

ORDINANCE NO. NS- 2459

AN ORDINANCE TO AMEND BEND DEVELOPMENT CODE CHAPTER 2.7 TO ESTABLISH THE GATEWAY NORTH MASTER PLANNED DEVELOPMENT, AND TO AMEND THE BEND COMPREHENSIVE PLAN MAP AND THE BEND ZONING MAP TO REMOVE UPLAND AREA OF SPECIAL INTEREST #25 FROM THE GATEWAY NORTH SITE.

Findings

- A. On March 4, 2022, Powell Development Co. initiated an amendment to the Bend Development Code (BDC) Chapter 2.7, Special Planned Districts, to create the Gateway North Master Planned Development. The subject area is comprised of Tax Lots 100 & 102 on Deschutes County Assessor's Map #17-12-17A.
- B. On March 16, 2022, Powell Development Co. initiated an amendment to the Bend Comprehensive Plan Map and the Bend Zoning Map to remove Upland Area of Special Interest (ASI) #25 from the Gateway North site. The subject area is a portion of Tax Lot 100 on Deschutes County Assessor's Map #17-12-17A.
- C. On October 10, 2022, the Bend Planning Commission held a hybrid 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, B, and C, and the findings in Exhibits D and E.
- D. Public notice for the City Council hearing was provided in accordance with the requirements of BDC Sections 4.1.423-4.1.124. On October 21, 2022, the City of Bend Planning Division mailed notice of the City Council public hearing for this application to all property owners of record for properties within 500 feet of the subject site, as well as the representative for the Boyd Acres Neighborhood Association.
- E. The Bend City Council held a public hearing on November 2, 2022 to consider the Planning Commission's recommendation and closed the record, but did not conduct a first reading of the ordinance. The applicant subsequently requested that the record be re-opened pursuant to BDC 4.1.895. On November 16, 2022, the City Council reopened the record until November 30, 2022 for the limited purpose of addressing the applicant's revised request for deviations to the City's vehicle and bicycle parking standards. Rebuttal testimony was accepted until December 6, 2022, and oral testimony was accepted on December 7, 2022.
- F. The requested amendments approved by this Ordinance meet all applicable Bend Development Code criteria, policies of the Bend Comprehensive Plan, and applicable 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 and the Bend Zoning Map are amended as shown in Exhibits B and C.

Section 3. The City Council adopts and incorporates the Findings in support of this ordinance as contained in Exhibits D and E.

First reading: December 7, 2022.

Second reading and adoption by roll call vote: December 21, 2022.

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



Gena Goodman-Campbell, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to Form:



Mary A. Winters, City Attorney

EXHIBIT A

Article XXVI. Gateway North Master Planned Development

2.7.4500 Gateway North Master Planned Development.

2.7.4510 Purpose.

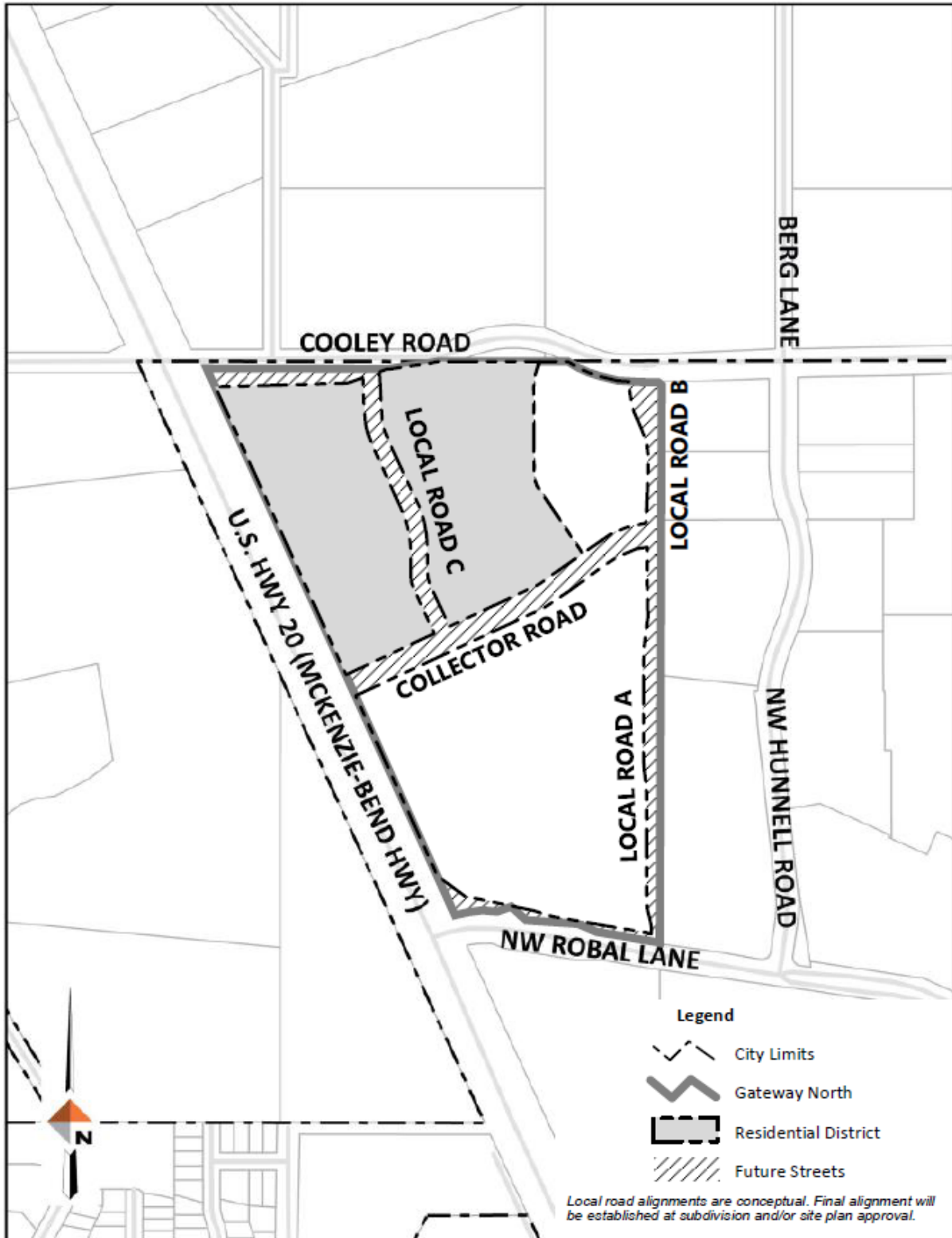
The purpose of the Gateway North Master Planned Development is to create a major employment master plan consisting of a coordinated horizontal mixed-use development with special development standards for the residential and commercial uses that implement the Bend Comprehensive Plan policies within the Gateway North Master Plan area. The development standards in this article will:

- A. Create opportunities for a horizontal mixed-use development that will provide a balanced mix of residential uses, employment opportunities, and service commercial businesses.
- B. Identify and coordinate street and utility locations.
- C. Ensure compatibility of uses within the development and with the surrounding area that minimize off-site impacts associated with development.
- D. Establish an interconnected street system consistent with the Transportation System Plan with cross-sections that consider the natural and built environment, adjacent land uses, and regional connectivity needs.
- E. Create safe and convenient pedestrian and bicycle circulation and trail connections.

2.7.4520 Applicability.

The Gateway North Master Planned Development standards apply to the approximately 52 acre property identified in [Figure 2.7.4520](#), generally located south of Cooley Road, north of NW Robal Lane, east of U.S. Highway 20, and west of NW Hunnell Road. The special standards of the Gateway North Master Plan supersede the standards of the underlying zone. Where there is a conflict between the provisions of the BDC and those of the underlying zone or other provisions of the Development Code, the provisions of the Gateway North Master Planned Development will control. The standards in the underlying zone only apply where referenced or where no Gateway North Master Planned Development standards exist.

Figure 2.7.4520 – Gateway North Master Planned Development



2.7.4530 Definitions.

For the purpose of the Gateway North Master Planned Development, the following definitions apply in lieu of those described in BDC Chapter 1.2, Definitions:

- A. **Horizontal mixed-use development** means a development that includes both commercial and residential land uses that are coordinated within the master plan development and interconnected with an internal and perimeter pedestrian walkway system. Commercial and residential uses may both occupy ground-floor space without size or floor area limitations and do not need to be integrated within a single structure for the development to be considered mixed-use.
- B. **Age-restricted multi-unit residential** means a multi-unit development intended for seniors 55 years or older.
- C. **Site** means an individual lot or parcel that is subject to a permit application under the Bend Development Code. Adjacent individual lots or parcels under common ownership may be reviewed as a single site if requested by the applicant.

2.7.4535 Districts.

- A. *Residential District.* The Gateway North Residential District, as shown on **Figure 2.7.4520**, is established for the purpose of applying minimum and maximum density standards only. All development standards identified within this Section are applicable within the Gateway North Residential District, and all uses listed as permitted or conditionally permitted within **Table 2.7.4500** are also allowed within the Gateway North Residential District subject to the provisions of this Section.

2.7.4540 Permitted and Conditional Uses.

- A. *Permitted Uses.* The land uses listed in **Table 2.7.4540** are allowed in the Gateway North Master Planned Development, subject to the provisions of this chapter. All other uses listed as permitted or conditionally permitted in the underlying zone in Table 2.3.200 are also allowed in the Gateway North Master Planned Development. Where there is a conflict between **Table 2.7.4500** and Table 2.3.200, **Table 2.7.4500** will control. All allowed uses may be permitted individually or as a part of a mixed-use development. Residential and retail sales and service use limitations per BDC 2.3.200(C)(1) and (2) do not apply within the Gateway North Master Planned Development.

Table 2.7.4500 – Permitted and Conditional Uses

Land Use	ME
Residential	
Townhomes*	P
Duplexes, triplexes and quadplexes*	P
Multi-unit residential*	P
Temporary housing*	P
Accessory dwelling units (ADU)*	P
Micro-units. See BDC 3.8.200*	P
Commercial	
Retail sales and service	P
Retail sales and service (auto dependent*)	P
Retail sales and service (auto oriented*)	P

Land Use	ME
Restaurants/food and beverage services	
- With drive-through*	P
- Without drive-through	P

Key to Permitted Uses

P = Permitted

N = Not Permitted

* Subject to special standards as described in BDC Chapter 3.6 and BDC 2.1.900, except as modified herein

2.7.4550 Special Development Standards.

The special development standards of the Gateway North Master Planned Development supersede the development standards of the underlying zone where they differ. Where no special development standards are provided, the applicable development standards of the underlying zone apply.

Table 2.7.4550 – Special Development Standards

Standard	ME
Minimum Front Setback	None
Maximum Front Setback	10 feet/100 feet/150 feet (see subsection (A)(1)(a) of this section)
Rear Setback	None/10 feet (see subsection (A)(2) of this section)
Side Setback	
Lot Coverage	None
Building Height	55 feet
Minimum Residential Density	See subsection (C) of this Section
Maximum Residential Density	
Block Length and Perimeters	No requirement

A. *Setback Standards.* The setbacks listed in **Table 2.7.4550** apply in the Gateway North Master Planned Development.

1. *Front Setbacks.*

a. *Setback Standards.*

- i. When the street fronting the development does not allow on-street parking, the maximum front setback of 100 feet applies. When on-street parking is permitted on the street fronting the development, the maximum front setback is 10 feet.
- ii. For multi-unit residential accessory uses or structures, such as clubhouses or leasing offices, the maximum allowed front setback is 150 feet.
- iii. *Exemption to Setbacks.* Auto dependent retail sales and service uses are exempt from minimum and maximum setback standards.

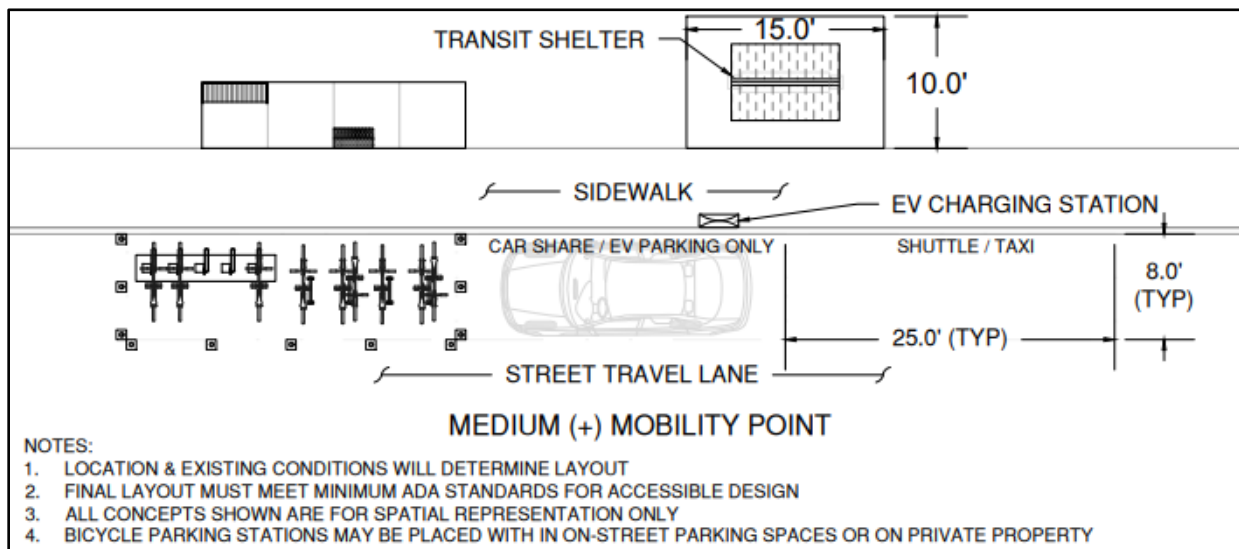
- b. *Maximum Setback Calculation.* Conformance with the maximum setback standard is achieved when one or both of the following is met:
 - i. At least 90 percent of the building elevation facing the street that is subject to the maximum setback standard is at or within the maximum setback.
 - (A) For retail sales and service uses that exceed 50,000 square feet ground floor area and are located on a multiple frontage site, the setback standard must be met for 100 percent of the building elevation facing the street that is subject to the maximum setback standard.
 - ii. Where more than one building is proposed on a site, no less than 40 percent of the site's frontage on a public or private street is occupied by one or more buildings that conform to the building setback and orientation standards of this chapter. However, this standard does not apply to sites that contain at least one retail sales and service use that exceeds 50,000 square feet ground floor area.
 - c. The maximum setback standard may be increased as necessary when an approved usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or a public square with seating) is provided between the building and front property line. (See also BDC 2.2.600, Commercial Design Review Standards, and 2.2.700, Pedestrian Amenities, for related building entrance standards.)
 - d. *Multiple Frontage Sites.* For buildings on sites with more than one frontage or through lots, the minimum front setback standards in [Table 2.7.4550](#) apply as follows:
 - i. For corner lots with two frontages, the maximum setback standards indicated in [Table 2.7.4550](#) applies to all street frontages.
 - ii. For through lots with two frontages, the maximum setback standards indicated in [Table 2.7.4550](#) applies to only one of the frontages; provided, that where the abutting streets are of different street classification, the maximum setback standard applies to the street with the higher classification.
 - iii. For properties with three or more frontages, the maximum setback must be met on two abutting frontages.
 - iv. Retail sales and service uses that exceed 50,000 square feet ground floor area must meet the setback standard on only one abutting frontage.
2. *Side and Rear Setbacks.* There is no side or rear setback required, except when abutting a Residential Zone. In such cases, the rear or side setback is 10 feet.
- B. *Building Height.* All buildings in the Gateway North Master Planned Development must comply with the height standard contained in [Table 2.7.4550](#).
 - C. *Minimum and Maximum Residential Density.* The following minimum and maximum residential density standards apply within the Gateway North Residential District, as identified on [Figure 2.7.4520](#).
 1. *Minimum Residential Density.* The Gateway North Residential District must provide at least 380 residential dwelling units. Compliance must be verified at the time of site plan approval for those uses.
 2. *Maximum Residential Density.* There is no maximum residential density within the Gateway North Residential District.

2.7.4560 Access and Parking

All development in the Gateway North Master Planned Development is subject the provisions of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, except as provided below. The following standards supersede those within BDC Chapter 3.3 where they differ:

- A. *Required Off-Street Vehicle Parking Spaces for Membership Only Retail Sales and Service Uses.* For membership only retail sales and service uses that exceed 150,000 square feet gross floor area and include associated carwash and fuel center uses, the maximum number of off-street parking spaces allowed is 867.
- B. *Minimum Number of Bicycle Parking Spaces.*
1. *Age-Restricted Multi-Unit Residential.* For age-restricted multi-unit residential uses, the minimum number of bicycle parking spaces is 56 covered spaces and 44 uncovered spaces. Covered bicycle parking spaces may be located within a dedicated room or located in a manner that is sheltered from sun and precipitation under an eave, overhang, independent structure, or similar cover. Additionally, a bicycle-share program must be provided with a minimum of 15 bicycles available to residents.
- C. *Mobility Point.* A Medium (+) Mobility Point, per City of Bend standard drawing R-50A and as shown in **Figure 2.7.4560**, shall be provided along Local Road 'C'.

Figure 2.7.4560 – Gateway North Medium (+) Mobility Point



2.7.4570 Architectural Standards

All development in the Gateway North Master Planned Development is subject to commercial design review, BDC 2.2.600, or BDC 2.1.900, Architectural Design Standards, for multi-unit residential uses, as applicable, and must be reviewed for conformance with the standards in this section unless otherwise specified in this code. The following standards supersede those within BDC 2.2.600(C) where they conflict:

- A. *Exterior Walls of Commercial Buildings.* Retail sales and services uses that exceed 50,000 square feet ground floor area must design walls that can be viewed from public streets to meet the following standards:

- i. At least three different building materials are used; and
- ii. At least three different colors are used; and
- iii. At least three of the following architectural features are incorporated.
 - (A) Stepped parapets
 - (B) Pilasters
 - (C) Trellises
 - (D) Arcades
 - (E) Freestanding structures

B. *Roofs of Commercial Buildings.* Retail sales and service uses that exceed 50,000 square feet ground floor area and include flat roof components that exceed 30 percent of the building elevations visible from the adjacent right-of-way must design flat roof components with a combination of stepped parapets, freestanding structures or attached trellis structures, and landscaping along the building elevation visible from the adjacent right-of-way.

2.7.4580 Site Layout and Building Orientation

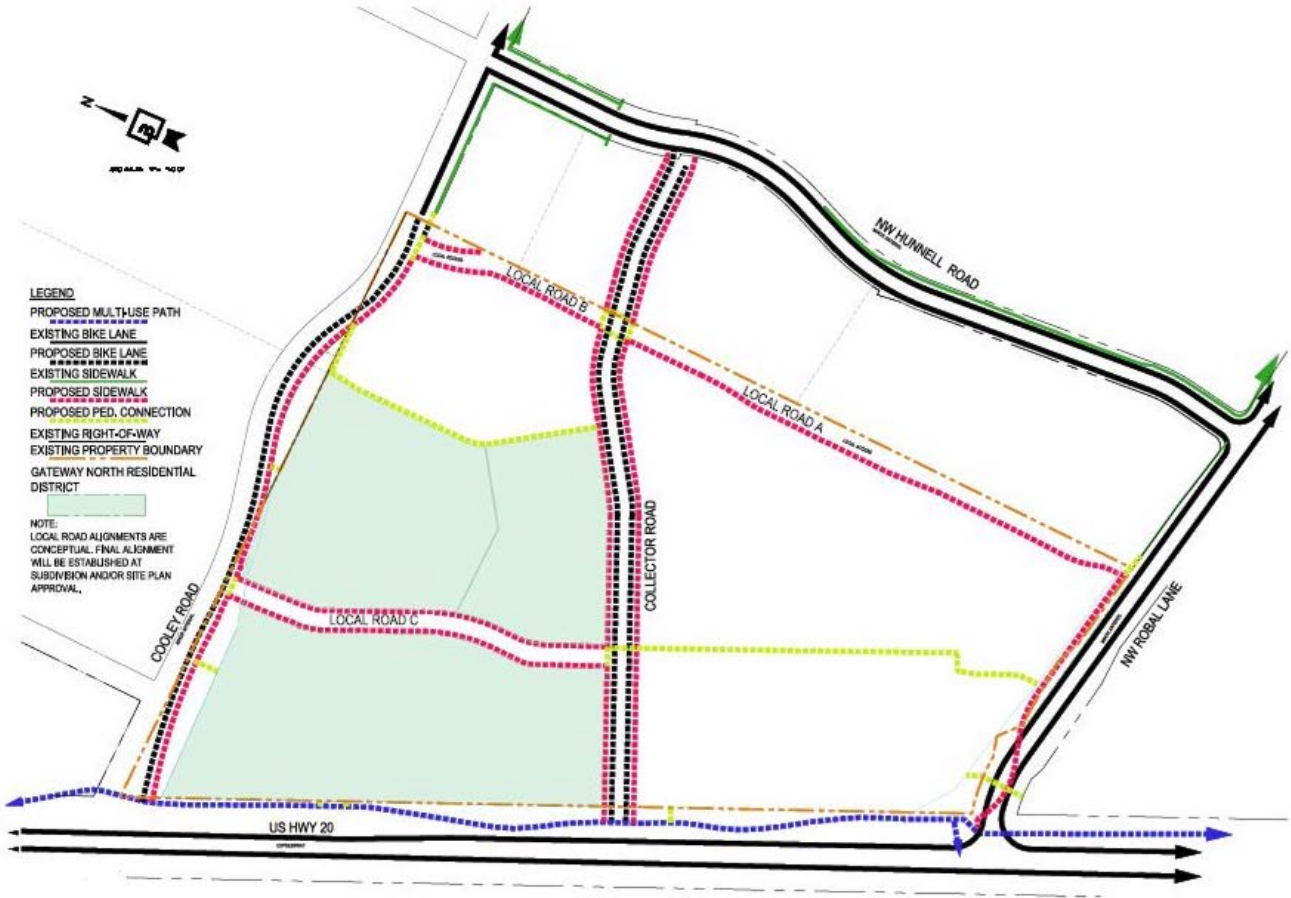
In addition to the site layout and building orientation standards of BDC 2.2.500, all of the following standards apply to new and expanded development within the Gateway North Master Planned Development, unless otherwise specified in this code, in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, bicycling and transit.

- A. *Exterior Site Layout.* In addition to meeting applicable access, circulation and lot design standards of BDC Chapter 3.1, new commercial developments must comply with the following standards:
 - 1. Usable pedestrian space must be provided. Usable pedestrian space means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development must provide street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal streets or drives.
 - 2. Shopping streets standards per BDC 2.2.500(C)(2), are not required within the Gateway North Master Planned Development.

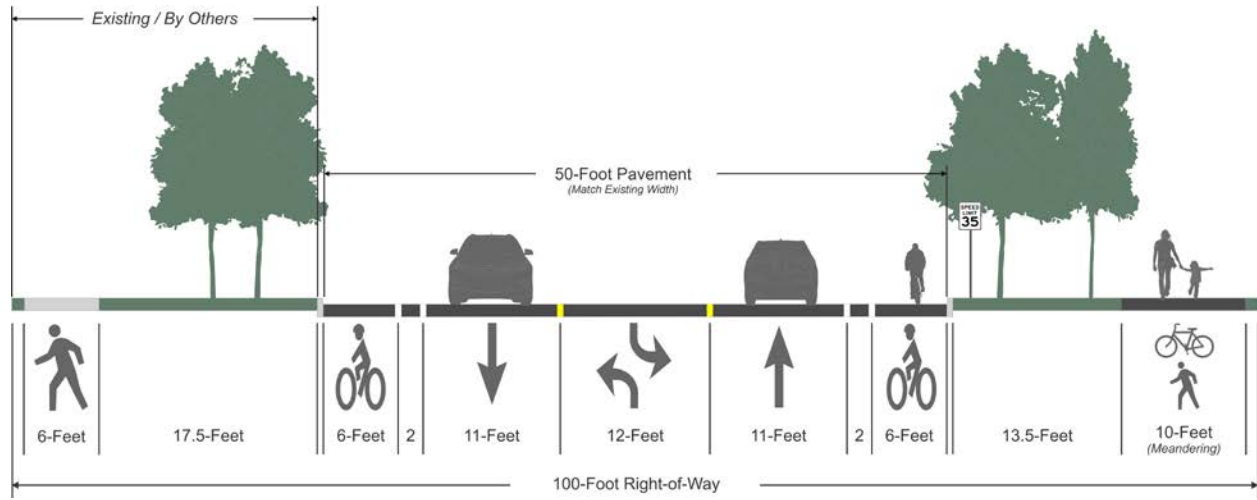
2.7.4590 Special Street Standards.

- A. **Figure 2.7.4590** depicts the street type, tentative street location and alignment in the Gateway North Master Planned Development and the specific street standards to correspond to each street type adopted for the development.
- B. Any City street standard adopted after the effective date of the ordinance that adopts this Section which permits a lesser street standard, may be applied to the Gateway Northern Master Planned Development during the subdivision or site plan review process.

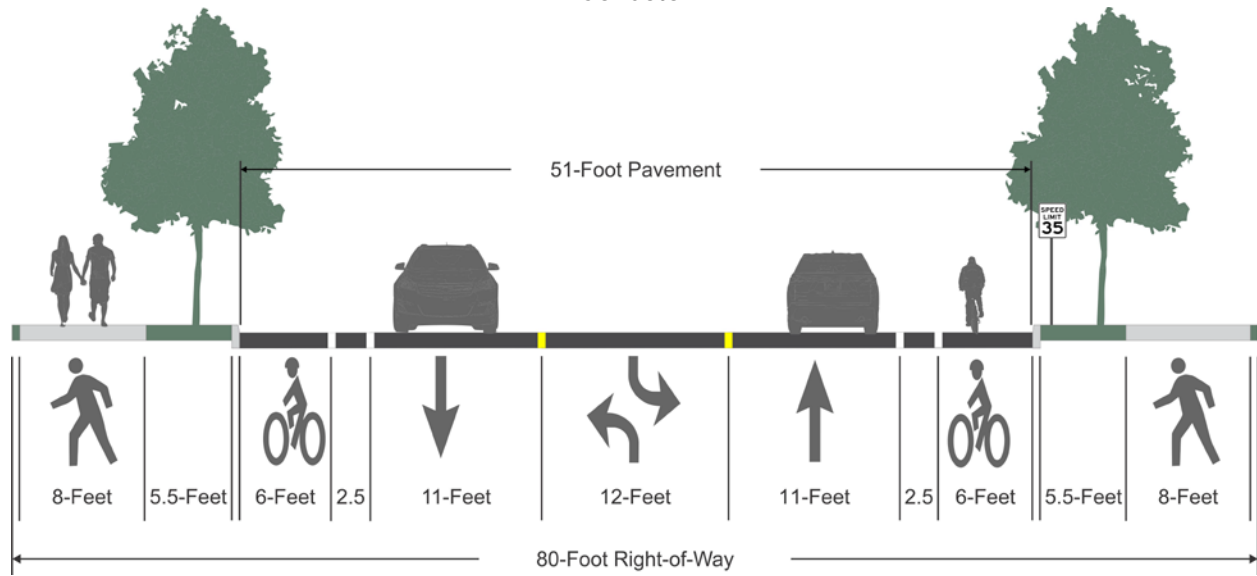
Figure 2.7.4590 Gateway North Street Type Plan and Standards



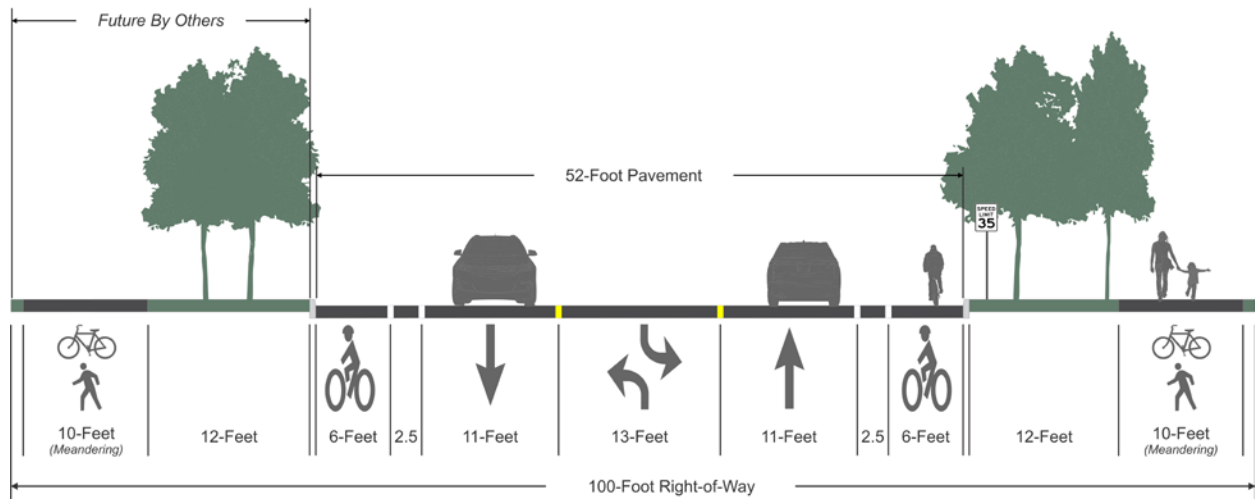
NW Robal Lane (Outside Roundabout Transitions)



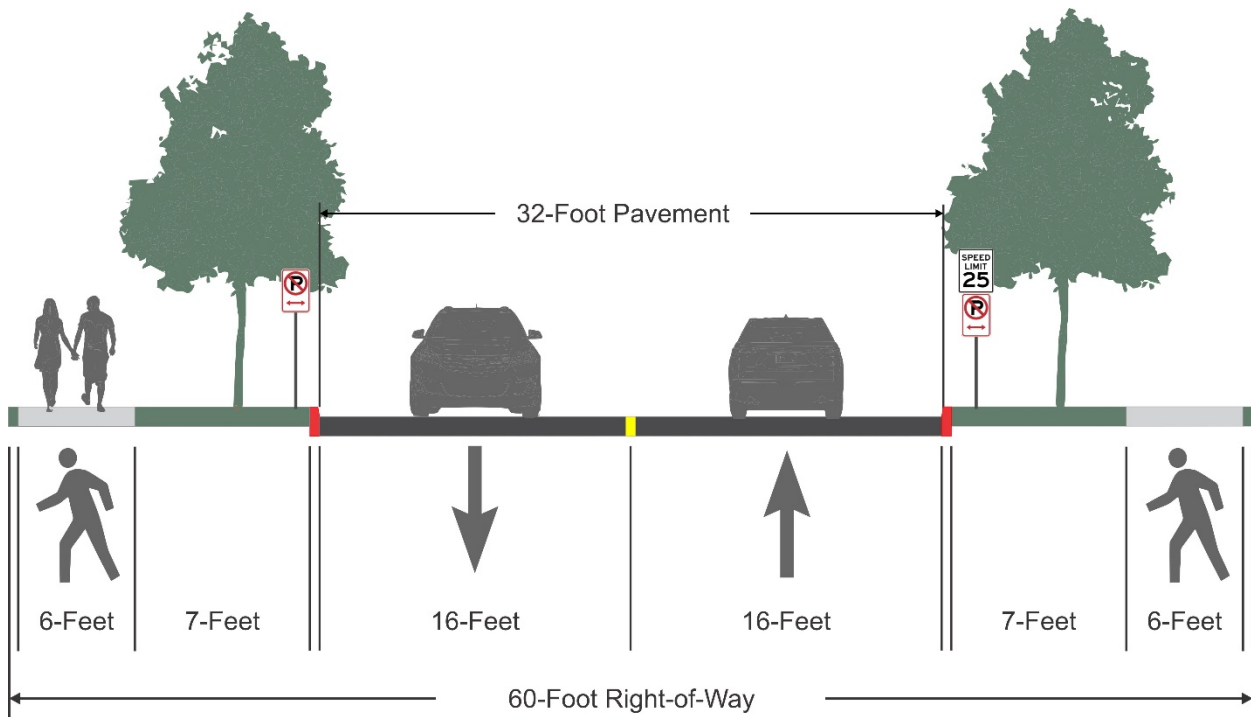
Collector



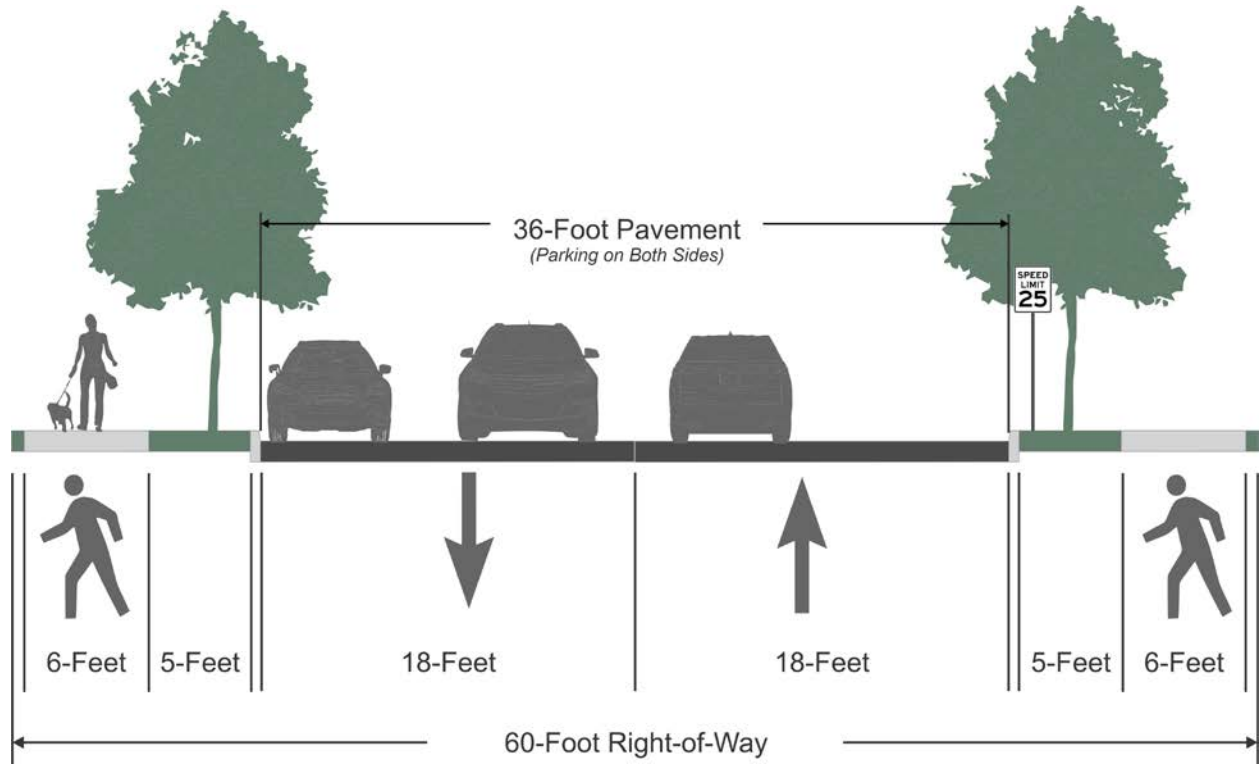
Cooley Road (Outside Roundabout Transitions)



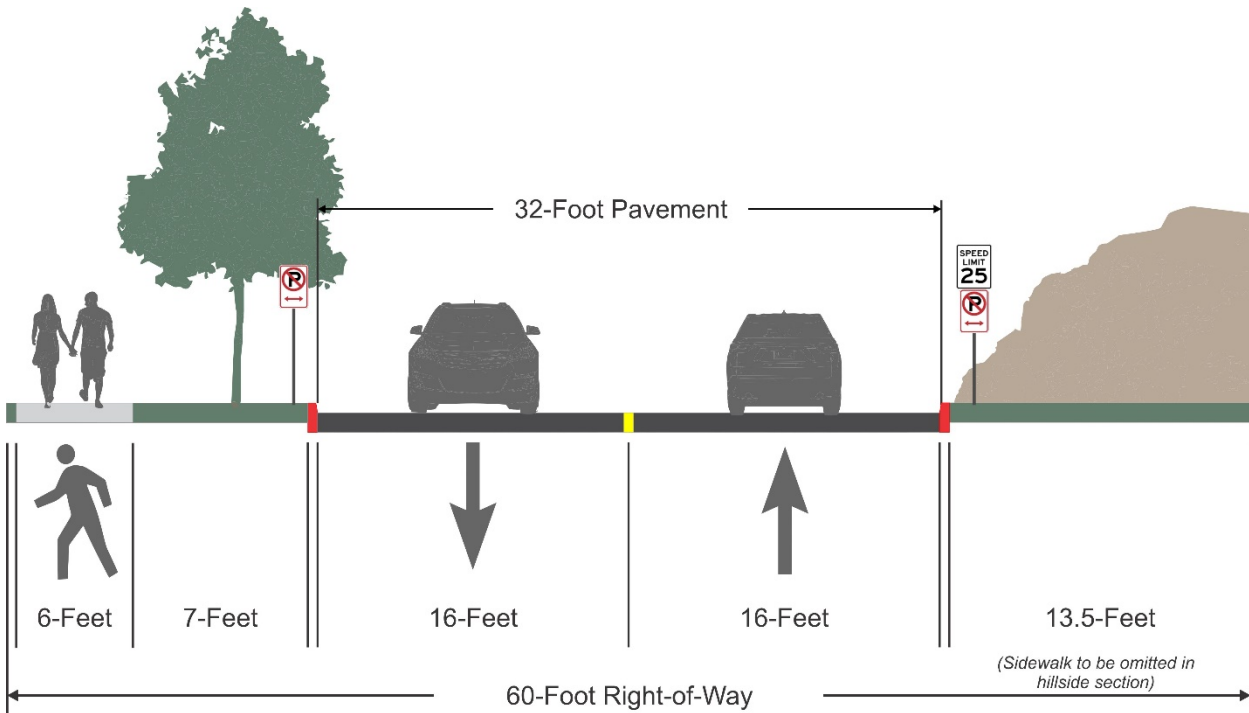
Local Roads 'A', 'B'



Local Road 'C'



Local Road Hillside



2.7.45100 Transportation Mitigation Plan.

- A. *Applicability.* The following Transportation Mitigation Plan applies to all development within the Gateway North Master Planned Development. The Transportation Mitigation Plan is adopted and implemented pursuant to BDC 4.7.600(E)(2).
- B. *Alternate Transportation Design Standards.* Transportation facilities within the Gateway North Master Planned Development must comply with the standards set forth in **BDC 2.7.4590** and **Figure 2.7.4590**.
- C. *Transportation Mitigation.* The following transportation mitigation measures must be constructed pursuant to the deadlines set forth in **Table 2.7.45100** below prior to Certification of Occupancy for any building in the phase, in conjunction with the Gateway North Phasing Plan depicted in **Figure 2.7.45100** below.

Table 2.7.45100 Transportation Mitigation Plan

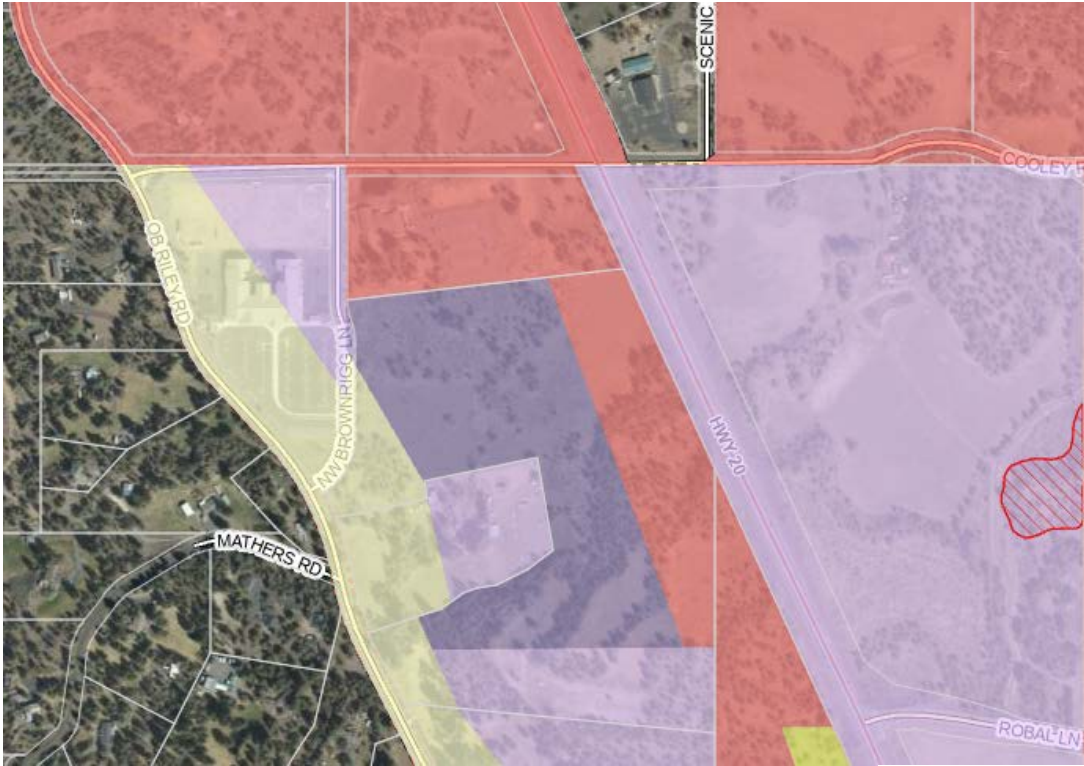
Phase	Proposed Development/Buildings	Mitigation Requirements (Required Prior to Building Occupancy)
Prior to any Building Permit Issuance	Any On-Site Buildings	<ul style="list-style-type: none"> • Payment to ODOT for highway mitigation measures per outlined terms within final Cooperative Improvement Agreement. Occupancy of any on-site uses will not be approved prior to completion of the US 20/Cooley and US 20/Robal Lane roundabouts and right-in, right-out access restrictions at the Collector connection to US 20. • Dedication of ROW for all Arterial, Collector, and Local streets per City and ODOT standards. • Dedication of ROW to support future ODOT roundabouts at US 20/Cooley and US 20/Robal
Costco (Phase 1) Prior to any Certificates of Occupancy	<ul style="list-style-type: none"> • Costco Warehouse • Costco MDO (Distribution Facility) • Costco Fuel Center • Costco Carwash 	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road B from Cooley Road to Collector • Completion and acceptance of Local Road A from Collector to Robal Lane • Completion and acceptance of Cooley Road Frontage Improvements (US 20 to East Boundary) • Completion and acceptance of Robal Lane Frontage Improvements (US 20 to East Boundary) • Completion and acceptance of US 20 multiuse pathway from Collector to Robal Lane • Construction of 6-foot sidewalk and dedication of public access easement from Cooley Road to the Collector, along western edge of the private drive serving the Costco Fuel Center and Carwash
Powell Pad Buildings (Phase 2) Prior to any Certificates of Occupancy	All Non-Costco Commercial Uses	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road A from Collector to Robal Lane • Completion and acceptance of Robal Lane Frontage Improvements (US 20 to East Boundary) • Completion and acceptance of US 20 multiuse pathway from Collector to Robal Lane

Phase	Proposed Development/Buildings	Mitigation Requirements (Required Prior to Building Occupancy)
Standard Multi-Unit Residential (Phase 3) Prior to any Certificates of Occupancy	All Standard Multi-Unit Residential Uses	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road C from Cooley Road to Collector • Completion and acceptance of Cooley Road Frontage Improvements • Completion and acceptance of US 20 multiuse pathway from Collector to Cooley Road
Age-Restricted Multi-Unit Residential (Phase 4) Prior to any Certificates of Occupancy	All Age-Restricted Multi-Unit Residential Uses	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road C from Cooley Road to Collector • Completion and acceptance of Cooley Road Frontage Improvements


2.7.45110 Future Capacity Reservation.

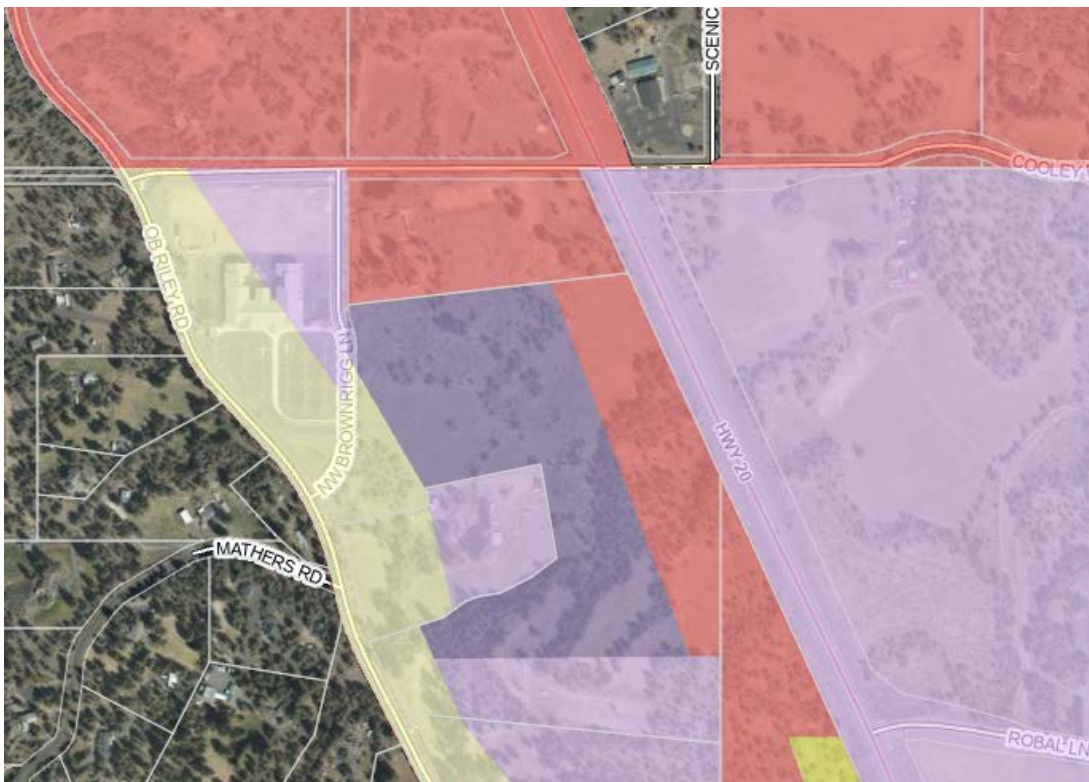
- A. Gateway North Master Planned Development reserves infrastructure capacity (sewer, water, and transportation) through and including December 16, 2037, for all site plan review and subdivision applications filed pursuant to the master plan through December 16, 2037. Site plan review and subdivision applications submitted after December 16, 2037 will be subject to new utility and transportation analyses.

EXHIBIT B – COMPREHENSIVE PLAN MAP AMENDMENTS



EXISTING COMPREHENSIVE PLAN MAP

 ASI - Upland



PROPOSED COMPREHENSIVE PLAN MAP


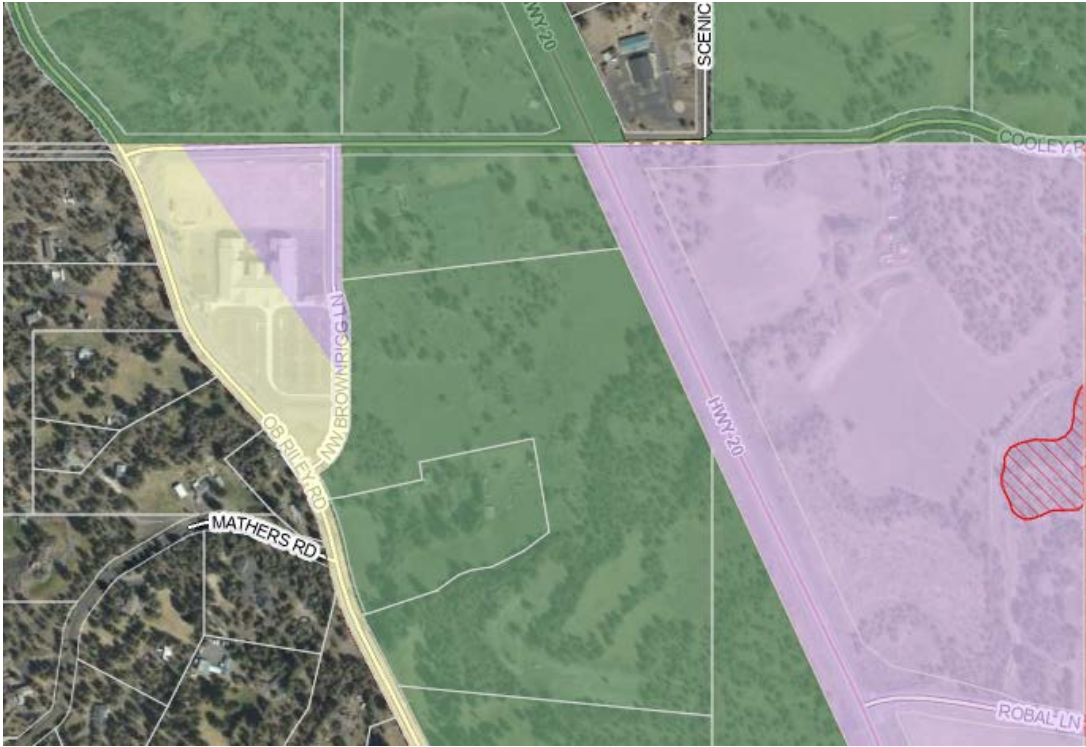

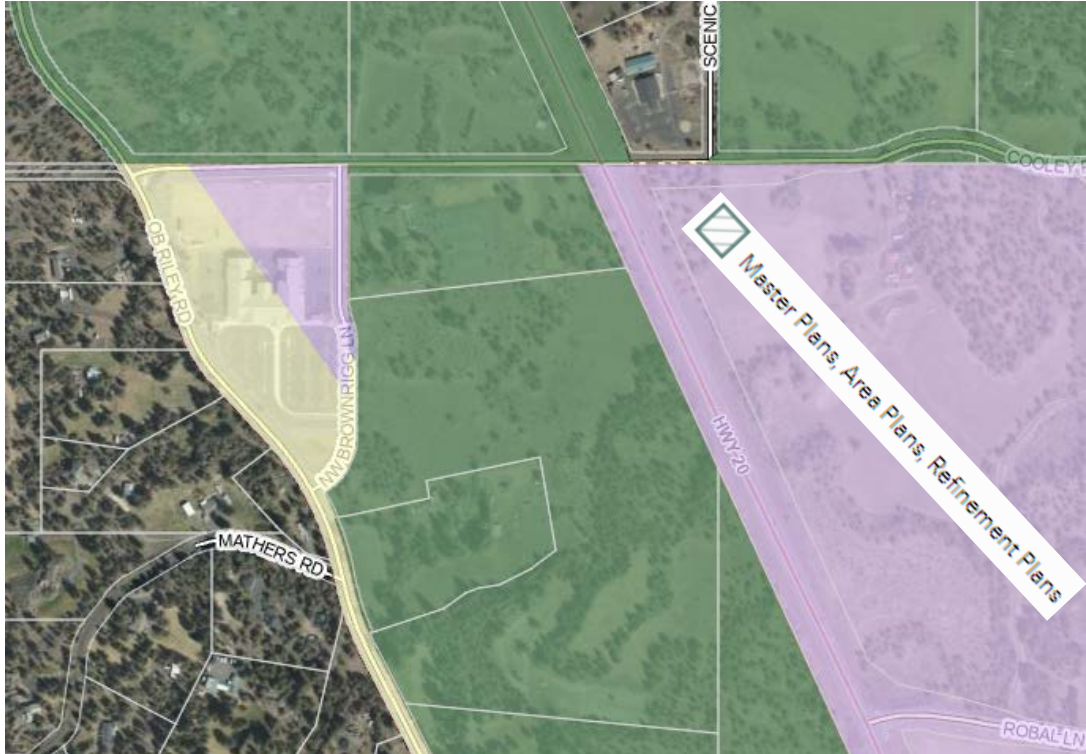
 ASI - Upland

EXHIBIT C – ZONING MAP AMENDMENTS




EXISTING ZONING MAP

 ASI - Upland



PROPOSED ZONING MAP

 Master Plans, Area Plans, Refinement Plans


 ASI - Upland

EXHIBIT D

FINDINGS IN SUPPORT OF RECOMMENDATION TO THE CITY COUNCIL

PROJECT NUMBER: PLSPD20220167

HEARING DATE: October 10, 2022

OWNERS: Gumpert Family Limited Partnership
20319 Cooley Road
Bend, OR 97703

Reorganized Church of Jesus Christ of Latter Day Saints
20380 Cooley Road
Bend, OR 97703

APPLICANT: Powell Development Co.
2626 Northup Way
Bellevue, WA 98004

CONTACT: DOWL
c/o Matthew Robinson
720 SW Washington Street, Suite 750
Portland, OR 97205

LOCATION: 20319 Cooley Road; Tax Lots 100 & 102 on Deschutes County Assessor's Map 17-12-17A, and the portion of Tax Lot 102 on Deschutes County Assessor's Map 17-12-08D located south of Cooley Road.

REQUEST: Type III quasi-judicial application for a major employment master plan for the 52-acre Gateway North area.

STAFF REVIEWERS: Aaron Henson, AICP, Senior Planner
(541) 383-4885, ahenson@bendoregon.gov
Chris Henningsen, PE, Principal Engineer
(541) 693-2134, chenningsen@bendoregon.gov

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Development Code

Criteria

Chapter 4.5, Master Planning and Development Alternatives
Chapter 4.6, Land Use District Map and Text Amendments
Chapter 4.7, Transportation Analysis
Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan

Standards

Chapter 2.2, Commercial Zoning Districts

- Chapter 2.3, Mixed-Use Zoning Districts
- Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
- Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking
- Chapter 3.4, Public Improvement Standards

Procedures

- Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan

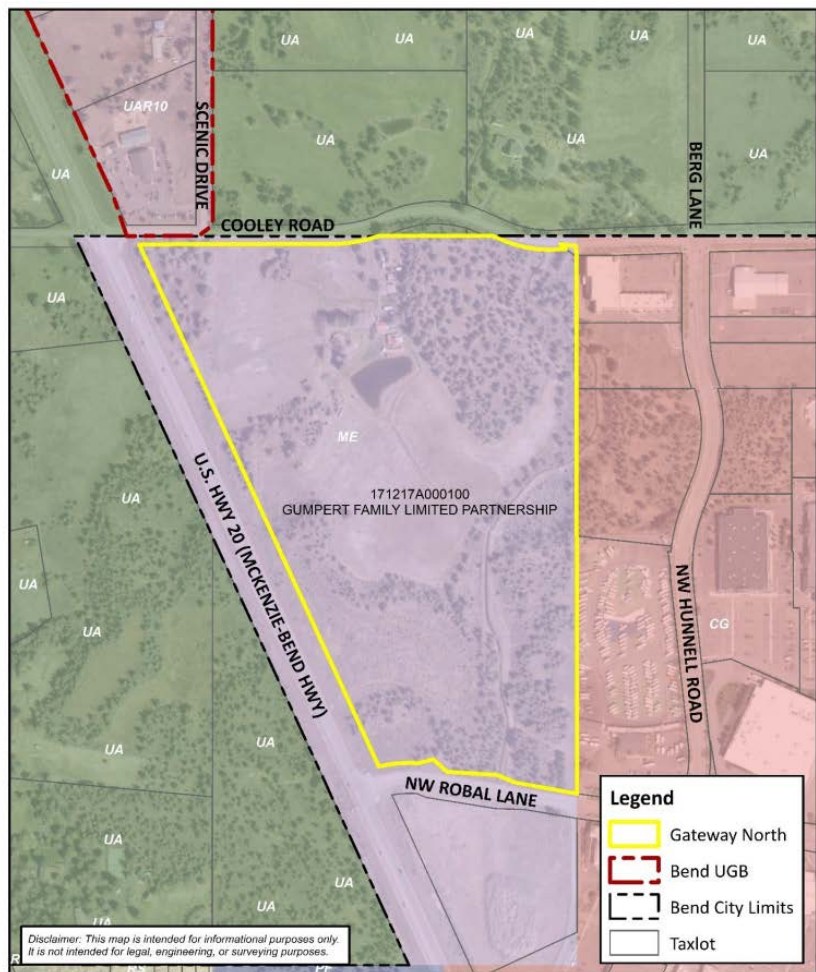
- Chapter 11, Growth Management

Oregon Administrative Rules

- Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

1. **LOCATION:** The Gateway North Master Plan encompasses approximately 52 acres of land at the north edge of Bend. The site is bounded by US Hwy 20 to the west, Cooley Road (minor arterial) to the north, Robal Lane (minor arterial) to the south, and commercially zoned properties to the east between the subject property and Hunnell Road (collector).



Gateway North
Vicinity and Zoning Map

Bend, Oregon

2. ZONE AND PLAN DESIGNATION: The entirety of the Gateway North site is designated Mixed Employment (ME) on the City’s Comprehensive Plan map, which is implemented through the site’s ME zoning; changes to site’s plan map or zoning designations are not proposed. A small portion of the Gateway North site is also subject to the Upland Areas of Special Interest overlay zone due to a rock outcropping identified as an Upland Area of Special Interest (ASI) on the City’s Comprehensive Plan map and Zoning Map. Identified as ASI 25, the ASI designation is proposed for removal through a concurrent Comprehensive Plan Map and Zoning Map amendment application (PLCPMA20220195), which is being reviewed in Ordinance Exhibit E. The eastern portion of ASI 25 was previously removed in 2009. Surrounding uses and zoning designations are identified in Table 1 below.

Table 1: Surrounding Uses

	Zoning	Use
North	UA, UAR-10 (County)	Agriculture, Unity Community of Central Oregon (church)
South	ME	Undeveloped land
East	CG	Undeveloped land, commercial uses
West	UA	Undeveloped land

3. SITE DESCRIPTION & SURROUNDING USES: The applicant’s Existing Conditions Plan (Exhibit B) identifies the site’s existing topography, including areas with slopes greater than 25 percent. The site is largely undeveloped, but it includes two dwellings and several appurtenant structures that support the site’s historic agricultural use, and several large grass fields that are seasonally irrigated. The Rogers Canal enters the site via a culvert under Robal Lane and exits the site through another culvert under Cooley Road. However, the applicant is working with Swalley Irrigation District to pipe this segment of the canal. Vegetation within the site is typical for Bend, and includes sagebrush, bitterbrush, and juniper trees scattered throughout.

4. PROPOSAL: The applicant’s proposal is a Major Employment Master Plan for the 52-acre Gateway North site. The proposed Gateway North Master Plan (Exhibit C) allows horizontal mixed-use development across the site, with residential, commercial, and employment components that will be interconnected with a pedestrian and bicycle circulation network. The development proposed within the master plan includes the following:

- **Multi-family Residential Housing:** Situated in the northern half of Gateway North along Cooley Road, two separate multi-family housing projects are planned by Inland Group, which specializes in multi-family residential projects throughout the Pacific Northwest. The “Affinity” project on Lot 7 in Phase 4 is anticipated to consist of 170 dwelling units intended for seniors aged 55 years and older, while the “Adara” project on Lots 5 & 6 in Phase 3 is anticipated to consist of approximately 252 dwelling units and will not be age-restricted. In total, 422 dwelling units are anticipated. While residential uses are not required with development within the ME zone, the proposed multi-family housing will provide additional housing options for the area while also helping to lessen the City’s existing housing burden.
- **Commercial and Employment:** Located primarily in the southern half of Gateway North, proposed commercial and employment uses include an approximately 188,000 square foot Costco Wholesale store with accessory fuel station and car wash uses. The Costco

Wholesale store will also include a tire service center as well as a Market Delivery Operations (MDO) warehouse delivery center, which supports Costco's online order processing and "last mile" delivery services. Three separate retail pads intended for retail sales, a drive-through restaurant, and a standard restaurant are also proposed. Commercial and employment uses will be within walking distance from supporting residential uses to the north through the provision of a pedestrian circulation network within the site.

- Transportation System Improvements: Planned transportation improvements adjacent to and within the site, as well as the internal circulation system, will support the proposed residential and commercial uses while also improving the connectivity and functionality of existing transportation facilities on the north side of Bend.
 - o Cooley Road: Along Gateway North's northern frontage, Cooley Road will be improved with a 52-foot paved roadway, including 11-foot travel lanes, 13-foot center turn-pocket, and 6-foot buffered bike lanes. In addition, a 12-foot planter strip and a 10-foot multi-use pathway that meets the City's Low Stress Network (LSN) standards will be installed on the south side of the road. Landscape strips and sidewalks along Cooley Road's northern side will be built upon future development of the adjacent properties located within the Urban Growth Boundary (UGB).
 - o Robal Lane: Along Gateway North's southern frontage, Robal Lane will incorporate similar treatments as described with Cooley Road, with a 50-foot paved roadway, including 11-foot travel lanes, 12-foot center turn-pocket, and 6-foot buffered bike lanes. A 10-foot multi-use pathway that meets the City's Low Stress Network (LSN) standards will be incorporated along the property frontage.
 - o New Collector: A new east-west collector running through Gateway North is proposed that will connect US Hwy 20 with two proposed north-south local street corridors, as well as Hunnell Road further east. This new collector street includes 8-foot sidewalks and 6-foot bike lanes that will support multimodal circulation within Gateway North. The applicant's project narrative states: "[T]his collector will be constructed to a three-quarter street standard, with sidewalks and bike lanes on its north side constructed with future development of the adjacent parcel." The developer of the adjacent parcel to the east is only required to dedicate the northern portion of the public right of way needed for the new collector. Condition 18 of PL20-0551 states: "*Right of way dedication along the southern property boundary shall be dedicated to the City of Bend matching the current TSP amendment PZ-20-0800 for a future collector street - varying from 0 - 30 feet. The street construction will be required by others in the future. Right of way dedication must be recorded under a City prepared document prior to release of building permits.*" The public right of way dedication deed (PRDOC202202759) was recorded on September 27, 2022. The related building permit application for WT Equipment (PRNC202201493) is still pending at this time.
 - o Local Roads 'A', 'B', and 'C': Three new local roads are proposed within Gateway North. Local Roads 'A' and 'B' will connect Robal Lane with Cooley Road along the site's eastern boundary. Local Road 'C' will connect the new east-west collector with Cooley Road. Local Road 'C' will be constructed to a 36-foot-wide asphalt width, while Locals Roads 'A' and 'B' will be constructed to 32 feet asphalt width, and parking will be restricted on both sides to accommodate for larger vehicle access and the anticipated congestion. All local roads will have 6-foot sidewalks.

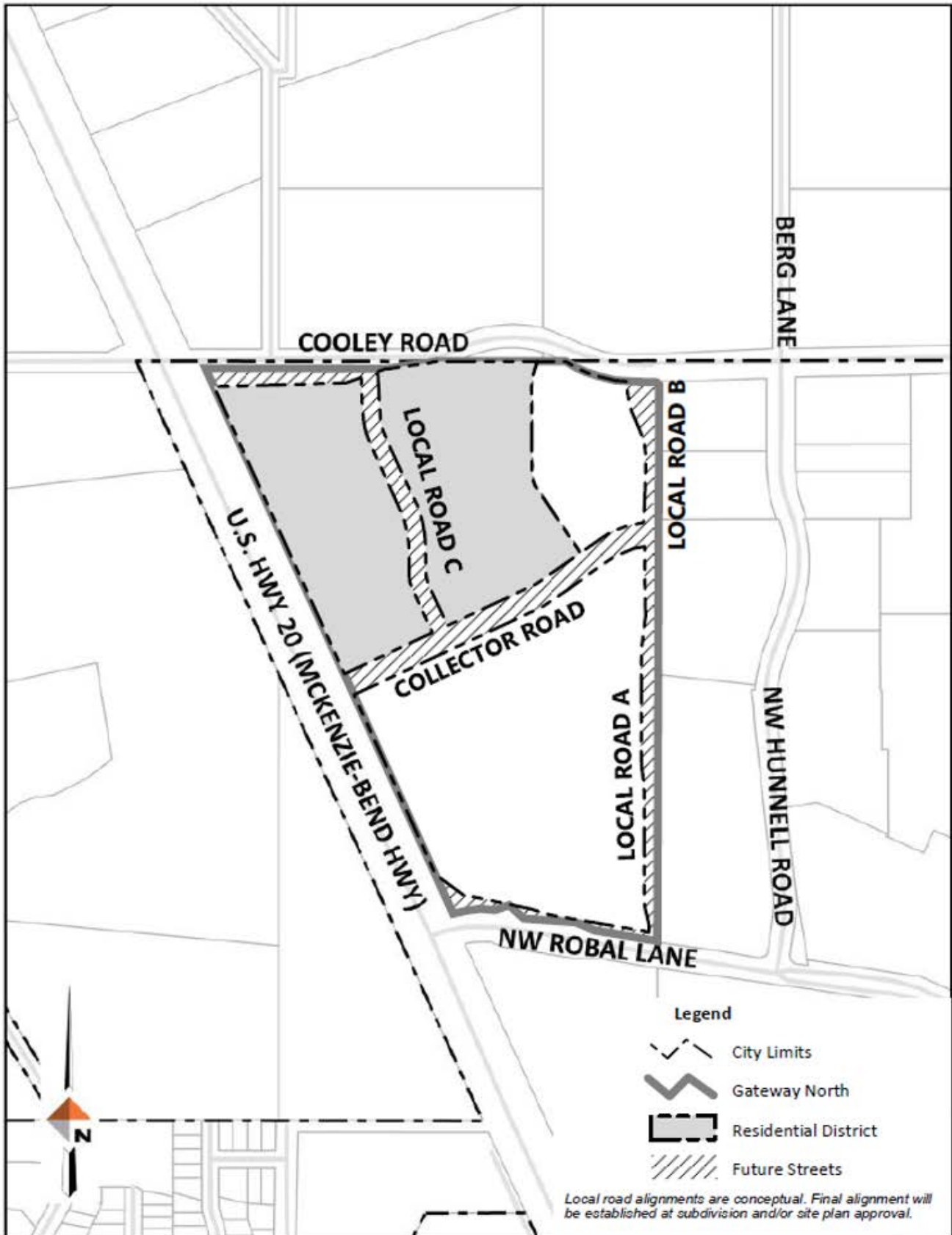
- o US Hwy 20: The applicant has coordinated with the Oregon Department of Transportation (ODOT) through a public-private partnership to provide future improvements to US Hwy 20, which will include multi-lane roundabouts at both Cooley Road and Robal Lane that will serve to slow and calm traffic along the highway and facilitate safer pedestrian crossings. Exhibit O documents that the developer is contributing \$5.5 million to ODOT for the roundabouts. An adjacent shared-use path that meets the City's LSN standards will also be provided.

Development and build out of Gateway North will occur concurrently, but the varied development timelines will result in a staggered opening of the proposed uses previously described. After construction of the site's main infrastructure elements, including utility mains and the transportation system improvements described above, construction of the Costco Wholesale store, fuel station, and car wash is planned to be completed within approximately 9 months and will open concurrently, and construction and opening of the three retail pad uses is expected to follow soon after. The proposed multi-unit residential uses are anticipated to be constructed over a 2-year period. As described and shown in the Gateway North Phasing Plan (Exhibit R), completion of the following transportation improvements will be constructed and accepted by the City prior to the opening of any commercial uses:

- Frontage improvements along Cooley Road and Robal Lane;
- Completion of the Collector Road between US Hwy 20 and Hunnell Road;
- US Hwy 20 multi-use pathway and connections; and
- Local Roads 'A' and 'B'.

If the multi-unit residential uses develop first, which is not anticipated, construction of the new collector to Hunnell Road and Local Road 'C' will be required prior to occupancy, which will provide multiple points of entry to the residential developments and enable direct and safe access to Cooley Road, Robal Lane, US Hwy 20, and Hunnell Road. The multi-unit residential developments would not need to construct Local Roads 'A' or 'B' as there is adequate capacity on Hunnell Road to support this interim configuration. In either scenario, Local Road 'C' will be constructed with the multi-unit residential uses. None of the uses contemplated in the Gateway North Master Plan will be permitted to open until multi-lane roundabouts at both Cooley Road and Robal Lane along US Hwy 20 are available for public use. The applicant has coordinated with affected government agencies prior to the submittal of this application, including the City of Bend, Deschutes County, Bend Park and Recreation District (BPRD), Bend-La Pine Schools (BLPS), Swalley Irrigation District (Swalley), Cascades East Transit (CET), and ODOT.

Gateway North Master Plan



5. PUBLIC NOTICE AND COMMENTS: As documented in Exhibit C, the applicant hosted a virtual public meeting on September 29, 2021 via Zoom. Verification of Compliance forms were included in the submittal to the City, along with the following summary of concerns:

- Whether Powell Development Co. had made contact with ODOT.
- Whether the residential development will include green spaces and whether landscaping for the development as a whole will include native vegetation, allow for deer passage, minimize asphalt, and utilize light colors.
- Ease of access to surrounding sites.
- Whether the residential portion will be rental or owned units, whether they will include affordable units, whether they will have air conditioning, and how many stories.
- Time frame for beginning work on the development and on the highway improvements.
- Use of solar and other energy savings / efficiencies.
- Whether Fred Meyer is part of the project anymore.
- Adequacy of parking.
- Traffic concerns, generally (access points, traffic signals, turn lanes, roundabouts, anticipated volume).
- Costco's plans for its existing site and whether they looked at other cities.
- Sewer connections.
- Pedestrian and bike paths.
- Whether irrigation rights come with the parcel.
- The name of the development and whether it has changed / will change in the future.

On August 30, 2022, three *Notice of Proposed Development* signs were posted by the applicant along US Hwy 20, Cooley Road, and Robal Lane. These notices were posted throughout the public comment period.

On September 1, 2022, the City notified the Oregon Department of Land Conservation and Development (DLCD) via a Post-Acknowledgement Plan Amendment (PAPA) notice, with over 35-days' notice to the initial public hearing on October 10, 2022.

On September 19, 2022, the Planning Division mailed notice of the Planning Commission public hearing to residents and surrounding owners of record of property within 500 feet of the site, and to the Boyd Acres Neighborhood Association representative. 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 October 10, 2022, and another before the City Council once the Planning Commission issues a recommendation to the Council.

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

6. APPLICATION ACCEPTANCE DATE: This Type III Major Employment Master Plan application was submitted on March 4, 2022 and most required submittal materials were initially uploaded in March & April 2022. The application fees were paid in March 2022 and the application was deemed incomplete on July 14, 2022.

The applicant provided the requested materials in late July 2022 and the application was accepted as complete on August 3, 2022. 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 submitted a concurrent Comprehensive Plan Map and Zoning Map amendment application to remove the remainder of Upland ASI 25 from the Gateway North site (PLCPMA20220195), which is being reviewed in Ordinance Exhibit E.

APPLICATION OF THE CRITERIA:

Bend Development Code

Chapter 4.5, Master Plan

4.5.100 Master Plan General Provisions.

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

FINDING: The Gateway North Master Plan is located on a 52-acre site that is zoned ME. As shown on the Gateway North Master Plan (Exhibit C), a horizontal mixed-use development is proposed, including a mix of multi-unit residential, commercial, and employment uses. Given the large amount of land dedicated to commercial and employment uses, the project will be reviewed as a major employment master plan.

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

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

FINDING: Density transfers are not proposed, and the site is not located in an opportunity area per Figure 11-1 of the City’s Comprehensive Plan. Therefore, this standard is not applicable.

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

FINDING: The Gateway North Master Plan site is zoned ME. No changes to the site’s zoning are proposed. All uses in the ME zone that are currently permitted, limited, or conditionally permitted in BDC Table 2.3.200 will be permitted, limited, or conditionally permitted in the Gateway North Master Plan. While there are no uses proposed to be allowed within the site beyond those listed in BDC Table 2.3.200, the following adjustments are proposed to certain uses listed as limited or conditionally permitted:

- All allowed residential uses are proposed to be permitted outright as opposed to limited or conditionally permitted;
- All retail sales and service uses will be permitted outright and not subject to a ground-floor area limitation;
- Auto-dependent retail sales and service uses will be permitted outright; and
- Restaurants/food and beverage service uses with a drive-through will be permitted outright.

Table 6-1 within the Bend Comprehensive Plan identifies the characteristics of the ME zone:

“The Mixed Employment designation provides for a broad mix of employment uses and mixed use development. It is intended for areas that already exhibit a pattern of mixed development, or in new areas that provide a transition between different employment and residential uses.”

The Gateway North Master Plan, as shown in Exhibit C, provides a horizontal mixed-use development with residential, commercial, and employment uses interconnected with a pedestrian and bicycle transportation network. While residential uses are allowed in the ME zone under certain circumstances, limitations and possible conditional use permits for residential uses result in an additional layer of permitting that is unnecessary when a site’s development is controlled through a master planning process. The residential uses proposed with this master plan will be provided in close proximity to supporting commercial uses that meets the intent of this character statement and existing pattern of mixed-use development in the adjacent area. Further, the multi-unit residential uses proposed will help the City meet its housing needs within a zone that does not require residential uses as a development component. In order to ensure an adequate number of residential units are ultimately developed within the site, the Gateway North Residential District will be established in the northern portions of the site along Cooley Road as identified in the Draft Development Code (Exhibit F) and shown in Exhibit C. The Gateway North Residential District will provide at least 380 residential dwelling units, which is the equivalent of the Medium Density Residential (RM) zone’s minimum density of 7.3 dwelling units per gross acre if applied across the entire 52-acre Gateway North site. This leaves room in the southern and eastern portions of the Gateway North site for commercial uses that can generate employment growth for the region.

Similarly, standard retail sales and service uses, auto-dependent retail sales and service uses, and drive through restaurants/food and beverage uses will be regulated and limited through the master planning process, and additional restrictions such as ground floor area limitations, or additional layers of permitting through the conditional use permit approval process, are not

necessary. The Gateway North site's location on the northern edge of the City, adjacency to non-urban lands, and location along US Hwy 20 lends itself to a more transitional nature that is conducive to commercial businesses, auto-dependent uses, and drive-through restaurants such as those proposed with this master plan. Ultimately, these uses, as proposed through the Gateway North Master Plan, can be effectively integrated into a mixed-use development plan without additional permitting and restrictions that result from conditional use permits.

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: Recreational facilities and private open space areas will be components of the Gateway North Master Plan's multi-unit residential developments. However, these areas will be private, and will not be available to the general public. Pedestrian facilities and courtyard areas within the commercial and employment areas will be open to the public but are intended for patrons of the businesses within the master planned area. No open space areas are proposed to be dedicated to the City or BPRD, as a need for park space was not identified by BPRD (Exhibit H). Therefore, BDC 4.5.200(E)(4) is not applicable.

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 Gateway North 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.

a. Narrative statement that describes the following:

i. Current uses.

ii. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

(A) Physical characteristics;

- (B) Building inventory including size and height;**
- (C) Vehicle/bicycle parking, and loading areas;**
- (D) Landscaping/usable open space; and**
- (E) Lot coverage.**

FINDING: The Gateway North Master Plan is an approximately 52-acre site zoned ME. The site is comprised of two tax lots (171217A000100 & 171217A000102) and is generally bound by US Hwy 20 to the west, Cooley Road to the north, Robal Lane to the south, and commercially zoned properties to the east. The existing conditions plan (Exhibit B) identifies the site's existing topography, including slopes greater than 25 percent, as well as existing development. The site is largely undeveloped, but includes two dwellings and several appurtenant structures that support the site's historic agricultural use. Several large fields that are seasonally irrigated are also present. The Rogers Canal, managed by Swalley Irrigation District, enters the site via a culvert under Robal Lane and exits the site through another culvert under Cooley Road. Vegetation within the site is typical for Bend, and includes sagebrush, bitterbrush, and juniper trees scattered throughout. The site is also the location of a rock outcropping identified as Upland ASI 25; however, this ASI is proposed for removal through a concurrent Comprehensive Plan Map and Zoning Map Amendment application.

iii. Infrastructure facilities and capacity, including the following items:

- (A) Water;**
- (B) Sanitary sewer;**
- (C) Stormwater management; and**
- (D) Easements.**

FINDING: The existing conditions plan (Exhibit B) shows existing water, sanitary sewer, and overhead utilities adjacent to and within the site. All existing easements are also identified on the existing conditions plan and further described within the submitted Title Report (Exhibit D). The capacity of the adjacent public utilities (water and sewer) are identified in the Utility Availability Memo (UAM) from the City Engineer (Exhibit G).

b. Existing Site Conditions Map.

- i. The existing site conditions map must include the following information on site and within 150 feet of the proposed master plan (as applicable):**

- (A) The applicant's entire property and the surrounding property. The property boundaries, dimensions and gross area must be identified. Existing aerial photos may be used;**
- (B) Ownership of master plan area and ownership of all property within 150 feet of the proposed master plan;**
- (C) Topographic contour lines shown at one-foot intervals for slopes of 10 percent or less. For slopes greater than 10 percent, contour lines must be shown at two-foot intervals. Slopes greater than 25 percent must be identified;**
- (D) The location, names, and widths of existing public and private streets, alleys, drives, sidewalks, bike lanes, multi-use paths, transit routes and facilities, rights-of-way, and easements. Existing aerial photos may be used;**
- (E) The location of existing irrigation canals and ditches, pipelines, drainage ways, waterways, railroads, and any natural features such as rock outcroppings, wooded areas, and natural hazards. Existing aerial photos may be used;**
- (F) The location of existing sanitary and storm sewer lines, water mains, septic facilities, culverts, and other underground and overhead utilities;**
- (G) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;**
- (H) Resource areas, including wetlands on the City's Local Wetlands Inventory, streams, surface mines, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection; and**

- (I) Locally or federally designated historic and cultural resources on the site and the adjacent parcels.**

- ii. The existing site conditions map must include the following information on site:**
 - (A) The location of existing structures, parking, loading and service areas, and pavement. Existing aerial photos may be used; and**

 - (B) The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade.**

- iii. Date, north arrow, scale, names, and addresses of all persons listed as owners on the most recently recorded deed.**

- iv. Name, address, email address, and telephone number of project designer, engineer, surveyor, and/or planner, if applicable.**

FINDING: The elements identified above, as applicable to the Gateway North site, are shown on the existing conditions plan (Exhibit B). Given the size of the site and the number of existing trees, the location of trees is provided in the aerial photograph included with the existing conditions plan; however, not all trees shown meet the City's criteria for "significant trees". As previously mentioned, vegetation within the site is typical for Bend, and includes sagebrush, bitterbrush, and juniper trees scattered throughout, including trees of varying heights and maturities.

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.

FINDING: The elements identified above are addressed in the applicant's project narrative and also within the Gateway North Master Plan (Exhibit C) and the Gateway North Phasing Plan (Exhibit R).

- b. Scaled maps or diagrams that include the following information (as applicable):
 - i. Development boundary;
 - ii. Phasing plan;
 - iii. Conceptual site plan including the following:
 - (A) General land uses;
 - (B) Approximate building envelopes and square footage;
 - (C) Vehicle, biking, and walking circulation system, including cross-sections, and where these facilities will connect with the existing and planned system;
 - (D) General location and size of areas to be conveyed for public use (e.g., schools, recreational areas, parks, fire stations, and other public uses) in accordance with the City of Bend, the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan,

and the School Facility Plan, latest editions, and other open space areas as required by this chapter;

- (E) Transit routes and facilities;
- (F) Parking, loading, and service areas including loading and service areas for waste disposal;
- (G) North arrow and scale; and
- (H) Other information necessary to show how the conceptual site plan meets applicable criteria;
 - iv. Water and sewer facilities to serve the master plan area, including line sizes, general location of routes, and how the lines will tie into adjacent areas and facilities;
 - v. General location of streets and water and sewer lines illustrated on abutting vacant land and developable land and all contiguous property under common ownership. This illustration is not binding on the abutting properties;
 - vi. Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);
 - vii. Landscape concept plan and tree preservation plan in accordance with BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls;
 - viii. Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials); and
 - ix. Sign concept plan (e.g., locations, general size, style, and materials of signs).

FINDING: The elements identified above are addressed throughout the applicant's project narrative and also within the Gateway North Master Plan (Exhibit C) and the Gateway North Phasing Plan (Exhibit R). A separate application and review process is required if the applicant wishes to deviate from the City's normal Sign Code regulations.

- c. **Draft Development Code text, figures, and tables in a format prescribed by the City, which proposes changes to the development standards and zoning district requirements intended to implement the Major Master Plan. The draft text, figures, and tables must also include any proposed districts, street layouts, and cross-sections that vary from standards.**

FINDING: The draft development code for the Gateway North Master Planned Development is in Exhibit F and contains draft text, tables, street layouts, and street cross-sections.

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

FINDING: Exhibit H a letter from the Bend Park and Recreation District, which acknowledges the coordination that has occurred between the applicant and the district. As noted, the District has no planned trails within the site, and the site is not located within an identified park search area per the District's Comprehensive Plan.

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

FINDING: Exhibit I is a letter from the Bend-LaPine School District, which indicates that BPLS has no additional comments on the Gateway North Master Plan, and has not identified the need for a school site within the Master Plan area.

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

FINDING: Exhibit M is a Transportation Impact Analysis from the applicant's engineer as required by BDC Chapter 4.7. Exhibit T is a Traffic Analysis Memo from the City Engineer dated July 28, 2022 that demonstrates compliance with BDC Chapter 4.7.

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

FINDING: Exhibit L is a TPDM prepared in compliance with BDC Chapter 4.8.

- h. Water and Sewer Capacity Analysis.**

FINDING: Exhibit G is the Water and Sewer Capacity Analysis / Utility Availability Memo, dated June 9, 2022, from the City Engineer.

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

FINDING: The Gateway North site is not located within the Waterway Overlay Zone. While the site is the location of an Upland Area of Special Interest (ASI 25), this ASI is proposed for removal through a concurrent Comprehensive Plan Map and Zoning Map Amendment application to allow for efficient and coordinated mixed-use development and the extension of public utilities and roadways within the site. Compliance with BDC 3.5.200 will be demonstrated during subsequent subdivision and/or site plan review applications.

- j. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).**

FINDING: The Existing Conditions Plan (Exhibit B) identifies all existing easements, which are further described in the included Title Report (Exhibit D).

- k. A Title Report prepared within the previous 90 days.**

FINDING: Exhibit D is a Title Report prepared within the previous 90 days.

4.5.400 Employment Master Plans.

A. Purpose. The employment master plan is intended to provide a method by which the City may permit a variety of commercial and/or industrial development types, designs or arrangements that may not be permissible under traditional zoning regulations yet still provide for the ability to plan for full build-out of large employment centers. The employment master plan will provide a mechanism to achieve development which will contribute to the diversification of the City's economic base.

B. Applicability.

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

FINDING: A major employment master plan is being submitted for the Gateway North site, which is approximately 52 acres in size.

- 2. Employment master plans in conformance with this section 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 Gateway North site is approximately 52 acres. Therefore, a master plan is required, and the site is not exempt from the provisions of this Chapter.

- 3. Exemptions. Unless the applicant elects to apply for an employment master plan, the following are exempt:**
 - a. The property is part of a special planned district in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans. Properties that are part of an approved area plan must comply with the approval criteria of this chapter in addition to the land division or site plan review criteria at the time of development.**

FINDING: The Gateway North site is not currently part of a Special Planned District per BDC 2.7. This exemption is not applicable.

- b. The City determines that the master plan category is a community master plan or institutional master plan.**

FINDING: The City has determined that an employment master plan is required, not a community master plan or an institutional master plan. This exemption is not applicable.

C. Review Process.

- 2. Major Employment Master Plans. Major employment master plans are processed as follows:**
 - a. Step 1. The Planning Commission makes a recommendation to the City Council on an application for major employment master plan. The text of a major employment master plan must be included in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 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 employment master plan, and prior to the commencement of Step 3, the applicant must submit a final major employment master plan to the City in an electronic format specified by the City. The final major employment master plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The major employment 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 employment master plan.**
 - c. Step 3. The approval of a land division(s) and/or site plan review application(s) (Type II process).**

FINDING: This Major Employment Master Plan is currently on Step 1, with hearings before the Planning Commission on October 10, 2022 and the City Council on November 2, 2022.

D. Approval Criteria.

- 1. The proposed land uses within the employment master plan must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning are proposed as part of a major employment master plan application, the major employment 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 consistent with the allocations prescribed by the existing plan designations. Any other changes to the Comprehensive Plan Map designations require a Comprehensive Plan and zoning map amendment to be processed concurrently in accordance with BDC Chapter 4.6, Land Use District Map and Text Amendments.**

FINDING: The Gateway North site has a Comprehensive Plan Map designation of ME and is zoned ME. Per Table 6-1 within the City’s Comprehensive Plan, the ME plan map designation is implemented by the ME zone. This application does not propose to alter the site’s zoning designation. The proposed land uses within the Gateway North Master Plan are consistent with those allowed per Table 2.3.200, and as shown on the Gateway North Master Plan (Exhibit C), will result in a coordinated horizontal mixed-use development that is consistent with the identified character of the ME zone. Therefore, the proposed land uses will be consistent with the site’s identified Comprehensive Plan Map designation. This criterion is met.

2. 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 employment master plan. Where the applicant has proposed deviations to the above standards and/or zoning district requirements as part of a major employment master plan, the applicant has demonstrated:

- a. 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**
- b. 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**
- c. That any impacts resulting from the deviation are mitigated to the extent reasonably practical.**

FINDING: The Gateway North Master Planned Development will be implemented and codified as a special planned district within BDC Chapter 2.7. The Draft Development Code (Exhibit F) establishes unique standards for the Gateway North site that help to ensure efficient use of land, while also providing necessary flexibility, that results in a coordinated horizontal mixed-use development as shown in the Gateway North Master Plan (Exhibit C). The Draft Development Code contains deviations from the underlying BDC standards to create a cohesive master plan that provides a mix of residential, commercial, and employment uses, where commercial and employment uses are in close proximity to supporting residential uses and connected with a pedestrian and bicycle transportation network. The Draft Development Code has been prepared to provide flexibility for the site that balances the realities of market demand and planned uses for the site, the City’s housing needs, and the site’s location at the northern edge of Bend where commercial businesses are encouraged. The proposed deviations, and the resulting Draft Development Code, support an employment master plan that provides these various uses in a mixed-use environment that meets the intent and character of the ME zone. Evidence and findings to support the proposed use deviations are set forth under BDC 4.5.100(C)(2).

Block Lengths and Perimeters

BDC 3.1.200 states the purpose of lot, parcel, and block design standards, including maximum block length and perimeter requirements:

“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.”

The proposed deviation to exempt the Gateway North site from maximum block lengths and perimeters is justified given the inherent nature of the master planning process required for Gateway North, which will result in a horizontal mixed-use development that will provide for orderly and predictable future development scenarios. Where master planning isn't required, block length and perimeter standards can ensure organized development that promotes walkable neighborhoods, efficient site access, and thoughtful street patterns and blocking. As shown on the Gateway North Master Plan (Exhibit C), a pedestrian and bicycle transportation network is provided that allows for efficient pedestrian and bicycle movement across the site regardless of whether there's a public street. In conjunction with internal drive aisles that provide additional vehicle access and movement across the site, the site's proposed development and future parcels will be appropriate for the horizontal mixed-use development proposed with this master plan. Therefore, the deviation will meet the purpose of the underlying standard.

Setbacks

BDC 2.3.300(A) states the intent of ME zone setback standards: *“Building setback standards provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.”* The following deviations related to ME zone setback standards are proposed:

- For all uses fronting streets that do not allow on-street parking, the maximum front yard setback is increased from 80 feet to 100 feet;

This increase provides additional flexibility to the array of uses proposed with the Gateway North Master Plan. For the multi-unit residential uses, this increase provides greater separation between residential units and adjacent streets that will mitigate noise pollution from vehicular traffic, and also allows adequate room for accessory structures such as garages and carports, which will also serve as an additional acoustical barrier to further dampen noise. Further, and as shown on the Gateway North Master Plan (Exhibit C), multi-family residential uses have been designed so that buildings are centrally located, with parking areas placed between buildings and the adjacent roadways (which can be accommodated as a result of the increased setback), allowing for the creation of central outdoor open space areas for residents that are more secure and can avoid possible conflicts between residents using the area and vehicles within the site. For retail sales and service uses, such as the Costco Wholesale store, the increase provides necessary flexibility in the building's design to allow sufficient room for trucks to access loading docks and safely maneuver within the adjacent truck court.

- For retail sales and service uses in excess of 50,000 square feet that are located on a property with three or more frontages where the maximum setback must be met on two abutting frontages for at least 90 percent of the building elevation along that frontage per

BDC 2.3.300(A)(1)(d)(iii), alternative language is proposed that only one building elevation must be at or within the maximum setback, provided 100 percent of the elevation is at or within the maximum setback;

This alternative language provides additional flexibility to address unique property configurations such as acute corners and curved property lines, where meeting the maximum setback would be impractical for a large retail sales and service use. This language also provides flexibility to locate associated truck routes and receiving docks away from primary pedestrian circulation areas. This language still provides for a building design that, on balance, meets the intent of the maximum setback standard to place buildings near the street to promote a vibrant pedestrian environment, slow traffic, and encourage walkability.

- For multi-unit residential accessory uses or structures, such as clubhouses or leasing offices, the maximum allowed front yard setback is increased from 80 feet to 150 feet;

This increase allows multi-family residential uses to have an accentuated development entrance, provide greater separation from adjacent vehicular traffic that will further mitigate noise pollution within these accessory uses, and provide adequate area for traffic queuing as vehicles enter the development.

- Auto-dependent retail sales and service uses, including both primary and accessory uses, are exempt from all minimum and maximum setback standards;

Given the inherent nature of auto-dependent uses, such as the Costco fuel center and car wash, where sufficient area is needed for safe ingress, egress, and vehicular maneuvering and circulation within the site itself, this exemption is justified in order to avoid a site layout that is inefficiently designed with inadequate vehicle queuing and maneuvering areas in order to meet unnecessary setback requirements for the use. Further, this allows for future expansion of these uses that maximizes the available site area while continuing to provide safe vehicular circulation areas, which could be limited by cumbersome setback requirements. Therefore, on balance, these deviations will equally or better meet the purpose of the underlying standard.

Motor Vehicle Parking

BDC 3.3.100 states the purpose of vehicle parking standards:

“The purpose of this chapter is to provide basic and flexible standards for the development of vehicle parking, loading and bicycle parking. The design of parking and loading areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards).”

The future Costco Wholesale store is anticipated to be approximately 173,000 square feet, which includes an approximately 17,000 square foot MDO facility for last-mile deliveries through Deschutes County; in total, the building will be approximately 190,000 square feet. An associated carwash and fuel center are also proposed. Based on these uses, BDC Table 3.3.300 allows a maximum of 801 parking spaces¹ as demonstrated in Table 1 below.

Table 1: Parking Requirements for Costco Uses per BDC Table 3.3.300

Proposed Use	Area (sq. ft.) or Employees	Minimum Required (BDC 3.3.300)	Max Allowed
Costco Wholesale (General Trade)	173,000 SF	494 spaces	741 (150%)
MDO (Bulky Merchandise)	17,000 SF	22 spaces	34 (150%)
Fuel Center	10 Employees	20 spaces ¹	20 spaces
Carwash	3 Employees	6 spaces ¹	6 spaces
Total		542	801

The applicant originally requested the following deviation to the maximum parking standard:

Required Off-Street Vehicle Parking Spaces for Retail Sales and Service Uses. For retail sales and service uses that exceed 100,000 square feet gross floor area, the maximum number of off-street parking spaces allowed is 1 space per 165 square feet of gross floor area.

Under the originally requested deviation, Costco would have been allowed a maximum of 1,048 parking spaces based on the store’s approximately 173,000 square feet of gross floor area, or approximately 307 more parking spaces than what is allowed by BDC Table 3.3.300. However, Costco never intended to provide this much parking (the preliminary site plan showed 938 parking spaces), nor would this much parking fit within the Gateway North site with the currently proposed uses. In order to address City Council’s concerns with the extent of this deviation, the applicant revised its proposed deviation to the language identified below:

Required Off-Street Vehicle Parking Spaces for Membership Only Retail Sales and Service Uses. For membership only retail sales and service uses that exceed 150,000 square feet gross floor area and include associated carwash and fuel center uses, the maximum number of off-street parking spaces allowed is 867.

Under this revised language, Costco would be allowed no more than 867 parking spaces for its combined uses. This represents an increase of 66 spaces over the 801 parking spaces that would be allowed under BDC Table 3.3.300, and it is a decrease of 71 parking spaces over the preliminarily proposed site plan (originally, 938 parking spaces were proposed for Costco’s uses). Further, the revised language provides additional clarity and predictability on the type of user that would be able to utilize this deviation. By tying the deviation to a membership-only retail sales and service use that exceeds 150,000 square feet of gross floor area, which also includes associated carwash, MDO, and fuel center uses, the deviation is effectively limited to Costco.

¹ BDC Table 3.3.300 does not specify parking requirements for carwash or fuel center/gas station uses. Therefore, the minimum parking requirement is established by the review authority. Staff confirmed the identified parking minimums are acceptable for these uses based on the number of employees and anticipated shift-change overlap.

This revised deviation language provides needed flexibility from the underlying BDC standard given the unique nature of a Costco Wholesale store that has a demonstrated parking demand in excess of a more standard retail sales and service use as demonstrated below, but is also reflective of City Council concerns regarding the extent of the originally requested deviation from the underlying BDC standard and what type of user could utilize the deviation.

In support of the revised deviation to the maximum parking standard per BDC Table 3.3.300, the applicant's consulting traffic engineer, Joe Bessman with Transight Consulting, prepared a supplemental memorandum dated November 8, 2022 which demonstrates that an increase of 66 parking spaces is necessary based on accommodating observed off-peak parking demands at the existing Bend Costco located at The Forum Shopping Center. His memorandum provides the following conclusions which support the proposed deviation:

- The existing Costco at The Forum relies on parking areas intended for other businesses to meet parking demands, which become more pronounced during the peak holiday season;
- A November 5, 2022 parking demand survey for the Costco at The Forum shows that on a typical Saturday in early November, the parking demand peaked at 621 spaces at 1:00pm. This represents 104% of this Costco store's available parking (85% is considered "full"), meaning spillover into adjacent parking lots was occurring.
- Accommodating Costco's current (non-holiday) parking demand at 85% utilization equates to a parking ratio of one stall per 214.5 square feet of gross floor area, which is greater than what BDC Table 3.3.300 allows (one space per 350 square of gross floor area);
- BDC Table 3.3.300 allows one space per 350 square feet of gross floor area for general trade uses, with a maximum of 150% of this ratio allowed (one stall per 233 square feet of gross floor area). Based on the parking demand survey of the existing Bend Costco, this classification does not support Costco's existing parking demand in Bend; and
- During the parking study, numerous cars were observed circling the lot to locate a parking space, idling and waiting behind patrons loading vehicles, or leaving to make a separate trip at a different time. The actual demand to shop at the Costco is expected to be higher, and this unmet demand results in additional trips on the transportation system.

As concluded by the Transight Consulting memorandum, applying the standard general trade parking requirements per BDC Table 3.3.300 to the proposed Costco does not provide sufficient parking to meet observed non-holiday season parking demands. For this reason, the proposed deviation to allow an increase in the maximum allowed parking for Costco by 66 spaces is justifiable given the unique nature of Costco and the increased parking demand that results. With the mitigations proposed and detailed in the subsequent section, the applicant has demonstrated that not only is the deviation necessary, but that any possible impacts resulting from the proposed deviation can be mitigated to the extent reasonably practical.

Proposed Mitigations:

BDC 4.5.400(D)(2)(c) requires that any impacts resulting from a proposed deviation be mitigated to the extent reasonably practical. In support of the proposed deviation to allow for an increase in parking maximums over what is allowed by BDC Table 3.3.300 by 66 parking spaces, the following mitigations are proposed:

1. Medium (+) Mobility Point

The applicant will provide a Medium (+) Mobility Point along Local Road “C” that will be designed to comply with Bend Standard Drawing R-50A. The proposed mobility point will provide a designated location for transit, shuttle services, and rideshare options while also supporting micro-mobility transit methods such as shared bicycles. The mobility point will also provide additional bicycle parking racks, e-bike charging stations, and an electric vehicle charging point. The implementation of a mobility point within Gateway North can also serve as an additional expansion point for Bend’s bike-share program that is currently being piloted, which seeks to diversify micro-mobility options, offer more sustainable transit methods, and connect to and leverage services offered by Cascades East Transit (CET) to increase ridership and decrease single occupancy car trips². The addition of a mobility point within Gateway North will help to ensure that ample opportunities for non-vehicular transportation options are provided, which will help offset possible impacts from the proposed deviation to the vehicle parking requirements per BDC Table 3.3.300 for Costco.

2. Increased Parking Lot Tree Planting and Stormwater Treatment Enhancements

Upon submission of Site Plan Review applications for the Costco Warehouse (including associated carwash and fuel center uses), water quality treatment controls and stormwater infiltration facilities will be designed to meet water quality and detention requirements, but Costco will provide an additional 10% over code requirements for a factor of safety. Increased (bi-annual) maintenance inspection schedules for drainage facilities will also be implemented to ensure stormwater management facilities are operating as efficiently as possible. In addition, at least 84 additional trees will be planted in the parking lot landscape area in excess of the current requirement of one tree per eight stalls per BDC 3.2.300(E)(2). Increased tree planting will serve to mitigate the increased pavement area by absorbing heat and pollutants and providing additional shade. Further, enhanced stormwater management and treatment facilities will ensure that stormwater runoff is sufficiently treated and pollutants are reduced prior to release.

Bicycle Parking

BDC 3.3.100 states the purpose of bicycle parking standards:

“The purpose of this chapter is to provide basic and flexible standards for the development of vehicle parking, loading and bicycle parking...This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.”

Per BDC 3.3.600, multi-unit residential uses are required to provide one covered bicycle parking space per unit. Covered bicycle parking spaces must be located within a garage, storage shed, basement, utility room or similar area. For new-build multi-family residential developments, this often requires the incorporation of a specific bicycle storage area or structure into the site’s design using space that could be otherwise used for additional residential units or other tenant amenities.

² <https://www.bendoregon.gov/government/departments/streets/mobility>

The Inland Group, which will develop the site's multi-unit residential components, including Affinity (the age-restricted multi-family residential development), originally requested a bike parking deviation of 1 space for every 10 age-restricted dwelling units. With 170 dwelling units tentatively proposed within Affinity, only 17 bicycle parking spaces would have been required, instead of 170 covered bicycle parking spaces.

The applicant has revised this proposed deviation to the language identified below:

Age-Restricted Multi-Unit Residential. For age-restricted multi-unit residential uses, the minimum number of bicycle parking spaces is 56 covered spaces and 44 uncovered spaces. Covered bicycle parking spaces may be located within a dedicated room or located in a manner that is sheltered from sun and precipitation under an eave, overhang, independent structure, or similar cover. Additionally, a bicycle-share program must be provided with a minimum of 15 bicycles available to residents.

Under this revised language, Affinity would provide a total of 100 bicycle parking spaces for both tenant and visitor use, 56 of which will be covered. This provides 59% of the total bicycle parking that would be provided under the requirements of BDC Table 3.3.600. In addition, this revised language requires Affinity to provide a bicycle-share program for residents that would directly provide at least 15 bicycles for residents' use on a day-to-day basis.

In total, this revised code language provides 83 more bicycle parking spaces over the originally proposed language, as well as at least 15 bicycles that can be used by residents who do not own their own bicycle. This revised language continues to provide needed flexibility from the underlying BDC standard given the unique nature of an age-restricted housing development that has a demonstrated bicycle parking demand that is well below that of a standard multi-unit residential development, but is also reflective of Bend residents' growing preference for bicycling as a mode of transportation and recreation.

The City of Bend has made great strides in promoting and encouraging the use of bicycles as a transportation alternative to motor vehicles. This is supported by the proposed Master Plan through the provision of extensive bicycle-oriented transportation improvements within and adjacent to the Gateway North site. Inland Group has chosen Gateway North for future residential development in part because of Gateway North's convenient location, the substantial transportation improvements being provided by the project that will benefit future residents, and its location adjacent to future trails, multimodal pathways, and off-site parks. Inland Group is supportive of the City's goals to encourage bicycling throughout the community, and while their standard multi-unit residential development project (referred to as "Adara") will provide ample bicycle parking that meets the requirements of BDC Table 3.3.600, the age-restricted Affinity development requires flexibility from the standard bicycle parking minimums given its unique nature providing needed housing for retired adults, desired amenities from residents, and limited land-availability for new housing that demands the most efficient use of land.

Earlier in 2022, The Inland Group received City approval for a variance to the standard bicycle parking requirements per BDC Table 3.3.600 for their Affinity development to be located at the intersection of NE 27th Street and NE Mary Rose Place (PLVAR20220174). In support of the variance, The Inland Group conducted an analysis of bicycle parking utilization across their 26 existing Affinity residential developments. The 26 Affinity developments that were analyzed are comparable to the size of Affinity at Gateway North and anticipated resident demographics.

The unit count ranged from 120 to 174 units, with an average of 156 units. The average age of residents is 71 years old. As identified in the submitted Affinity Living Communities bicycle parking utilization analysis prepared by AKS Engineering & Forestry dated February 1, 2022, the bicycle storage spaces provided at these other Affinity developments ranges from 6 to 17 spaces, with an average of 12.4 spaces per development. The utilization of bicycle storage spaces at these other Affinity developments ranged from 3 to 12, with an average utilization of 6.4 spaces. Only 3 of the 26 existing Affinity developments reported a utilization of 10 or more spaces. The resulting utilization rate of approximately 4.1% equates to a bicycle parking ratio of approximately 1 space per 25 units. The minimum bicycle parking requirement proposed for Affinity through the revised code language discussed previously yields a bicycle parking to unit ratio that greatly exceeds the identified demand (approximately 1 space per 1.7 units as proposed, or 1 space per 3 units if counting only covered spaces). This language ensures that ample bicycle parking is provided that not only exceeds the identified demand at other Affinity developments, but is also reflective of many Bend residents' preference for bicycling as a mode of transportation and recreational opportunity. Importantly, this flexibility to the bicycle parking standards also provides additional land for residential units and ample passive and active recreational opportunities that are desired by residents such as pickle ball courts, community gardens, outdoor patios, and a swimming pool.

While the approval criteria for a variance and a deviation request through a major employment master plan are not identical, the bicycle parking utilization analysis demonstrates that the Affinity age-restricted development is a specific development type with unique circumstances that justify a deviation to the standard multi-unit residential bicycle parking requirements per BDC Table 3.3.600. This was acknowledged by the Bend Planning Division through its findings and approval of PLVAR202201743, with Staff finding the following:

“Based on the submitted data from the applicant’s similar senior housing projects and a local senior housing example, the proposed use can reasonably be anticipated to generate a lesser need for bicycle parking than the general requirement for multi-unit dwellings. Consequently, the submitted Preliminary Site Plan shows covered bicycle parking for 17 spaces, 1 space per 10 units. The criterion is met, and the variance is justified.”

Applying the standard multi-unit residential bicycle parking standards per BDC Table 3.3.600 to a senior housing project is excessive, drives up housing costs, and utilizes limited space without providing an additional, tangible benefit to the residents or broader community. For these reasons, the proposed deviation to the multi-unit residential bicycle parking standards per BDC Table 3.3.600 for age-restricted multi-unit residential uses is justifiable given the unique development type that generates a lesser need for bicycle parking than that of a standard multi-unit residential development. With the mitigations proposed and detailed in the subsequent section, the applicant has demonstrated that not only is the deviation necessary, but that any possible impacts resulting from the deviation can be mitigated to the extent reasonably practical.

Proposed Mitigations:

BDC 4.5.400(D)(2)(c) requires that any impacts resulting from a proposed deviation be mitigated to the extent reasonably practical. In support of the proposed deviation to the standard bicycle multi-unit residential bicycle parking requirements per BDC Table 3.3.600, the following mitigations are proposed:

3. Shared-Bicycle Program

Inland Group will provide a shared-bicycle program with their proposed Affinity development that will make at least 15 bicycles available for resident's day-to-day use. Inland will support the shared-bicycle program through long-term maintenance of the bicycles and replacement as necessary. A shared-bicycle program provides residents with an additional transportation alternative to personal vehicles, is supportive of the City's goals for encouraging alternative transportation methods and recreational opportunities throughout the community, and provides bicycles to residents that do not have their own or might not be able to afford one. In conjunction with the ample bicycle parking proposed with Affinity through the requested deviation, the proposed shared-bicycle program will ensure adequate bicycle use opportunities are made available to residents.

4. Medium (+) Mobility Point

The applicant will provide a Medium (+) Mobility Point along Local Road "C" that will be designed to comply with Bend Standard Drawing R-50A. The proposed mobility point will provide a designated location for transit, shuttle services, and rideshare options while also supporting micro-mobility transit methods such as shared bicycles. The mobility point will also provide additional bicycle parking racks, e-bike charging stations, and an electric vehicle charging point. The implementation of a mobility point within Gateway North can also serve as an additional expansion point for Bend's bike-share program that is currently being piloted, which seeks to diversify micro-mobility options, offer more sustainable transit methods, and connect to and leverage services offered by CET to increase ridership and decrease single occupancy car trips. The addition of a mobility point within Gateway North will help to ensure that ample opportunities for non-vehicular transportation methods are provided to future residents, including bicycle use, which will more than offset any possible impacts from the proposed deviation to the multi-unit residential bicycle parking requirements per BDC Table 3.3.600 for age-restricted multi-unit residential developments (Affinity).

Building Height

While a purpose statement for building height standards in mixed-use zoning districts is not provided, it is understood that building height standards are intended to promote land use compatibility and appropriately scaled design (which is the identified intent for residential zoning district building height standards per BDC 2.1.800, for example). The proposed 10-foot building height increase (from 45 feet to 55 feet) provides additional flexibility to incorporate a greater range of architectural features (pitched roofs, gables, roof offsets, etc.) into a building's design, specifically for the proposed multi-family residential components of the master plan. This deviation will allow maximum four-story buildings to utilize non-flat roofs in their design and incorporate the aforementioned architectural details without sacrificing an entire floor (and additional housing units) to incorporate these details. The allowance provided by the height increase for additional roof design elements will provide greater compatibility with any future commercial and residential uses located across Cooley Road within the future North Triangle (Caraway) Master Plan, and also greater architectural variety and scale within the Gateway North site. Therefore, the deviation will equally or better meet the purpose of the underlying standard.

Exterior Building Walls

Exterior building wall standards are applied as a part of commercial design review, which all developments in the ME zone are subject to. BDC 2.2.600(A) states the overall purpose for the commercial design review standards, including exterior building wall standards: *“The Commercial Design Review standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles.”* For retail sales and service uses in excess of 50,000 square feet, including the Costco Wholesale store proposed with this master plan, an exception to BDC 2.2.600(C)(2)(a) is proposed so that the building’s exterior walls do not need to be designed with windows totaling a minimum of 10% of the wall area for walls that can be viewed from public streets, provided that varying building colors, materials, and architectural features are incorporated into the design.

In order to maximize efficiency, retail sales and service uses often provide product storage and stocking areas on the perimeters of the building, with the interior floor area used primarily for customer sales. In addition, Costco stores incorporate product racking systems immediately inside of exterior building walls. While windows are often provided at the main entrance, street facing windows along exterior walls are not conducive to the building’s design and will not provide pedestrian amenities normally associated with exterior windows. Nonetheless, the intent of the purpose statement can be met by incorporating varying architectural features, contrasting building materials, and a variety of exterior colors. Elements proposed with the Costco Wholesale store’s design, such as mounted trellises, stepped parapets, and pilasters will provide additional architectural variety and scale along the building’s façade in lieu of windows, while also affording necessary flexibility to the proposed use.

Building Roofs

Building roof standards are applied as a part of commercial design review, which all buildings in the ME zone are subject to. BDC 2.2.600(A) states the overall purpose for the commercial design review standards, including roof standards: *“The Commercial Design Review standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles.”* Further, BDC 2.2.600(C)(2)(e) identifies that roofs should be designed to reduce the apparent exterior mass of a building, provide visual interest, and be appropriate to the architectural style of the building. For retail sales and service uses in excess of 50,000 square feet, including the Costco Wholesale store proposed with this master plan, an exception to BDC 2.2.600(C)(2)(e) is proposed so that the building’s roof can include flat roof components in excess of 30% along building elevations visible from streets, provided a combination of stepped parapets, freestanding structures or attached trellis structures, and landscaping are provided along the elevation. These architectural elements and adjacent landscaping will meet the intent of the referenced purpose statements by providing visual interest to the building’s design and reducing the apparent mass of the exterior building elevation. Further, this exception provides necessary flexibility for the Costco store’s design so the building can remain consistent with Costco’s design and branding that the applicant believes is appropriate for buildings of this size.

Shopping Streets

BDC 2.2.500(C)(2) requires that multiple-building development include at least one private or public street that is constructed to the City’s local street standard and include the following elements: buildings placed at the sidewalk along the shopping street, wide sidewalks, on-street parking, street trees, pedestrian-scale lighting, and weather protection or similar pedestrian

amenities. Shopping street standards are a site layout and building orientation standard applicable to commercial zones and the ME zone. BDC 2.2.500(A) states the purpose of site layout and building orientation standards, including shopping streets:

“These site layout and building orientation standards are intended to promote a walkable, storefront character in certain areas of the City, and to facilitate walking, bicycling, and transit use in the Commercial Districts, by forming short blocks.”

As noted in the draft development code, the Gateway North Master Plan is proposed to be exempt from shopping street standards where they would be determined to be required. The included site connectivity and bike/pedestrian network plans show that a pedestrian and bicycle transportation network will be provided within the site, consisting of a combination of multi-use paths, sidewalks, internal walkways, and buffered bike lanes. This network will facilitate walking, bicycling, and connections to adjacent existing and possible future transit uses provided by CET. In general, the Gateway North Master Plan will result in a coordinated and cohesive horizontal mixed-use development, where residential uses are a short walking distance from commercial and employment uses, regardless of the resulting block length and perimeters. Street trees along proposed roadways and interior landscaping will be provided. Pedestrian-scale lighting that complies with BDC 3.5.200 will also be provided, with compliance demonstrated at the time of future subdivision and site plan review applications. It is important to note that multiple-building commercial development on a single parcel or lot is currently not proposed within Gateway North; however, a deviation from shopping street standards provides the site with additional flexibility to allow for future development and/or redevelopment that would not require the implementation of a shopping street that could disrupt the intent for a horizontal mixed-use development within the site as contemplated with this master plan. Therefore, the deviation will equally or better meet the purpose of the underlying standard.

- 3. 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 City Engineer has issued a Utility Availability Memorandum (Exhibit G) that demonstrates the City’s sanitary sewer and water systems have adequate capacity to serve the site, subject to the Recommended Conditions of Approval listed below. Anticipated mitigation measures and necessary improvements for the City’s sewer and water systems were also identified within Exhibit G and were extensively coordinated between the applicant and City staff. Necessary improvements will be installed prior to occupancy or use. With the following Recommended Conditions of Approval, this criterion will be met.

Recommended Conditions of Approval:

The project must extend minimum 8-inch sewer mains throughout the site to service all proposed lots. The sewer main must be designed and constructed in accordance with City of Bend Standards under a right of way permit. Where a sewer main is not installed within the right of way, it must be within a minimum 20-foot wide City sewer easement dedicated to the City of Bend. Depending on the depth and the size of the main, the easement may be required to be wider to allow for access and maintenance. (Condition #1)

An extension of the North Interceptor within Cooley Road must be constructed from the intersection of Cooley Road and Hunnell Road west to the terminus of the ODOT roundabout splitter island, or as determined during right of way permit review to allow for extension across the roundabout under a separate project by others. A temporary sewer pump station will be required to pump from the North Interceptor main into the existing manhole at the intersection of Hunnell Road and Cooley Road, with the North Interceptor being deeper than the existing gravity sewer outfall. The need for the pump station will be removed as a requirement for this development if the Caraway development to the north develops and further extends the North Interceptor to its existing/current terminus in Clauson Drive. The installation of the North Interceptor in Cooley Road will be constructed under an agreement with the City of Bend for SDC credits. (Condition #2)

The development must provide a payment in lieu of \$70,000 for pump station upgrades for the Highland and Holiday Pump stations. The payment will cover communication and pump upgrades for the additional flows into the system. Payment must be made to the City of Bend prior to occupancy of the first building. (Condition #3)

To maintain capacity for the Highland and Holiday pump stations, project development must occur in phases so that Phase 1 does not exceed a discharge rate into the City sewer system of more than 13.50 gallons per minute. Development of subsequent phases will be coordinated during site plan review to ensure it occurs in conjunction with planned sewer infrastructure improvements. (Condition #4)

A 12-inch water main, connecting to the existing main in Cooley Road, must be extended within Cooley Road to and through the property limits. (Condition #5)

A 12-inch water main, connecting to the existing main in Robal Lane, must be extended within Robal Lane to and through the property limits. (Condition #6)

The project must extend 8-inch water mains throughout the development, looping the system whenever possible. No dead-end mains will be allowed unless otherwise permitted by the City Engineer under the right of way permit review. The 8-inch water mains must be installed under all new public roads or within a City of Bend water easement. An 8-inch main must be extended through the site to connect the 12-inch water main in Cooley Road with the 12-inch water main in Robal Lane west of the Costco site. (Condition #7)

4. The proposal complies with BDC Chapter 4.7, Transportation Analysis, and meets all the approval criteria in BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.

FINDING: BDC Chapter 4.7, Transportation Analysis, and BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan, are reviewed for compliance further below, demonstrating the applicable approval criteria can be met.

5. The employment master plan provides multimodal connections on site in compliance with the City of Bend Transportation System Plan (TSP) and the Bend Park and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, latest editions, and existing and planned trail systems adjacent to the employment master plan are continued through the entire employment master plan.

FINDING: The Gateway North Master Plan (Exhibit C) includes a conceptual site plan, site connectivity plan, and bike/pedestrian network plan showing that multimodal connections in compliance with the City's TSP will be provided, including the following elements:

- A new east-west collector road running through the site, connecting US Hwy 20 with two proposed north-south local streets (Local Road 'A' / Local Road 'B', and Local Road 'C'), as well as Hunnell Road further east. This collector road will include 51 feet of pavement bound by curb on both sides and 8-foot sidewalks.
- Improvements to Cooley Road, including 52 feet of pavement bound by curb on both sides and a 10-foot wide shared-use path that meets the City's Low Stress Network standards.
- Improvements to Robal Lane, including 50 feet of pavement bound by curb on both sides and a 10-foot wide shared-use path that meets the City's Low Stress Network standards.
- A 10-foot wide shared-use path along US Hwy 20, which meets the City's Low Stress Network standards, connecting into ODOT's Robal and Cooley roundabout improvements.

The BPRD Comprehensive Plan does not identify future trail connections within the site, and there are no existing or planned trail systems adjacent to the site that must be continued through the site. This criterion is met.

6. The employment master plan, when located in an opportunity area and includes residential designated land, complies with the density and housing mix in BDC 4.5.200(E)(3).

FINDING: The Gateway North site is not located within a designated opportunity area per Figure 11-1 within the City's Comprehensive Plan, and does not include any residential designated land. Therefore, BDC 4.5.200(E)(3) is not applicable.

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

- a. Approval of the request is consistent with the relevant Statewide planning goals that are designated by the Planning Director or designee; and**
- b. 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 the proposed master plan does not propose an amendment to the City's Comprehensive Plan Map or text, this criterion is applicable. The applicable Statewide Planning Goals and the Bend Comprehensive Plan policies contained within Chapter 11 (Growth Management) are reviewed for compliance further below, demonstrating consistency with these provisions.

8. If the major employment 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).

FINDING: The proposed master plan does not include a zone change. Therefore, BDC 4.6.300(C) is not applicable.

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

FINDING: The proposed master plan does not propose an amendment to the City's Comprehensive Plan Map or text. Therefore, BDC 4.6.300(B) is not applicable.

Chapter 4.7, Transportation Analysis

4.7.300 Process.

A. The following steps describe the process for assessing the transportation system:

Step 1. The applicant must submit a Transportation Facilities Report in accordance to BDC 4.7.400. If the proposed development includes needed housing, the Transportation Facilities Report must clearly state whether the applicant is electing

to use a review process for the transportation analysis with clear and objective standards (Clear and Objective Track) or is electing to allow the City Engineer to modify or waive the required information (Discretionary Track). All other proposed developments must use the Discretionary Track.

Step 2. The City Engineer will review and evaluate the Transportation Facilities Report in accordance to BDC 4.7.400(C) to determine if a Transportation Impact Analysis is required. If a Transportation Impact Analysis is not required, the applicant may submit a development application including the Transportation Facilities Report. If a Transportation Impact Analysis is required, Step 3 is triggered. Step 1 and Step 3 may be combined.

Step 3. If required, the applicant must submit a Transportation Impact Analysis in accordance with BDC 4.7.500.

Step 4. If no significant impacts are identified, the applicant may submit a development application including the Transportation Impact Analysis and must pay a proportionate share contribution required under BDC 4.7.700, Proportionate Share Contribution. Proposed developments with significant impacts will be required to propose mitigation in compliance with BDC 4.7.600, Significant Impacts and Mitigation Measures, as part of the development application and pay a proportionate share contribution required under BDC 4.7.700, Proportionate Share Contribution. If mitigation measures have been determined for any significant impacts, then the applicant must include the Transportation Impact Analysis with the mitigation measures identified as part of a development application.

FINDING: The Transportation Element (Exhibit M) for the Gateway North Master Plan was prepared by Transight Consulting, and includes a Transportation Facilities Report (TFR), Transportation Impact Analysis (TIA). The TIA was prepared in accordance with BDC 4.7.500, and includes proposed mitigation measures in compliance with BDC 4.7.600.

4.7.500 Transportation Impact Analysis.

- A. *Preparation.*** If a Transportation Impact Analysis is required, it must be prepared by a licensed professional engineer especially qualified in traffic engineering by the State of Oregon. The applicant's engineer must consult with the City Engineer prior to preparing the Transportation Impact Analysis to verify the level of details to be included in the analysis.
- B. *Contents of the Transportation Impact Analysis Report.*** The Transportation Impact Analysis must contain the following information organized as follows:
 - 1. *Study Area.***
 - a. *Clear and Objective Track.*** The study area must include all site access and adjacent roadways and intersections. The study area must also include all off-site major intersections impacted by 50 or more peak-hour vehicle trips within

one mile of the site. The City Engineer must approve the defined study area prior to commencement of the Transportation Impact Analysis.

b. Discretionary Track. The study area must include all site access and adjacent roadways and intersections. The study area must also include all off-site major intersections impacted by 50 or more peak-hour vehicle trips within one mile of the site. The City Engineer must approve the defined study area prior to commencement of the Transportation Impact Analysis. The City Engineer may choose to waive the study of certain intersections if deemed unnecessary.

FINDINGS: The present application for Master Plan approval does not include a development application for needed housing and therefore follows the Discretionary Track. In a letter dated October 31, 2022 and in testimony before the City Council, Rick Nys of Greenlight Engineering cites several local street intersections with collector and arterial roads that he argues should be elevated to “Study Intersections.” In review of these locations, Council finds that all locations identified were not requested by the City, County, or the Oregon Department of Transportation as they were either deemed “insignificant”, did not meet the appropriate volume thresholds to be subject to any performance thresholds, are planned to be relocated or reconstructed with pending adjacent applications, are planned to be reconstructed or modified through ODOT’s INFRA (Bend North Corridor) Project, or are fully built-out to their ultimate standard for a local street intersection. Accordingly, the analysis scope that was developed in consultation with the City, Deschutes County, and ODOT reflects the appropriate study area for the analysis. As the City’s engineering staff retains discretion to waive intersections deemed unnecessary, the applicant’s TIA complies with the Study Area requirements.

Intersection Cited by Opposition	Reason waived from analysis
Cooley/Hunnell	There are two intersections of Cooley Road/Hunnell Road. The classified <i>Collector</i> Intersection is included in study, the eastern <i>local</i> connection is fully built-out with left-turn lanes.
US 97/Clausen	Intersection is funded for modifications/closure through INFRA.
US 97/Grandview	Intersection is funded for modifications/closure through INFRA.
Cooley/Hunters Circle	Intersection is funded for modifications/closure through INFRA.
Cooley/High Standard Dr	Local Street intersection fully built-out with left-turn lanes.
Cooley/Brahma Court	Local Street serving 8 residences on either side of Cooley Road. Low-volume local streets contain no applicable performance standards. Fully built-out with left-turn lanes.
Cooley/Ranch Village Dr	Local Street intersection fully built-out with left-turn lanes. Unlikely that either approach would experience more than 100 peak hour trips and be subject to any performance thresholds.

US 20/Mountain View Dr	Not a City of Bend intersection, subject to ODOT and/or County scoping direction.
US 20/Nels Anderson	Intersection is funded for modifications/closure through INFRA
Various Local Road/ Driveway intersections	Assessment of internal site access driveways to occur with subsequent site plan applications. No analysis necessary at Master Plan approval.
Collector/Driveway Intersections	Streets will be constructed by development to City <i>Collector</i> design standards. No analysis necessary at Master Plan approval.

4.7.600 Significant Impacts and Mitigation Measures.

F. Mitigation Measures. Mitigation measures must consider all users and mitigate the impacts of the proposed development.

FINDINGS: The applicant has submitted a 33-page Traffic Analysis Memo (TAM) from the City’s Private Development Engineering Division dated July 28, 2022 (Exhibit T), which analyzes the Master Plan’s transportation impacts and lists 38 recommended mitigation measures. The following findings highlight key takeaways from the TAM.

The 52-acre Gateway North site is located in the City limits, abutting the City limits along the north side of Cooley Road. With the exception of the property at 63645 Scenic Drive, the properties to the north are in the Urban Growth Boundary (UGB) but have not been annexed.

The Rodgers Canal traverses the east side of the property. This open ditch canal is still being utilized to deliver irrigation water to the properties north of the site. This project will need to coordinate with Swalley Irrigation District to pipe the canal. The City will require that the canal be located outside of the right of way whenever possible. If the Swalley irrigation main must be within the right of way, it must be within the landscape strip or under sidewalk as approved by the City Engineer during right of way permit review. Where within the right of way, cleanouts will not be permitted within the sidewalk, driveways, or where ADA accessibility is required. The piped irrigation infrastructure should be installed to avoid conflicts with street trees, which will be required by the Development Code unless otherwise approved by the Planning Division.

Recommended Condition of Approval:

The Swalley Irrigation canal must be fully piped. All piping must maintain vertical and horizontal separation requirements dictated by the City of Bend construction standards. The piped canal must be outside of the public right of way within an easement wherever possible. Any piping within the public right of way must be outside the curb and asphalt sections, wherever possible, except where crossings are needed. Cleanouts, valves and boxes are not permitted within sidewalks/paths and driveways. (Condition #8)

The City's Transportation System Plan (TSP) identifies the following:

- A collector street that splits the property in two, connecting Highway 20 to Hunnell Road.
 - This collector was added to the TSP through a land use action PZ 20-0080. An ODOT Grant of Access was also conducted under PLMISC20210629. The grant of access was required to be a right-in / right-out to Hwy 20.
- A Low Stress Network (LSN) path along Cooley Road, adjacent to the roadway.
- An LSN path along Robal Road, adjacent to the roadway.
- An LSN path along US Hwy 20, adjacent to the roadway.

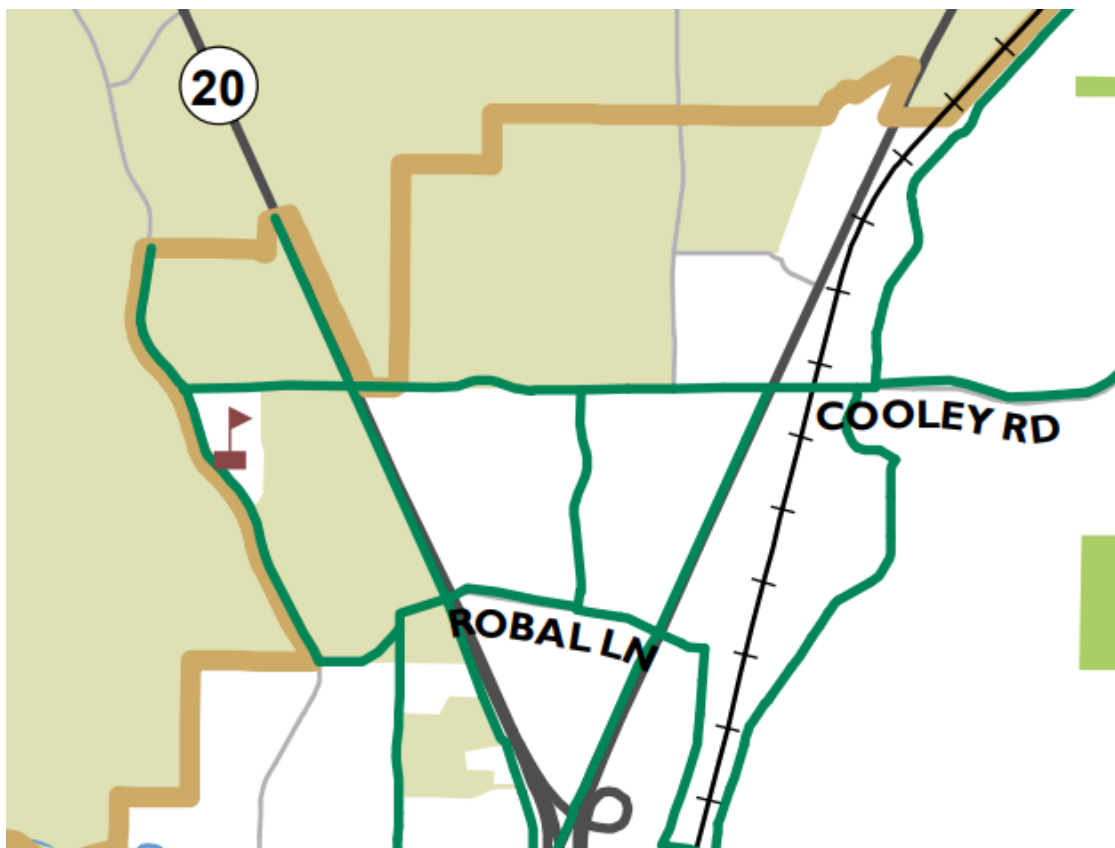


Figure 1. Low Stress Bicycle Network (Figure 5-1 on the City of Bend TSP)

ODOT is currently working on a large system upgrade, commonly referred to as the ODOT INFRA Project or the Bend North Corridor Project. Figure 2 below is the draft plan, with the Gateway North site being located within this improvement region. ODOT's project includes the construction of two multi-lane roundabouts, at the site's frontage on Hwy 20 at Cooley Road and Robal Lane.



Figure 2: ODOT's INFRA Project

There is a remaining portion of an Upland Area of Special Interest (ASI) within the property surrounding a rock outcropping, identified as ASI 25. The Gateway North Master Plan shows a road being constructed through the Upland ASI. The applicant has submitted an application to resolve the ASI conflict by removing it from the Comprehensive Plan Map and the Zoning Map, PLCPMA20220195. Prior to the issuance of any permits, the Type III Plan Amendment / Zone Change application must be approved by the Bend City Council, following a recommendation from the Bend Planning Commission.

Recommended Condition of Approval:

Prior to the issuance of any permits, the Type III Plan Amendment / Zone Change application to remove ASI 25 must be approved by the Bend City Council, following a recommendation from the Bend Planning Commission. (Condition #9)

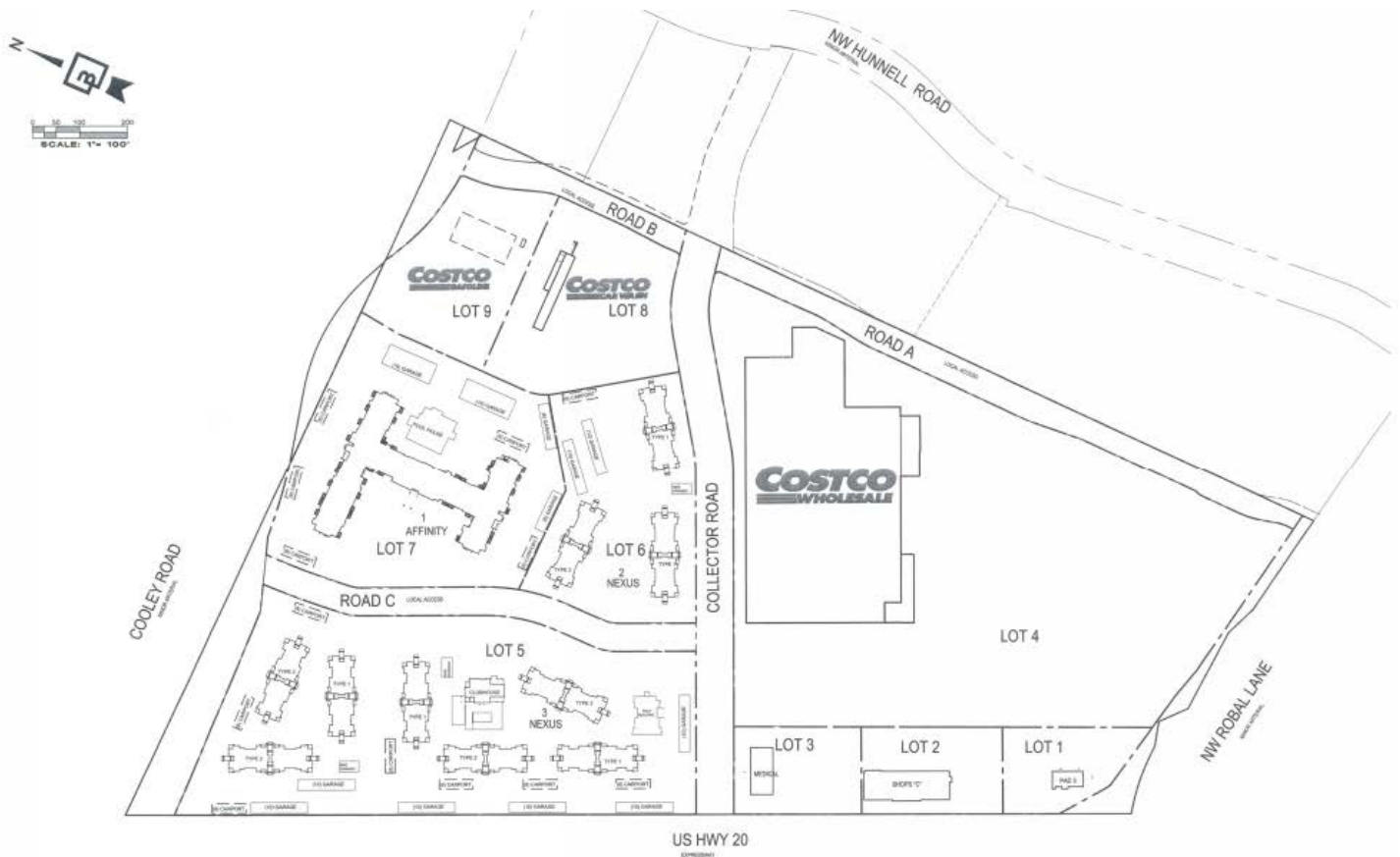
The new public roads proposed in Gateway North include the following:

1. Local Road A – Southeast area of the site, south of the new collector, along the easterly property line, connecting to the new Collector Road and Robal Lane.

2. Collector Road – Runs east and west, bisecting the property and connecting to Hunnell Road and US Hwy 20. In coordination with the adjacent landowners, this road extends beyond the eastern property boundary.
3. Local Road B – Northwest area of the site, north of the new Collector Road and along the easterly property line, connecting to the new collector and NE Cooley Road.
4. Local Road C – East of US Hwy 20 and west of Local Road B, north of the new Collector Road and connecting to Cooley Road and the new Collector Road.

The development team anticipates all site development occurring concurrently, with full build-out anticipated to be complete by 2024. Individual buildings may be completed at slightly different timelines, so a Phasing Plan has been presented by the applicant that will allow individual buildings to open prior to full completion of the entire site. The general phasing plan will require that the major spine roadway system (Collector from US 20 to Hunnell Road, right-in / right-out connection to US Hwy 20, Local Road A, and Local Road B) and improvements to Cooley Road (containing the sewer main that services the site) be complete prior to any of the buildings opening, which will allow traffic to disperse to each of the adjacent major streets. The private entrances into the commercial sites (to include the Costco, fuel center/carwash, and MDO warehouse delivery center) can occur with the adjacent building that they serve. Similarly, Local Road C may be separately constructed with the multi-unit residential site.

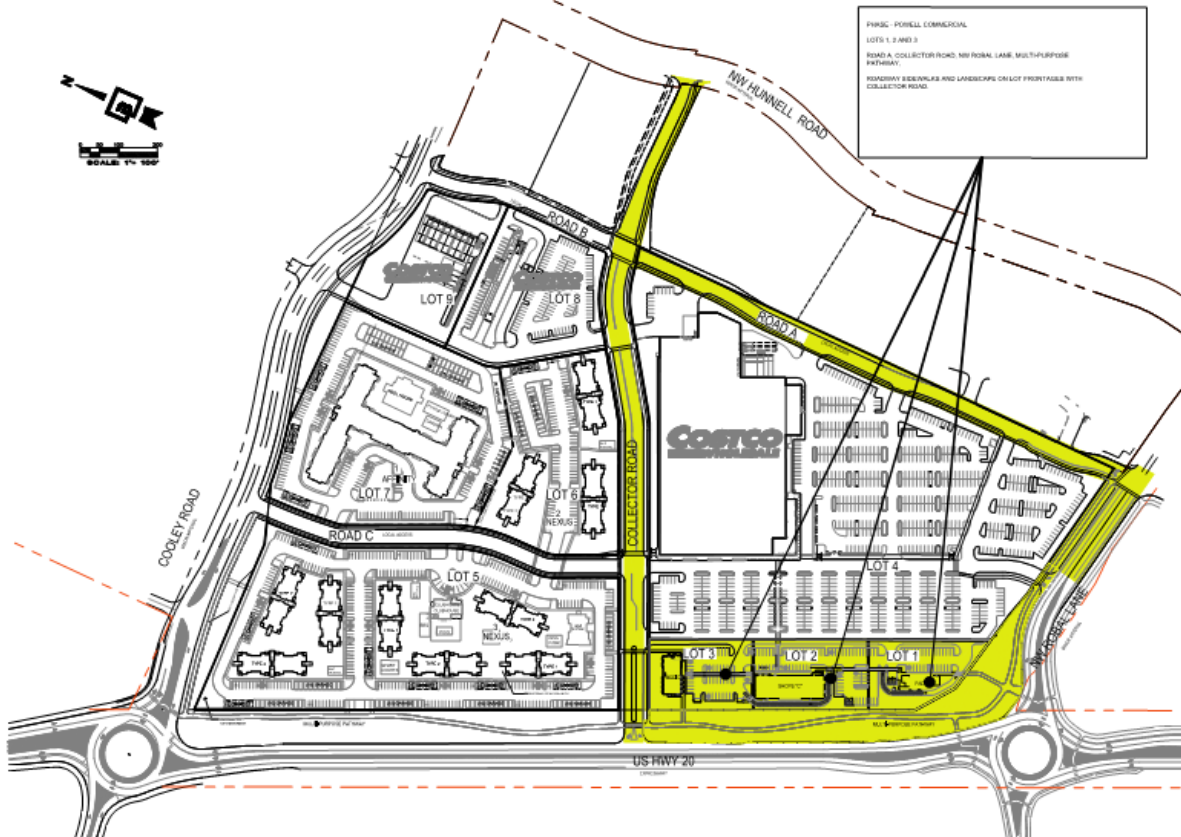
Preliminary Subdivision Plan



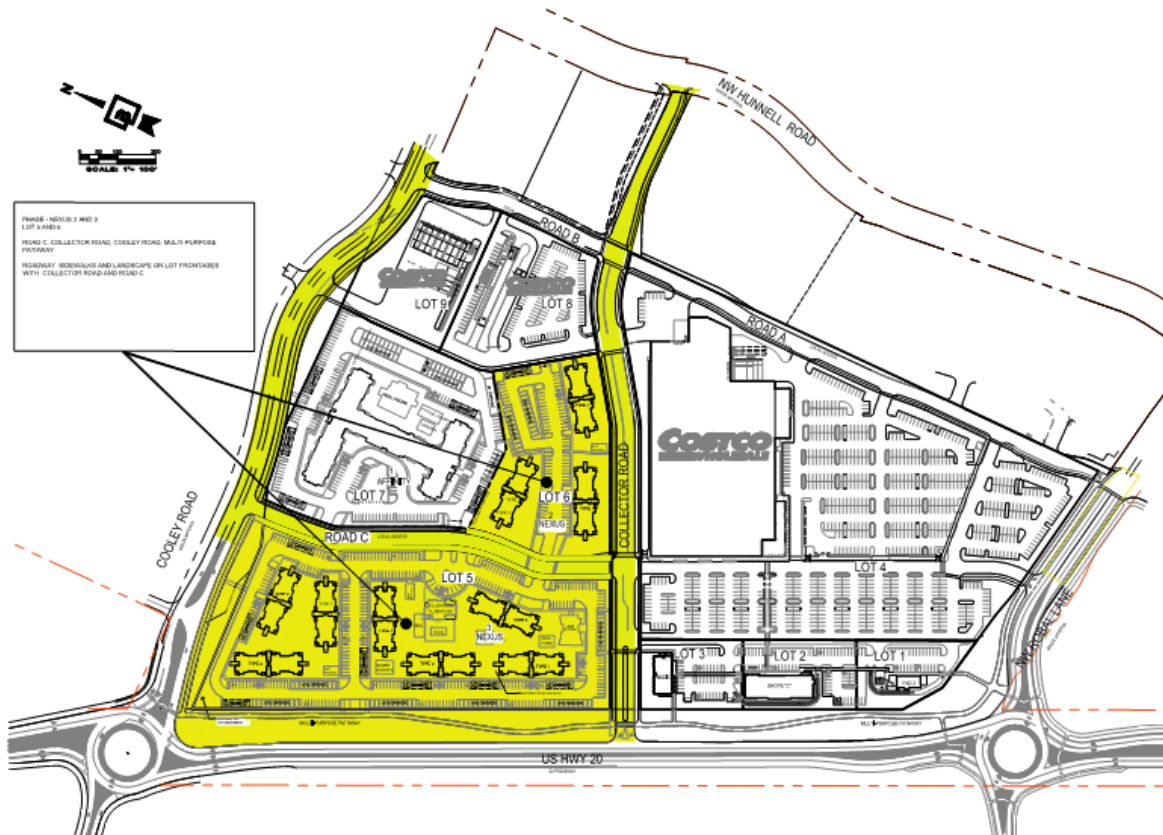
Phase 1: Lots 4, 8, 9



Phase 2: Lots 1, 2, 3



Phase 3: Lot 5



Phase 4: Lot 7



The proposed mitigations prepared by the applicant are listed below in Table 1, which is also included in the Draft Development Code as Table 2.7.45100, Transportation Mitigation Plan. It is consistent with the Preliminary Subdivision Plan and the Preliminary Phasing Plan figures shown above.

Table 1 – Transportation Mitigation Requirements

Phase	Proposed Development/Buildings	Mitigation Requirements (Required Prior to Building Occupancy)
Prior to any Building Permit Issuance	Any On-Site Buildings	<ul style="list-style-type: none"> • Payment to ODOT for highway mitigation measures per outlined terms within final Cooperative Improvement Agreement. Occupancy of any on-site uses will not be approved prior to completion of the US 20/Cooley and US 20/Robal Lane roundabouts and right-in, right-out access restrictions at the Collector connection to US 20. • Dedication of ROW for all Arterial, Collector, and Local streets per City and ODOT standards. • Dedication of ROW to support future ODOT roundabouts at US 20/Cooley and US 20/Robal
Costco (Phase 1) Prior to any Certificates of Occupancy	<ul style="list-style-type: none"> • Costco Warehouse • Costco MDO (Distribution Facility) • Costco Fuel Center • Costco Carwash 	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road B from Cooley Road to Collector • Completion and acceptance of Local Road A from Collector to Robal Lane • Completion and acceptance of Cooley Road Frontage Improvements (US 20 to East Boundary) • Completion and acceptance of Robal Lane Frontage Improvements (US 20 to East Boundary) • Completion and acceptance of US 20 multiuse pathway from Collector to Robal Lane
Powell Pad Buildings (Phase 2) Prior to any Certificates of Occupancy	All Non-Costco Commercial Uses	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road A from Collector to Robal Lane • Completion and acceptance of Robal Lane Frontage Improvements (US 20 to Eastern Boundary) • Completion and acceptance of US 20 multiuse pathway from Collector to Robal Lane • Construction of 6-foot sidewalk and dedication of public access easement from Cooley Road to the Collector, along western edge of the private drive serving the Costco Fuel Center and Carwash

Standard Multi-Unit Residential (Phase 3) Prior to any Certificates of Occupancy	All Standard Multi-Unit Residential Uses	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road C from Cooley Road to Collector • Completion and acceptance of Cooley Road Frontage Improvements • Completion and acceptance of US 20 multiuse pathway from Collector to Cooley Road
Age-Restricted Multi-Unit Residential (Phase 4) Prior to any Certificates of Occupancy	All Age-Restricted Multi-Unit Residential Uses	<ul style="list-style-type: none"> • Completion and acceptance of Collector Road from US 20 to Hunnell Road • Completion and acceptance of Local Road C from Cooley Road to Collector • Completion and acceptance of Cooley Road Frontage Improvements

In summary, the Transportation Mitigation Requirements listed above will ensure that the Master Plan complies with BDC Chapter 4.7. Numerous other detailed mitigation measures are listed in the 33-page TAM, but they are more appropriately imposed as conditions of approval at the time of Type II Subdivision Review and/or Site Plan Review, and therefore they are not specifically recommended as conditions of approval for the Master Plan.

Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan

4.8.200 Applicability.

In compliance with BDC Chapter 4.5, Master Planning and Development Alternatives, institutional and employment master plans must develop a TPDM plan. All other development applications may choose to develop a TPDM plan.

FINDING: Exhibit L contains the applicant’s required Transportation and Parking Demand Management (TPDM) Plan. A TPDM Plan is intended to support and encourage multimodal access to employment sites, provide adequate parking to support land uses, and is a required submittal element for all institutional and employment master plans.

4.8.300 Preparation.

The TPDM plan must be prepared by a transportation planner, or licensed professional engineer especially qualified in civil or traffic engineering by the State of Oregon.

FINDING: The applicant’s TPDM Plan was prepared by a licensed professional engineer (Joe Bessman, PE of Transight Consulting) registered in the State of Oregon.

4.8.400 Review Process.

The TPDM plan must be reviewed concurrently with an associated development application using the review procedures required for the development application.

FINDING: The applicant's TPDM Plan is being reviewed with the application for the Gateway North Master Plan.

4.8.500 Submittal Requirements.

In addition to the submittal requirements of BDC Chapter 4.7, Transportation Analysis, the proposed TPDM plan must include the following information as deemed applicable by the Development Services Director:

[...]

FINDING: The applicant's TPDM Plan has been prepared in accordance with this section and includes all applicable submittal requirements of this section and BDC Chapter 4.7.

4.8.600 Approval Criteria.

A. In addition to the approval criteria for the development application, the review authority of the development application will approve, approve with conditions or deny the TPDM plan based on all of the following criteria:

- 1. The TPDM plan demonstrates that the measures provide transportation options and reduce the demand for parking; and***
- 2. The TPDM measures are feasible and appropriate for the project, considering the proposed use or mix of uses and the project's location, size, and hours of operation.***

FINDING: These approval criteria are addressed within the applicant's TPDM Plan (Exhibit L).

Key findings of the TPDM Plan are as follows:

- The mixed-use retail and residential site will support the interconnection and urbanization of surrounding roads consistent with adopted City and State plans. This site builds on and supports ODOT's INFRA improvements for US 20 and US 97 to address recurrent congestion in northern Bend.
- Cooley Road, Robal Lane, and US Hwy 20 will each include a multi-use pathway, supporting the City's Low-Stress cycling network and connecting into planned pathways that will extend north and south of the site.

- A gridded network of streets is planned to support walking, cycling, and transit connections between uses and regionally from this mixed-use site. This street network provides travel alternatives outside the highway and arterial street system and within a low-stress environment.
- Bend Development Code contains a generalized parking ratio that is applied to a wide variety of commercial uses; the planned Costco will be larger than its existing location, it will include more employees and supporting services, and will seek to avoid the overflow issues present at the current site. The increased parking ratio responds to actual utilization studies of similar locations and is right-sized to support its tri-county market area.
- About 40% of trips to the Bend Costco are from areas outside of a 30-minute travel distance. These trips are generally associated with longer duration shopping trips that reduce parking turnover, which supports the higher parking need.
- Parking surveys at the similar Central Point Costco show typical September parking utilization of 89%, which would translate to a demand for about 932 stalls to remain below 85% full in December. The Bend site has reported higher transactions than Central Point, so the parking supply has been sized to support these demands and avoid overflow.
- Costco parking demands experience significant fluctuations by time of day, day of week, and seasonally. The parking supply has been designed to support these demand fluctuations as well as increased employees, projected area growth over the next 20 years, and better market capture within this central location. The parking ratios for the Costco site are reflective of measured parking demands at other Costco locations in Oregon and specifically tailored to the Bend market.

The Gateway North Master Plan meets the intent of the TPDM requirements by supporting multimodal travel throughout the site and to abutting properties. The project's mixed-use components support regional housing needs and provide essential retail services from a centralized location that can better serve the tri-county area. The site is adjacent to and will support the development of surrounding Urban Growth Boundary expansion area lands, urbanizes rural roads, and will complete critical transportation infrastructure identified within the Juniper Ridge Urban Renewal Area. The overall project has been coordinated with and supports the City and ODOT's broader INFRA plans to address recurrent congestion in northern Bend.

Consistency with Statewide Planning Goals

FINDING: The applicable Statewide Planning Goals are set forth below with findings demonstrating the project's consistency with each Goal. Goals 3, 4, 7, 8, 13, 14, 15, 16, 17, 18, and 19 are not applicable to the proposed major employment master plan.

Goal 1, Citizen Involvement

To ensure opportunities for citizens to be involved in the development of public policies and all phases of the planning process.

FINDING: Goal 1 requires jurisdictions to have a citizen involvement program that provides an opportunity for citizens to be involved in all phases of the planning process. The proposed master plan is subject to a Type III quasi-judicial procedure, which requires public notification and public hearings before the Bend Planning Commission and Bend City Council. Per BDC Chapter 4.1, the City's Type III quasi-judicial process also requires public notice in the form of written mailed notice and posted notice. Both public hearings will also provide opportunities for citizen involvement, and public notices will encourage public commentary on the proposal consistent with Goal 1.

Further, as required by BDC 4.1.215, the applicant held a virtual neighborhood public meeting on September 29, 2021 via Zoom. Documentation of this meeting was submitted as Exhibit E, which includes all necessary items to demonstrate compliance with BDC 4.1.215.A. Therefore, Goal 1 is satisfied.

Goal 2, Land Use Planning

To maintain a transparent land use planning process in which decisions are based on factual information and reviewed in accordance with implementing ordinances.

FINDING: Goal 2 requires an adequate factual basis for a land use decision and coordination of the application with any affected governmental entities. This narrative demonstrates an adequate factual basis that the approval criteria for the proposed master plan are satisfied, including applicable provisions of the BDC, goals and policies of the City's Comprehensive Plan, as well as the Statewide Planning Goals. Further, the applicant and the City have coordinated with affected government entities, including BPRD, BLPS, Swalley, CET, ODOT, and the County. Therefore, Goal 2 is satisfied.

Goal 5, Natural Resources, Scenic and Historic Area, and Open Spaces

To protect and maintain unique scenic, open space and natural areas.

FINDING: Goal 5 requires jurisdictions to protect and maintain unique scenic, open space and natural areas. Goal 5 resources, including jurisdictional wetlands, riparian areas, wildlife habitat, and scenic waterways are not known to exist within the Gateway North site. While the City's local wetland inventory identifies a wetland (U2) within the site, this is a nonsignificant, artificially created irrigation pond, and based on the conclusions of the wetland delineation report (Exhibit J), is considered non-jurisdictional. The designated Upland ASI (ASI 25) located within the site, which is being proposed for removal through a concurrent Comprehensive Plan Map and Zoning Map Amendment, is not a Goal 5 resource because Upland ASIs are not identified in the City's Goal 5 inventory. Further, the Gateway North site does not contain any City inventoried scenic or historic resources. Therefore, Goal 5 is satisfied.

Goal 6, Air, Water and Land Resource Quality

To maintain and improve the quality of air, land, and water resources consistent with state and federal regulations.

FINDING: Goal 6 requires jurisdictions to maintain and improve the quality of air, land, and water resources. The Gateway North site is currently zoned ME, identifying that the site is appropriate for housing, commercial, and employment purposes, in which net impacts to air, water, and land resources will be negligible. Air and water quality are regulated by the Oregon Department of Environmental Quality (DEQ); future development of the site will be required to comply with DEQ regulations as applicable. For areas within the City's urban growth boundary, the BDC includes regulations for reviewing applications involving natural resources, including the Water Overlay Zone (WOZ) and Areas of Special Interest (ASI). The Gateway North site is not located within the WOZ, and while it is the location of an Upland ASI (ASI 25), this Upland ASI is being proposed for removal through a concurrent Comprehensive Plan Map and Zoning Map Amendment. Any future land use applications for development within the Gateway North site will continue to be reviewed in accordance with these standards and requirements. Therefore, Goal 6 is satisfied.

Goal 9, Economic Development

To inventory commercial and industrial lands, identify future demand, and plan for ways to meet that demand.

FINDING: Goal 9 requires jurisdictions to provide adequate opportunities for a variety of economic activities and ensure an adequate supply of land suitable for economic development and employment growth is maintained. As demonstrated through this narrative, the proposed master plan creates additional employment opportunities through the development of commercial uses allowed in the ME zone that will be in close proximity to supporting residential uses in a mixed-use environment, which is also consistent with the identified characteristics of the ME zone per BDC 2.3.100. Further, the Gateway North site is suitable for the economic activities proposed through this master plan because of its proximity to appropriate transportation and public facilities that can support efficient mixed-use development. Therefore, Goal 9 is satisfied.

Goal 10, Housing

To plan for and accommodate needed housing types based on residential land inventories.

FINDING: The proposed master plan will provide additional housing opportunities, including multi-unit housing intended for seniors. Housing elements proposed with the master plan are part of a horizontal mixed-use development, where housing will be integrated with employment and service opportunities both within and outside the Gateway North site through an extensive and efficient pedestrian and road network. Therefore, Goal 10 is satisfied.

Goal 11: Public Facilities and Services

To plan, develop, and maintain public facilities and services that serve the needs of the community in an orderly and efficient manner.

FINDING: Preliminary water, sanitary sewer, and stormwater plans have been submitted with the Gateway North Master Plan (Exhibit C), showing how these public services can be extended to and through the site in an orderly and efficient manner. Further, the City has issued a Utility Availability Memo (Exhibit G) that demonstrates the City's sanitary sewer and water systems have adequate capacity to serve the site. Anticipated mitigation measures and necessary improvements for both systems are identified with Exhibit G and have been extensively coordinated between the applicant and City staff. Therefore, Goal 11 is satisfied.

Goal 12: Transportation

To provide a safe, convenient, and economic transportation system.

FINDING: Goal 12 is implemented by the Transportation Planning Rule (TPR) per OAR 660-0012, which identifies its purpose to "provide and encourage a safe, convenient and economic transportation system". The TPR also supports mobility and accessibility, the availability of multimodal choices, efficient flow of freight, protection of existing and planned transportation facilities, and coordination among service providers. The Gateway North Master Plan (Exhibit C) includes a conceptual site plan, site connectivity plan, and bike/pedestrian network plan showing how the site efficiently connects with the existing transportation system and can support efficient movement of people and goods within the site, while also supporting a variety of transportation choices. In support of Goal 12, the applicant submitted a TIA (included with Exhibit M) that includes findings demonstrating how the TPR is met and how the Gateway North site's planned transportation improvements support a safe, convenient, and economic transportation system.

Consistency with Bend Comprehensive Plan, Chapter 11, Growth Management

FINDING: The applicable Policies of Chapter 11 of the Bend Comprehensive Plan are set forth below, with findings demonstrating the project's consistency with these policies.

Chapter 11, Growth Management

General Growth Management Policies

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

FINDING: The Gateway North Master Plan (Exhibit C) includes a Conceptual Site Plan showing how the Gateway North site can provide compact and efficient horizontal mixed-use development that integrates residential, commercial, and employment uses both within the site and with surrounding land uses via efficient connections with the existing transportation system. The included site connectivity plan and bike/pedestrian network plan demonstrate that a robust and expansive pedestrian and bicycle transportation network can be implemented that

facilitates and encourages non-automobile travel throughout the Gateway North site and with adjacent areas. This policy is met.

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

FINDING: The Gateway North Master Plan (Exhibit C) includes a conceptual site plan showing how the Gateway North site can be efficiently developed to provide a horizontal mixed-use development. Commercial, employment, and housing elements are proposed, including apartment buildings and age-restricted multi-unit housing for seniors that will help meet the City’s identified need for higher density housing options.

The included site connectivity and bike/pedestrian network plans show how pedestrian and bicycle facilities can be provided within the site, with new sidewalks and bike lanes proposed with Cooley Road, Robal Lane, and the new east-west collector through the site. A multi-use path is also proposed along Highway 20 at the site’s western frontage. Internal pedestrian connections are also provided, which will provide direct and efficient pedestrian connections within the site and to the off-site pedestrian network. Further, the applicant has coordinated extensively with ODOT through a public-private partnership to implement improvements to Highway 20, which will include multi-lane roundabouts at both Cooley Road and Robal Lane, which will serve to slow traffic through the area and encourage safer pedestrian access across the highway to and from the site. Given that the pedestrian and bicycle network in the vicinity of Gateway North is currently limited, the proposed pedestrian and bicycle improvements will greatly enhance the area’s pedestrian and bicycle connectivity. This policy is met.

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

FINDING: Per Figure 11-3 of the City’s Comprehensive Plan, the Gateway North site is an identified employment district. As identified within the Gateway North Master Plan (Exhibit C) and described throughout this narrative, a robust and expansive pedestrian and bicycle network can be provided within the site, which will supplement the area’s existing pedestrian and bicycle network and encourage alternate forms of transportation. Right-of-way improvements to roadways along the site’s frontage, including Cooley Road and Robal Lane, will ensure safer pedestrian mobility through separated sidewalks and buffered bike lanes. Similarly, the new east-west collector being extended from Highway 20 through the site and to Hunnell Road will provide more direct opportunities for pedestrian and bicycle amenities to be extended to the east to serve future development, which will ensure safe and efficient pedestrian access to these areas from the Gateway North site.

The applicant has also coordinated extensively with ODOT to provide improvements to Highway 20, including multi-lane roundabouts at both Cooley Road and Robal Lane, which will slow traffic through the area and encourage safer pedestrian access across the highway to and from the site. Transit service is currently provided to the site by CET, who the applicant has coordinated with to help identify what opportunities might exist for connections and more extensive service to the Gateway North site, given its regional significance. This policy is met.

Policies for Land Use and Transportation

11-6 Medium and high-density residential development should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to highest concentrations of population.

FINDING: As shown on the Gateway North Master Plan (Exhibit C), multi-unit residential development is provided, including standard apartment buildings and age-restricted multi-unit housing intended for seniors. These housing elements will be integrated with commercial services and employment opportunities through a horizontal mixed-use development and the provision of an extensive pedestrian and bicycle transportation network that will provide ample connections within the site and to the existing off-site networks. Through coordination with BLPS (Exhibit I), the need for a school within the site has not been identified, but the site can be served by existing schools within the area, including North Star Elementary school located west of Highway 20. The previously identified improvements to Highway 20 along the site's frontage will encourage slower traffic speeds and safer pedestrian access across the highway. Transit service is currently provided to the site by CET, who the applicant has coordinated with to help identify what opportunities might exist for connections and more extensive service to the Gateway North site given its regional significance. This policy is met.

11-9 Developments at the edge of the urban area shall be designed to provide connectivity to existing and future development adjacent to the urban area.

FINDING: The Gateway North site is on the edge of the City's urban area, with County land outside the City's UGB located to the north across Cooley Road, and land zoned UA within the City's UGB located to the north across Cooley Road and to the east across Highway 20. As shown on the Gateway North Master Plan (Exhibit C) and previously described within this narrative, improvements are provided to Cooley Road and U.S. Highway 20 that will enhance future connectivity to adjacent non-urban areas for both vehicles, pedestrian, and cyclists. Streets internal to the Gateway North site, including Local Streets B and C, will be able to be extended to the north to serve future urban development. This policy is met.

Master Planning Policies

11-49 The purpose of master plans are to:

- **Promote and facilitate coordinated development and efficient use of land;**
- **Provide a process to consider future development on larger sites and to analyze future demand on public facilities; and**
- **Provide an opportunity for innovative and create development while providing long-term predictability for the applicants, surrounding neighborhoods, and the entire community.**

FINDING: As demonstrated through the applicant's project narrative and supporting documents, the proposed master plan meets the purpose of master plans identified by this policy. The Gateway North Master Plan will provide a coordinated horizontal mixed-use development that includes residential, commercial, and employment uses that are integrated through an efficient internal roadway, pedestrian, and bicycle network that provides ample connections to the existing and adjacent network. Demand on public facilities, including public utilities and the adjacent transportation network, have been extensively analyzed and necessary mitigation and improvements have been coordinated with affected governmental entities, including the City, ODOT, and the County. Right-of-way improvements provided adjacent to and within the site will also provide for future connectivity and service to adjacent non-urban lands, which will provide long-term predictability for the surrounding area and help to guide future development of these lands. This policy is met.

11-50 The City will provide the opportunity for master plans to proceed under clear and objective standards where the applicant does not seek to deviate from the standards of the development code, the adopted zoning map, or Comprehensive Plan map.

FINDING: While this master plan does not propose changes to the City's Comprehensive Plan Map or Zoning Map, deviations to the BDC are proposed. The applicant's draft Development Code for the Gateway North Master Planned Development (Exhibit F) is intended to implement future development within the Gateway North site. Justifications for proposed deviations have been reviewed in accordance with BDC 4.5.100(D)(2). This policy is met.

11-53 Master plans are required for developments over 20 acres unless otherwise specified in the Development Code. Properties in UGB expansion areas where a master plan is required are shown on Figure 11-7.

FINDING: The Gateway North site is approximately 52 acres. Therefore, a master plan is required. In compliance with BDC Chapter 4.5, the applicant is proposing a major employment master plan for the site to ensure a coordinated horizontal mixed-use development is achieved that makes efficient use of the land and provides long-term predictability for the applicant and the surrounding community. The applicable approval criteria for the proposed master plan per BDC 4.5.400 have been reviewed and found to be satisfied. This policy is met.

RECOMMENDATION: Based on the plans and application materials submitted by the applicant, and the findings listed above which are based on the applicant's narrative addressing the relevant criteria for approval, the Planning Commission recommends to the Bend City Council for adoption of an ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, to create the Gateway North Master Planned Development, subject to the following conditions of approval:

1. The project must extend minimum 8-inch sewer mains throughout the site to service all proposed lots. The sewer main must be designed and constructed in accordance with City of Bend Standards under a right of way permit. Where a sewer main is not installed within the right of way, it must be within a minimum 20-foot wide City sewer easement dedicated to the City of Bend. Depending on the depth and the size of the main, the easement may be required to be wider to allow for access and maintenance.
2. An extension of the North Interceptor within Cooley Road must be constructed from the intersection of Cooley Road and Hunnell Road west to the terminus of the ODOT roundabout splitter island, or as determined during right of way permit review to allow for extension across the roundabout under a separate project by others. A temporary sewer pump station will be required to pump from the North Interceptor main into the existing manhole at the intersection of Hunnell Road and Cooley Road, with the North Interceptor being deeper than the existing gravity sewer outfall. The need for the pump station will be removed as a requirement for this development if the Caraway development to the north develops and further extends the North Interceptor to its existing/current terminus in Clauson Drive. The installation of the North Interceptor in Cooley Road will be constructed under an agreement with the City of Bend for SDC credits.
3. The development must provide a payment in lieu of \$70,000 for pump station upgrades for the Highland and Holiday Pump stations. The payment will cover communication and pump upgrades for the additional flows into the system. Payment must be made to the City of Bend prior to occupancy of the first building.
4. To maintain capacity for the Highland and Holiday pump stations, project development must occur in phases so that Phase 1 does not exceed a discharge rate into the City sewer system of more than 13.50 gallons per minute. Development of subsequent phases will be coordinated during site plan review to ensure it occurs in conjunction with planned sewer infrastructure improvements.
5. A 12-inch water main, connecting to the existing main in Cooley Road, must be extended within Cooley Road to and through the property limits.
6. A 12-inch water main, connecting to the existing main in Robal Lane, must be extended within Robal Lane to and through the property limits.
7. The project must extend 8-inch water mains throughout the development, looping the system whenever possible. The 8-inch water mains must be installed under all new public roads or within City of Bend water easements. An 8-inch main must be extended through the site to connect the 12-inch water main in Cooley Road with the 12-inch water main in Robal Lane west of the Costco site.
8. The Swalley Irrigation canal must be fully piped. All piping must maintain vertical and horizontal separation requirements dictated by the City of Bend construction standards. The piped canal must be outside of the public right of way within an easement wherever possible. Any piping within the public right of way must be outside the curb and asphalt sections, wherever possible, except where crossings are needed. Cleanouts, valves and boxes are not permitted within sidewalks/paths and driveways.

9. Prior to the issuance of any permits, the Type III Plan Amendment / Zone Change application to remove ASI 25 must be approved by the Bend City Council, following a recommendation from the Bend Planning Commission.
10. Approval of this Major Employment Master Plan does not constitute sign permit approval. Signs are reviewed for approval through a separate permit application procedure. Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to, the Sign Code.
11. Upon submission of Site Plan Review applications for the Costco Warehouse (including associated carwash and fuel center uses), Costco shall provide an additional 10% water quality treatment controls and stormwater infiltration facilities over code requirements for a factor of safety. Increased (bi-annual) maintenance inspection schedules for drainage facilities shall also be implemented to ensure stormwater management facilities are operating as efficiently as possible. In addition, at least 84 additional trees shall be planted in the parking lot landscape area in excess of the current requirement of one tree per eight stalls per BDC 3.2.300(E)(2).

EXHIBIT E

FINDINGS IN SUPPORT OF RECOMMENDATION TO THE CITY COUNCIL

PROJECT NUMBER: PLCPMA20220195

HEARING DATE: October 10, 2022 at 5:30 p.m.
City of Bend Council Chambers
710 NW Wall Street, Bend, OR 97703

DATE MAILED: October 3, 2022

OWNERS: Gumpert Family Limited Partnership
20319 Cooley Road
Bend, OR 97703

APPLICANT: Powell Development Co.
2626 Northup Way
Bellevue, WA 98004

CONTACT: DOWL
c/o Matthew Robinson
720 SW Washington Street, Suite 750
Portland, OR 97205

LOCATION: 20319 Cooley Road; Tax Lot 100 on Deschutes County Assessor's
Map 17-12-17A.

REQUEST: Type II Amendment to the Bend Comprehensive Plan Map and
Zoning Map Amendment to remove Upland Area of Special Interest
25 from the Gateway North site.

STAFF REVIEWER: Aaron Henson, AICP, Senior Planner
(541) 383-4885; ahenson@ci.bend.or.us

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Development Code

Chapter 4.1, Development Review and Procedures
Chapter 4.6, Land Use District Map and Text Amendments

Applicable Comprehensive Plan Policies

Citizen Involvement, Policy 1-1
Growth Coordination with Deschutes County, Policy 1-3
Urban Planning Coordination and Citizen Involvement, Policy 1-16
Natural Features and Open Space, Policy 2-1
Natural Features and Open Space, Policy 2-6
Economy, Policy 6-11
Growth Management, Policy 11-27

Applicable Statewide Planning Goals

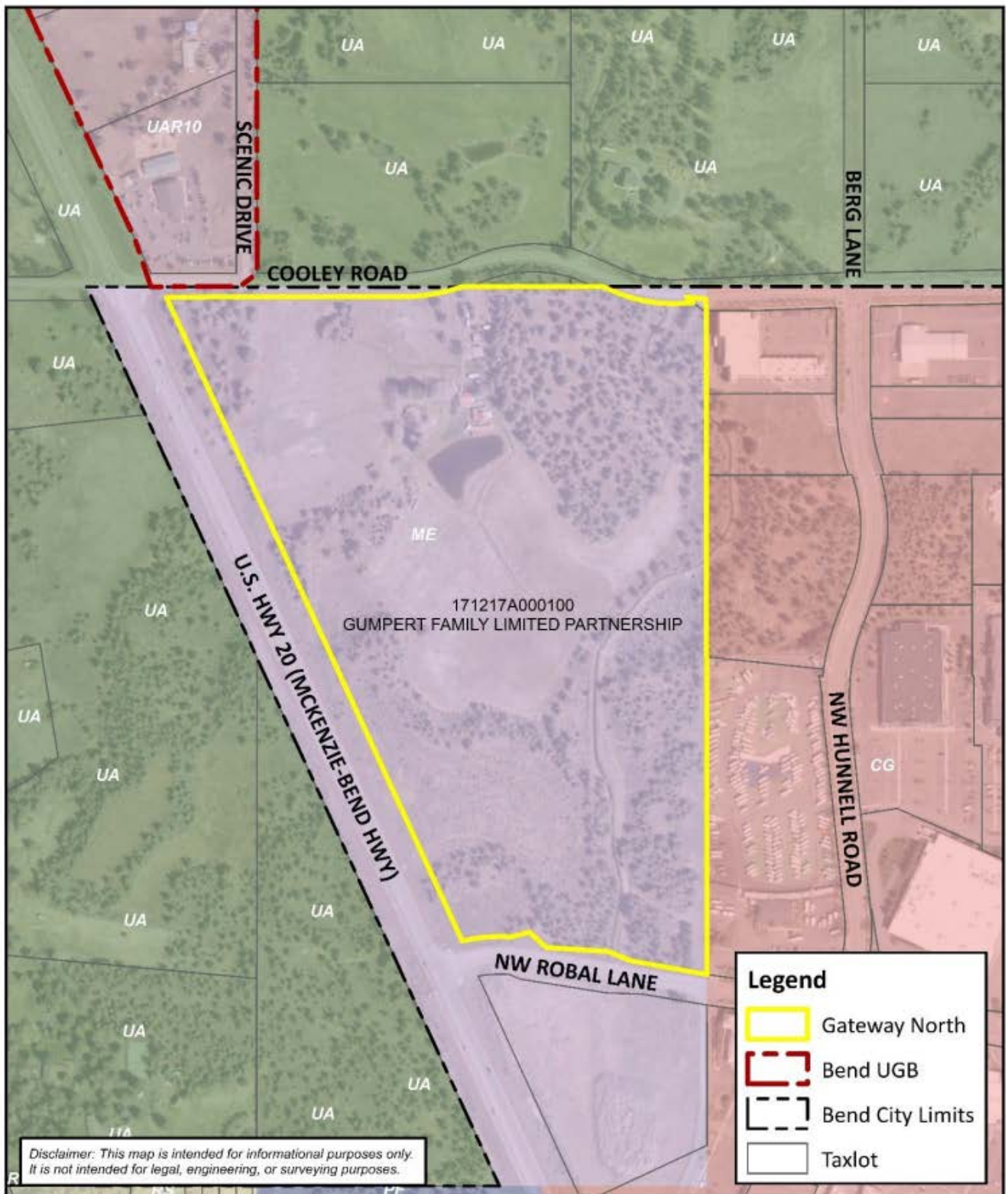
Goal 1, Citizen Involvement
Goal 2, Land Use Planning
Goal 9, Economic Development
Goal 11, Public Facilities and Services
Goal 12, Transportation

Applicable Oregon Administrative Rules

OAR Chapter 660, Division 12 (Transportation Planning Rule)

FINDINGS OF FACT:

- 1. LOCATION:** 20319 Cooley Road; Tax Lot 100 on Deschutes County Assessor's Map 17-12-17A. The subject property is located at the north end of Bend, east of US Hwy 20, north of Robal Lane, and south of Cooley Road.
- 2. PLAN DESIGNATION AND ZONING:** The entirety of the Gateway North site is designated Mixed Employment (ME) on the City's Comprehensive Plan map, which is implemented through the site's ME zoning; changes to site's plan map or zoning designations are not proposed. A small portion of the Gateway North site is also subject to the Upland Areas of Special Interest overlay zone due to a rock outcropping identified as an Upland Area of Special Interest (ASI) on the City's Comprehensive Plan Map and Zoning Map. As further explained below, this ASI originally contained approximately 4.8 acres. In 2009, a similar Type III Quasi-Judicial Comprehensive Plan Map and Zoning Map Amendment approved by the Bend City Council reduced the size of ASI 25 by approximately 2.3 acres, to 2.5 acres.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The Gateway North property contains approximately 52 acres. The site is largely undeveloped, but it includes two dwellings and several appurtenant structures that support the site's historic agricultural use, and several large grass fields that are seasonally irrigated. An irrigation canal enters the site via a culvert under NW Robal Lane, bends around the west side of ASI 25, and exits the site through a culvert under Cooley Road; however, the applicant is working with Swalley Irrigation District to pipe this segment of the canal. Vegetation within the site is typical for Bend, and includes sagebrush, bitterbrush, and juniper trees scattered throughout. The portion of the subject property that is currently encumbered by the ASI designation is a rocky hill. This hilly area is sparsely covered in primarily Western Juniper trees. As shown in the map on the following page, the site is bounded by US Hwy 20 to the west, Cooley Road (minor arterial) to the north, Robal Lane (minor arterial) to the south, and commercially zoned properties to the east between the subject property and Hunnell Road (collector).



Source: City of Bend, Deschutes County, February 2022



Gateway North

Vicinity and Zoning Map

Bend, Oregon

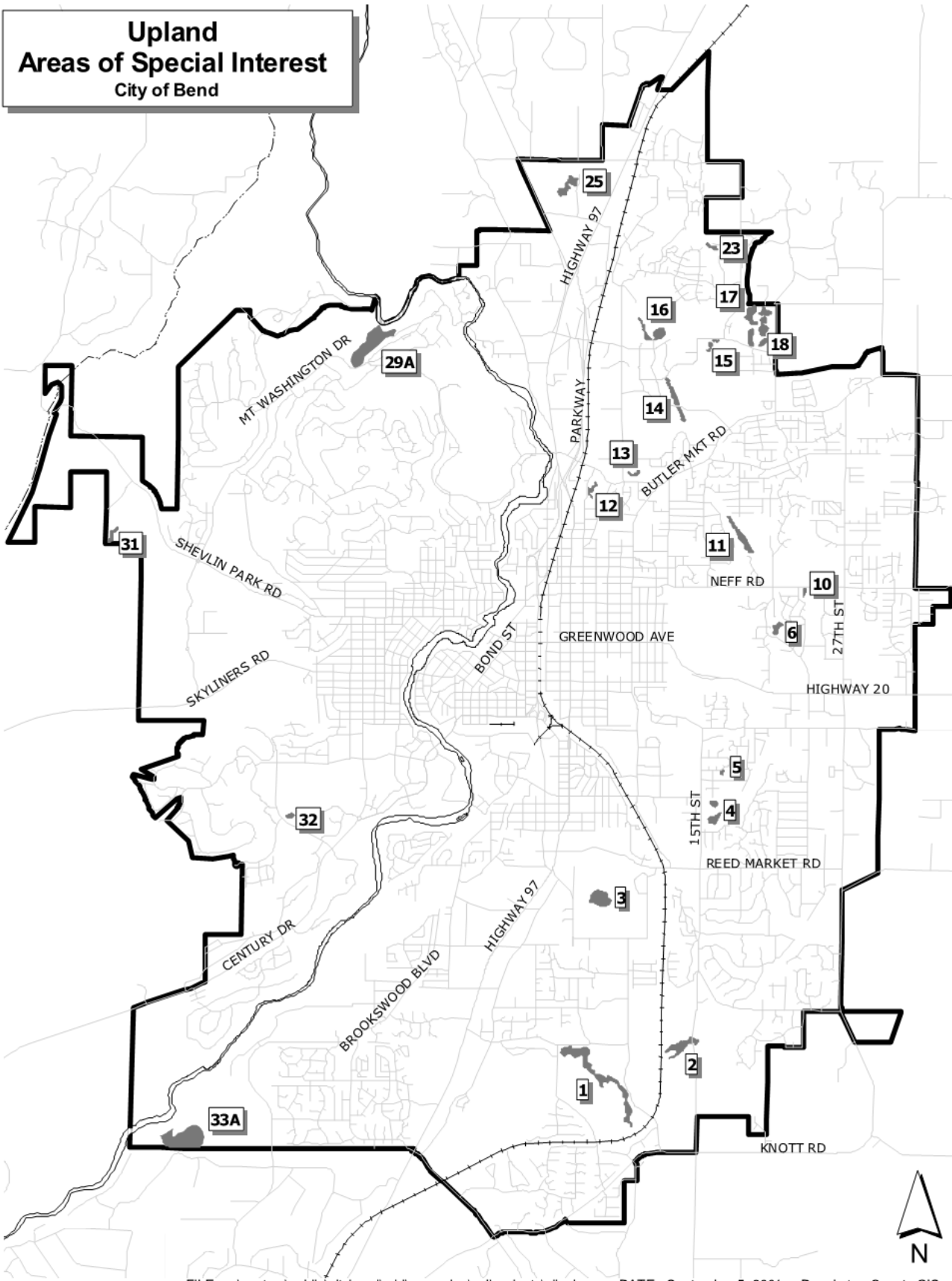


4. **BACKGROUND:** In 2001, the City adopted Ordinance No. NS-1803, which added an Upland Areas of Special Interest Overlay Zone to the Zoning Map, and adopted land use regulations to protect Upland ASI's. Ordinance NS-2016 replaced the City's old Zoning Ordinance with a new Development Code in 2006. The Upland Areas of Special Interest Overlay Zone is in Section 2.7.700 of the Development Code. BDC 2.7.700.B, *Applicability* states:

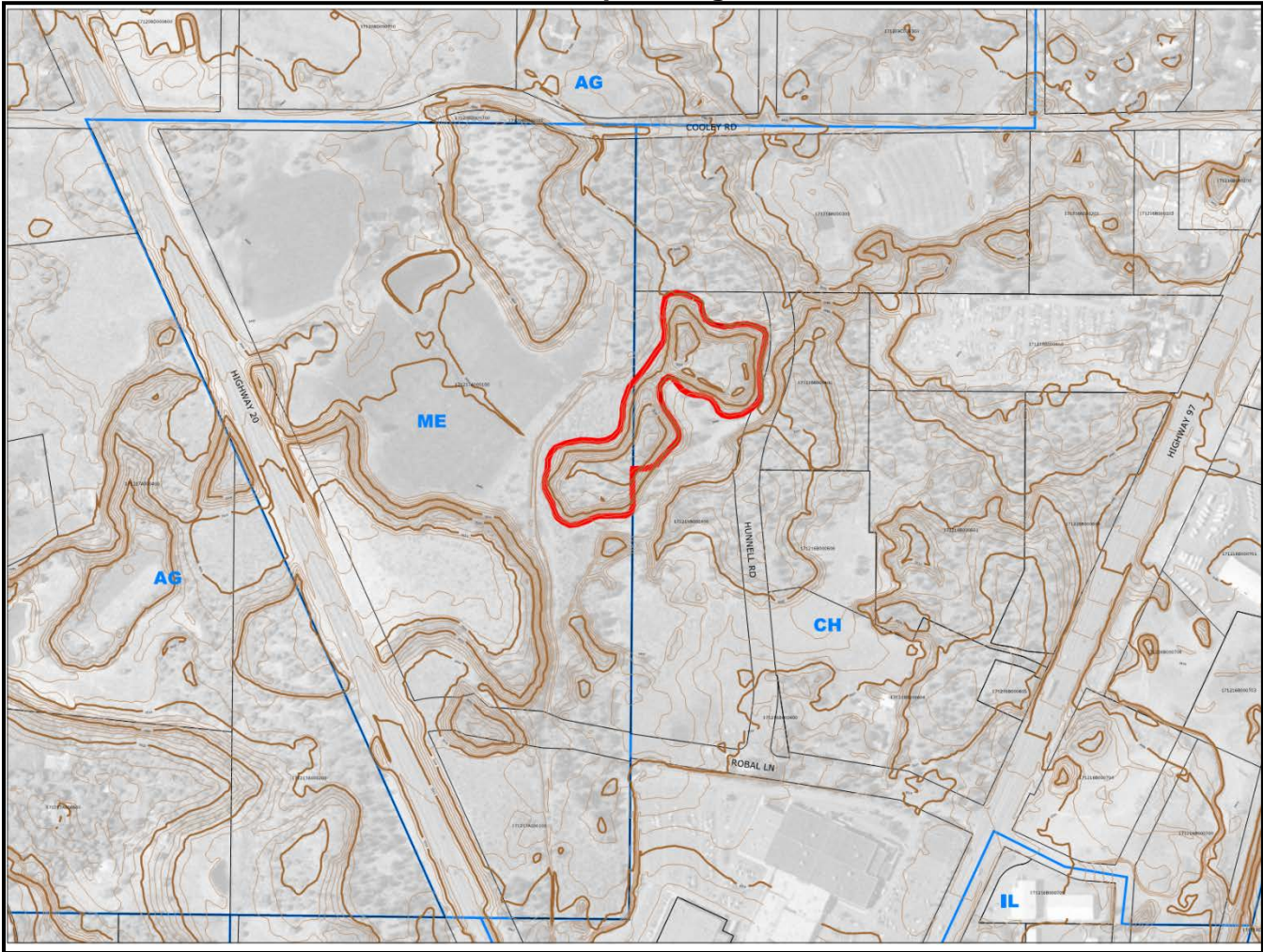
"The procedures and requirements of the Upland Areas of Special Interest Overlay Zone apply to any real property designated as having an ASI as mapped on the Bend Comprehensive Plan Map and the City Zoning Map."

The mapping is, according to the Bend Comprehensive Plan, approximate. Specific boundaries are shown on "detailed contour maps."

**Upland
Areas of Special Interest
City of Bend**



Detailed Contour Map of Original ASI 25, Circa 2001



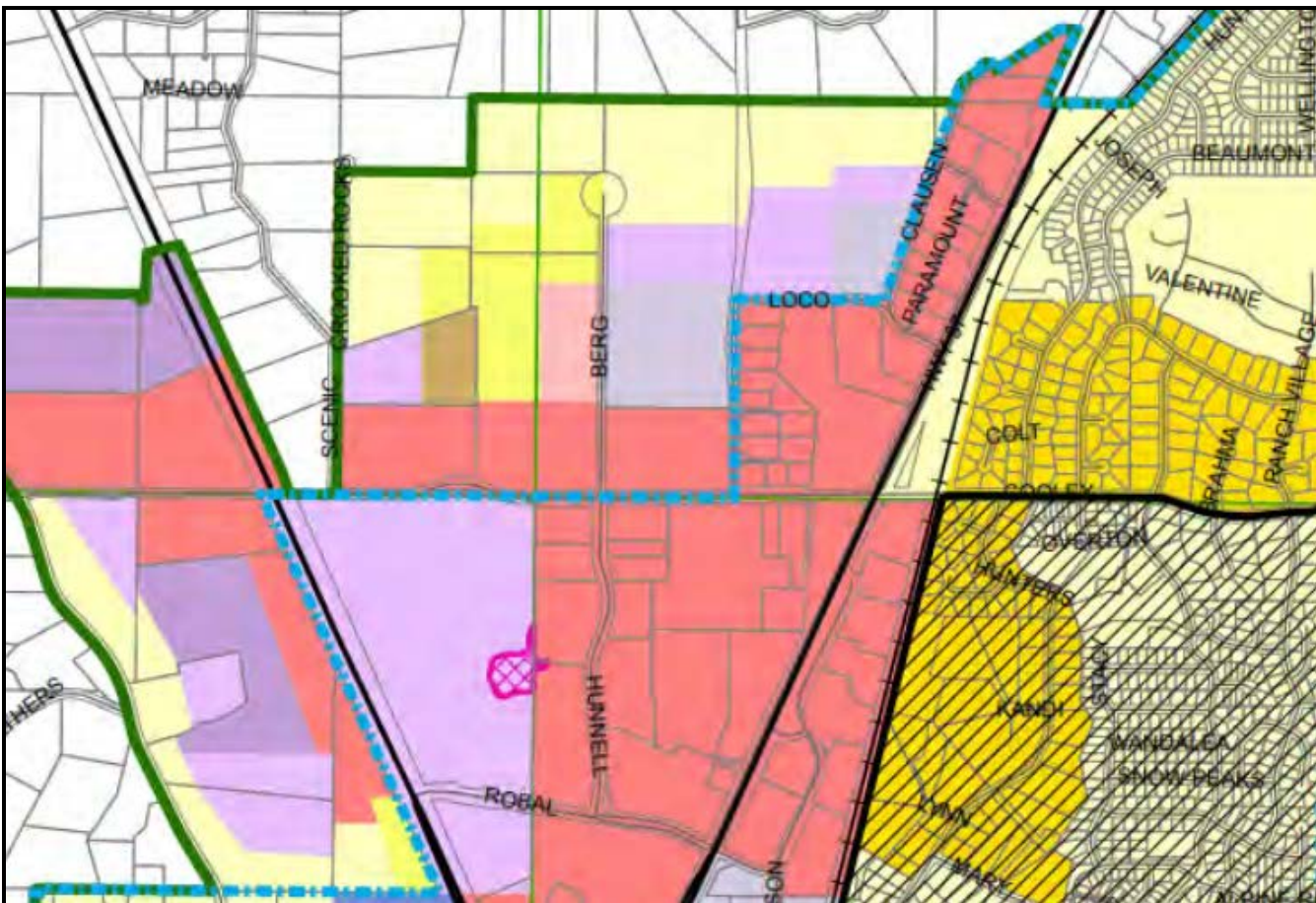
Excerpt from Comprehensive Plan Map & Zoning Map, Circa 2008



Excerpt from Comprehensive Plan Map & Zoning Map, Circa 2009



Excerpt from Comprehensive Plan Map, Circa 2022



5. **PUBLIC NOTICE AND COMMENTS:** As required by BDC 4.1.215, the applicant hosted a virtual public meeting on October 27, 2021 at 6:00 p.m. via Zoom. Verification of Compliance forms were included in the submittal to the City.

On August 30, 2022, three Notice of Proposed Development signs were posted by the applicant along US Hwy 20, Cooley Road, and Robal Lane. These notices were posted throughout the public comment period.

On September 1, 2022 the City notified the Oregon Department of Land Conservation and Development (DLCD) via a Post-Acknowledgement Plan Amendment (PAPA) notice, with over 35-days' notice to the initial public hearing on October 10, 2022.

On September 19, 2022, the City of Bend Planning Division sent notice of the public hearing on the applicant's request to all property owners of record and to the addresses based on the City's current addressing record, for properties within 500 feet of the subject site, as well as the representative for the Boyd Acres Neighborhood Association.

7. **APPLICATION ACCEPTANCE DATE:** This Quasi-Judicial Comprehensive Plan Map Amendment and Zoning Map Amendment application was submitted on March 16, 2022. The required submittal materials were uploaded and all of the required application fees were paid by March 30, 2022. The application was formally accepted as complete on July 14, 2022. In accordance with BDC 4.1.430.C, applications for Quasi-Judicial Comprehensive Plan Amendments are exempt from the 120-day review time limitation for final decision.

Chapter 4.6, Land Use District Map and Text Amendments

4.6.300 Quasi-Judicial Amendments.

- A. **Applicability, Procedure and Authority.** Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

FINDING: This application is a quasi-judicial amendment because it affects a single property that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments require a Type III review procedure. The Type III process requires an initial evidentiary hearing before the Planning Commission, which makes a recommendation to the City Council. The City Council makes the final decision. The applicant is requesting a Comprehensive Plan Map Amendment and a Zoning Map Amendment. Therefore, the standards of approval in subsections (B) and (C) below apply to the applicant's request.

FINDINGS ADDRESSING APPLICABLE APPROVAL CRITERIA:

1. **Applicable Goals.**

- A. **Introduction.**

Applicable Goals apply to amendments to acknowledged plans and zoning maps. ORS 197.175(2)(a). This section addresses the applicable Goals.

There are nineteen Goals. The relevant Goals for this Application are Goals 1, 2, 9, 11, and 12. Goals 3-8, 10, and 13-19 are not applicable to this application.

Goal 3, "Agricultural Lands," Goal 4, "Forest Lands," Goal 5, "Natural Resources, Scenic and Historical Areas, and Open Spaces," Goal 6, "Air, Water and Land Resources Quality," Goal 7, "Areas Subject to Natural Hazards," and Goal 8, "Recreational Needs," are not applicable to the Application because the Property is not planned or zoned for farm or forest use, nor does it have any of the relevant physical characteristics.

Goal 10, "Housing," is not applicable because the Application does not affect housing.

Goal 13, "Energy Conservation," is not applicable because this Application does not affect energy conservation.

Goal 14, "Urbanization," is not applicable because the Property is within the UGB.

Goal 15, "Willamette River Greenway," Goal 16, "Estuarine Resources," Goal 17, "Coastal Shorelands," Goal 18, "Beaches and Dunes," and Goal 19, "Ocean Resources," are not applicable because this Property is neither on the Willamette River nor the Oregon coast.

B. Applicable Goal Findings.

a. Goal 1, "Citizen Involvement."

FINDING: Goal 1 requires cities to have a citizen involvement program that provides an opportunity for citizens to be involved in all phases of the planning program. The submitted application satisfies Goal 1 because the Applicant held the required public meeting and the application is being processed following applicable public notice requirements contained in the Code and ORS 197.763, and consistent with the City's acknowledged citizen involvement program.

b. Goal 2, "Land Use Planning."

FINDING: Goal 2 requires an adequate factual base for a decision and coordination of the Application with affected governmental entities. The application contains an adequate factual base demonstrating by substantial evidence that the applicable approval criteria are satisfied.

"Coordination," as defined in ORS 197.015(5), means providing notice of a pending land use action, providing an opportunity to comment, and considering comments as much as is reasonable.

The applicant and the City have coordinated with affected governmental entities, including the Bend Parks and Recreation District, the Bend transit provider, the Oregon Department of Transportation ("ODOT") and Deschutes County.

The City also coordinated the application with the Oregon Department of Land Conservation and Development ("DLCD") because it provided 35-day pre-initial hearing notice of the application to the DLCD as required by ORS 197.610(1).

c. Goal 9, "Economic Development."

FINDING: Goal 9 requires cities to provide adequate opportunities for a variety of economic activities. This application promotes economic activities by removing a portion of an Upland ASI which would impede the development of the Property under the proposed Major Employment Master Plan for its intended ME uses and purposes including job-creating commercial uses.

d. Goal 11, “Public Facilities and Services.”

FINDING: Removal of Upland ASI 25 from the Gateway North site is necessary to properly locate public facilities on the Property in order to implement the proposed Major Employment Master Plan, which is consistent with the City of Bend’s transportation and public facilities plans.

e. Goal 12, “Transportation.”

FINDING: Goal 12 requires safe and efficient transportation facilities. Removal of Upland ASI 25 from the Gateway North site is necessary to develop the property with an appropriate transportation system consistent with the City’s Transportation System Plan. Removal of the Upland ASI does not generate any traffic impacts and therefore will not significantly affect existing transportation system facilities.

C. Conclusion.

The City finds that the applicable Goals are satisfied.

2. Applicable Administrative Rules (the “OARs”).

A. Introduction.

The OARs implement the Goals. The applicable OAR is OAR Chapter 660, Division 12, “Transportation Planning Rule” (the “TPR”).

B. Applicable OAR Findings.

a. OAR Chapter 660, Division 12.

FINDING: The TPR implements Goal 12, “Transportation.” This application is subject to the TPR because it proposes to amend the acknowledged Plan Map and the acknowledged Zoning Map. OAR 660-012-0060(1). As explained in Part 4.B and C, below, the application satisfies the TPR because it does not “significantly affect” any transportation facility.

C. Conclusion.

The City finds that the TPR is satisfied.

3. Applicable Plan Policies.

A. Introduction.

The Plan includes adopted amendments through December 6, 2016 as available on the City's website on March 1, 2022. Plan Policies are used to evaluate Plan Amendments, such as this application. Mandatory Plan Policies use the words "shall," "will" or "must." Plan, "Preface," Page 4. Other Plan Policies are aspirational guidelines and are not mandatory approval criteria. Plan, "Plan Implementation and Citizen Involvement," Policy 1-6, Page 7. Plan Goals are not approval criteria. Plan, "Plan Management and Citizen Involvement," Policy 1-1. The Plan includes the Plan Map. Plan, "Preface," Page 5. The Upland ASI Map is part of the Plan.

Chapter 2 of the Plan, "Natural Features, and Open Space, Areas of Special Interest and Natural Features," Pages 5 and 6, describes the Upland ASIs. The Plan states that the most important ASIs are the Deschutes River Corridor ASIs. Id., Page 5. The Plan notes the importance of keeping the ASIs relatively intact in order to retain their natural character. Id., Page 6. (Emphasis added). Upland ASI 25 is not intact because the 2009 City Ordinance authorized removal of the east part of Upland ASI 25.

A very small part of Upland ASI remains in the northwest corner of adjacent Tax Lot 400 on Deschutes County Assessor's Tax Map 17-12-16B, which is currently owned by Four Seasons Greentree, LLC. However, the northwest corner of that property contains a 119-foot tall pole – the last remaining pole from a set of tall metal poles that once supported a golf driving range net – which was converted to a cell tower in 2007. Various ground equipment, including wireless facility cabinets and emergency backup generators, have greatly compromised the integrity of that small remnant of ASI 25 on adjacent Tax Lot 400.

B. Applicable Plan Policies Findings.

a. Citizen Involvement, Policy 1-1.

FINDING: The application demonstrates that the applicable mandatory Plan Policies are satisfied. Plan Goals are aspirational guidelines and are not regulatory policies. Therefore, Plan Goals are not approval criteria for this application.

b. Growth Coordination with Deschutes County, Policy 1-3.

FINDING: The City has coordinated with Deschutes County on the Gateway North Major Employment Master Plan.

c. Urban Planning Coordination and Citizen Involvement, Policy 1-16.

FINDING: The Applicant has held the required public meeting and the application will be reviewed by the Planning Commission and the City Council in public hearings preceded by proper notice of the public hearings.

d. Natural Features and Open Space, Policy 2-1.

FINDING: Policy 2-1 states: "The city will inventory and maintain a list of natural features and open space lands that are important to the community." Upland ASI 25 is a natural feature that is shown on the Comprehensive Plan Map and the Zoning Map. But the City's smaller, scattered "Upland" Areas of Special Interest (rock outcrops and ridges) are not Goal 5 resources. If the portion of Upland ASI 25 located on the Gateway North site is no longer important to the community, then the City Council can remove it from the Comprehensive Plan Map and the Zoning Map.

e. Natural Features and Open Space, Policy 2-6.

FINDING: Policy 2-6 states: “Major rock outcrops, stands of trees, or other prominent natural features identified in the Comprehensive Plan shall be preserved as a means of retaining the visual character and quality of the community.” The applicant claims that Upland ASI has little to recommend it as a natural feature. The applicant asserts that it is not a “major rock outcrop” based on the 1999 Bend Urban Lands Survey, “Areas of Special Interest Rankings.” That survey ranked all 33 ASIs based on various natural and environmental qualities, and ASI 25 ranked 22nd out of 33 ASIs, with a score of 23 out of 50. Moreover, this already low ranking was given before the City Council authorized removal of the east part of the ASI in 2009, relying in part on its low score in the 1999 survey.

The 1999 Survey at Pages 5-6 and 45-46 also contains an evaluation of ASI 25. The evaluation identified numerous disadvantages of ASI 25 even before part of it was removed in 2009, including that the ASI had already been subject to some excavation, the absence of larger trees and snags, the presence of traffic noise, the visibility of the nearby driving range poles, and that the ASI’s appearance was “attractive, but not striking”. The longtime owner of the subject property, Mr. Ray Gumpert, has also submitted a letter explaining why he thinks Upland ASI 25 is not worthy of protection. Mr. Gumpert’s letter states that he has resided on the property most of his life, and that Upland ASI 25 has no significant environmental attributes.

The facts have not changed since 2009; if anything, the natural and environmental value of Upland ASI 25 has been further degraded by removal of part of it in 2009, and overall development in the vicinity since then. Accordingly, the facts support removal of the remaining ASI designation, and the recommended findings here are essentially the same as the findings made by the City Council in 2009.

f. Economy, Policy 6-11.

FINDING: The subject property is planned and zoned for Mixed Employment. Given the minimal natural or environmental value of ASI 25, this Policy supports removing the ASI designation to facilitate the economic development of the property as intended by the ME Plan Map and Zoning Map designations.

g. Growth Management, Policy 11-27.

FINDING: Policy 11-27 states: “The City will encourage development and redevelopment in commercial corridors that is transit-supportive and offers safe and convenient access and connections for all modes.” The removal of Upland ASI 25 from the Comprehensive Plan Map and the Zoning Map will facilitate development of the Gateway North site, which is located in a commercial corridor that is transit-supportive and will offer convenient access and connections for all transportation modes.

C. Conclusion.

The City finds that the applicable Plan Policies are satisfied.

4. Bend Development Code (“BDC”).

A. Introduction.

BDC 4.6.300, “Quasi-Judicial Amendments,” applies to this application because it consists of a single property and applies existing approval criteria. Therefore, this application is a quasi-judicial amendment.

B. BDC 4.6.300.B, “Criteria for Quasi-Judicial Comprehensive Plan Map Amendment,” Findings.

“B. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

- 1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;**
- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;**
- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;**
- 4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use District Map regarding the property that is the subject of the application; and**
- 5. Approval of the request is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.”**

a. BDC 4.6.300.B.1.

FINDING: This application is consistent with the relevant Goals addressed Part 1, above.

b. BDC 4.6.300.B.2.

FINDING: This application is consistent with the relevant Plan Policies addressed in Part 3, above.

c. BDC 4.6.300.B.3.

FINDING: Adequate public facilities, services and transportation networks will be provided concurrently with development of the Gateway North site are described in the proposed Major Employment Master Plan, PLSPD20220167.

d. BDC 4.6.300.B.4.

FINDING: The application is supported by evidence of a change in the neighborhood for two reasons. First, Upland ASI 25 is no longer intact because the east part of the ASI was removed

in 2009. Second, over time the area around the property has been urbanizing, and the property is now zoned ME, reflecting the City's policy that the property should be developed for uses allowed in the ME Zone.

e. BDC 4.6.300.B.5.

FINDING: The application is consistent with BDC 4.6.600 because it does not significantly affect any transportation facility as that term is defined in OAR 660-012-0060(1)(a)-(c).

The application is subject to BDC 4.6.600 and OAR 660-012-0060 because it amends the acknowledged Plan Map and acknowledged Zoning Map. The Zoning Map is part of the City's acknowledged land use regulations. OAR 660-012-0060(1). The removal of an ASI does not generate any traffic impacts and therefore does not significantly affect any transportation facility. OAR 660-012-0060(1)(a)-(c).

C. BDC 4.6.300.C, "Criteria for Quasi-Judicial Zone Changes," Findings.

"C. Criteria for Quasi-Judicial Zone Changes. The applicant must submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial zone change must be based on meeting both of the following criteria:

- 1. The amendment will bring the zone map into conformance with the Comprehensive Plan map.**
- 2. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property."**

a. BDC 4.6.300.C.1.

FINDING: The proposed Zoning Map amendment will conform to the proposed Plan Map amendment by removing Upland ASI 25 from both maps. The two maps are already consistent with how the property is planned and zoned, and no changes are proposed that would affect that consistency.

b. BDC 4.6.300.C.2.

FINDING: Adequate public facilities, services, and transportation networks will be provided concurrently with development of the Gateway North site as described in the proposed Major Employment Master Plan, PLSPD20220167.

D. Conclusion.

The City finds that BDC 4.6.300 is satisfied.

RECOMMENDATION: Based on the above findings, the Planning Commission recommends to the City Council that the Comprehensive Plan Map and Zoning Map be amended to remove Upland ASI Area 25 from the Gateway North site.