	VARIES (20 FT-30 FT)	42 FT	15 FT	8 FT & 13 FT BAYED	N/A	1000	10 FT	6 FT
[Vertical Lines]	COLLECTOR W/ PARKING BAY	VARIES (20 FT-30 FT)	48 FT	15 FT	8 FT & 13 FT BAYED	8 FT	1000	10 FT	6 FT
[Diagonal Lines]	LOCAL STREET	50 FT	32 FT	10 FT	N/A	N/A	1000	N/A	5 FT
[Stippled Grey]	LOW VOLUME LOCAL STREET	50 FT	34 FT	11 FT	8 FT	N/A	8 FT	N/A	5 FT
[Cross-hatched Grey]	PUBLIC ALLEY	VARIES (20 FT-25 FT)	14 FT	10 FT	N/A	N/A	N/A	N/A	N/A



* IF MAJOR-USE FROM SOUTH OF MEDIC INTERSECTION, IF MULTI-USE FROM NORTH OF MEDIC INTERSECTION

***Talline Street and Circulation Plan**

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

FINDING: The proposed master plan area extends Skyline Ranch Road, a major collector, in accordance with the adopted TSP from Shevlin Park Road through the project site to the north. An additional connection to NW Shevlin Park Road is proposed with a local street intersecting approximately 500-feet northwest of the NW Skyline Ranch Road intersection. A looped local street is proposed in the northeast of the project area, connecting both NW Skyline Ranch Road with NW Regency Street. Two additional local streets are proposed near the center of the project area where the RS-zoned lands are to be established following annexation. A looped low-volume local street is to provide alternative access for specific lots along NW Skyline Ranch Road, as well. The southerly connection of this low-volume local street aligns with the local street in the northeast corner. The spacing standards of BDC 3.1.400 are met throughout the Talline project area.

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

FINDING: No private streets are proposed with this application.

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

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

FINDING: While a number of lots in the Talline master plan have frontage onto Skyline Ranch Road, a major collector, each of these lots will have vehicular access from a rear alley or cul-de-sac. The proposed local street in the northeast of the site also meets a similar intent, functioning as an alley to allow access to certain lots due to topographical constraints. These double-frontage lots are permitted.

- 2. Nonresidential and multi-unit dwelling lots or parcels shall provide other access alternatives to the individual lots that abut the arterial or collector street.**
 - a. Double frontage lots or parcels of adequate depth to accommodate the future use may be permitted. The creation of double frontage lots does not relieve the property owner from their responsibilities to construct and maintain the sidewalk and park strip on the nonaccess side.**
 - b. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification.**

FINDING: The area designated Commercial Convenience (CC) is to be the location of any nonresidential and/or multi-unit dwelling developments. The area abuts NW Skyline Ranch Road and NW Shevlin Park Road, but is bordered by local streets along the north and west frontages that may provide access off of any collector or arterial roadways. This standard can be met.

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

FINDING: No land division is proposed with this application; however, the master plan provides a draft for a future tentative plan which shows the local street grid connections to Skyline Ranch Road, a major collector. The details of the block sizing are addressed above. All blocks are designed to meet the City's block sizing requirements, with the exception of the easterly cul-de-sac for which a deviation is proposed due to topography.

3.1.300 Multi-Modal Access and Circulation.

A. Purpose. The purpose of this section is to ensure safe, accessible, direct and convenient multi-modal circulation by developing an on-street and off-street system of access corridors and public sidewalks throughout the City.

B. On-Site Pedestrian Facilities. For all developments except single-unit detached, manufactured dwellings, accessory dwelling units, townhomes, duplexes, triplexes, quadplexes, and shared courts, pedestrian access and connectivity must meet the following standards:

- 1. Pedestrian ways shall:**

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

FINDING: The contemplated development types within the site are predominantly residential, with a mix of single-unit detached and townhomes. These development types are exempt from the above standards. The areas within the CC-zoned lands are to be subject to this section, the standards of which may be reviewed upon subsequent Site Plan review.

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

FINDING: The proposed master plan includes sidewalks on both sides of every street, for safe, accessible and reasonably direct connections through the neighborhood given the topographic variation of the site. The commercial development is to be located near the frontage of the properties along NW Shevlin Park Road. The walkways will be subject to all applicable accessibility requirements. Primary entrance connections may be established upon future review of all multi-unit and commercial developments. These standards can be met.

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

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

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

- b. **Pedestrian walkways shall be lighted in conformance with BDC 3.5.200, Outdoor Lighting Standards.**

FINDING: The applicant has proposed that the SLO exempt all lots therein from the Outdoor Lighting Standards of BDC 3.5.200, however, none of the lots within the SLO are subject to this section. (See applicability above under BDC 3.1.300.B.)

- c. **Switchback paths shall be required where necessary to meet the City's adopted accessibility requirements and City of Bend Standards and Specifications. Accessible alternate routes such as ramps and/or lifts shall be provided when required.**

FINDING: Switchback paths may be required due to topography in specific instances. These designs are to be reviewed with future development. However, the standards of this section can be met.

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

FINDING: All developments within the CC-zoned lands lot will necessarily include open space and/or landscaping between the sidewalks and/or paths and units to accommodate required setbacks. No additional screening landscaping is proposed or necessary at this stage of the development review

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

FINDING: The applicant has not proposed any deviations from these requirements. All the proposed street sections in the applicable zones will include a curb and raised sidewalk, in compliance with this standard (see submitted street-sections).

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

FINDING: The applicant proposes concrete sidewalks throughout the master plan area, including the areas within the CC-zone. Future pathways are to be reviewed at Site Plan Review for subsequent development as applicable.

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

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

C. Off-Site Multi-Modal Facilities.

- 1. Developments subject to development and having an access corridor alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan shall dedicate either right-of way or an access easement to the public for a primary or connector multi-use as outlined below.**
 - a. Primary multi-use paths shall be in the alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan to the greatest degree practical unless, with consideration of recommendations from the Bend Park and Recreation District, an alternate alignment is approved by the City through the development review process.**

FINDING: The City, through review of the submitted documents including the submitted Transportation Facilities Report prepared by Joe Bessman (Transight Consulting) and in coordination with the BPRD, approves of the realignment of the east-west low-stress multi-modal facility. As described above in this staff recommendation, the topography of the site precludes a direct route between NW Regency Street and NW Shevlin Bluffs Drive. The proposed location of the multi-use pathway extends the length of NW Skyline Ranch Road, as well as connecting NW Regency Street to the roundabout at the intersection of NW Skyline Ranch Road and NW Shevlin Park Road.

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

FINDING: As noted above, the topography of the subject property precludes the provision of connector paths where block length exceeds the maximum length required. The proposed Talline master plan code exempts the master plan from maximum block length requirements. Additional review of the potential connections will be assessed during tentative plan review, however, per the information submitted with the application, grades and slopes may prohibit satisfaction of these requirements.

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

FINDING: The proposed multi-use path will be dedicated and constructed in accordance with the City's Design Standards and Construction Specifications. Detailed construction plans will

be developed for the future tentative plan submittal, but conceptual plans submitted with the application indicate compliance with City Standards and Specifications.

3.1.400 Vehicular Access Management.

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

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

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

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

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

FINDING: No new access is proposed for the master plan area. Therefore, no permission to access City streets is required for the master plan. Extensions of existing streets (NW Skyline Ranch Road, NW Regency Street, NW Polarstar Street, NW Nordic Avenue, and NW Shevlin Bluffs Drive) is proposed and all streets will be designed and constructed to City standards. Access to the new streets from individual lots in the future subdivision will be reviewed during right of way and building permit processes. No vehicular access from Skyline Ranch Road to abutting lots will be allowed excepting certain identified lots which will be required to supply a type of vehicular maneuvering area on private property to ensure vehicles do not back into the street. These standards can be met.

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

FINDING: The proposed master plan includes the extension of Skyline Ranch Road in accordance with the adopted TSP. Further, the Westside Infrastructure Group Development Agreement (WIG DA) approved under City file PZ 18-0696 (Ordinance No. NS-2316, effective November 16, 2018) includes a transportation impact analysis and findings demonstrating compliance with BDC Chapter 4.7. The City Engineer reviewed the TIA in a Transportation Analysis Memo dated August 3, 2018. City findings in support of PZ 18-0696 and the resulting improvements specified in the WIG DA demonstrate compliance with BDC Chapter 4.7. In

particular, Section 5.2 of the WIG DA notes:

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

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

FINDING: No additional conditions are necessary at the master plan stage for conditions of approval imposing any of the above standards. Future reviews on subsequent phases of the master plan will be reviewed for conformance, and conditions are to be applied as appropriate.

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

1. Except as authorized under subsection (F)(4) of this section, lots and parcels in all zones and all uses shall have one access point. Single-family dwellings on corner lots at the intersection of two local streets may have one access point per frontage.
2. If a lot or parcel has frontage on two or more streets of different street classifications, the property shall access the street with the lowest classification.
3. For lots or parcels abutting an alley, access may be required to be taken from the alley. Outside of the Downtown Wall Street/Bond Street couplet, the City may determine that an alley is not an adequate roadway for primary access if both of the following criteria are met:
 - a. The alley does not provide adequate or sufficient access to the proposed development; and
 - b. Access to the higher classification roadway will be safe.
4. **Additional Access Points.** An additional access point may be allowed when it is demonstrated that the additional access improves on-site circulation, and does not adversely impact the operations of the transportation system. If the second access point is only available to an arterial or collector roadway, the City may require one or more of these conditions of approval:

- a. Locating the access the maximum distance achievable from an intersection or from the closest driveway(s) on the same side of the street;
- b. Installation of turn restrictions limiting access to right-in and right-out when the new access would be located within 200 feet of an existing or planned traffic signal or roundabout and no left turn lane exists to accommodate left turn storage on the arterial or collector;
- c. Establishing a shared access with an adjoining property when possible; and/or
- d. Establishing a cross access easement with an adjoining property when possible.

5. **Access Spacing Requirements.** The maximum distance achievable between two driveways or a driveway and an intersection shall be provided. Access spacing shall accommodate City of Bend Standards and Specifications for curb reveal between driveway apron wings.

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

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

FINDING: No vehicular access will be allowed from Skyline Ranch Road to abutting lots. All single-unit dwellings will access rear alleys or local streets.

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

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

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

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

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

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

FINDING: Specific driveway locations will be determined during the right of way and building permit process. No private streets are proposed within the master plan area. Alleys or cul-de-sacs are proposed to provide rear lot access to certain lots fronting NW Skyline Ranch Road. All driveway locations will be reviewed by the City during the future building permit processes.

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

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

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

FINDING: The proposed master plan includes lands zoned Residential Low Density (RL), Residential Standard Density (RS) and Commercial Convenience (CC). Therefore, certain developments in the CC zone may require cross-access pending site designs to be reviewed with future development. However, no cross-access is proposed with this application.

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

1. **Single-unit detached dwellings must have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads; however, the driveway opening or connection to the street cannot be wider than 24 feet. For townhomes, see BDC 3.6.200(D), Townhomes, and for duplexes and triplexes, see BDC 3.6.200(H), Duplex, Triplex and Quadplex Development.**
2. **Multi-unit developments must have a minimum driveway opening width of 20 feet, and a maximum width of 30 feet. The dimension may exceed 30 feet if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.**
3. **Other Uses. Access widths for all other uses must be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces must conform to the parking area standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 35 feet.**
4. **Driveway Aprons. Driveway aprons must be installed between the street and the private drive. Driveway apron design and location must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways.**

FINDING: Specific driveway locations and designs will be determined during the building permit process. No new private streets are proposed within the master plan area. All driveway locations will be reviewed by the City during the future building permit processes.

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

FINDING: The applicant has not proposed any deviations from this requirement. As such, the applicant will be subject to the regulations in effect at the time of tentative plan review. Phases 1 and 4 of the proposed master plan does include a turnaround area at the terminus of an alley, which will be reviewed at the tentative plan review stage. The Traffic Analysis Memo (PRTFR20215212) acknowledges these alleys, and includes a condition addressing the requirement for a turnaround meeting the City of Bend and Oregon Fire Code standards. These turnarounds are to be reviewed at the tentative plan stage, however, the standards of this section can be met.

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

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

- K. **Barricades. Except as otherwise provided in an approved Master Planned Development, gates, barricades or other devices intended to prevent vehicular**

and/or pedestrian access shall not be installed across any approved driveway or private street that provides access to multiple properties except when required by the City to restrict vehicle access to an arterial or collector street.

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

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

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

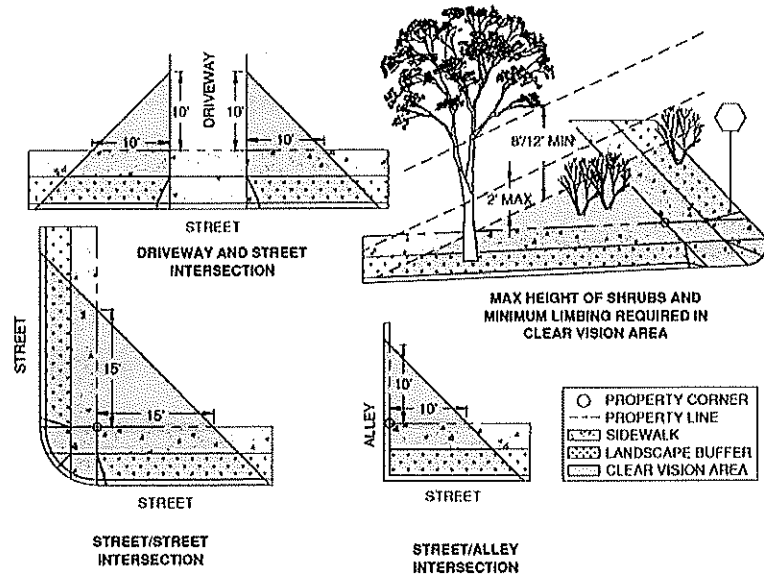
FINDING: The applicant has not proposed any deviations from this requirement regarding surface options. As such, the applicant will be subject to the regulations in effect at the time of tentative plan review. However, the draft Talline Development Code (Exhibit J) details special drainage mitigations within the SLO.

3.1.500 Clear Vision Areas.

- A. Purpose.** Clear vision areas are established to ensure that obstructions do not infringe on the sight lines needed by motorists, pedestrians, bicyclists and others approaching potential conflict points at intersections.
- B. Applicability.** In all zones except the CB Zone, clear vision areas as described below and illustrated in Figure 3.1.500.A must be established at the intersection of two streets, an alley and a street, a driveway and a street or a street and a railroad right-of-way in order to provide adequate vision of conflicting traffic movements as well as street signs. These standards are applicable to public and private streets, alleys and mid-block lanes, and driveways.
- C. The following standards apply to clear vision areas:**
 - 1.** The clear vision area is in the shape of a triangle and extends across the corner of private property to the face of curb at the street or alley as shown in Figure 3.1.500.A. The two legs of the clear vision triangle are each measured from the point of intersection of the two corner lot lines, special setback lines, or access easement lines. Where lot lines have rounded corners, the lot lines are extended

in a straight line to a point of intersection. Measurements along a driveway are taken at the edge of pavement.

Figure 3.1.500.A.



2. The following measurements define the clear vision areas:

Table 3.1.500.B

Intersection at a Street and the following:	Minimum Distance of Triangle Side
Street	15 feet
Alley	10 feet
Driveway	10 feet
Railroad	15 feet

3. Unless exempted below, there must be no fence, wall, vehicular parking, sign, building, structure, or any other obstruction to vision within the clear vision area between the height of two feet and eight feet above the top of the curb. In cut sections, embankments must be graded to comply with these requirements. Shrubs or foliage must not exceed two feet in height. Existing trees must be limbed to a minimum of eight feet above the top of curb or 12 feet above adjacent bike lanes. New trees are not permitted within the clear vision area.

a. Exemptions.

i. Street sign, post or pole (e.g., power, signal, or luminaire pole).

ii. Any private post or pole eight inches or less in diameter (width or length).

4. Driveway approaches and driveways are not permitted within the clear vision area. On-street parking is not permitted within 20 feet of an accessible ramp or within 10 feet of a driveway approach.

5. Additional clear vision areas may be required as directed by the City Engineer.

D. The City Engineer may modify the clear vision area requirements upon written request by the applicant if, in the City Engineer's determination, the construction within this triangle will not adversely impact traffic or pedestrian safety. Reasons for the modification(s) are limited to special circumstances such as the existence of available right-of-way in excess of City standards, curb extensions, or unique traffic flow (one way)

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

CHAPTER 3.2 LANDSCAPING, STREET TREES, FENCES AND WALLS

3.2.400 Street Trees.

This section sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. Except for BDC 3.8.400(A), Mid-Block Development, and 3.8.1000, Shared Courts, street trees must be planted for developments subject to BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments for residential land divisions and BDC 4.2.500, Site Plan Review. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. Street trees must conform to the following standards and guidelines:

- A. City of Bend Approved Tree List. The City has developed a list of desirable trees for planting along streets in three size classes: low, medium and tall. Choices of trees are limited to the following list. Exceptions may be granted by the Planning Director.**

Street trees must be those species suitable for the location in which they are placed. Typically, trees with a hardiness rating for zones 1 through 5 will survive in Central Oregon as long as irrigation is provided. Approved tree species include:

1.	Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines or in small planting areas less than four feet width:	
	Amur Maple/Acer ginnala	Hawthorn/Crataegus variety
	Canada Red Cherry/Prunus virginiana 'Shubert'	Japanese Lilac Tree/Syringa reticulata
	Eastern Redbud/Cercis canadensis	Serviceberry/Amelanchier
	Flowering Crabapple/Malus variety (choose fruitless varieties)	
2.	Trees with Medium Mature Tree Height (30 to 45 feet):	
	American Hornbeam/Carpinus caroliniana	Hedge Maple/Acer campestre
	Callery Pear/Pyrus calleryana	Mountain Ash/Sorbus acuparia variety
	Hackberry/Celtis occidentalis variety	
3.	Tall Mature Tree Height (50 feet or larger) to be used along collector and arterial streets to create a canopy over the roadway:	
	Green Ash/Fraxinus pennsylvanica	Pin Oak/Quercus palustris
	Honey Locust/Gleditsia tricanthos variety	Red Maple/Acer rubrum variety
	Littleleaf Linden/Tilia cordata	Red Oak/Quercus rubra
	Norway Maple/Acer platanoides variety	Pin Oak/Quercus palustris
	Green Beech/Fagus sylvatica	
4.	Other Tree Species: Multi-trunk and weeping varieties are not appropriate as street trees. The Review Authority may approve other tree species as necessary to achieve the purposes of this code.	
5.	Where the City has adopted a Street Tree Master Plan, those trees identified in the master plan must be used.	

B. Growth Characteristics. Trees must be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy tree variety unless limited by overhead clearance.
2. Use lower-growing or open-branched trees for spaces under utility wires.
3. Select trees that can be "limbed-up" where vision clearance is a concern.
4. Use narrow or "columnar" trees where awnings, other building features, or narrow sidewalks limit growth, or where greater visibility is desired between buildings and the street.
5. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
6. Select trees that are well adapted to the local environment, considering soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
7. Select trees for their seasonal color, as desired.

8. Use deciduous trees for summer shade and winter sun.
- C. **Caliper Size.** The minimum caliper size at planting must be two inches measured at four feet above ground. If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the Planning Director/Review Authority may accept a smaller caliper tree no less than one and one-half inches.
- D. **Spacing and Location.** Street trees must be planted within existing and proposed planting strips or in City-approved sidewalk tree wells on streets without planting strips. Where the landscape strip and/or sidewalk is not wide enough to accommodate street trees the Planning Director may allow the street trees to be planted within five feet from the back of the sidewalk. Where practical, small stature trees must be planted no closer to the curb or sidewalk than three feet, medium trees – three feet and large trees – four feet. Root barriers may be required with street tree planting to protect the City's curb and sidewalk. Street tree spacing must be based upon the type of tree(s) selected and the canopy size at maturity. Small canopy trees and columnar shaped trees must be planted no further than 25 feet apart; medium and large canopy trees must be planted no further than 35 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A random spacing of street trees may be approved for the equivalent number of trees required for the length of the frontage. Street trees must be planted no closer than 35 feet from a stop sign.
- E. **Sidewalk Tree Wells.** Street trees planted within sidewalk tree wells must be installed with a City-approved tree grate.
- F. **Soil Preparation, Planting and Care.** The developer is responsible for planting street trees, including, but not limited to, soil preparation, ground cover material, staking, and irrigation. The developer is also responsible for tree care (pruning, watering, fertilization, and replacement as necessary) for a minimum of one full growing season after planting unless an extended maintenance time is required.
- G. **Assurances.** If the street trees are not otherwise covered by a maintenance bond for public infrastructure, then the Planning Director may require the owner/developer to provide a performance and maintenance bond in an amount equal to 120 percent of the actual cost to purchase, plant and maintain for a minimum of one full growing season, to ensure the planting of the tree(s) and care during the first year after planting.
- H. **Utility Easements.** All street trees must be placed outside utility easements unless the utilities can be placed in a conduit for maintenance. If the existing parking/planter strip contains such easements and is not wide enough to also accommodate street trees, the street tree location requirement in subsection (D) of this section may be adjusted as approved by the Planning Director.

FINDING: The submitted sheet *P04 PRELIMINARY OPEN SPACE AND TRAIL PLAN* illustrates conceptual street-tree locations throughout the master plan area along all streets of all designations. The draft Talline Development Code (Exhibit J) proposes a deviation from

these standards, however, by exempting street trees along all lands designated for open space which is the area to be designated as a public park in coordination with BPRD. No other explicit open space is proposed, and the property only has frontage along NW Skyline Ranch Road, a designated collector street. The property is to be dedicated as a tract and eventually transfer under jurisdiction of the BPRD, whom is anticipated to develop a public park within this approximately 7.4-acre area. In researching other public parks in the City, many of them lack street trees along the frontage and compensate with additional on-site landscaping in a more purposeful layout to establish breaks and sightlines throughout the park. As such, it is reasonable to anticipate that the resulting layout of landscaping with this open space be the same or better as compared to a full row of street-trees. Street trees will still be required on the north side of NW Skyline Ranch Road, and other complementary landscaping may provide similar traffic-calming measures throughout the street-scape. Therefore, the deviation is considered reasonable. Otherwise, the street tree standards are to be reviewed and imposed upon subsequent tentative plan or other applicable development review types.

CHAPTER 3.3, VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

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

A. Off-Street Parking Requirements. The number of required off-street vehicle parking spaces is determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). In applying the exceptions and reductions listed in subsections (B), (C), and (D) of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces is rounded down to the nearest whole number

[...]

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

...

CHAPTER 3.4, PUBLIC IMPROVEMENT STANDARDS

3.4.200 Transportation Improvement Standards.

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

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

FINDING: All the proposed lots within the Talline development have frontage on, or access to, a proposed public street. The 2020 TSP identifies the extension of NW Skyline Ranch Road, a collector, on the subject property. The proposed master plan includes this extension as well as the extension of all existing streets abutting the subject property, including NW Regency Street, NW Polarstar Street, NW Nordic Avenue and NW Shevlin Bluffs Drive in compliance with City standards. NW Regency Street is being extended/constructed as an adjacent street outside the project boundary, as the current terminus of the right of way is stubbed to the property, but the street is unimproved for approximately 850 linear feet from the Talline boundary east to Quail Park (BPRD-operated park). This road is a critical accessway to address the approved layout of the TSP as an east-west connection and to address the 'notch' in the City's boundary per BCP Policy 11-130. Therefore, these standards can be met.

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

FINDING: The proposed streets were designed in accordance with BDC 3.4. Public street right-of-way will be dedicated to the City, as required by code. The applicant has proposed a deviation from this right-of-way requirement for NW Skyline Ranch Road (70 to 73 feet instead of 80 feet) and NW Regency Street (70 feet instead of 80 feet) as noted in the proposed code, and supported by the WIG DA (Exhibit L). Topography throughout the site warrants deviations from the code herein, and in certain instances, a wider than standard alley (25 feet instead of 20-feet) for adequate access to certain lots. As such, the applicant will necessarily be subject to the regulations then in effect at the time of subdivision review for each phase of the project.

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

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

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

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

FINDING: New streets within the Talline master plan are proposed to be public, which are required to comply with Table A of Section F below.

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

...

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

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Max. Grade (3)	Sidewalks Both Sides	Bike Lanes	Curbs
Minor Arterial	100'	76'	5'	6%	Yes	Yes	Yes
Major Collector	80'	56'	5'	8%	6'	Yes	Yes
Local Street (1) UAR, RL, RS, RM-10	60'	24'/28'/32'	5'	10%	5'	No	Yes
Cul-de-Sac All Residential Zones	60'	24'	5'	10%	5'	No	Yes
Alley	20'	20'	No	10%	None	No	No

Requirements:

1. Local Streets:
 - a. 24-foot-wide street – No parking allowed on either side of the street.
 - b. 28-foot-wide street – Parking allowed on one side.
 - c. 32-foot-wide street – Parking allowed both sides in UAR, RL, RS, and RM-10 Zones.
 - d. 36-foot-wide street – Parking allowed both sides in RM and RH Zones.
 - e. Special street widths (see subsection (J) of this section)
2. Expressways and arterials that are Oregon Department of Transportation (ODOT) facilities shall meet ODOT design standards.
3. See Table E for grade exceptions in steep terrain areas.

Table B: Improvement Standards for Dedicated Public Roadways in Commercial Zones (CB, CC, CL, CG, ME, MR, PF and PO)

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Minimum Turn Lane/Median Island Width	Max. Grade (3)	Direct Site Access	Sidewalks Both Sides	Curbs
Minor Arterial	100'	56'	5'	11'/16'	6%	No	6'	Yes
Major Collector	80'	56'	5'	11'/16'	6%	No	6'	Yes
Local	60'	36'	5'	None	10%	Yes	5'	Yes

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Minimum Turn Lane/Median Island Width	Max. Grade (3)	Direct Site Access	Sidewalks Both Sides	Curbs

Requirements:

1. The first dimension is the minimum required width of the turn lane while the second dimension applies to the raised median width constructed between intersections:
 - a. Intersection turn lane pocket width is 11 feet while the median end cap width is five feet in width.
2. See: Table E for grade exceptions in steep terrain areas.
3. Expressways and arterials that are Oregon Department of Transportation (ODOT) facilities shall meet ODOT design standards.
4. Alleys are not required in Commercial Zones.

Table E: Improvement Standards for Dedicated Public Roadways on Hillside

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Max. Grade (3)	Sidewalks Both Sides Curb Tight	Bike Lanes	Curbs
Major Collector (All Zones)	80'	56'	8%	6'	Yes	Yes
Local: RS	60'	24'/28'/32' (3)	10%	5'	No	Yes
Local Cul-De-Sac	60'	24'/28'/32' (3)	10%	5'	No	Yes
Alley	60'	20'	10%	None	No	No

Requirements:

1. Hillside street standards apply to those portions of streets constructed on existing slopes exceeding 15 percent.
2. Planter strips are not required on those portions of the street that qualify for hillside standards.
3. Local Streets:

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

FINDING: The submitted sheet *P08 Preliminary Street Cross-Sections* illustrates all proposed streetscapes within the Talline master plan. The local streets in the master plan area are shown on the plans with 60-foot rights-of-way, in compliance with this requirement excepting one loop street designated as a 'low volume local street', which will supply access to a small number of lots near the terminus of NW Skyline Ranch Road to the north. All streets include curbs and variable-width planter strips and (at least) 5-foot sidewalks. All of the streets are proposed to be constructed with 32 feet of asphalt, excepting that the one low-volume local street which proposes 28-feet of asphalt width. As noted in findings above, the Talline master plan modifies the collector standards to accommodate the significant topography and to slow speeds on this corridor, matching the corridor characteristics from the Discovery West master plan and the Treeline master plan. The development proposes alleys for rear lot access in certain areas with an asphalt width of 16.2-feet. where topography presents constraints. The one arterial, NW Shevlin Park Road, is proposed with the requisite right of way width, but is variable with regards to pavement width and sidewalk width. The minimum rights-of-way and street sections are set forth below and will be codified in BDC 2.7. These street improvements and proposed dimensions of all elements have been reviewed by the City Engineer and determined appropriate in the context of the design and the constraints to the site thereon.

STREET LEGEND AND SPECIFICATIONS									
LEGEND	STREET TYPE	RIGHT-OF-WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANTER WIDTH	MULTI-USE PATH WIDTH	SIDEWALK WIDTH
	MINOR ARTERIAL	100 FT	48 FT	12 FT	6 FT	N/A	VARIES	N/A	VARIES
	NEIGHBORHOOD COLLECTOR	70 FT	36 FT	12 FT	6 FT	N/A	VARIES	10 FT	6 FT
	COLLECTOR	VARIES (70 FT-73 FT)	40 FT	11.5 FT	6 FT + 2.5 FT BUFFER	N/A	VARIES	*8/10 FT	6 FT
	COLLECTOR W/ PARKING BAY	VARIES (70 FT-80 FT)	48 FT	11.5 FT	6 FT + 2.5 FT BUFFER	8 FT	VARIES	*8/10 FT	6 FT
	LOCAL STREET	60 FT	32 FT	16 FT	N/A	N/A	VARIES	N/A	5 FT
	LOW VOLUME LOCAL STREET	50 FT	28 FT	14 FT	N/A	N/A	5 FT	N/A	5 FT
	PUBLIC ALLEY	VARIES (20 FT-25 FT)	16.2 FT	16.2 FT	N/A	N/A	N/A	N/A	N/A

**Street Specifications in submitted sheet P07 PRELIMINARY STREET CIRCULATION PLAN*

G. Traffic Controls.

1. Traffic signals/roundabouts shall be required and installed in accordance with BDC Chapter 4.7, Transportation Analysis, with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the

timing of improvements shall be included as a condition of development approval.

FINDING: The Westside Infrastructure Group Development Agreement (WIG DA - Ordinance No. NS-2316, effective November 16, 2018, City file #PZ 18-0696) obligates certain improvements commensurate with specific thresholds for development impacts within the Shevlin Area, where the Talline master plan is proposed. As such regarding off-site improvements, a single-lane roundabout has been identified at the intersection of NW Skyline Ranch Road and NW Shevlin Park Road to be constructed, as well as the extension of NW Regency Street. The timing of this roundabout is imperative to the overall function of the site and transportation system at large, and as such a condition of approval from the submitted TAM (PRTFR202105212) addresses this roundabout directly with the following language in mitigation 7:

A single-lane roundabout shall be constructed at the intersection of Skyline Ranch Road and Shevlin Park Road. The roundabout shall be constructed prior to final plat of the residential phase or certificate of occupancy of the commercial building that will produce the 237th P.M. Peak-hour trip(s) or when the connection from Skyline Ranch Road is made. All right of way dedication will be required to encompass the roundabout.

Furthermore, the extension of Regency Street is critical to the connectivity of the site at large, and to establish the required multi-modal pathways reviewed throughout this recommendation. The applicant in coordination with the City has submitted a revised draft code (submitted March 7, 2022) which clearly defines the improvements in relation to the corresponding impact from the development. The draft code language detailing these obligations is as follows, reiterating (and thus codifying) those triggers identified in the WIG DA:

2.7.XXXX Transportation Mitigation Plan.

- A. Applicability. The following Transportation Mitigation Plan applies to all development within the Talline Master Planned District.*
- B. Alternate Transportation Design Standards. Transportation facilities within the Talline Master Planned District must comply with the standards set forth in BDC 2.7.XXXX and Figure 2.7.XXXX.*
- C. Transportation Mitigation. The following transportation mitigation measures must be constructed pursuant to the schedule set forth in the Westside Infrastructure Group Development Agreement (Ordinance NS-2316), summarized in Table 2.7.XXXX below.*

Table 2.7.XXXX – Transportation Mitigation

Mitigation Requirement	Trigger
<i>Dedicate NW Shevlin Park Road right-of-way and construct a single-lane asphalt roundabout at Skyline Ranch Road and Shevlin Park Road</i>	<i>Prior to platting or improvement of lots that represent 237 PM peak hour trips</i>
<i>Construct Regency Street to the Neighborhood Collector section in Table 2.7.XXXX from its current improved terminus to the Master Plan</i>	<i>Prior to platting of the phase that includes the segment of Regency Street intersecting the eastern boundary of the Talline Master Plan</i>

boundary (± 850 feet).	
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As such, the timing of this roundabout and the extension of Regency Street will be imposed through review of the subsequent tentative plans within this Talline master plan in accordance with this schedule. The connection to NW Shevlin Park Road is anticipated to be made with the first phase as shown on the submitted sheet *P05 Preliminary Phasing Plan*, whereas the NW Regency Street extension is anticipated with the Phase 4 development.

L. Sidewalks, Planter Strips, Curbs, Bicycle Lanes. Sidewalks, planter strips, curbs and bicycle lanes must be installed in conformance with the applicable provisions of the Bend Urban Area Transportation System Plan, the Bend Comprehensive Plan, City of Bend Standards and Specifications and the following standards:

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

FINDING: All streets in the master plan area are proposed to be public streets. Sidewalks at least 5-feet in width with curbs are proposed on all streets. Planter-strip widths vary due to topography throughout the site. Pedestrian traffic is anticipated to be significant through the site due to the creation of the low-stress pathway connecting NW Regency Street with the future roundabout at NW Skyline Ranch Road and NW Shevlin Park Road. Bicycle lanes 6-feet in width are proposed along all arterial and collector streets. Along Skyline Ranch Road, 6-foot sidewalks, or a 10-foot asphalt multi-use path along the south portion, are proposed. NW Regency Street proposes an 8 to 10-foot multi-use path, the deviation being due to the significant topography going uphill to the east as it connects to the stubbed right of way. A condition of approval from the submitted TAM (PRTFR202105212) notes that all sidewalks are to be property tight, excepting those areas where existing trees and utilities must be avoided, where 15-percent slopes are present within existing terrain, where parking is permitted along Collector streets and where a 4-foot landscape strip may not be maintained.

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

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

N. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a

property are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with Tables A through E in this section.

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

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

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

FINDING: The proposed master plan includes two cul-de-sacs, which terminate with a circular turnaround. The cul-de-sacs are necessary due to significant topography in specific areas as identified on the plans. Topographical constraints beyond the cul-de-sacs is such that construction of a roadway extension is not feasible. The cul-de-sacs must meet the requirement of the City of Bend and Fire Code standards.

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

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

FINDING: All streets are proposed to conform to City specifications. While the site warrants streets with steep grades due to topography, the City Engineer has reviewed the tentative street layout and indicated the proposed deviations are appropriate for the site due to these constraints.

Q. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and

Circulation, City of Bend Standards and Specifications and the following standards:

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

FINDING: All the proposed streets include concrete curbs, designed to City Standards and Specifications. Curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches will be designed during the tentative plan process and subsequent construction plans. The applicant has not proposed any deviations from City standards for these elements.

S. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall provide access to/from the arterial consistent with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, and City of Bend Standards and Specifications.

FINDING: The Talline master plan project area adjoins with NW Shevlin Park Road, a designated minor arterial. The interface of this intersection and the extension of the collector street (NW Skyline Ranch Road) has been identified for improvements with a single-lane roundabout to be constructed concurrently with this master plan. One new street access aside from this collector connection is proposed further northwest along the arterial roadway, at least 500-feet away from the planned roundabout. Therefore, the standards of BDC 3.1 may be met.

T. Alleys, Public or Private. Alleys must conform to the standards in Tables A through E in this section. While alley intersections and sharp changes in alignment must be avoided, the corners of necessary alley/alley intersections must have an inside radius of not less than 14 feet, except where Fire Department access is required, the inside radius must not be less than 30 feet. Right-of-way dedication for public alleys or roadway dedication for private alleys will be increased to match the pavement width. Private alleys must contain a public access easement for the entire width of the pavement and for the entire length of the alley.

FINDING: The alleys proposed within the master plan meet the standards of Tables A-E above excepting the asphalt width which is reduced to 16.2-feet due to topography constraints. The alleys proposed within those lands zoned RS on the Preliminary Zoning Map have turning radii that will be reviewed with future tentative plan submissions. No private alleys are proposed.

3.4.300 Public Use Areas.

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

A. Neighborhood Parks. The following standards will be used to evaluate a proposed development to determine if the property includes an area that is suitable for a neighborhood park. Upon meeting these standards, the developer shall enter into

negotiations with the Bend Metro Park and Recreation District regarding district purchase of land within the property proposed for development for construction of a neighborhood park.

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

FINDING: As noted in BDC 4.5.200, the applicant is required to reserve 10% of the total project area for open space, which will be managed by the Bend Parks and Recreation Department pending future coordination per the submitted coordination letter.

B. Dedication Requirements.

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

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

FINDING: The submitted Exhibit G indicates that the BPRD intends to develop a public park in those lands identified as a neighborhood park on the submitted Preliminary Master Plan. The City may require dedication or reservation within this area as reviewed through the subsequent tentative plans, and the applicant has indicated the desire to transfer the lands to the BPRD at the appropriate time.

3.4.400 Sanitary Sewer and Water Service Improvements.

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

FINDING: The Westside Infrastructure Group Development Agreement (WIG DA) approved under City file PZ 18-0696 (Ordinance No. NS-2316, effective November 16, 2018) includes review of the local capacity of sewer and water infrastructure, and confirmed adequate capacity exists provided certain conditions are met. The applicant submitted a sewer and water capacity analysis with estimated flows and mainline locations to the City for review. On November 1, 2021, the City provided a signed UAM Certificate (PRSWA202102270), approving the proposed water and sewer facilities, with conditions. This water and sewer analysis, mapping, UAM Certificate and supporting documentation is included in the application. Detailed infrastructure construction plans will be submitted and reviewed as part of the future tentative plan application, and will address the mitigations required in the Utility Availability Memo.

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

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

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

FINDING: The applicant submitted a water and sewer capacity analysis with estimated flows and pipe sizes to the City for review. On November 1, 2021, the City provided a signed UAM Certificate (PRSWA202102270), approving the proposed water and sewer facilities, with conditions. This water and sewer analysis, mapping, UAM Certificate and supporting documentation are included in the application. Both this criterion and the WIG Development Agreement provide allowances for system development charge credits for oversized water and/or sewer facilities, for which the developer plans to pursue at the appropriate time.

3.4.500 Storm Drainage Improvements.

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

E. Easements for Developed Drainage Facilities. Where new drainage facilities are provided that include elements located outside the dedicated public right-of-way, such facilities shall be located within an area provided for in a recorded easement. The easement shall be adequate for conveyance and maintenance as determined by the City Engineer.

FINDING: The proposed Talline master plan code indicates that on-site surface water drainage, including drainage from private roofs and public rights-of-way, may be conveyed to a public street storm drain system within the public right-of-way for private treatment and disposal, or to stormwater facilities located in a tract. Conveyance must be contained within the same or previously developed subdivision phase.

3.4.600 Utilities.

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

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

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

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

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

Comments from concerned neighbors related to the overhead power lines currently traversing the site as shown on the submitted sheet *P02 Existing Conditions an Ownership Map*. The standards of this section note that certain high-capacity electric lines operating at 50,000 volts or more may be placed above-ground. The submitted *Verification of Compliance Public Meeting Form* details the discussions between the applicants and neighbors, who voiced concerns about allowing these power lines to remain over-head. The documents indicate that coordination with the Pacific Power franchise utility company revealed that the voltage on these lines exceeds limits to be placed underground. Per the standards of this section, high-voltage lines may be placed above ground.

3.4.700 Easements.

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

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

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

FINDING: The applicant has received "Will Serve" letters from Pacific Power, Cascade Natural Gas, and Bend Broadband, which are included in Exhibit N of the application.

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

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

PLANNING COMMISSION RECOMMENDATION: Based on the application materials submitted by the applicant, the findings in this staff report which are based on the applicant's narrative addressing the relevant criteria for approval, the Planning Commission recommends that the City Council adopt an ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, to create the Talline Master Planned Development.