

ORDINANCE NO. NS - 2466

AN ORDINANCE TO AMEND THE BEND DEVELOPMENT CODE CHAPTER 2.7 TO ADOPT A MAJOR COMMUNITY MASTER PLAN FOR THE PARKSIDE PLACE MASTER PLAN, TO AMEND THE COMPREHENSIVE PLAN LAND USE MAP AND TRANSPORTATION SYSTEM PLAN FIGURES, AND TO AMEND A COMPREHENSIVE PLAN POLICY AND FIGURES.

Findings:

- A. In November 2018, the Oregon Land Conservation and Development Commission selected the City of Bend for the Affordable Housing Pilot Project authorized under House Bill 4079, utilizing the subject property abutting the eastern City limits on Highway 20.
- B. On September 21, 2021, the Bend City Council adopted Resolution 3271 which included a Revised Concept Plan consistent with the House Bill 4079 pilot program.
- C. On July 20, 2022, the Bend City Council expanded the Urban Growth Boundary to include the subject property.
- D. On September 28, 2022, Hayden Homes, LLC, submitted a Type III Quasi-judicial application for a Comprehensive Plan Map Amendment, a Comprehensive Plan Policy Text Amendment, and a Development Code amendment to create the Parkside Place Major Community Master Plan consistent with Resolution 3271.
- E. On January 23, 2023, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to 1) amend Chapter 2.7 of the Development Code to include the Parkside Place Master Planned Development; 2) amend the Comprehensive Plan Land Use Map and the Transportation System Plan Figures (and identical Comprehensive Plan Figures); and 3) amend Comprehensive Plan Policy 11-82 and Figure 11-7 to include the subject property.
- F. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On January 24, 2023, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Larkspur and Mountain View Neighborhood Association representatives. On January 25, 2023, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at three locations, visible from adjacent rights of way.
- G. The Bend City Council held a public hearing on February 15, 2023, to consider the Planning Commission recommendation.
- H. The amendments to the Comprehensive Plan maps and text and the Development Code approved by this Ordinance meets all applicable Development Code criteria, policies of the Bend Area Comprehensive Plan, the applicable Oregon Statewide Planning Goals, and the standards set forth in House Bill 4079.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Development Code is amended to include the Parkside Place Master Planned Development as contained in Attachment A.

Section 2. The Bend Comprehensive Plan Land Use Map is amended to redesignate 23.34 acres of land designated Medium Density Residential (RM) to Standard Density Residential (RS) as contained in Attachment B.

Section 3. Figures 4-3 and 5-1 of the Bend Transportation System Plan, and identical Figures 7-1 and 7-2 of the Comprehensive Plan, are amended to include the subject property as contained in Attachment C.

Section 4. Figure 11-7 of the Bend Comprehensive Plan is amended to include the subject property as contained in Attachment D.

Section 5. Policy 11-82 of the Bend Comprehensive Plan is amended to include the subject property and establish the policy framework of the Parkside Place master plan as contained in Attachment E.

Section 6. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Attachment F.

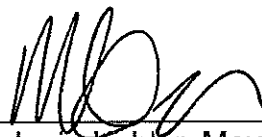
Section 7. If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First Reading: February 15, 2023

Second reading and adoption by roll call vote: March 1, 2023

YES: Mayor Melanie Kebler
Councilor Barb Campbell
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Mike Riley

NO: none



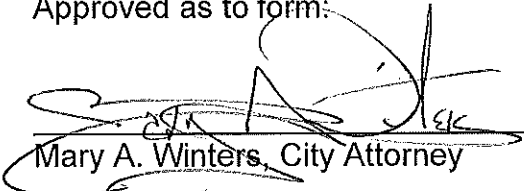
Melanie Kebler, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

ATTACHMENT A

Amend Chapter 2.7 of the Bend Development Code as follows:

Article XXVI. Parkside Place Master Planned Development

2.7.4500 Parkside Place Master Planned Development.

2.7.4510 Purpose.

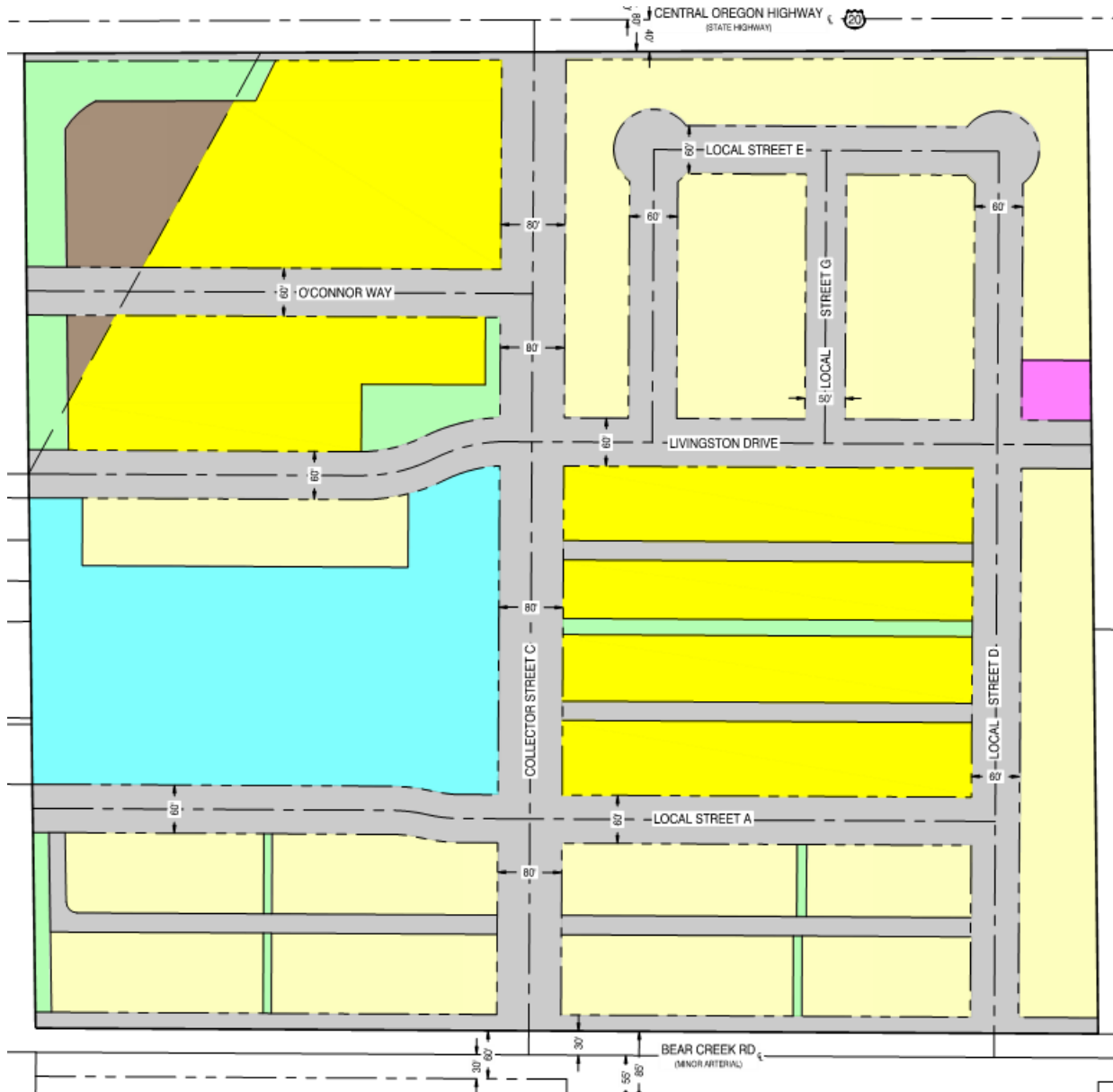
The purpose of the Parkside Place Master Planned Development is to implement Oregon 2016 HB 4079 and create a housing community. The development standards of this section are intended to:

- A. Create a residential community with housing in close proximity to schools, recreation, and commercial services that are scaled to serve the frequent needs of residents.
- B. Ensure capacity for a minimum of 345 housing units, including a minimum of 165 units of mixed housing consisting of townhomes and multi-unit dwellings for owners and renters of multiple lifestyles and income levels – including workforce housing – all in a coordinated neighborhood.
- C. Establish design standards for streets and blocks in order to create safe, functional, and attractive streetscapes.
- D. Create safe, attractive, and efficient pedestrian routes and other multi-modal transportation options.
- E. Preserve open space for a neighborhood-scale park, trail system, and other community amenities.

2.7.4520 Applicability.

The Parkside Master Planned Development standards apply to the property identified in Figure 2.7.4520. The special standards of the Master Plan supersede the standards of the underlying zone and other applicable standards of the Bend Development Code. Where there is a conflict between the provisions of the Parkside Place Master Plan and those of the underlying zone or other portions of the Development Code, the provisions of this district will control. The final determination of the zone or district boundary will be established at the time of subdivision platting and right-of-way dedication.

Figure 2.7.4520 – Parkside Place Master Plan



- STREETS AND ALLEYS
- RS- RESIDENTIAL URBAN STANDARD DENSITY
- RM- RESIDENTIAL URBAN MEDIUM DENSITY
- RH- RESIDENTIAL URBAN HIGH DENSITY
- OPEN SPACE
- PARK
- LIFT STATION

2.7.4530 Definitions.

A. **Lot line, primary front** means the primary property line abutting a street or open space tract. Each lot must have only one primary front lot line and it must be the shortest front lot line abutting a street or open space.

B. **Lot line, secondary front** means a property line abutting a street or open space tract that is not the primary front lot line.

2.7.4540 Residential Standards

A. *Permitted Uses.* All permitted uses in the underlying zone are permitted uses in the Parkside Place Overlay Zone, with the following exception:

1. Short term rentals are prohibited in the Parkside Place Overlay Zone.

B. *Setbacks.*

1. The following setbacks apply:

Table 2.7.4240.B – Residential Setbacks

	Primary Front	Secondary Front	Front (Garage)	Rear	Side
RS and RM	8 ft.	5 ft.	20 ft.	4 ft.	4 ft.

C. Floor area ratio maximums do not apply to any uses in the residential zones.

D. *Lot Area and Dimensions.* Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area and dimensions are subject to the type of structure being occupied. For lot area and dimensions exceptions for affordable housing, see BDC [3.6.200\(C\)](#).

Table 2.7.4540.D – Lot Areas and Dimensions in the Parkside Place Master Plan by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth
	RS	2,700 sq. ft.	Width: 30 ft. at front property line

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth
Single-Unit Detached Dwellings			Depth: 50 ft.
	RM	2,100 sq. ft.	Width 20 ft. at front property line Depth: 50 ft.
	RH	Not applicable	Not applicable
Townhomes	RS	Average minimum lot or parcel size: 1,500 sq. ft. for each unit	Width: 20 ft. at front property line for interior townhome lots Depth: 50 ft.
	RM		
	RH	Average minimum lot or parcel size: 1,200 sq. ft. for each unit	
Multi-Unit Dwellings (5+ units)	RM, RH	None	Width: 30 ft. at front property line Depth: 50 ft.

E. *Lot Frontage.* Frontage on a public street, private street, or open space tract is required. Lots fronting open space tracts must take access from a rear alley, and the property line fronting open space must be considered a front property line.

F. *Maximum Lot Coverage.* The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Table 2.7.4540.F – Residential Lot Coverage

Zone	Maximum Lot Coverage
Standard Density Residential (RS) and Medium Density Residential (RM)	60% for all single-unit detached, duplex, triplex, and quadplex. No maximum for townhomes or multi-unit.
High Density Residential (RH)	None

G. *Other Design Standards.*

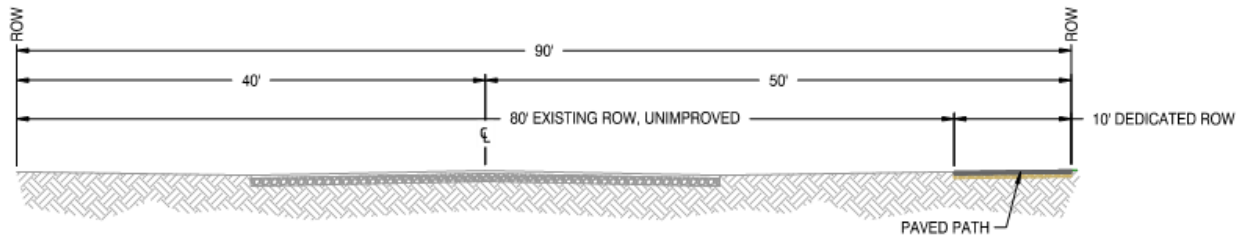
1. On-site surface water drainage may be addressed in the following ways. Alternatives may be approved by the City Engineer:

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

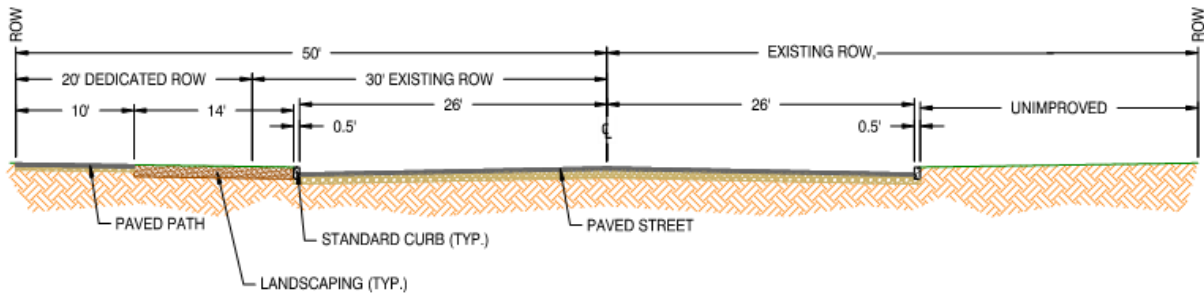
2.7.4550 Special Street Standards

1. Figure 2.7.4550 depicts the cross section for each street type within the Parkside Place Master Plan. Figure 2.7.4550 will be applied to the Parkside Place Master Planned Development as illustrated.
2. Any City street standard adopted after the effective date of the ordinance codified in this chapter, which permits a lesser street standard, may be applied to the Parkside Place Master Planned Development during the subdivision review process.

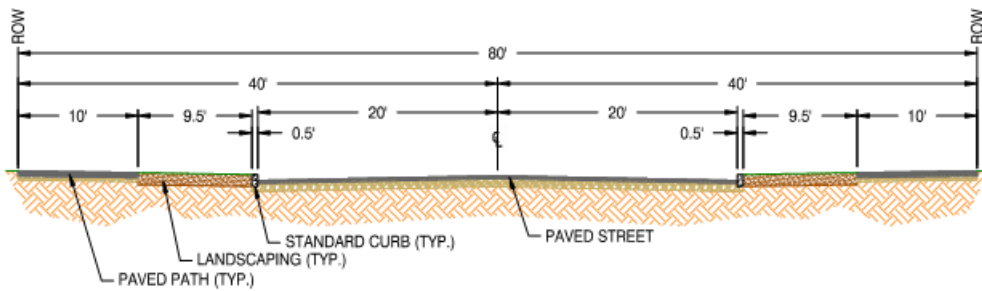
Figure 2.7.4550



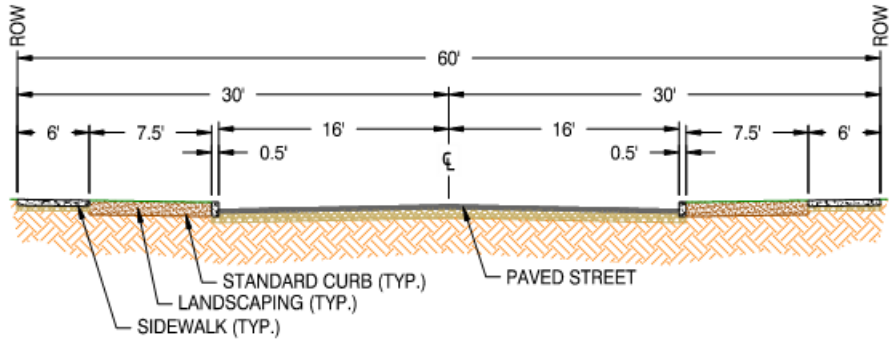
TYPICAL SECTION
 ARTERIAL STREET: PARTIAL IMPROVEMENT
 US HIGHWAY 20
 NTS



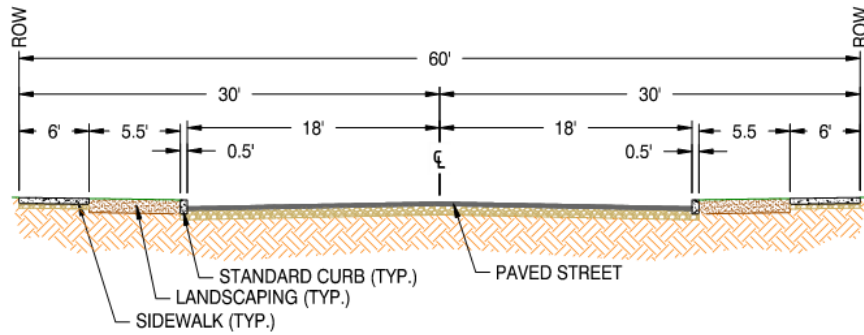
TYPICAL SECTION
 ARTERIAL STREET: PARTIAL IMPROVEMENT
 BEAR CREEK ROAD
 NTS



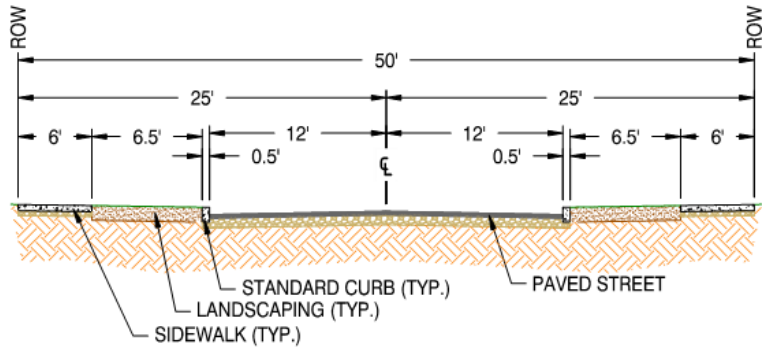
TYPICAL SECTION
 COLLECTOR STREET: FULL IMPROVEMENT
 COLLECTOR STREET C
 NTS



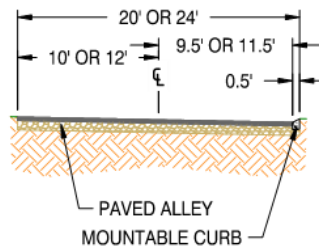
TYPICAL SECTION
 LOCAL STREET: FULL IMPROVEMENT
 LOCAL STREETS A, D, & E
 NTS



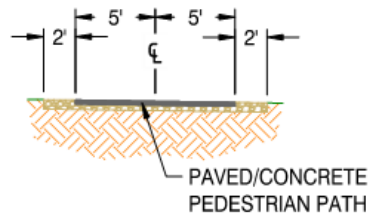
TYPICAL SECTION
 LOCAL STREET: FULL IMPROVEMENT
 O'CONNOR WAY
 LIVINGSTON DRIVE
 NTS



TYPICAL SECTION
 LOCAL STREET: FULL IMPROVEMENT
 LOCAL STREET G
 NTS



TYPICAL SECTION
 PAVED ALLEY
 NTS



TYPICAL SECTION
 PAVED/CONCRETE PEDESTRIAN PATH
 NTS

2.7.4560 Transportation Mitigation Plan

- A. Applicability. The following Transportation Mitigation Plan applies to all development within the Parkside Place Master Planned District. The Transportation Mitigation Plan is adopted and implemented pursuant to BDC 4.7.600(D)(1).
- A. Alternate Transportation Design Standards. Transportation facilities within the Parkside Place Master Planned District must comply with the standards set forth in BDC 2.7.4550.
- C. Transportation Mitigation. The following transportation mitigation measures must be constructed pursuant to the deadlines set forth in Table 2.7.4560 below.

Table 2.7.4560

Mitigation Requirements	Trigger
The COID canal must be piped when it is within a City of Bend right-of-way. The COID pipe north of the O'Connor right-of-way must be located to allow for a potential Hwy 20 undercrossing of the Bend Park and Recreation trail	Prior to final plat of the property containing the multi-unit development
Coordinate with CET for a bus route to the site. If a bus stop is desired by CET, one must be constructed at a location determined by CET prior to the final plat containing the transit stop location.	Coordination must occur prior to platting of properties south of Livingston Drive. The bus stop must be constructed prior to the final plat of the phase containing the bus stop location.
Complete the sidewalk connection within Livingston Drive to 27 th Street	Prior to final plat of the initial project phase
A pump station is required at the eastern property line. If applicable, a temporary road must be constructed over the main to the pump station for operations and maintenance	Prior to final plat of the initial project phase
If a raised median is not installed within Highway 20 by ODOT, a raised porkchop must be installed at the intersection of the north-south collector with Highway 20	Prior to final plat of the initial project phase
The Bend Parks and Recreation Big Sky Park path must be constructed from Bear Creek Road north along the COID canal to Hwy 20	Prior to final plat of each phase containing the trail alignment

2.7.4570 Future Capacity Reservation

- A. The Parkside Place Master Plan reserves infrastructure capacity (sewer, water and transportation) through and including [adopted date + 15 yrs] for all site plan review and subdivision applications filed pursuant to the phasing plan through [adopted date + 15 yrs]. Site plan review and subdivision applications submitted after [adopted date + 15 yrs] will be subject to a new utility and transportation analysis.

ATTACHMENT B – COMPREHENSIVE PLAN MAP AMENDMENT



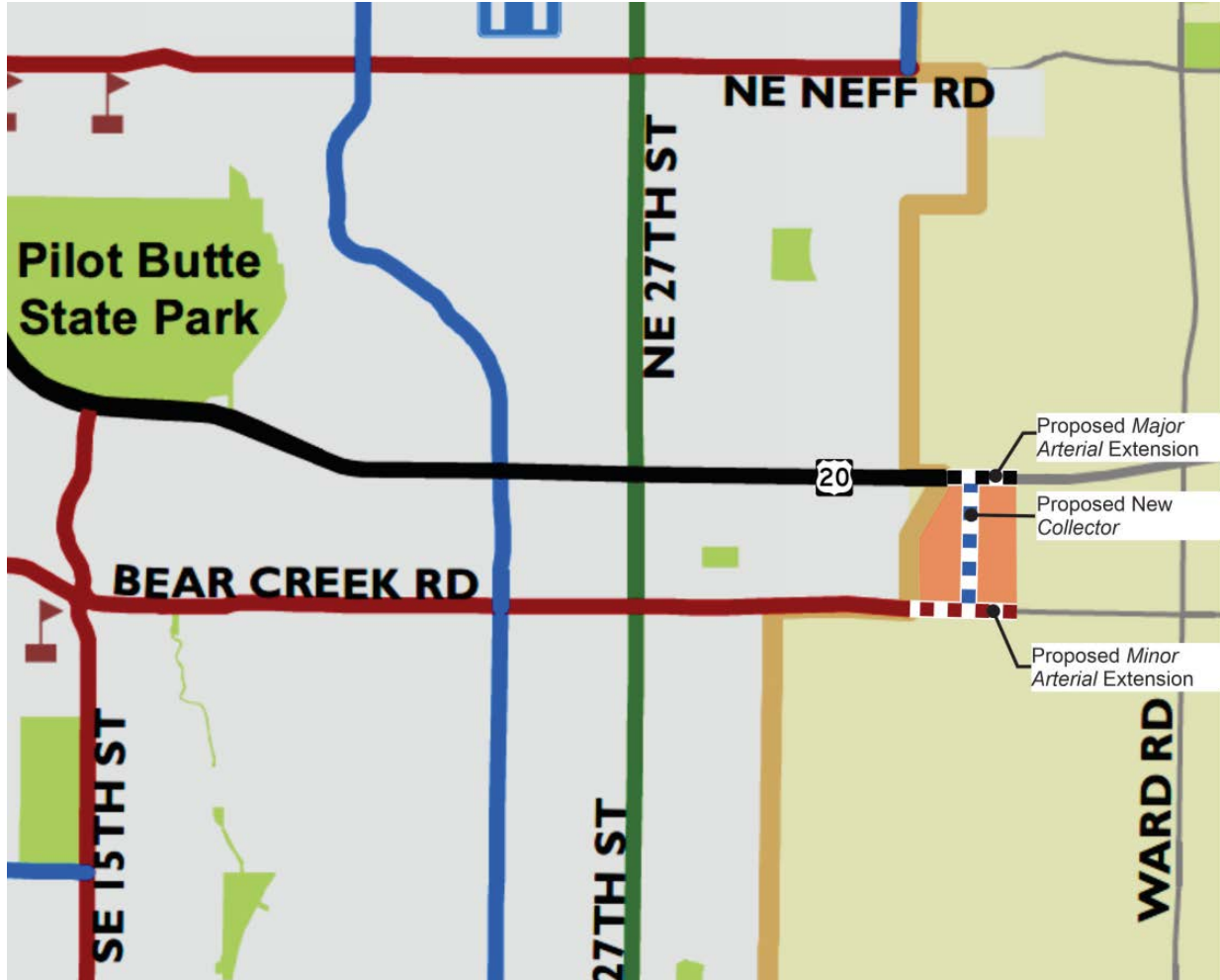
Existing Comp Plan Designations



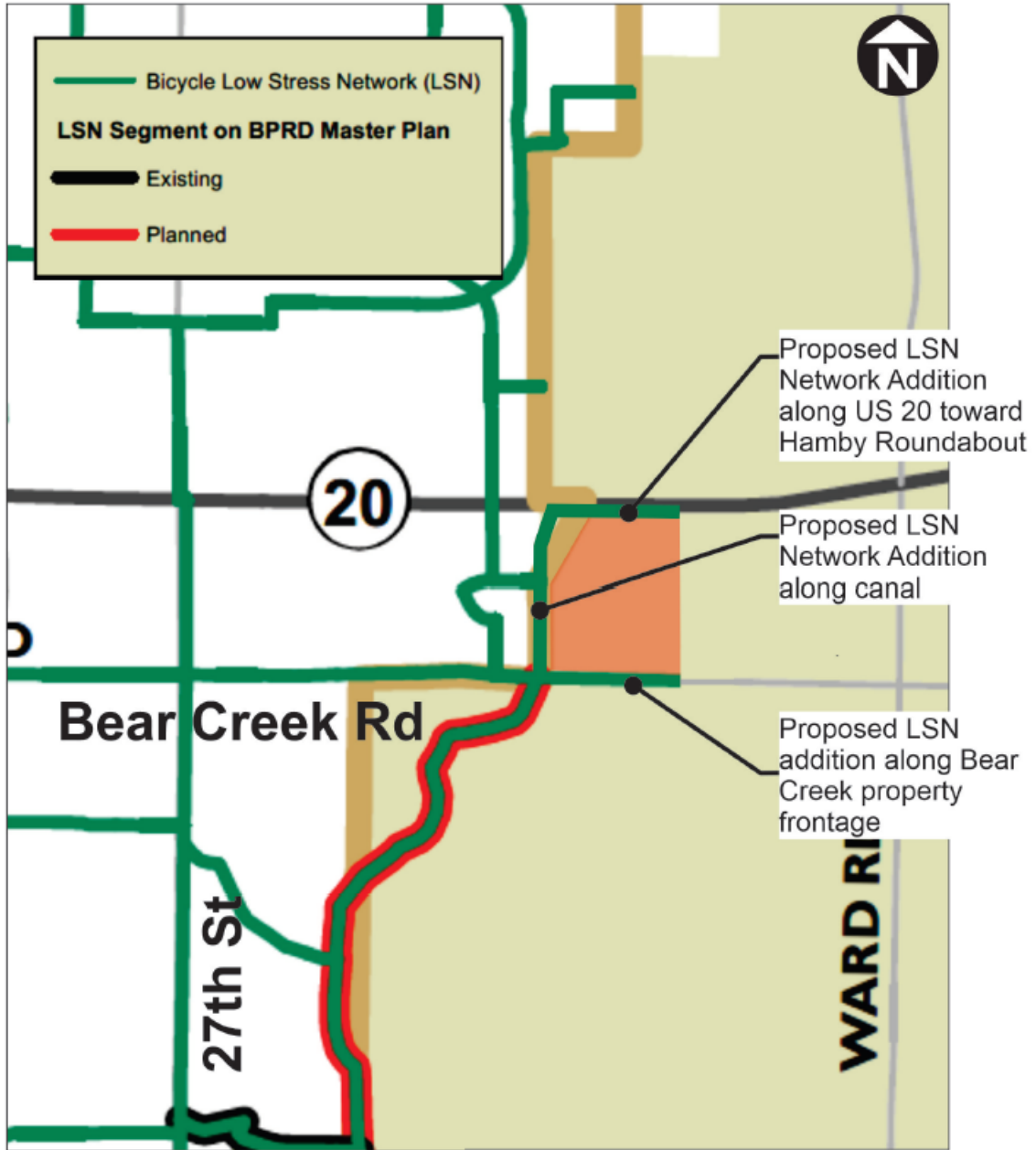
Proposed Comp Plan Designations

ATTACHMENT C

**TRANSPORTATION SYSTEM PLAN (TSP) MAP AMENDMENTS
(AND IDENTICAL COMPREHENSIVE PLAN FIGURE AMENDMENTS)**



*Amendment to TSP Figure 4-3. Functional Street Classification Map
AND Comprehensive Plan Figure 7-1*



*Amendment to TSP Figure 5-1. Low Stress Bicycle Network
AND Comprehensive Plan Figure 7-2*

ATTACHMENT D – COMPREHENSIVE PLAN POLICY FIGURE AMENDMENT

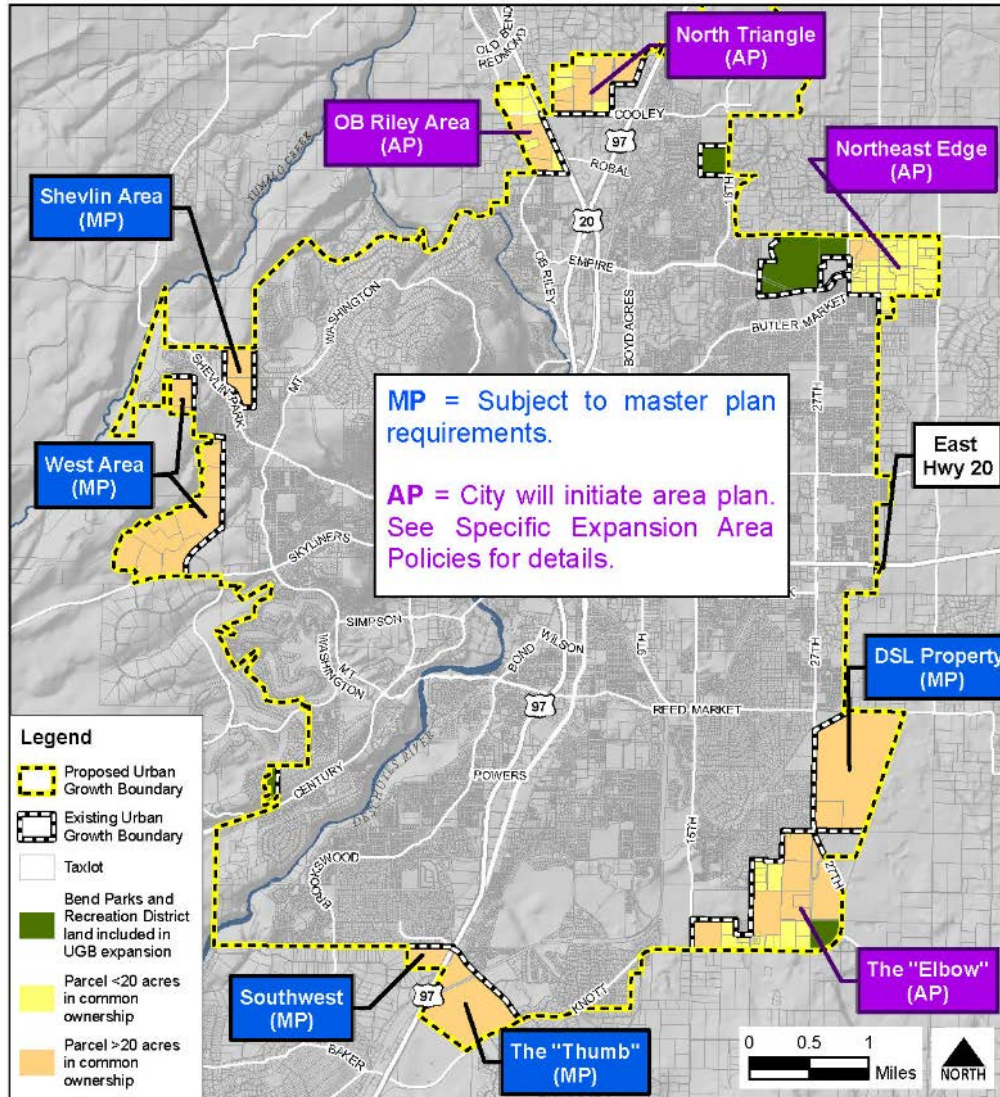
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FIGURE 11-7: UGB Expansion Subareas and Area Planning Requirements

Bend UGB

UGB Expansion Subareas and Area Planning Requirements

July 18, 2016



Data source: Deschutes County GIS (2014)

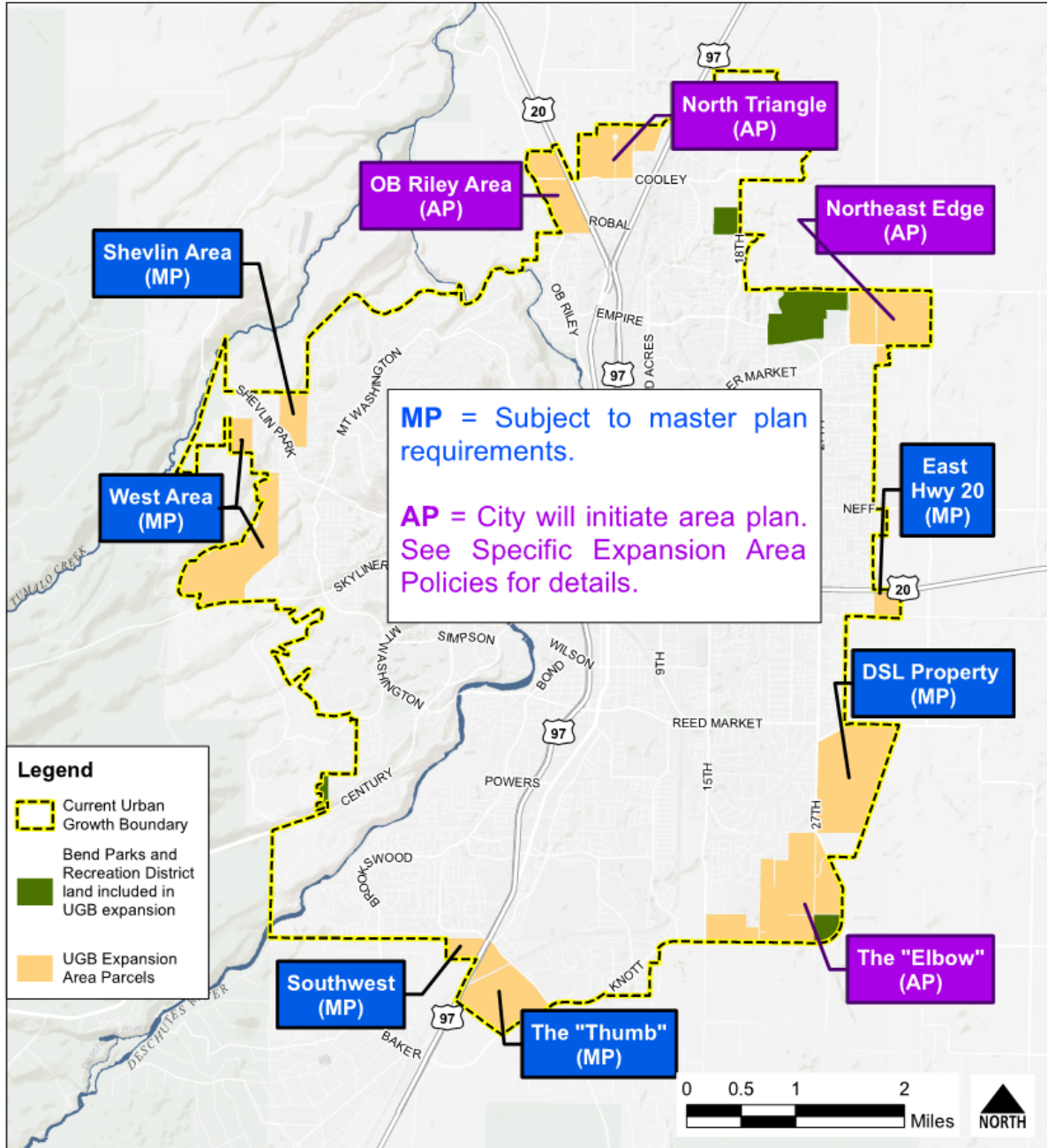


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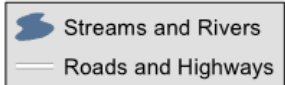
Figure 11-7: UGB Expansion Subareas and Area Planning Requirements

Bend UGB

*UGB Expansion Subareas and Area Planning Requirements
December 20, 2022*



Data source: Deschutes County GIS (2022)



Attachment E

Amend Chapter 11 of the Comprehensive Plan as follows:

East Highway 20:

~~11-82~~ This area (identified on Figure 11-7) shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

~~o~~ The minimum number of affordable housing units shall be 100% of the housing units developed on the portion of the property shown on Figure 11-7.

~~o~~ Guarantees, in a form acceptable to the City, shall be in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.

~~o~~ Planning and phasing requirements for affordable housing units shall be established, in a form acceptable to the City.

11-82 Consistent with the HB 4079 Pilot Program, which is aimed at boosting affordable housing by allowing cities to develop affordable and market rate housing on lands currently outside the UGB without going through the normal UGB expansion process, development must be consistent with Resolution 3271 adopted by the City Council to implement the program and the following additional policies:

11-82.A The area must provide for a mix of affordable and market rate housing units. The specific area identified in Figure 11-7 must provide a minimum of 345 housing units, to include a minimum of 138 affordable housing units (rental units or owner occupied housing units at 80% AMI as set forth below), and 207 market rate units. The affordable housing units must meet the following:

- Affordable housing units must meet the definition of affordability as defined in House Bill 4079. The owner-occupied affordable units must also meet the City's definition of affordability in Housing Policy 5-20.
- All the affordable units must have guarantees, in a form acceptable to the City, in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.
- Planning and timing requirements for the affordable housing units must be established in an annexation agreement.

11-82.B The master plan must provide a mix of densities. The residential plan densities must include approximately 1.7 gross acres of RH (Residential High Density), 11.9 gross acres of RM (Residential Medium Density), and 23.3 acres of RS (Residential Standard Density).

11-82.C The master plan must include open space throughout the neighborhood to connect transportation linkages (streets, bikeways, sidewalks and paths) to nearby shopping, transit and employment areas.

11-82.D The street, path and bikeway network must provide connectivity through this area, connect to existing abutting local roads, and provide opportunities for connections to adjacent undeveloped land inside the UGB. The transportation network must be consistent with the Bend Development Code, Chapter 4.7 and the City's Transportation System Plan.

11-82.E The master plan must include approximately 4.0 acres of either private open space or of land for a community or neighborhood park site to be acquired and owned by the Bend Parks and Recreation District. If the latter it may include a large pond (as determined by the Parks District, the owner and COID) with trails, a seasonal restroom, and other park amenities and possibly parking, as further identified in the site plan, and developed during a public design process with the Parks District. The developer must conduct any necessary wetland analysis under State Planning Goal 5 prior to annexation or development approval as required by the City. Coordination with Bend Park and Recreation district is required in order to address provision and ownership of parks and/or trails within this area. All other irrigation district water rights must be removed and transferred from the property consistent with city code and Central Oregon Irrigation District policy.

11-82.F Coordination with other special districts and utility providers is required within this area.

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PLSPD20220717 (Master Plan)
PLTEXT20220716 (Comprehensive
Plan policy amendment)
PLCPMA20220715 (Comprehensive
Plan Map Amendment and
Transportation System Plan Map Amendment)

HEARING DATE: January 23, 2023

**APPLICANT/
OWNER:** Hayden Homes LLC
(21415 Hwy 20) 2464 SW Glacier Pl, Suite 110
Redmond, OR 97756

OWNER: Porter Kelly Burns Landholding LLC
(21455 Hwy 20) 5691 Miramar Dr
Frisco, TX 75034

**APPLICANT'S
REPRESENTATIVE:** Greg Blackmore
Blackmore Planning
19454 Sunshine Way
Bend, OR 97702

LOCATION: 21455 Hwy 20; Tax Lot 171235DC00100
21415 Hwy 20; Tax Lot 171235DC00200
Between Highway 20 and Bear Creek Road

REQUEST: Type III Quasi-judicial amendment to Bend Development
Code Chapter 2.7, Special Planned Districts, to create the
Parkside Place Master Planned Development; a 37.1-acre
Major Community Master Plan, with a mix of residential unit
types (PLSPD20220717).

Type III Quasi-judicial amendment to Comprehensive Plan
Policy 11-82 and Figure 11-7 to incorporate the subject
property (PLTEXT20220716)

Type III Quasi-judicial amendment to the Comprehensive Plan
Map (changing 23.34 acres from RM to RS), and a TSP Map
amendment to add road classifications and low stress network
(PLCPMA20220715)

STAFF REVIEWERS: Karen Swenson, AICP, Senior Planner
(541) 388-5567; kswenson@bendoregon.gov

Chris Henningsen, Principal Engineer
(541) 693-2134, chenningesen@bendoregon.gov

APPLICABLE REVIEW CRITERIA, STANDARDS AND PROCEDURES:

Bend Development Code

Criteria

Chapter 4.5, Master Planning and Development Alternatives
Chapter 4.6, Land Use District and Text Amendments

Standards

Chapter 2.1, Residential Districts
Chapter 2.8, Urbanizable Area District (UA)
Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
Chapter 3.4, Public Improvement Standards
Chapter 4.7, Transportation Analysis

Procedures

Chapter 4.1, Development Review and Procedures

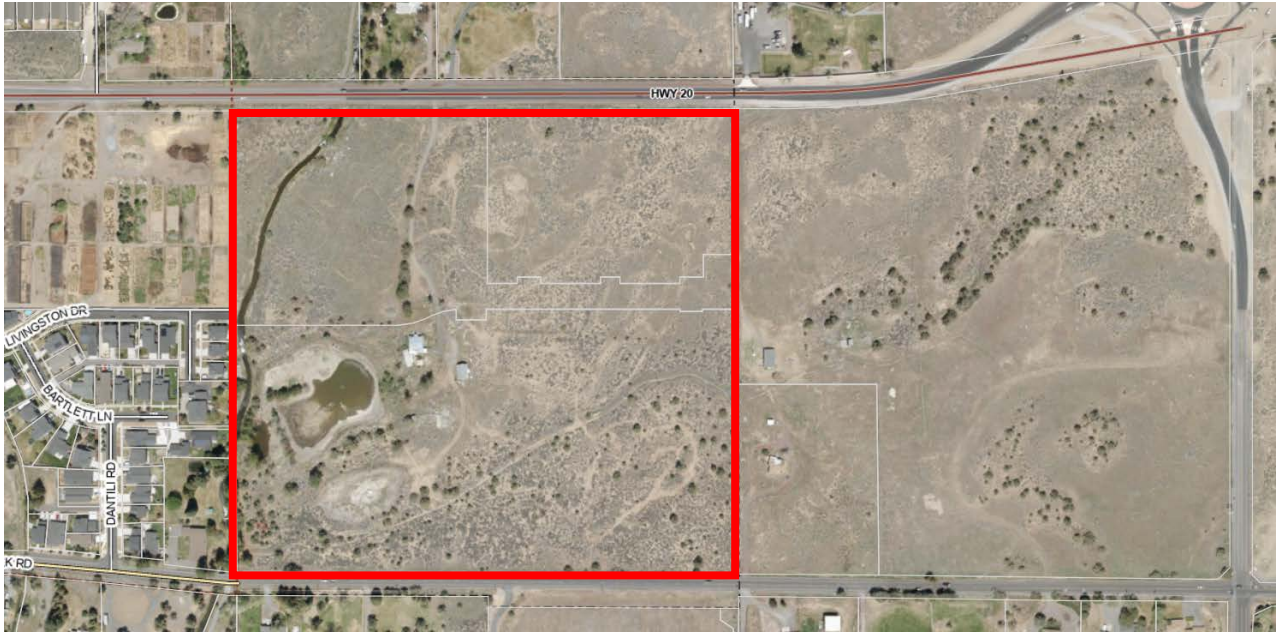
Bend Comprehensive Plan Policies

Oregon Administrative Rules

Chapter 660-039, Affordable Housing Pilot Program
Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

- 1. LOCATION:** The property is located immediately east of the Bend City limits between Highway 20 and Bear Creek Road. The property is identified as 21415 and 21455 Highway 20 and is further identified as Tax Lots 100 and 200 on Deschutes County Tax Assessor's Map 17-12-35DC.



2022 Aerial – Parkside Place Master Plan subject property

- 2. ZONE AND PLAN DESIGNATION:** The subject property is located in Deschutes County, in the Bend Urban Growth Boundary and zoned Urbanizable Area (“UA”). The Bend Comprehensive Plan identifies a 1.77 acre area in the northwest quadrant as Residential High Density (RH) and the remainder of the site as Residential Medium Density (RM).



Existing Comprehensive Plan designations

- 3. SITE DESCRIPTION & SURROUNDING USES:** The property is 37.1 acres in size and square in shape. It is abutted by major roadways; Highway 20 (a principle arterial) to the north and Bear Creek Road (a rural collector) to the south. The property abuts the Bend city limits to the west and is situated approximately 0.25 miles from Ward Road (a rural arterial), to the east. A Central Oregon Irrigation District (“COID”) canal traverses the property along the western property edge and the northwest quadrant. Also, there are two ponds and a single-unit dwelling with outbuildings on the site.



Looking southwest across the site

Vegetation on the property consists primarily of weeds, annual grasses, sagebrush, scattered juniper trees and clusters of coniferous trees surrounding the dwelling and two ponds on the property.

The western edge of the site borders the Bend city limits and properties developed with the Land Systems Nursery, single-family homes in the Traditions East subdivision and a 1.27 acre residential property, all zoned Standard Density Residential (RS). Adjacent properties to the north, east, and south are located outside of Bend city limits and the UGB. To the north (across Hwy 20) are three Exclusive Farm Use – Tumalo/Redmond/Bend (“EFU-TRB”) zoned tax lots and one lot zoned UAR-10 that are developed with single-family homes and/or undeveloped; these properties do not appear to be engaged in farm use. To the east are two MUA-10 zoned tax lots that are developed with single-family homes; these lands do not appear to be engaged in farm use. To the south (across Bear Creek Road) are three EFU-TRB zoned tax lots; these properties are developed with single-family dwellings and one of the tax lots may be engaged in farm use.

- 4. PROCEDURAL OVERVIEW:** The current proposal is a necessary step to implement Oregon House Bill (HB) 4079, the Affordable Housing Pilot Project. In 2016, the Oregon Legislature passed HB 4079, which formed a pilot program aimed to help cities build affordable housing. The program allows selected cities to add new housing units on lands currently outside their urban growth boundaries (UGBs) without going through the normal UGB expansion process.

The law directed the Land Conservation and Development Commission (LCDC) to set up a process to select two pilot projects. The selected cities would be able to use an expedited UGB process, if at least 30 percent of the newly built housing is affordable and the newly added land is protected for this use for at least 50 years. LCDC adopted the pilot program process and project requirements in OAR 660-039.

In June 2018 the City of Bend submitted an application to LCDC for the Affordable Housing Pilot Project (utilizing the subject property) and in November 2018 LCDC selected the City of Bend for the Pilot Project. In 2020, the applicant entered into a contract on the pilot site (with the original developer) and began a revised feasibility study. On September 1, 2021, the Bend City Council adopted Resolution No. 3271 to implement a Revised Concept Plan, based on its selection as a HB 4079 Affordable Housing Pilot Project. In October of 2021, the agency charged with administering the Pilot Project, the Department of Land Conservation and Development (DLCD) approved the modified HB 4079 Plan. This master plan proposal is consistent with the Revised Concept Plan approved by DLCD.

In 2016, as part of the City's Comprehensive Plan Update, a small portion (1.77 acres) of the subject property in the northwest corner was included in the Urban Growth Boundary (UGB) and designated High Density Residential (RH). On July 20, 2022, the Bend City Council approved the Urban Growth Boundary expansion to include the remainder of the subject property per Ordinance 2449 (Exhibit Q of this application). This UGB expansion also included a Comprehensive Plan designation of Medium Density Residential (RM) for the property. Deschutes County subsequently approved the Urban Growth Boundary expansion per Ordinance No. 2022-006 (Exhibit R of this application) with a concurrent rezone to Urbanizable Area (UA).

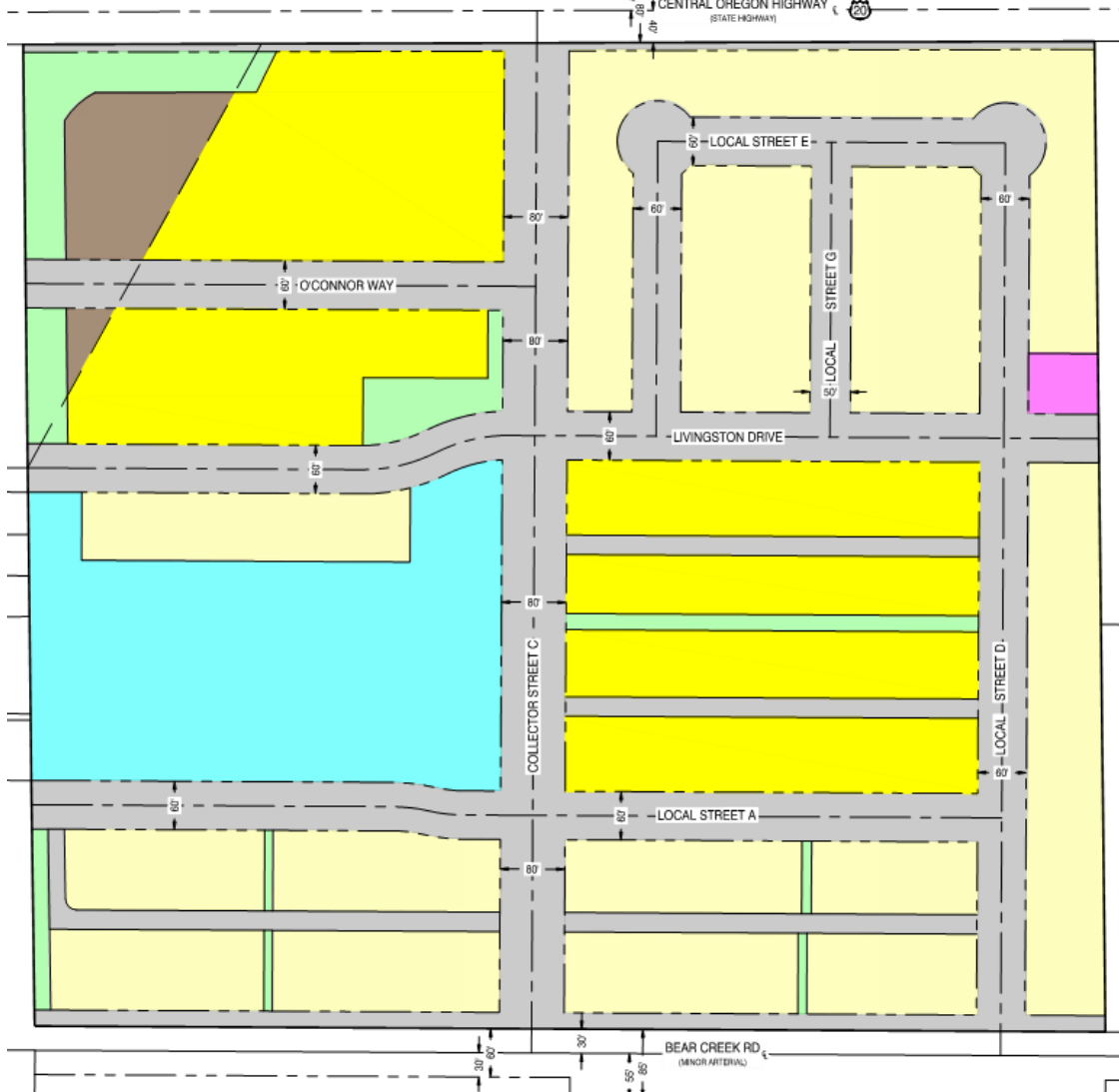
Subsequent to this application/review, additional City of Bend applications needed to implement Oregon HB 4079 – the Affordable Housing Pilot Program include:

- Annexation (concurrent with Council review of this application)
- Land Division
- Site Plan (for the multi-unit development and park)

- 5. PROPOSAL:** The proposal includes a Community Master Plan, a revision to the Comprehensive Plan Map (changing 23.34 acres from RM to RS), seven new Comprehensive Plan policies to replace Comprehensive Plan Policy 11-82, and an

amendment to the TSP Map (to extend the arterial and collector streets and the low-stress network across the property).

Proposed Parkside Place Master Plan



- STREETS AND ALLEYS
- RS- RESIDENTIAL URBAN STANDARD DENSITY
- RM- RESIDENTIAL URBAN MEDIUM DENSITY
- RH- RESIDENTIAL URBAN HIGH DENSITY
- OPEN SPACE
- PARK
- LIFT STATION

As noted above, the UGB expansion also included a Comprehensive Plan designation of Medium Density Residential (RM) for the property to be included within the UGB. As the applicant prepared the master plan submittal in compliance with the Revised Concept Plan, due to the increased densities and housing mix required under a master plan, the applicant discovered that the Revised Concept Plan could not be implemented under the RM designation. Thus, the applicant is requesting a Comprehensive Plan Map Amendment (PLCPMA20220715) to change 23.34 acres of the RM-designated property to an RS designation. The number of units proposed under the Revised Concept Plan does not change with this proposed RS designation.

6. **CONCURRENT APPLICATION:** The applicant has applied for annexation of the subject property into the Bend City limits (PLANX20220849) to be reviewed and considered concurrently with this Master Plan/Map Amendment/Policy Amendment by the Bend City Council.

7. **PUBLIC NOTICE AND COMMENTS:** In accordance with BDC 4.1.215, the applicant held a virtual neighborhood meeting on September 28, 2022 via Zoom. Documentation of the public meeting, including signed verification of compliance forms from the Mountain View and Larkspur neighborhood association representatives, included a list of concerns stated at the meeting, a roster of the Zoom meeting attendees, copies of materials provided to neighbors within 500-feet of the subject property, and meeting agenda and presentation. Four people attended the virtual public meeting, which lasted approximately one hour. Concerns identified by attendees focused on traffic and transportation, specifically left turn safety onto Highway 20, and road improvements on Livingston Avenue and Bear Creek Road. Other concerns and questions focused on the park and canal improvements, housing design, and the timing of the development. Attendees also raised the issue of the need for sewer hookup for neighbors to the north as sewer is extended eastward.

On December 27, 2022, Notice of Proposed Development signs were posted by the applicant along the property frontages at three locations, visible from adjacent rights of way. These notices were posted for more than 10 days prior to the January 23, 2023 Planning Commission hearing date.

On December 20, 2022, the City of Bend Planning Division mailed notice of the Planning Commission public hearing for these applications to surrounding owners of record of property within 500 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Mountain View and Larkspur Neighborhood Association representatives. The notices for the public hearing were mailed more than 10 days prior to the first evidentiary hearing, in accordance with BDC 4.1.423.

Fifteen written public comments were received in response to these public notices. Six letters were in support of the project. Six letters either expressed support or were neutral about the project and raised specific issues, such as the lack of walkable

commercial development, affordability to lower incomes, changing the central collector street to a local street, and prohibiting short term rentals. Five letters expressed concerns about traffic and safe turning movements onto Bear Creek Road, retention of the existing pond for wildlife, and saving trees. Various agencies were also sent notice, and their comments are contained in the project file and considered in this decision. The required notice to the Department of Land Conservation and Development (DLCD) was provided on December 19, 2022, 35 days prior to the first public hearing.

The Planning Commission conducted a public hearing on January 23, 2023. One individual expressed support for the project concern about the capacity of the Avion Water District to support the project. One other individual expressed concern about traffic on Bear Creek Road. The Planning Commission voted 7-0 in favor of recommending the applications to the City Council for approval.

- 8. APPLICATION ACCEPTANCE DATE:** All three applications, the Type III Major Community Master Plan application, the Comprehensive Plan Map and TSP Map Amendment application and Comprehensive Plan Text Amendment application, were submitted on September 28, 2022. The associated submittal materials were uploaded to CityView, the City's online permit center portal, between September 28 and October 14, 2022. Revised materials were uploaded on November 2, 2022 at the direction of City staff. The applicant fees were paid on October 4, 2022. The applications were deemed complete on October 21, 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.

APPLICATION OF THE CRITERIA:

CONFORMANCE WITH STATE OF OREGON APPROVAL CRITERIA:

The proposed Master Plan, Comprehensive Plan Map and Text (Policy) Amendments, and TSP Map Amendment are intended to implement HB 4079, the Oregon Affordable Housing Pilot Project. The Affordable Housing Pilot Project is established in OAR 660-039 and as detailed in that section, is addressed below.

A. OAR 660-039 – AFFORDABLE HOUSING PILOT PROJECT

660-039-0030

Compliance with Goals, Statutes, Administrative Rules

- (1) Regarding the pilot project site, a qualifying city submitting a pilot project nomination is exempt from compliance, and the commission is not required to select a pilot project that complies, with:**

(a) ORS 197A.320;

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- (b) The Land Need or Boundary Location provisions of Goal 14;**
 - (c) Goals 3, 4, 6, 8, 9, 10, 12, 13, and 19;**
 - (d) Goal 11, except that portion applicable to the impact of development of the pilot project site upon existing and planned public facilities within the qualifying city's urban growth boundary;**
 - (e) Goal 15, unless the land is within the Willamette River Greenway Boundary;**
 - (f) Goals 16, 17, and 18, unless the land is within a coastal shorelands boundary; or**
 - (g) Any administrative rules implementing, clarifying, or interpreting these goals.**
- (2) A qualifying city submitting a pilot project nomination is required to make findings showing compliance, and the commission is required to select a pilot project that complies with:**
- (a) Goal 5, regarding resources located on the project site; and**
 - (b) Goal 7**

FINDING: OAR 660-039-0030 is applicable to the site selection process for HB 4079 projects and was satisfied by the City Council's adoption of Resolution No. 3133 to nominate the subject site and LCDC's selection of the site as a pilot project. These provisions are not applicable to the current applications. The current applications' compliance with the 19 Statewide Planning Goals is addressed below.

- (3) Notwithstanding section (1), a qualifying city may not bring high-value farmland within its urban growth boundary to implement a pilot project.**

FINDING: Pursuant to City of Bend Ordinance No. NS-2449 (Exhibit Q) and Deschutes County Ordinance No. 2022-006 (Exhibit R), the Bend UGB has been expanded to implement a pilot project and the project does not include any high-value farmland.

660-039-0040 Provision of Public Facilities and Services

- (1) A qualifying city submitting a pilot project nomination shall demonstrate that, for sanitary sewers, domestic water, fire protection, parks or recreation, and streets and roads the pilot project site can be reasonably provided with public facilities and services and the provider(s) of the public facilities and services have the capacity and financial resources to serve development on the site as proposed in the concept plan.**

FINDING: The provision of public facilities was considered during site selection and satisfied by the City Council's adoption of Resolution No. 3133 to nominate the subject site and LCDC's selection of the site as a pilot project. The City is the provider of urban services for sanitary sewer, fire protection and streets and roads for the site. The applicant/developer will be required to complete the public facility and infrastructure Type III Major Community Master Plan / Comp Plan Policy Amendment / Comp Plan & TSP Map Amendments
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necessary to provide these public facilities and services as set forth in the Revised Concept Plan and as required by the Bend Development Code during development review. Once infrastructure is complete, the project site can be reasonably provided with public facilities and services and the City of Bend has the capacity and financial resources to serve development on the project site as proposed in the Revised Concept Plan.

Avion Water Company will be the provider of urban services for domestic water for the portion of the site south of Highway 20. The applicant/developer will be required to complete the public facility and infrastructure necessary for provision of domestic water. Once infrastructure is complete, Avion Water Company has the capacity and financial resources to serve the development on the project site as proposed in the Revised Concept Plan, and as demonstrated by the Letter of Intent to Serve included in the project application.

(2)(a) A qualifying city with a population of 25,000 or less shall demonstrate that, either:...

FINDING: The City of Bend does not have a population of 25,000 or less; therefore these provisions do not apply.

(2)(b) If transit service is not currently available, the qualifying city shall provide an official resolution or other action of the governing body providing mass transit service stating that, if the project is selected, mass transit service that satisfies the standards under subsection (a) will be provided concurrently with development of the affordable housing units.

(3) A qualifying city with a population greater than 25,000 shall demonstrate that, for mass transit corridors, the affordable housing units within the pilot project site are accessible or can be made accessible to a transit stop served by a fixed transit corridor with at least eight weekday trips in each direction, or eight weekday trips at the terminus of a fixed transit corridor, that is within a three-quarters mile distance via sidewalk or pedestrian walkway. If transit service is not currently available, the qualifying city shall provide an official resolution or other action of the governing body providing mass transit service stating that, if the project is selected, mass transit service with such minimum frequency and distance from affordable housing units will be provided concurrently with development of the affordable housing units.

FINDING: Transit is available in the City of Bend and, as documented in the letter (Exhibit P) from Cascades East Transit (CET), the local transit provider, they are able and willing to serve the site upon development.

- (4) The commission may consider the following aspects of the nomination when determining the strength of the public facilities and services committed to serving the pilot project site pursuant to OAR 660-039-0080(2)(b)(B):
- (a) The proximity of the pilot project site to adequate existing public facilities and services;
 - (b) The projected expense of providing necessary public facilities and services to the pilot project site; and
 - (c) The availability and quality of the proposed transportation facilities and services provided for bicyclists, pedestrians, and mass transit users within the pilot project site and connecting to the pilot project site from other areas within the qualifying city.

FINDING: These are elements that were allowed to be considered by LCDC in selecting the property for the HB 4079 project. These provisions are not applicable to the current applications.

660-039-0050 Impacts on Natural Resources and Nearby Farm and Forest Uses

- (1) The pilot project site shall be buffered from adjacent lands in an exclusive farm use zone, forest zone, or mixed farm and forest zone, by a minimum 100-foot-wide buffer on the pilot project site. The buffer shall include features, such as terrain differential, natural or introduced vegetation, and constructed berms, designed to provide additional buffering quality within the buffer area.
- (2) In lieu of the buffer required under section (1), a qualifying city may propose an alternative method to avoid or minimize adverse effects on adjacent lands in an exclusive farm use zone, forest zone, or mixed farm and forest zone that would provide greater protection to land zoned farm, forest or mixed farm and forest than would otherwise be provided through the buffer.

FINDING: The property does not abut any farm or forest resource lands and per the acknowledged Revised Concept Plan, no additional buffers were required. The only adjacent farm or forest resource lands are the EFU zoned lands to the north and south, which are separated from the subject property by the existing US Hwy 20 and Bear Creek Road rights-of-way. Additional buffers are not required.

- (3) The commission shall consider the following when determining the strength of buffers pursuant to OAR 660-039- 0080(2)(b)(C):...

FINDING: These are elements that were allowed to be considered by LCDC in selecting the property for the HB 4079 project. These provisions are not applicable to the current applications.

(4) If a qualifying city submits factual information demonstrating a Goal 5 resource site, or the impact areas of such a site, is included in the pilot project site to be added to the urban growth boundary, the qualifying city shall apply the requirements of OAR chapter 660, division 23. For purposes of this section, “impact area” is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource, as described in OAR 660-023-0040(3).

FINDING: The City of Bend conducted an assessment of Goal 5 when selecting the property for the HB 4079 submittal to LCDC. As established in City of Bend Resolution 3271.:

N. The Council continues to find the Bend Pilot Project Site satisfies Statewide Land Use Planning Goal 5. The Bend Pilot Project Site contains two ponds identified on the National Wetlands Inventory, which is the inventory of wetland habitat for Deschutes County, pursuant to Deschutes County Ordinance 92-045 and Deschutes County Development Code 23.112.040.3. When the Bend Pilot Project Site containing the ponds is annexed into the City, and before development is approved, the Developer must engage in the required analysis to determine whether the ponds are considered significant under Goal 5. BDC 4.6.300.B.1 or 4.5.200.D.3.c.i. The Central Oregon Irrigation District has turned off the water supply to the ponds and it may be unlikely that there are jurisdictional wetlands on the site, but that remains to be finally determined. If found to be a significant Goal 5 resource, they must be preserved.

The Revised Concept Plan proposes 4 acres of Park space to be dedicated to the Bend Park and Recreation District. Based on the provision of open space and parks, and trail connections, and the requirement that further analysis be done to determine whether the ponds are a significant resource, the City finds that the Revised Concept Plan complies with Goal 5.

In association with the Master Plan application, the applicant has engaged Jodi Wilmoth, of 3 Rivers Environmental, LLC to prepare a Wetland Delineation Report and a Goal 5 Assessment, to determine whether the ponds on the subject property are Goal 5 Resources. As detailed in the Wetland Delineation Report, Ms. Wilmoth determined that the site does not contain any jurisdictional wetlands. This report has been submitted to the Department of State Lands (DSL) for a final determination. Furthermore, based upon a detailed assessment of Statewide Planning Goal 5, the City of Bend Comprehensive Plan, and the history of the ponds, Ms. Wilmoth concluded:

In conclusion, based on desk top analysis as well as personal conversations with both City, County and State officials, this memo concludes the ponds located within the Bend Pilot Project Site should not be considered significant under Statewide Planning Goal 5, and/or the Bend Comprehensive Plan.

City of Bend Resolution 3271, along with the work conducted by Ms. Wilmoth since passing the resolution, adequately ensure conformance with this provision.

660-039-0060 Measures to Accommodate and Encourage Needed and Affordable Housing within Existing Urban Growth Boundary...

FINDING: The provisions of this section include elements that a City was required to document in order to be considered for selection for the HB 4079 project. The provisions of this section do not apply to the current applications.

**660-039-0070
Housing Requirements**

(1) The following types of affordable housing are allowed on pilot project sites:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;...

FINDING: The project includes townhomes and detached single-family housing, along with multi-unit housing for owners and renters. The proposed affordable housing types are consistent with the allowances of this section.

(2) At least 30 percent of the total housing units proposed and developed on a pilot project site must be affordable housing units. In addition:

(a) At least 10 affordable housing units must be proposed and developed on a pilot project site from a qualifying city with a population of 25,000 or less; and

(b) At least 20 affordable housing units must be proposed and developed on a pilot project site from a qualifying city with a population greater than 25,000.

FINDING: The City of Bend has a population in excess of 25,000 therefore only subsection (b) applies. The overall project site will provide 139 of 346 units as affordable, which equates to 40% and exceeds the requirements of this section.

(3) Pilot project development phasing shall:

**(a) Ensure all affordable housing units have been issued permanent certificates of occupancy prior to issuance of permanent certificates of occupancy to the last 50 percent of any market rate housing units included as part of the pilot project;
or**

(b) Phase development so that affordable housing units and market-rate housing units are issued permanent certificates of occupancy over time in a ratio similar to the ratio of affordable and market-rate housing units within the pilot project as a whole.

FINDING: The associated annexation agreement (PLANX20220849) requires stipulates that the affordable housing units must be met in proportion to the development of the property. Specifically, at least half of the affordable housing units must receive Certificate of Occupancy prior to Certificate of Occupancy of the first half of development (70 affordable units out of 174 total units at the midpoint of the development of the site). All of the affordable units must receive Certificate of Occupancy prior to Certificate of Occupancy of 75 percent of the total number of units (139 affordable units out of 260 total units). The preliminary Phasing Plan indicates that 108 affordable multi-family units will be constructed in the first phase. Subsequent to the first phase, the phasing plan includes 31 additional affordable units in Phases 5 and 6. The annexation agreement will ensure that the percentage of affordable housing units amongst the total units constructed always is equal to or in excess of 40%. The proposed design is consistent with the approved Concept Plan and in conformance with the requirements of these sections.

(4) All common areas and amenities accessible to residents of market-rate housing units within the pilot project site shall be equally accessible to residents of affordable housing units;

FINDING: The major open space and common space elements of the Master Plan include a 4.07 acre park, along with the trail along the western property line. These amenities are planned to be owned and/or operated by the Bend Park and Recreation District and available to all. Other common areas of the site include open spaces at the northwest corner of the intersection of Livingston and Collector Street C, the 20 foot wide open space amongst the internal small lots, and walkway corridors located between Bear Creek Road and Local Street A. All of these areas will be owned and managed by an HOA and accessible to all residents of the development. The proposal is consistent with the approved Concept Plan and in conformance with this provision.

(5) The qualifying city must ensure all affordable housing units within the pilot project site are rented or sold exclusively to households described in OAR 660-039-0010(1) or, if the pilot project includes dedicated affordable housing units proposed under subsection (7)(b), to those households described, at the time of sale or rental during a period of at least 50 years after the selection of the pilot project site;

FINDING: As established in City of Bend Resolution 3271, Item Q (Exhibit H):

Q. The City has adopted applicable Comprehensive Plan policies (5-20 and 5-21) that require that guarantees be in place to ensure affordable housing units will meet affordability requirements for not less than 50 years, phasing requirements for

affordable housing units and specified threshold definitions for affordable housing units at 80% of AMI (for dwelling units for sale) and 60% of AMI (dwelling units for rent, unless the City provides support for housing at other levels of affordability). Because the state pilot project rules require affordability at 80% AMI for dwellings for sale or rent and the project as proposed by this developer meets that state criteria and proposes a new model of developer-financed needed housing, the City is supportive of dwelling units for rent at 80% AMI.

HB 4079 requires that the affordable housing units will meet the affordability requirements for a period of at least 50 years. The proposed affordability levels and term meet this provision. This requirement will be fulfilled through a covenant recorded on each property to be constructed with an affordable unit prior to Certificate of Occupancy, which will be a condition of approval for subsequent subdivision or Site Plan Review applications.

(6) The qualifying city must ensure that all housing units within the pilot project site are not used as vacation or short term rentals for any significant period during any calendar year.

FINDING: The proposed Parkside Place code prohibits the use of all housing units in the development as short term rentals, which will ensure conformance with this standard.

(7) The commission shall consider the following when reviewing a final application pursuant to OAR 660-039-0080(2)(b) (A):...

FINDING: These are elements that were allowed to be considered by LCDC in selecting the property for the HB 4079 project. These provisions are not applicable to the current applications.

660-039-0080 Commission Selection...

FINDING: These are elements that were applicable to LCDC in selecting the property for the HB 4079 project. These provisions are not applicable to the current applications.

660-039-0090 Subsequent Events

FINDING: At its November 16, 2018 meeting, LCDC selected the City of Bend (and the subject property) for the Affordable Housing Pilot Project. The actions at this point are “subsequent” to LCDC’s project site selection. The current proposal is a necessary step to implement HB 4079 and addresses the requirements of this section.

(1) Upon selection by the commission as provided in OAR 660-039-0080(4), the qualifying city shall:

(a) In concert with the county in which the urban growth boundary is located, amend the urban growth boundary to include the pilot project site, and identify

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the provisions of law and rules pursuant to OAR 660-039-0030 relating to urban growth boundary amendments that are not applied to allow the pilot project site to be included within the urban growth boundary;

FINDING: Pursuant to City of Bend Ordinance No. NS-2449 (Exhibit Q) and Deschutes County Ordinance No. 2022-006 (Exhibit R), the Bend UGB has been expanded.

(b) Annex the pilot project site to the qualifying city within two years of the acknowledged urban growth boundary amendment;

FINDING: The applicant has submitted an annexation application to the City of Bend (PLANX20220849) in association with this submittal. Given the concurrent annexation timeline with this master plan review, the annexation can and will occur within two years of the approved UGB Expansion; in conformance with the requirements of this section. Provisions of the annexation agreement will ensure conformance with this requirement.

(c) Adopt plan and zone designations for the pilot project site that authorize development of the concept plan included in the application;

FINDING: The prior UGB Expansion application proposed to: 1) expand the Bend UGB, 2) apply an UGB County Comprehensive Plan designation to the property, 3) apply a Residential Medium Density (RM) City Comprehensive Plan designation to the property, and 4) change the zone from MUA10 to Urbanizable Area (UA). With the proposed Comprehensive Plan Map Amendment (PLCPMA20220715) to change the land use designation of a portion of the property to Residential Standard Density (RS), the City Council-acknowledged Revised Concept Plan can be developed in compliance with the master plan density requirements in the Bend Development Code.

(d) Adopt measures ensuring that affordable housing developed on the pilot project site remains affordable for a period of at least 50 years after the selection of the pilot project site; and

FINDING: As established in City of Bend Resolution 3271, Item Q (Exhibit H):

The City has adopted applicable Comprehensive Plan policies (Policies 5-20 and 5-21) that require that guarantees be in place to ensure affordable housing units will meet affordability requirements for not less than 50 years, phasing requirements for affordable housing units and specified threshold definitions for affordable housing units at 80% of AMI (for dwelling units for sale) and 60% of AMI (dwelling units for rent), unless the city provides support for housing at other levels of affordability. Because the state pilot project rules require affordability at 80% AMI for dwellings for sale of rent and the project as proposed by this developer meets that state criteria and proposes a new model of developer-financed needed housing, the City is supportive of dwelling units for rent at 80% AMI.

HB 4079 requires that the affordable housing units will meet the affordability requirements for a period of at least 50 years. This requirement will be fulfilled through a covenant recorded on each property to be constructed with an affordable unit prior to Certificate of Occupancy, which will be a condition of approval for subsequent subdivision or Site Plan Review applications.

(e) Issue permits for development on the pilot project site only after annexation of the site to the qualifying city and adoption of measures ensuring that housing developed on the pilot project site will continue to be used to provide affordable housing for a period of at least 50 years after the selection of the pilot project site.

FINDING: As dictated in the concurrent annexation (PLANX20220849), covenants will be recorded, concurrent with the annexation agreement, requiring that all affordable housing units remain affordable for at least 50 years. Permits for development will only be issued after the Master Plan is approved and annexation occurs, and a subdivision is recorded. Furthermore, development will also require Site Plan review for the multi-unit development and park. As a condition of approval for a subsequent subdivision and Site Plan Review approvals, a covenant will be recorded on each property to be constructed with an affordable unit prior to Certificate of Occupancy.

(2) For a post-acknowledgement plan amendment or land use regulation change under OAR chapter 660, division 18 that proposes amendments with any effect upon existing comprehensive plan designations or provisions that impact residential development, or land use regulations that impact residential development, the qualifying city may not, for a period of 50 years after approval of the pilot project by the commission, consider the existence of housing units existing or approved on the pilot project site when making findings regarding the proposed amendment.

FINDING: This provision applies to future PAPAs and/or land use regulation changes; it does not apply to the current applications.

(3) The qualifying city for the pilot project site selected by the commission may not plan or zone the site to allow a use or mix of uses not authorized by the commission unless the qualifying city, in concert with the county, withdraws the pilot project site from the urban growth boundary and rezones the site pursuant to law, statewide land use planning goals and land use regulations implementing the goals that regulate allowable uses of land outside urban growth boundaries.

FINDING: The Master Plan (Exhibit H) provides residential units, including multi-unit developments, detached single-family homes, and townhomes. The Master Plan does not include any uses that are not authorized by the Commission.

CONCLUSION - As detailed in findings above, the proposal complies with the applicable provisions of OAR 660-039.

CONFORMANCE WITH CITY OF BEND APPROVAL CRITERIA:

Bend Development Code

Chapter 4.5, Master Planning and Development Alternatives

4.5.100 Master Plan General Provisions.

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

FINDING: The use proposed in the proposed Parkside Place Master Plan is residential along with park and open space areas; therefore, the Community Master Plan category is the most appropriate master plan provisions to apply. The standards and criteria for the Community Master Plan are addressed below in Section 4.5.200 of the Bend Development Code.

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

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

FINDING: No density transfers are contemplated or proposed in the proposed Master Plan.

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

FINDING: The site of the proposed Parkside Place Master plan is designated RH, RM, and RS (with the associated Map Amendment) on the Bend Comprehensive Plan Map, and will be zoned RH, RM, and RS upon annexation. The site will be developed with 108 multi-unit development units, 181 detached single-family dwelling units and 57 townhome dwelling units. The planned uses are permitted within the underlying RS, RM, and RH zones, where proposed; therefore this provision is not applicable.

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

FINDING: The proposal includes a public park and private open space areas. A complete review of BDC 4.5.200(E)(4) is included below. As detailed in that section, 10% of the Parkside Place Master Plan area needs to be provided as open space. The subject property is 37.1 acres, thereby requiring 3.71 acres open space and recreational facilities. The applicant is proposing a 4.07 acre park (to be owned and maintained by the Bend Park District), along with 1.48 acres of open space maintained by the Parkside Place Homeowner's Association for additional open areas, pathways and trails. The design exceeds the 3.71 acre requirement. As detailed in BDC 4.5.200(E)(4), the proposal complies with the requirements of BDC 4.5.200(E)(4); therefore the proposal is consistent with this reference provision.

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 proposal includes deviations from Development Code standards and therefore a Major Master Plan was submitted. The applicant understands the procedural provisions that are established in this section and anticipates that the City will review the application accordingly.

4.5.200 Community Master Plan.

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

B. Applicability.

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

FINDING: The subject property comprises 37.1 acres; therefore, a community master plan is required for the property.

C. Review Process.

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

FINDING: The Oregon State Statutes, ORS 197.303(1)(a), defines “Needed housing” to mean:

197.303 “Needed housing” defined. (1) As used in ORS 197.286 to 197.314, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

** * **

The proposal provides needed housing as defined above. The applicant elected to use a deviation process in order modify one or more Development Code standards. Therefore, a major master plan is proposed.

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

- a. **Step 1. The Planning Commission makes a recommendation to the City Council on an application for a major community master plan. The text of a major community master plan must be included in BDC Chapter 2.7, Special Planned Districts, in compliance with BDC Chapter 4.6, Land Use**

District Map and Text Amendments. The City Council is the final review authority on such applications (Type III process).

- b. Step 2.** Upon approval of the major community master plan, and prior to the commencement of Step 3, the applicant must submit a final major community master plan to the City in an electronic format specified by the City. The final major community master plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The major community master plan denotation for the subject site will be shown on the Zoning Map. The denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the major community master plan.
- c. Step 3.** The approval of a land division(s) and/or site plan review application(s) (Type II process).

FINDING: The applicant acknowledges the three step process described above and is seeking to compress the time schedule by providing all information necessary for approval of Steps 1 and 2 concurrently. The applicant intends to submit land divisions and/or site plan applications upon approval of the master plan.

D. Community Master Plan Approval Criteria.

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

FINDING: Subsection 4.5.200(E) is addressed below. The Parkside Place Master Plan is designed to comply with the standards and regulations of subsection (E) below.

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

FINDING: The property will be served by City Sewer and Avion Water. Each of these facilities are addressed below.

Sewer – As detailed on City of Bend prepared Sewer Analysis:

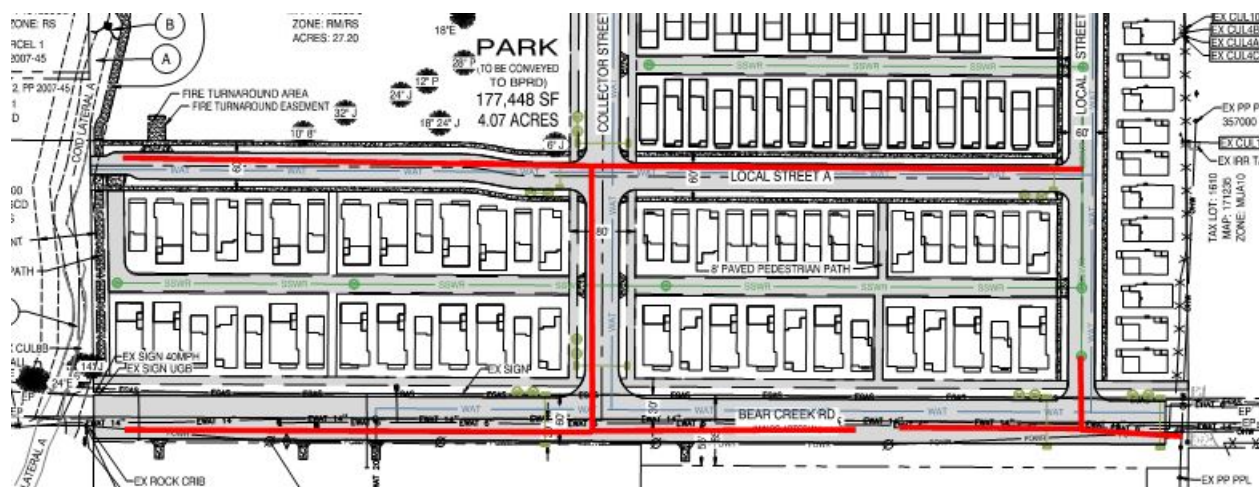
Existing Conditions:

- The property is not served by City of Bend Sewer and assumed to be on a Septic System.
- There is an 8-inch PVC gravity main centrally located west of the property within Livingston Drive.

- There is an 8-inch PVC gravity main northwest of the property across HWY 20 within NE Providence Drive.
- There is an 8-inch PVC gravity main southwest of the property within Bear Creek Road.

As documented on the submitted Preliminary Street and Utility Plan, with the subsequent subdivision(s) the applicant proposes to extend sewer mains throughout planned rights-of-way to a pump station on the east side of the property (eastern edge of Livingston Drive). The pump station will transport wastewater to a sewer main that is located in Livingston Drive (west of the property), which will then be accommodated by the existing City of Bend gravity system.

The Preliminary Street and Utility Plan shows sewer mains within some alleys, which is not in compliance with City standards. A potential sewer main alignment could include the following (red lines = sewer mains), but final location of the sewer mains will be determined upon submittal of a future subdivision application.



The City of Bend Sewer analysis indicates the existing and planned infrastructure will have available capacity to serve the proposed development. With future subdivision development, the applicant will provide sewer main and lateral extensions in conformance with City Standards and the applicant will pay all required sewer Systems Development Charges (SDC) at time of Building Permit issuance. Given that there is adequate, the proposal conforms to the requirements of this section.

Water – The property is located within the Avion Water Company Service District which has developed a 14-inch water main in Bear Creek Road (south of the property), along with an 8-inch main in Livingston Drive (west of the property). As shown on the Preliminary Street and Utility Plan, the proposal will loop a system through the property, connecting to the main in Bear Creek Road at two locations and to the main in Livingston Drive to the west. Avion Water Company has indicated that with planned upgrades, extensions and/or improvements with the subsequent subdivision development, water is Type III Major Community Master Plan / Comp Plan Policy Amendment / Comp Plan & TSP Map Amendments

forecasted to be provided at a pressure that is adequate for domestic and fire needs. The existing improvements, along with the improvements that are planned to be constructed with the subdivision, and with each individual lot development, the water infrastructure will have available capacity to serve the development.

With the subsequent subdivision(s), the proposal includes connections to the water system in conformance with City Standards. Given that there is adequate capacity and that the proposed connections (domestic and fire) will conform to City Standards, the proposal conforms to the requirements of this section.

Based upon the above findings and the submitted exhibits, by completing the planned improvements and service line extensions as proposed, public facilities will have adequate capacity to serve the proposed development.

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

Chapter 4.7, Transportation Analysis

4.7.600 Significant Impacts and Mitigation Measures.

E. Timing of Improvements.

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

FINDING: The *Parkside Place Master Plan, Transportation Element*, dated January 2022 and prepared by traffic engineer, Joe Bessman of Transight Consulting LLC is included as Exhibit K of the master plan application. The City reviewed this report and issued Traffic Analysis Memo PRTFR202108739 which outlined the required transportation mitigation requirements for the Parkside Place Master Plan and subsequent subdivisions. The mitigation requirements specific to the Parkside Place Master Plan are incorporated into the Transportation Mitigation Plan as a table in the Parkside Place code. Future development proposals within the Parkside Place Master Plan will refer to the Transportation Mitigation Plan for the extent and timing of these specific improvements. The other mitigation requirements in the TAM are standard subdivision requirements and will also be conditions of approval for future subdivision applications.

In addition, an annexation agreement is being prepared to identify the specific timing, responsibilities, and allocation of costs for infrastructure serving the proposed development. The annexation application (PLANX20220849) for the subject property, which includes an annexation agreement, has been submitted for concurrent review with the Master Plan by the City Council.

4.5.200.D. Community Master Plan Approval Criteria (continued)

3. **Major Community Master Plan.** In addition to the approval criteria in subsection (D)(1) of this section the City may approve, approve with conditions, or deny a proposed major community master plan application based on meeting all of the following criteria:
 - a. **The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the master plan application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section. Any other changes to the plan designations and density/housing numbers, or 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 proposal includes changing the Comprehensive Plan designations on a portion of the property from RM to RS in order to implement the Revised Concept Plan while complying with the City's master plan density requirements; therefore, a concurrent Comprehensive Plan Map amendment is proposed. The criteria in BDC 4.6.300.B are addressed below for the proposed Comprehensive Plan Map Amendment.

The proposed amendment to Bend Comprehensive Plan Policy's 11-82 requires a minimum of 345 housing units for the Parkside Place master plan area. As noted on page 60 below, the Parkside Place master plan proposes 346 housing units with the acreages matching the amended Policy 11-82.

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

iii. That any impacts resulting from the deviation are mitigated to the extent reasonably practical.

FINDING: A special plan district for the Parkside Place Master Plan will be codified in BDC Chapter 2.7. The new code section will establish unique standards for the master plan area to ensure efficient use of the land, an appropriate housing mix, and land use compatibility across the entire master plan, and that the HB 4079 Revised Concept Plan can be implemented. Proposed Development Code language creating the Parkside Place Master Planned Development in BDC Chapter 2.7 is included as Attachment A to this report.

Chapter 2.1 - Residential Districts

The Parkside Place Master Plan will include 1.77 acres of RH zoned land, 11.99 acres of RM zoned land, and 23.34 acres of RS zoned land. The Parkside Place Master Plan code sets forth the development standards for these residential districts, which closely mimic the standards within BDC 2.1, except as noted in the code deviations below. The permitted uses within these residential districts remain the same as those outlined in BDC Table 2.1.200. Similarly, if a code deviation is not noted below and not included in the Parkside Place Master Plan code, the underlying code standard in that zone applies.

The northwest corner of the property is proposed with the highest density multi-unit development and townhomes. The perimeter area is developed with detached single-family homes, and the internal area is planned with a park and small lot dwellings (both townhomes and detached single-unit), with 34 units fronting on an open space area. The HB 4079 Revised Concept Plan was originally assumed/planned to be developed on RM and RH designated lands, however in order to simultaneously achieve the HB 4079 Revised Concept Plan and the City of Bend Master Plan density and mix requirements, 23.34 acres of land needs to be designated RS. The need for the RS zone, the affordability goals, and the desire to establish detached single unit homes on small lots (to function like townhomes, but with small yard areas) necessitate some deviations to the standards in Chapter 2.1. The proposed deviations are addressed below:

		Existing Code (2.1.500)		Proposed Park Place Code	
Single-Unit Detached Dwelling;	Zone	Min Lot Area	Min Lot Width/Depth	Min Lot Area	Min Lot Width/Depth
	RS	4,000 sq. ft.	Width: 40 ft. at front property line Depth: 50 ft.	2,700 sq. ft.	Width: 30 ft. at front property line Depth: 50 ft.
	RM	2,500 sq. ft.	Width: 40 ft. at front property line Depth: 50 ft.	2,100 sq. ft.	Width: 20 ft. at front property line Depth: 50 ft.

While a purpose for specific lot size and dimension standards is not identified in BDC 2.1.500, these standards are generally understood to ensure that adequate space is provided for the type of residential use and structure that is appropriate to the scale and character of the surrounding neighborhood. The minimum lot area in the RS and RM zones for single-family detached units is proposed to be reduced to 2,700 square feet (from 4,000 square feet) in the RS Zone and to 2,100 square feet (from 2,500 square feet) in order to provide a specific small dwelling unit type at specific price points. The small dwellings that are proposed are a product type that the applicant, Hayden Homes, has successfully implemented on other projects throughout the region. The small dwellings provide for land efficiency and many of the affordability benefits of townhomes, but still provide property owners small yards of their own, and decrease construction costs associated with fire rated walls, shared wall covenants, and other costly elements associated with townhomes.

BDC 2.1.100 includes general guiding principles of the residential districts, including accommodating a range of housing needs, including owner-occupied and rental housing. By integrating a greater variety of housing types, including smaller lot areas for detached products, the Parkside Place Master Plan is able to implement the HB 4079 Revised Concept Plan, provide affordable housing, and establish the scale and character of the neighborhood consistent with the approved HB 4079 Revised Concept Plan. The private CC&Rs, which will be enforced through the required Architectural Review Committee (ARC) approval for all residential structures, will ensure appropriate building placement and adequate provision of light and compatibility of scale within the community. Therefore, these deviations will equally or better meet the purpose the underlying standard, while also providing for increased diversity in provided housing.

Instead of the variety that can be accommodated with the small lot product type, it would be possible to provide greater number of uniform detached single-unit homes and townhomes. However, doing so would increase costs for Hayden Homes, lessen their ability to provide affordable housing consistent with HB 4079, decrease variety in the housing product provided, and provide less of what the market is currently demanding. Therefore, these deviations will equally or better meet the purpose the underlying standard, while also providing for increased diversity in provided housing, consistent with the authorized HB 4079 Revised Concept Plan.

Setbacks

BDC 2.1.300(A) states the intent of residential setbacks standards is to “provide private outdoor living space, building separation for fire protection/security, building maintenance, and sunlight and air circulation. The setback standards encourage placement of residences close to the street for public safety and neighborhood security.” A 2-foot reduction in front setbacks (from 10 feet to 8 feet) is proposed on the primary frontage and a 5-foot reduction in the setback on the secondary frontage (from 10 feet to 5 feet) is proposed, which primarily apply to corner lots. Front setbacks for garages will continue to be a minimum of 20 feet in all residential zones. A 1-foot reduction in side setbacks (from

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5 feet to 4 feet).

Zone	Existing Code (2.1.300)			Proposed Park Place Code			
	Front	Rear	Side	Front	Secondary Front	Rear	Side
RS & RM	10 ft., except garages and/or carports must be set back 20 ft.	5 ft. ^a	5 ft. ^a	8 ft	5 ft	4 ft	4 ft

**When multi-unit residential or nonresidential uses abut one or more dwelling units in the RL or RS District, the setback abutting the RL or RS District must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.*

These deviations are mitigated by a community design that includes over 5 acres of park and open space (15% of the master plan area), providing public outdoor living space, additional building separation, and sunlight and air circulation. All residential structures in the community are subject to additional design standards contained in the CC&Rs (see submitted draft CC&Rs), which will maintain a consistent aesthetic for the Parkside Place residential community. These community amenities and additional design standards in the CC&Rs will ensure design compatibility within the community and will equally or better meet the purpose of the underlying standard.

Lot Frontage

The reason to require a lot to have frontage on a street, BDC 3.1.200.C.4, is not clearly established in the Code; however, it is generally understood as being in place to ensure that access, along with water and sewer utilities, can be provided to individual lots. In order to provided much-needed housing in the City and use land more efficiently, several other master plans allow lots to be created when abutting open space areas, instead of streets. See BDC 2.7.3770.H (Discovery West – Cluster Housing), BDC 2.7.3950.D.1.c (Petrosa), BDC 2.7.4150.D.3 (Easton), and BDC 2.7.4250 (Stevens Ranch) for a similar code deviation. The Development Code also includes allowances for cottage development (BDC 3.8.500 and 3.8.900) that provide similar allowances for frontage on open space rather than a street. These recent code updates have proven that water, sewer and access can be provided to individual lots, via alleys and open spaces, in lieu of a street. Given that the proposal will accommodate access and utilities in a manner that the City has already authorized in multiple sections of the Code, it can continue to be found that the allowance will ensure design compatibility within the community and will equally or better meet the purpose of the underlying standard.

Lot Coverage

While a purpose for lot coverage standards is not identified in BDC 2.1.700, these standards are generally understood to ensure adequate space remains for green space and impervious surfaces, while also working in tandem with lot dimension standards to

ensure adequate space is provided between structures that is appropriate to the scale and character of the surrounding neighborhood. The maximum lot coverage under BDC 2.1.700 for the RS zone is 50% for lots with single-story dwelling units and 45% for lots with all other types of uses and heights. The maximum lot coverage for the RM zone is currently 50% for lots with single-story dwelling units, 45% for lots with single-family dwelling units with additional stories, and 60% for townhomes, duplexes, triplexes, quadplexes and multi-unit structures.

Zone	Existing Code (2.1.700)		Proposed Park Place Code	
	Maximum Lot Coverage	FAR	Maximum Lot Coverage	FAR
RS	50% for lots or parcels with single-story dwelling unit(s) and single-story accessory structures. 45% for all other lots or parcels.	1.1 for three-story residential uses and accessory structures. None for all other uses.	60% for all single-unit detached , duplex, triplex, and quadplex. No maximum for townhomes or multi-unit.	None
RM	50% for lots or parcels with single-story single-unit detached dwelling unit(s) and single-story accessory structures. 45% for all other lots or parcels with single-unit detached dwellings and accessory structures and nonresidential uses. 60% for lots or parcels with townhomes, duplexes, triplexes, quadplexes and multi-unit and accessory structures.	None		None

The maximum lot coverage in the RS and RM zones for all single-unit detached housing, duplex, triplex and quadplex types, is proposed to be increased to 60% in order to provide for increased utilization of a variety of housing types in Parkside Place in these zones. Additionally, the maximum lot coverage in the RS and RM zones for townhome units and multifamily structures, is proposed to be eliminated. The maximum floor area ratio (FAR) of 1.1 for three-story structures is also proposed to be eliminated. These deviations are mitigated by a community design that includes over 5 acres of park and open space (15% of the master plan area), providing public outdoor living space, additional building separation, and sunlight and air circulation.

As with residential lot dimension standards, an explicit purpose for lot coverage

maximums is not provided in BDC 2.1.700, but this deviation will meet the more general guiding principles of the residential districts contained in BDC 2.1.100 by accommodating a greater variety of housing in Parkside Place. Therefore, the proposed deviation will equally or better meet the purpose the underlying standard, while also providing for increased diversity in provided housing.

Surface Water Drainage

The existing standard in BDC 2.1.1100.A. is that “onsite surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.” It is understood that the purpose of the standard is to ensure that stormwater is safely and efficiently managed and maintained throughout the City, so as not to negatively impact public facilities and/or neighboring properties. A number of the lots that are proposed in the Parkside Place Master Plan are smaller than typical single-unit and/or townhome lots, and the project is intended to accommodate affordable housing.

Managing stormwater using a Code Standard that was written for larger lots (essentially requiring that each lot provide its own storm water management system) is neither physically practical, nor economically practical, for these small lots. Furthermore, the proposed design includes / provides shared areas within the private development, wherein shared systems can be provided more efficiently and economically, than separate systems on each lot. The proposed Development Code language allows for the use of shared site elements and/or public facilities that will be designed and maintained in a fashion that can and will ensure that storm water is adequately maintained, while not placing a burden on public systems without capacity and/or neighboring properties, without an easement. Overall, the proposed language equally or better meets the purpose of the noted surface water management regulation.

The necessity for the deviation results from the unique characteristics of the proposed HB 4079 Affordable Housing Pilot Project, which was shown in the Revised Concept Plan to have smaller lots for small dwellings.

Given that the City has authorized this approach for other Master Plans, it is understood that the City has established that the proposed language can and will equally or better meet the purpose of the regulation, in certain circumstances, when justified.

Overall, the proposed deviations to Chapter 2.1 will allow for the implementation of the HB 4079 Revised Concept Plan. The design and proposed deviations provide an option for small lot detached single-unit homes, in addition to townhomes. While small lot detached homes function very similar to townhomes, the small lot detached product provides modest yard areas, and the developer is able to provide the units more cost effectively. Furthermore, the proposed deviations forgo the need for uniform lots, lot sizes, and product type, and instead allows for diversity in lot sizes, product type, and product design.

The proposed deviations above do not modify the permitted uses in BDC 2.1.200, the Type III Major Community Master Plan / Comp Plan Policy Amendment / Comp Plan & TSP Map Amendments

maximum building height in BDC 2.1.800, the architectural design standards in BDC 2.1.900 that will apply to the multi-unit development in the master plan, the design standards in BDC 2.1.950 that will apply to the proposed townhomes (or any potential triplexes or quadplexes), the common and private open space requirements that will apply to the proposed multi-unit development, or the design standards in BDC 2.1.1100.B-E.

The proposed Parkside Place master plan demonstrates that the standards in Chapter 2.1, with the deviations above, are capable of being met during subsequent subdivision, Site Plan Review and building permit applications.

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

The proposed Parkside Place Master Plan indicates proposed blocks and access and circulation to each block. The existing COID canal along the western property line precludes the location of a north-south local street along the western property line to create a block that meets the standards of BDC 3.1.200.D. When/if the property to the west redevelops, a local street will be located within that property to complete the block. The full width of Bartlett Lane is stubbed to Parcel 1 and 2 of Partition Plat PP 2007-45 west of the project site, and an 8-foot right-of-way continues to the east and is stubbed to the proposed Parkside Place park itself; extension of a pedestrian pathway within that 8-foot right-of-way from the roadway of Bartlett Lane to the park will not be required due to the proximity of the irrigation headwall on the site precluding a bridge over the canal as well as the proximity of Livingston Drive 300 feet to the north providing access to the park. Livingston Drive will connect to the existing stub at the project site's western property line and extend "to and through" to the eastern property line. O'Connor Way (aligned with the existing O'Connor Way right-of-way approximately 880 feet west of the project site) will be stubbed to the western property line of the project site and will be extended in the future when/if the Land Systems Nursery site redevelops.

Only Bear Creek Road and the extension of Livingston Drive would extend to the abutting property to the east. The block length from Bear Creek Road to Livingston Drive is approximately 765 feet, exceeding the maximum block length of 660 feet for the lots on the eastern boundary of the project site. Due to the unknown nature of future development on the abutting property to the east located outside of the urban growth boundary, a pedestrian path bisecting the block to the eastern property boundary may not be located in the correct location or connect to future development. A mirror block could be constructed on the abutting lot in the future (upon incorporation into the UGB and annexation) which would not exceed the maximum block perimeter. Therefore the length of this block meets the standard of 3.1.200.D. to the extent practical.

ODOT will only allow one access point onto Highway 20, precluding the creation of any additional blocks to the north beyond that shown on the Revised Concept Plan.

As proposed, the proposed land use plan can meet the standards of BDC 3.1 to the extent practical during future land division review.

Chapter 3.2 – Landscaping, Street Trees, Fences and Walls

The proposed Parkside Place Master Plan shows proposed open space, including a 4-acre park, within the subject property. Existing trees are shown on the Existing Conditions map (Exhibit H of the application); the proposed trees to be retained are primarily located within the park site. Significant trees, as defined by this BDC section, will be required to be identified with future Site Plan and/or subdivision review. Required landscaping will be addressed in future Site Plan Review for the multifamily development. Street tree plantings will be required with future subdivision and site plan review approvals. Any potential fences or walls will also be addressed in future land division and/or Site Plan review. Compliance with this code section can be met.

Chapter 3.3 – Vehicle Parking, Loading and Bicycle Parking

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

Chapter 3.4 – Public Improvement Standards

As noted elsewhere in this report, required infrastructure (water, sewer and transportation) will be provided concurrent with each phase of development. The submitted Street and Utility Plan indicates how water and sewer will be provided to the blocks within the Parkside Place Master Plan. Avion Water District has indicated that it has capacity to serve the master plan area, and the City-issued Utility Availability Memo (PRSWA202207084) indicates sewer capacity will be available for the Parkside Place Master Plan and the associated mitigation for sewer improvements. The applicant also discussed with City staff how stormwater will be detained within the boundaries of each phase as would be allowed under the proposed Parkside Place development code. Finally, a Transportation Analysis Memo (PRTFR202108739) outlined the transportation mitigation necessary for the Parkside Place Master Plan, which will be partially codified in BDC 2.7. Details of compliance with Chapter 3.4 will be reviewed during future land division, but the applicant has shown that the standards in this section can be met.

Street Cross Sections

Street cross sections are included in the Parkside Place development code. The majority of these cross sections conform to Code Standards and do not necessitate deviations. One deviation proposed would reduce the right-of-way width for Local Street G from 60 feet to 50 feet, which reduces the pavement width and the landscape strip width. Local Street G is a short stretch of road serving only 14 dwelling units and narrowing the width of this right-of-way allows the collector street (to the west) to be developed within the standard 80 feet of right-of-way. The overall transportation plan, including the street, sidewalk, and trail locations and designs ensure a well-connected transportation system that will equally or better meet the purpose of the established public improvement standards.

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Chapter 3.5 – Other Design Standards

Approximately 179 of the proposed 238 single-unit housing units (over 75%) will be located in a north-south alignment, exceeding the solar lot standard requirement (70%).

Outdoor lighting standards will be reviewed with a future Site Plan Review application for the multi-unit development portion of the site.

Conclusion:

Given the significant amount of park and open spaces areas proposed, the requested deviations allow for a cost feasible way for a private developer to provide needed affordable housing in the City of Bend. The minor adjustments that are proposed are a result of the Master Plan's intent to implement HB 4079; it provides reasonable market desired development types, primarily in single-unit product types, in a manner that provides a substantial amount of open space, in a well-connected community.

No impacts are anticipated from the proposed deviations/modifications and the proposed deviations will equally or better meet the purpose of the RS, RM and RH regulations to carry out the intent of the zone, satisfy Community Master Plan requirements and objectives of HB 4079.

Collectively the design allows for the HB 4079 pilot project to be implemented, and it provides a way for a private developer to fund and execute a complete project, including affordable housing at a ratio of at least 40% of the overall development.

Other than the identified deviations, the proposal can conform to all applicable standards of Chapters 2 and 3.

4.5.200.D. Community Master Plan Approval Criteria (continued)

3. Major Community Master Plan (continued)

- c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:...**
- d. If the major community master plan proposal contains a zone change request to bring the zoning into compliance with the Bend Comprehensive Plan designation, the zone change is subject to the approval criteria of BDC 4.6.300(C).**
- e. If the major community master plan proposal contains a proposed amendment to the Bend Comprehensive Plan Map or text, the amendment is subject to the approval criteria of BDC 4.6.300(B).**

FINDING: The proposal includes changing the Comprehensive Plan designations on a portion of the property; therefore, a concurrent Comprehensive Plan Map amendment is proposed. The Comprehensive Plan Map Amendment will redesignate 23.34 acres of land from RM to RS in order to implement the Revised Concept Plan while complying with the City's master plan density requirements (see graphic below). In addition, Policy 11-82 for the East Highway 20 Expansion Area is proposed to be amended to apply to the entire subject property. The criteria in BDC 4.6.300.B are addressed below for the proposed Comprehensive Plan Map and Policy Amendments. Upon annexation, the zoning will implement the underlying Comprehensive Plan designations; thus the criteria in BDC 4.6.300.C. are also addressed below.



Existing Comp Plan Designations



Proposed Comp Plan Designations

4.6.300 Quasi-Judicial Amendments

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;**

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

FINDING: The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The process includes a public meeting to be

held by the applicant before submitting the application to the City, followed by a public hearing before the Planning Commission, and ultimately, a hearing before the City Council as the final review authority. As noted above, the applicant mailed notice and held a neighborhood public meeting on September 28, 2022 before submitting the application to the City (see Exhibit D of the application for Neighborhood Meeting documentation). Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. As noted above, prior to this hearing, property owners and residents within 500 feet of the subject property were notified via mail, the representatives of the Larkspur and Mountain View Neighborhood Associations were notified via e-mail and three public hearing notice signs were posted around the street edges of the subject property.

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

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

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

FINDING: The City has adopted development code for Master Planning (BDC 4.5) consistent with the Bend Comprehensive Plan that was acknowledged by the Oregon Department of Land Conservation and Development. This proposal includes a Comprehensive Plan Policy amendment to delete the existing Policy 11-82 and replace it with seven Comprehensive Plan policies that will provide the policy framework for the development of the subject property. In addition, as outlined in findings above, a Comprehensive Plan Map Amendment is proposed in order to implement the Council-authorized Revised Concept Plan with compliant densities set forth in the master plan criteria. Finally, a Transportation System Plan Map Amendment is proposed to extend the street classifications and low-stress network onto the property within the master plan. These policy and map amendments serve as the framework for the community master plan and subsequent land use decisions, but do not alter the administration of the code or the established requirements which ensure a factual base for decisions and actions related to the subject application.

Goal 2 also requires coordination with affected governmental entities. Coordination will be achieved by providing notice of the application to governmental and quasi-governmental agencies providing service to the site, allowing those agencies an opportunity to comment and incorporating the comments into the proposal as much as possible.

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

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 - Affordable Housing Pilot Project, the proposal is exempt from Goal 3 and 4. In addition, Goals 3 and 4 would not apply as the subject property is not comprised of designated agricultural lands or forest lands.

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

FINDING: The City of Bend conducted an assessment of Goal 5 when selecting the property for the HB 4079 submittal to LCDC. As established in City of Bend Resolution 3271:

N. The Council continues to find the Bend Pilot Project Site satisfies Statewide Land Use Planning Goal 5. The Bend Pilot Project Site contains two ponds identified on the National Wetlands Inventory, which is the inventory of wetland habitat for Deschutes County, pursuant to Deschutes County Ordinance 92-045 and Deschutes County Development Code 23.112.040.3. When the Bend Pilot Project Site containing the ponds is annexed into the City, and before development is approved, the Developer must engage in the required analysis to determine whether the ponds are considered significant under Goal 5. BDC 4.6.300.B.1 or 4.5.200.D.3.c.i. The Central Oregon Irrigation District has turned off the water supply to the ponds and it may be unlikely that there are jurisdictional wetlands on the site, but that remains to be finally determined. If found to be a significant Goal 5 resource, they must be preserved.

The Revised Concept Plan proposes 4 acres of Park space to be dedicated to the Bend Park and Recreation District. Based on the provision of open space and parks, and trail connections, and the requirement that further analysis be done to determine whether the ponds are a significant resource, the City finds that the Revised Concept Plan complies with Goal 5.

The applicant engaged Jodi Wilmoth, of 3 Rivers Environmental, LLC to prepare a Wetland Delineation Report (Exhibit T of the application) and a Goal 5 Assessment (Exhibit S), to determine whether the ponds on the property are Goal 5 Resources. As detailed in the Wetland Delineation Report, Ms. Wilmoth determined that the site does not contain a jurisdictional wetland; this report has been submitted to the Department of State Lands Type III Major Community Master Plan / Comp Plan Policy Amendment / Comp Plan & TSP Map Amendments

(DSL) for a final determination, which is expected to be received prior to development of the park site. Furthermore, based upon a detailed assessment of Statewide Planning Goal 5, the City of Bend Comprehensive Plan, and the history of the ponds, regarding Goal 5 resources, Ms. Wilmoth concluded:

In conclusion, based on desk top analysis as well as personal conversations with both City, County and State officials, this memo concludes the ponds located within the Bend Pilot Project Site should not be considered significant under Statewide Planning Goal 5 and/or the Bend Comprehensive Plan.

No other wetlands, Goal 5 resources, or potential Goal 5 resources have been identified on the property.

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 – Affordable Housing Pilot Project, the proposal is exempt from Goal 6.

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

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

FINDINGS: The City of Bend conducted an assessment of Goal 7 when selecting the property for the HB 4079 submittal to LCDC. As established in City of Bend Resolution 3271:

O. The Council continues to find that the proposal satisfies Goal 7 because the City has considered the risks of the natural hazard wildfire in the evaluation of the Bend Pilot Project Site. There are other natural hazards such as floods and landslides that are not addressed here because the Bend Pilot Project Site is not a location where such hazards might occur. The Bend Comprehensive Plan Policy 11-5 requires the City to adopt strategies to reduce wildfire hazard on lands inside the City and included in the Urban Growth Boundary. These strategies may include the application of the International Wildland-Urban Interface Code or equivalent with modifications to allow buffers of aggregated defensible space, or similar tools, as appropriate. Prior to approval of development on the Bend Pilot Project Site, the

proposal must demonstrate compliance with Statewide Planning Goals including Goal 7, as designated by the Planning Director, under BDC 4.6.300.B.1 or 4.5.200.D.3.c.i. Based on the Concept Plan and the requirements in the Bend Development Code for compliance with the Statewide Planning Goals, the City finds that the Revised Concept Plan complies with Goal 7.

As noted in item “O” of City of Bend Resolution No. 3271, the only potential natural hazard on the site is wildfire. The City of Bend has an adopted Comprehensive Plan and Development Code, and it relies upon Building Code provisions for fire protection. All of these provisions have been designed to sufficiently protect development from wildfire risk in the City of Bend. Subsequent to the Master Plan being adopted, development will need to receive approval through the required permitting processes (Subdivision, Site Plan Review, and/or Building Permit Review). Subdivision review assesses facility capacity and location (water supply and fire hydrant location) and the Building Permit review ensures that structures are developed in a manner that adequately mitigates fire risk (including wildfire risk) to individual structures. Prior to development, the proposed project will be required to obtain all needed permits, and the required permit regulations will ensure compliance with Goal 7.

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 - Affordable Housing Pilot Project, the proposal is exempt from Goal 8. Nevertheless, Chapter 2 of the Bend Comprehensive Plan, which has been acknowledged by the Department of Land Conservation and Development, establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District (BPRD), via Policy 2-2.

The proposed Comprehensive Plan policies for the East Highway 20 Expansion Area requires a 4-acre park and green space through the neighborhood, including bikeways and paths. As shown on the Parkside Place Master Plan, the master plan includes at least 10% open space, including a 4-acre park and a network of trails and multi-use paths through the property and COID canal, and connecting to BPRD’s existing and planned trail systems outside of the subject property.

The applicant and the Bend Park and Recreation District are working collaboratively towards an agreement on the neighborhood park and Big Sky Park Trail extension within the Master Plan area. Exhibit Z of the application is a letter from the Bend Park and Recreation District that confirms the coordination that has occurred to-date between the applicant and the Bend Park and Recreation District.

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 - Affordable Housing Pilot Project, the proposal is exempt from Goal 9. In addition, the property is designated for residential uses; economic lands will not be impacted by the application.

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 - Affordable Housing Pilot Project, the proposal is exempt from Goal 10.

The project is intended to implement HB 4079, which created a state-administered pilot program specifically aimed to help cities build affordable housing, consistent with Goal 10. The proposed project achieves the identified objective of HB 4079 by providing 346 units, including 139 units of affordable housing (40% of all units), including detached single-family homes, townhomes, and multi-unit buildings.

Table 18 of the City's Housing Needs Analysis (shown below) indicate the needed types of housing units in the City of Bend. The Parkside Place Master Plan provides 346 housing units with approximately 16.5% as townhomes and 31.2% as multi-family units, with the remaining units (52.3%) as single-family detached units. This mix of unit types meets the needed housing mix in the City. Therefore, even though exempt, the proposal satisfies Goal 10.

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

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

Source: ECONorthwest

The proposed Master Plan provides a density that is consistent with the RS, RM and RH Comprehensive Plan designations of the property, thereby ensuring that the City is adequately providing for the housing needs of citizens of the state. As proposed, the Master Plan, along with the Comprehensive Plan Map and Policy Amendments, and TSP Map Amendment, are consistent with HB 4079 and Goal 10.

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 - Affordable Housing Pilot Project, the proposal is exempt from Goal 11, except that portion applicable to the impact of development of the pilot project site upon existing and planned public facilities within the qualifying city’s urban growth boundary.

Goal 11 is primarily implemented by the City of Bend, which has adopted public facilities plans and standards.

The proposed Master Plan, along with the Comprehensive Plan Map and Policy Amendments, are consistent with the public facilities and services goal that requires the City to plan and develop land in a timely, orderly and efficient fashion, based upon the availability of public services. The amendment to the TSP, will further memorialize the higher order facilities that are planned to transect the property. Infrastructure exists within the adjoining streets and all needed public facilities and services are available to serve the property when it develops. The application submittal includes analyses of transportation, water and sewer, confirming that there is available capacity to serve the proposed Master Plan area. Additionally, emergency services are available in the area through City of Bend Fire and Police Departments and the property is located within the Bend-LaPine School District, which has facilities to accommodate the planned development.

Subsequent to a Master Plan decision being rendered on this property, an associated subdivision application will be reviewed by the City of Bend. The Master Plan and supporting analyses document that the site can be designed in conformance with Development Code requirements. As required by Development Code standards, the proposed development will extend public facilities to and through the property.

The master plan submittal includes the Avion Water Company Will Serve Letter (Exhibit I), the City of Bend Sewer Analysis (Exhibit J), and the Traffic Study, prepared by Transight Consulting LLC (Exhibit K) which show that the subject property is able to be served by public water, sanitary sewer, and transportation systems, and the applicant is committed to making the extensions needed to provide/extend the noted facilities and services in association with subdivision development. Upon approval, the applicant will undertake all required steps to design and extend services (as required through the Annexation, Land Division and Site Plan processes), to accommodate the proposed Master Plan and the ultimate development of the site. The proposal is consistent with the current public facilities master plans and it has been shown that the property can be provided public facilities and services, concurrent with development. The proposal is therefore consistent with Statewide Planning Goal 11.

With the Annexation Agreement, which has been submitted for concurrent review of this Master Plan by the City Council (PLANX20210849), Goal 11 is satisfied.

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 - Affordable Housing Pilot Project, the proposal is exempt from Goal 12.

Regardless, the applicant has included a Traffic Report (Exhibit K of the application), which concludes that the proposal does not have a significant effect on any facility and conforms to City design and operation standards.

The proposal does change the Comprehensive Plan designation from RM to RS for a portion of the subject property, but maintains the same number of proposed units, and thus does not modify expected impacts. The Development Code includes provisions to implement the TSP and other transportation related provisions. The proposal is designed to conform to the Development Code (with requested deviations), and the proposal does not have a significant effect on any facility; therefore, the proposal is consistent with this Goal.

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

FINDING: Pursuant to OAR 660-039-0030, which implements HB 4079 - Affordable Housing Pilot Project, the proposal is exempt from Goal 13.

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

FINDING: Goal 14 requires that all cities develop an urbanization framework as part of their Comprehensive Plan, appropriate implementing measures, and to periodically review the supply of land within the urban growth boundary. The current proposal is a unique project that will implement HB 4079 and provide affordable housing in Bend.

The pilot project is intended to be a streamlined process, and given LCDC's approval of the City of Bend for the project (and the subject property in particular) there is not a need for additional "Need" or "Boundary Location" assessment. Therefore, the only applicable administrative rules that implement Goal 14 are those established in OAR 660-024 that are not related to need or location. A complete review of the applicable section was addressed in the Council findings for the expansion of the UGB (PLUGB20220115), and as noted therein, the proposal complies with the requirements. Furthermore, the proposal includes a Revised Concept Plan that has been authorized by both the City and DLCD, urbanization policies have been adopted as part of Bend's acknowledged Comprehensive

Plan (as documented below), and the proposal is consistent with the Bend Comprehensive Plan.

For these reasons, the current proposal is consistent with Statewide Planning Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

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

4.6.300 Quasi-Judicial Amendments (continued from page 33)

B. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments

- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;**

FINDING: As described below, the proposed Comprehensive Plan Map Amendment, the TSP Map Amendment and the Master Plan conform to all relevant Comprehensive Plan policies.

Relevant Policies of the Comprehensive Plan

Chapter 1 - Plan Management and Citizen Involvement

General Policy Guidance

1-1 The Goals stated within this Comprehensive Plan are intended to be guiding and aspirational; they are not regulatory policies. The Policies in the Comprehensive Plan are intended to provide standards for the City in adopting land use regulations, and compliance with the implementing regulations shall be deemed in compliance with the Comprehensive Plan.

FINDING: This policy provides general direction regarding the Comprehensive Plan Goals, Policies, and implementing regulations. As documented throughout these findings, the proposal conforms to all applicable implementing regulations; therefore the application is consistent with this policy.

Urban Planning Coordination

1-3 Growth in the Bend Area shall be managed through the cooperative

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efforts of the City of Bend and Deschutes County.

FINDING: The current proposal is intended to accommodate growth in the Bend Area. Until annexation occurs, the property will be in the County, but managed through a joint management agreement between the City and the County, consistent with this policy.

Development within the Urban Growth Boundary

1-6 New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the capital improvement plan.

FINDING: As documented on the submitted Street and Utility Plan, the applicant will extend sewer, water, and transportation facilities to and through the property. Furthermore, the application is supported by a Will Serve letter from Avion Water Company (Exhibit I), a Sewer Analysis from the City of Bend (Exhibit J) and a Traffic Report from Transight Consulting LLC (Exhibit K). Collectively, these documents show that there is (or will be, with the planned improvements) adequate capacity, that the property can be served by facilities with development, and that the applicant will extend said facilities to and through the property, consistent with this policy.

Citizen Involvement

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

FINDING: Prior to this submittal, informational meetings were held with the abutting neighborhood associations. Furthermore, the applicant held the Public Meeting required under BDC 4.1.215 prior to submittal (Exhibit D), and this review process will involve public hearings before the Planning Commission and the City Council. The established review procedures ensure consistency with this Comprehensive Plan Policy.

Chapter 2 – Natural Features and Open Space

2-1 The city will inventory and maintain a list of natural features and open space lands that are important to the community.

FINDING: As noted in the City of Bend Resolution 3271, the subject property contains two ponds that may be resources and/or wetlands.

N. The Council continues to find the Bend Pilot Project Site satisfies Statewide Land Use Planning Goal 5. The Bend Pilot Project Site contains two ponds identified on the National Wetlands Inventory, which is the inventory of wetland habitat for Deschutes County, pursuant to Deschutes County Ordinance 92-045 and Deschutes County Development Code 23.112.040.3. When the Bend Pilot Project

Site containing the ponds is annexed into the City, and before development is approved, the Developer must engage in the required analysis to determine whether the ponds are considered significant under Goal 5. BDC 4.6.300.B.1 or 4.5.200.D.3.c.i. The Central Oregon Irrigation District has turned off the water supply to the ponds and it may be unlikely that there are jurisdictional wetlands on the site, but that remains to be finally determined. If found to be a significant Goal 5 resource, they must be preserved.

The Revised Concept Plan proposes 4 acres of Park space to be dedicated to the Bend Park and Recreation District. Based on the provision of open space and parks, and trail connections, and the requirement that further analysis be done to determine whether the ponds are a significant resource, the City finds that the Revised Concept Plan complies with Goal 5.

The applicant engaged Jodi Wilmoth, with 3 Rivers Environmental, LLC to prepare a Wetland Delineation Report (Exhibit T) and a Goal 5 Assessment (Exhibit S), to determine whether the ponds are Goal 5 Resources. As detailed in the Wetland Delineation Report, Ms. Wilmoth determined that the site does not contain any jurisdictional wetlands, this report has been submitted to DSL for a final determination; final DSL authorization is expected prior to development. Furthermore, based upon a detailed assessment of Statewide Planning Goal 5, the City of Bend Comprehensive Plan, and the history of the ponds, Ms. Wilmoth concluded:

In conclusion, based on desk top analysis as well as personal conversations with both City, County and State officials, this memo concludes the ponds located within the Bend Pilot Project Site should not be considered significant under Statewide Planning Goal 5, and/or the Bend Comprehensive Plan.

No other wetlands, Goal 5 resources, potential Goal 5 resources, and/or features that are identified on a City maintained list have been identified on the property.

2-2 The city and Bend Park and Recreation District shall share the responsibility to inventory, purchase, and manage public open space, and shall be supported in its efforts by the city and county. The City recognizes the Park and Recreation District as the urban service provider of parks within the UGB.

FINDING: As documented on the Parkside Place Master Plan (Exhibit H) the proposal includes a 4-acre park that is planned be conveyed to the Park District, along with other open space and trail areas. The applicant has coordinated with the Park District and the noted park will accommodate their long range park needs.

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

FINDING: As noted above, the Revised Concept Plan proposes 4 acres of park space to

be dedicated to the Bend Park and Recreation District.

No wetlands, Goal 5 resources, potential Goal 5 resources, and/or natural features that are identified on a City maintained list have been identified on the property. Given that the property does not contain any prominent natural features, additional preservation is not needed.

2-7 Natural tree cover should be retained along streets in new developments to retain the natural character of Central Oregon within the urban area as the community grows.

2-8 All residential development should respect the natural ground cover of the area, and the city shall work with developers to preserve mature trees within the subdivision.

2-9 The City shall develop standards to conserve mature native trees and standards that describe the types of trees for commercial and industrial developments that are compatible with Central Oregon's climate.

FINDING: The site is relatively level. The amount of grading that is needed for site development is typical of subdivisions of this size and scale. The property is not a hillside or sloping property; therefore grading details can and will be reviewed with the subsequent Subdivision application(s). Significant trees will be retained within the proposed park. In addition, street trees will be required prior to Certificate of Occupancy of abutting units.

Wetlands and Riparian Areas

2-24 The City's Local Wetland Inventory map and list in the Comprehensive Plan replaces the National Wetlands Inventory map for the area within the Urban Growth Boundary.

2-25 Wetland areas that are significant Goal 5 resources to be protected through the city's riparian corridor standards are those areas listed and mapped in the Comprehensive Plan.

FINDING: As noted in the City of Bend Resolution 3271, the subject property contains two ponds that may be resources and/or wetlands.

N. The Council continues to find the Bend Pilot Project Site satisfies Statewide Land Use Planning Goal 5. The Bend Pilot Project Site contains two ponds identified on the National Wetlands Inventory, which is the inventory of wetland habitat for Deschutes County, pursuant to Deschutes County Ordinance 92-045 and Deschutes County Development Code 23.112.040.3. When the Bend Pilot Project Site containing the ponds is annexed into the City, and before development is approved, the Developer must engage in the required analysis to determine whether the ponds are considered significant under Goal 5. BDC 4.6.300.B.1 or

4.5.200.D.3.c.i. The Central Oregon Irrigation District has turned off the water supply to the ponds and it may be unlikely that there are jurisdictional wetlands on the site, but that remains to be finally determined. If found to be a significant Goal 5 resource, they must be preserved.

The Revised Concept Plan proposes 4 acres of Park space to be dedicated to the Bend Park and Recreation District. Based on the provision of open space and parks, and trail connections, and the requirement that further analysis be done to determine whether the ponds are a significant resource, the City finds that the Revised Concept Plan complies with Goal 5.

The applicant has engaged Jodi Wilmoth, with 3 Rivers Environmental, LLC to prepare a Wetland Delineation Report (Exhibit T) and a Goal 5 Assessment (Exhibit S), to determine whether the ponds are Goal 5 Resources. As detailed in the Wetland Delineation Report, Ms. Wilmoth determined that the site does not contain any jurisdictional wetlands, this report has been submitted to DSL for a final determination. Furthermore, based upon a detailed assessment of Statewide Planning Goal 5, the City of Bend Comprehensive Plan, and the history of the ponds, Ms. Wilmoth concluded:

In conclusion, based on desk top analysis as well as personal conversations with both City, County and State officials, this memo concludes the ponds located within the Bend Pilot Project Site should not be considered significant under Statewide Planning Goal 5, and/or the Bend Comprehensive Plan.

No other wetlands, Goal 5 resources, potential Goal 5 resources, and/or features that are identified on a City maintained list have been identified on the property.

Chapter 3 – Community Connections

Parks and Recreation Facilities

3-7 Sites for small neighborhood parks are not shown on the Land Use Plan Map, but the city shall encourage private or public parties to develop small neighborhood parks.

FINDING: The Master Plan design includes a substantial park and a trail on-site that is identified on the Park District Comprehensive Plan (along the western boundary). The proposed design is therefore encouraged by this policy.

Chapter 4 - Population and Demographics

FINDING: This chapter addresses requirements for the City when calculating population and demographic data. The policies of this chapter are not relevant to the current application.

Chapter 5 – Housing

5-9 The City and County will support public and private non-profit and for-profit entities that provide affordable housing in Central Oregon.

FINDING: The proposed Master Plan is the second planning step to develop this affordable housing pilot project in Central Oregon. The City Council has expressed support for the HB 4079 pilot project through adoption of Resolution 3271, which includes the concept plan on which this master plan is based.

5-12 To promote complete neighborhoods and the integration of other supporting uses, the City will employ a master planning process for large development sites which are 20 acres or greater. The master plan process will offer two options for approval: 1) applying clear and objective standards or 2) applying discretionary standards for more flexibility.

FINDING: The applicant has submitted a Major Community Master Plan, using the discretionary path; consistent with this policy.

5-20 When affordable housing development is required by City policy or code or to meet eligibility criteria for a City incentive program or a policy requirement, affordable housing means housing with a sales price or rental amount that is within the means of a household that may occupy moderate- and low-income housing. Unless otherwise specified, affordable housing must meet one of the thresholds defined below. Nothing in this policy prevents the city from providing support for housing at other levels of affordability.

- o In the case of dwelling units for sale, affordable means housing in which the mortgage, amortized interest, taxes, insurance, and condominium or association fees, if any, constitute no more than 30 percent of such gross annual household income for a family at 80% of the area median income, based upon most recent HUD Income Limits for the Bend Metropolitan Statistical Area (Bend MSA).**
- o In the case of dwelling units for rent, affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual household income for a family at 60% of the area median income, based upon most recent HUD Income Limits for the Bend MSA.**

FINDING: The proposal is a required step for the development of the HB 4079 Affordable Housing Pilot Project. City of Bend Resolution 3271 establishes the following related to affordability:

Q. The City has adopted applicable Comprehensive Plan policies (5-20 and 5-21) that require that guarantees be in place to ensure affordable housing units will meet affordability requirements for not less than 50 years, phasing requirements for affordable housing units and specified threshold definitions for affordable housing units at 80% of AMI (for dwelling units for sale) and 60% of AMI (dwelling units for rent, unless the City provides support for housing at other levels of affordability).

Because the state pilot project rules require affordability at 80% AMI for dwellings for sale or rent and the project as proposed by this developer meets that state criteria and proposes a new model of developer-financed needed housing, the City is supportive of dwelling units for rent at 80% AMI.

The applicant will provide affordable housing in accordance with the HB 4079 requirements and City of Bend Resolution 3271. Doing so will ensure consistency with this policy.

5-21 *In order to ensure the continued affordability of affordable housing that has been committed by a property owner or required by the City, the City may:*

- o Specify a minimum number of years that affordability must be maintained;***
- o Require an applicant to demonstrate how affordability will be ensured throughout the specified period, including addressing how units will be made available to households meeting the targeted income level, resale/recapture for ownership units, and/or rent increases for rental units, as applicable;***
- o Establish phasing requirements for construction of affordable housing units;***
- o Condition land use approvals to implement affordable housing requirements;***
- o Require restrictive covenants, deed restrictions, and/or related instruments as deemed necessary by the City; and/or***
- o Require other measures deemed necessary by the City.***

FINDING: Consistent with the HB 4079 requirements, the applicant will maintain affordability for at least 50 years through deed restrictions. Furthermore, as detailed on the Master Plan (Exhibit H), the applicant plans to construct affordable housing units in early phases and consistently throughout the development so that the minimum 30% ratio required by HB 4079 and 40% required by the City Council (Resolution 3271) is met. These measures to ensure affordability will be established through the associated Annexation (PLANX20220849) including an annexation agreement, and the subsequent Land Division processes.

Residential Compatibility

5-27 *Private covenants and deed restrictions recorded hereafter that support compact urban form, higher densities and better access to affordable housing are encouraged as supportive of City policy.*

FINDING: The Master Plan design provides small lots and a variety of housing types in a compact form. The associated annexation (PLANX20220849) includes an annexation agreement which will require a covenant and/or restriction on each property developed

with affordable units that will ensure the units are rented or sold to households at the identified income levels for at least 50 years. Therefore, the proposal meets this policy.

5-31 Residential areas will offer a wide variety of housing types in locations best suited to a range of housing types, needs and preferences.

FINDING: As detailed on the Master Plan (Exhibit H), the design includes a variety of housing types, including multi-unit dwelling units, detached single-family homes, and townhomes; consistent with this policy.

Neighborhood Appearance

5-32 Above-ground installations, such as water and sewer pumping stations, power transformer substations or natural gas pumping stations, shall be screened and designed to blend with the character of the area in which they are located.

FINDING: As detailed on the Master Plan document set, the design will necessitate a sewer pump station. The pump station will be located at the eastern edge of the property, directly north of Livingston Drive. According to the applicant's narrative, the pump station is proposed to be screened and will blend in with the character of the area; the screening will be reviewed with future development applications.

5-33 All new developments shall include trees in the road right of way, as practical, in the planter strip between the curb and sidewalk.

5-34 Walls and fences along arterial or collector streets shall be subject to special design standards. The area between the fence or wall and the curb or pavement shall be landscaped.

5-35 All residential development will respect the natural ground cover of the area and existing and mature trees within the community should be preserved where practicable.

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

FINDING: All of these policies are implemented by the adopted standards of the Bend Development Code. As documented throughout these findings, the proposal complies with all applicable provisions of the Bend Development Code as amended with the proposed Parkside Plan code. Furthermore, the subsequent Subdivision and associated Site Plans will be required to conform to the applicable Code standards. The proposed application, in addition to the adopted Code standards, implement these polices.

Transportation connectivity

5-38 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to the highest concentrations of population.

FINDING: The property is currently designated RM and RH. A change of 23.34 acres from RM to RS is proposed, which allows for the authorized Revised Concept Plan to meet all Master Plan density and mix standards. As detailed in the Master Plan (Exhibit H), City of Bend Resolution 3271 (Exhibit E), and as a requirement of the HB 4079 project, the site can and will be made accessible to a transit stop served by a fixed transit corridor with at least 8 weekday trips in each direction, within $\frac{3}{4}$ mile distance via a sidewalk or pedestrian walkway. Furthermore, the proposed Master Plan design includes a 4.07 acre public park and a multi-use trail along the western property line. The property is also within 0.4 miles of Commercial and Mixed-Use zones that are developed with commercial services and employment opportunities. Regarding schools, the site is within 1.5 miles of Bear Creek Elementary and Pilot Butte Middle School, and within 2 miles of Bend High School and the application is supported by a letter from the Bend-La Pine School District (Exhibit M), indicating their ability and willingness to serve the subject property.

For the aforementioned reasons, the proposed design is well-suited to carry out the Master Plan, in RS, RM and RH Zones, consistent with this policy.

5-43 Sidewalks will be required in all new developments. Separated sidewalks will be required on all new streets. However, an alternative system of walkways that provide adequate pedestrian circulation may be approved.

FINDING: The proposed Master Plan anticipates sidewalks on the abutting streets. Exact design and development will occur with the subsequent land division application.

Public utilities and services

5-48 All residential areas will be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.

5-49 Residential development shall be coordinated with other land use elements and community facilities which are consistent with projected housing densities.

5-50 Electric power, telephone, and cable TV distribution and service lines shall be located underground in new developments.

5-51 New street names shall be unique within the County.

FINDING: As detailed on the Master Plan (Exhibit H), the Avion Water Will Service Letter (Exhibit I), the City of Bend Sewer Analysis (Exhibit J), and the Traffic Report (Exhibit K),

the site can be provided with water, sewer and other services and facilities. These policies are implemented through the established Code standards for this Master Plan, along with the subsequent Annexation and Land Division processes. The City procedures to implement the Master Plan will ensure consistency with these policies.

Chapter 6 - Economy

FINDING: The proposal does not impact any economic lands; therefore, the policies of this section are not relevant.

Chapter 7 – Transportation Systems

Equity

The City of Bend believes that we thrive when all individuals, from all parts of our City, have affordable and equitable access to a full range of transportation choices to meet their daily needs, including, but not limited to, employment, housing, healthcare, education, recreation, and shopping. The City recognizes that the transportation system has historically underserved some community members, and that their needs require particular attention as transportation investments, programs, and services are prioritized and funded. Those populations historically underserved by the transportation system include but are not limited to: people who cannot or choose not to drive (including children); persons with disabilities; people who cannot afford a motor vehicle; people living in areas where there are concentrations of impoverished and/or minority populations; and groups that have been subjected to racism and/or discrimination.

The City defines transportation equity as being achieved when all community members, with respect to age, race, disability, gender, income and location in the City have access to safe, comfortable, affordable, and reliable transportation choices to meet their daily transportation needs. Transportation equity helps ensure that disparities are reduced and access to daily needs and key destinations are fairly provided.

FINDING: The property will have access to Hwy 20, to Bear Creek Road, and to Livingston Drive. As depicted on the Master Plan (Exhibit H) and as required by HB 4079, the site will provide for and/or be in close proximity to a transit stop with at least 8 weekday trips, a park will be provided, and the site is in close proximity to commercial amenities to the west. Furthermore, the area is, and will continued to be served by the Bend-La Pine School District, who have provided documentation of their ability and willingness to serve the area (Exhibit M). While the policies of this section are not directly applicable, the fact that the project will provide affordable housing, the location of the property, and planned amenities will contribute to an equitable transportation system, consistent with the intent of this section.

Transit

Transit is a critical tool for maximizing the equity and efficiency of the City's transportation system. Recognizing the importance of an effective transit system, the City will continue to closely coordinate with transit service providers.

7-34 In coordination with the City's public transportation providers and community members, including those who have been historically underserved in transit, the City will work to improve and prioritize the availability of all forms of transportation and transportation technologies by establishing mobility hubs and reducing reliance on Hawthorne Station.

7-35 In order to increase transportation options and support existing and planned land uses, the City will work with its public transportation provider to improve the efficiency and effectiveness of existing services in Bend; expand services to underserved areas; and support regional systems that encourage residents of nearby communities to travel to Bend by public transit.

FINDING: HB 4079 requires that the development provide for a transit stop with at least 8 weekday trips. As documented on Exhibit P (CET Letter) and as shown on the Master Plan document set (Exhibit H), with the overall development project, the applicant will ensure that such requirements are met. The project will provide affordable housing and contribute to the existing transit system by adding a transit stop on the new north-south collector street and offering another option to this neighborhood, consistent with the intent of this section and the above noted policies.

Bicycles, Pedestrians, and Complete Streets

7-49 The City recognizes the BPRD Urban Trails map, as represented in BPRD's Comprehensive Plan, as an element of the transportation system and will collaborate with the BPRD for bikeway and pedestrian facility planning and construction within the City.

FINDING: As documented on the Master Plan document set, the design includes a multi-use path along the western property line, consistent with the BPRD Comprehensive Plan.

7-52 The City will work with BPRD to acquire, develop, and maintain the trails designated on the Bikeway Low Stress Network and Urban Trails maps. Construction and dedication of these trails for public use will be required as part of new development and capital transportation projects whenever possible. The alignments depicted should be considered general in nature. Flexibility should be permitted during the development and design of private lands and transportation construction projects to locate these trails to fit the context of the natural terrain, to minimize trail grade, to consider street crossings and other safety issues, to account for the pattern and design of the development, and/or to consider right-of-way extents and any other topographic or geographic barriers or issues.

FINDING: The Park District identifies a trail along the western boundary of the subject
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property on its Comprehensive Plan. As detailed on the Master Plan documents, the applicant proposes to provide this trail to the Park District on conveyed land and/or within an easement. Providing the path (as proposed on the Master Plan) with the subsequent subdivision will implement this policy.

Funding

The City's Transportation Plan defines capital projects and programs that meet ongoing operation and maintenance needs, add system capacity; improve safety; increase transit, pedestrian and bicycle mobility; support new growth; and meet ongoing operating and maintenance needs.

7-60 Funding for transportation infrastructure in expansion areas, as identified in the 2016 urban growth boundary (UGB) expansion, will be determined either before or upon area plan and/or master plan approval (unless exempted). Funding must be established prior to, or concurrently with, annexation. Transportation and infrastructure funding agreements will be memorialized for each expansion area property or properties in a development agreement as part of master plan or area plan approval and/or annexation. City/private developer cost sharing may be based on the following:

- o Adequate resources are provided for ongoing maintenance, operation, and preservation of new infrastructure, including technology;***
- o Construction and modernization of existing infrastructure is to City standards and specifications;***
- o The investment in transportation infrastructure helps solve existing transportation safety, capacity, and/or other apparent functional issue within the existing City limits;***
- o There is an opportunity for local, state and/or federal grants to leverage the private investments and provide partnerships;***
- o Other factors as determined by the City Manager.***

FINDING: As documented on the Master Plan document set, the proposed design provides all needed infrastructure in association with the individual phases. Public improvements will be funded by the applicant/developer with each phase. The funding arrangement for required infrastructure is established in the associated Annexation Agreement and Annexation process (PLANX20220849). Through the noted processes and consistent with the policies of this section, the applicant will finalize and memorialize the financing plan for the project prior to development. The current proposal, along with the City required Annexation and Subdivision procedures will ensure conformance with these policies.

Chapter 8: Public Facilities and Services

Sewer Collection Facilities

8-1 All new development within the City Limits should be connected to City sewer.

8-8 The preference of the City is to serve development through gravity conveyance and use of the Water Reclamation Facility.

8-9 If lift stations are required to serve new development, regional pump stations shall be relied upon to the extent practicable versus individual or smaller lift stations.

FINDING: These policies are implemented via the approval criteria of BDC Chapters 4.9 Annexations, 4.5 Master Plans, 4.2 for Site Plan Review and 4.3 for Land Divisions. The applicant has prepared a Master Plan (Exhibit H) and provided a Sewer Analysis from the City of Bend (Exhibit J). The Master Plan and the Sewer Analysis document that sewer can be extended to the development site consistent with these policies. With the subsequent subdivision application, the applicant will extend sewer mains and laterals, in accordance with City Standards.

The Master Plan, in addition to the adopted Development Code requirements which implement these policies, will ensure that overall project is consistent with these policies.

Water Facilities and Systems

8-15 The City of Bend is the provider of water service for the City's service area under Statewide Planning Goal 11.

8-16 Avion Water Company is the provider of water service for its franchise area under Statewide Planning Goal 11 and pursuant to the franchise agreement between the City and Avion adopted under Ordinance NS 1514, as amended.

8-18 Within the urban planning area, public and private water systems shall be consistent with City Standards and Specifications for construction and service capabilities.

FINDING: The subject property is within the Avion Water Company service area and these policies are implemented via the approval criteria of BDC Chapters 4.9 Annexations, 4.5 Master Plans, 4.2 for Site Plan Review, and 4.3 for Land Divisions.

The applicant has prepared a Master Plan (Exhibit H) and provided a Will Serve Letter from Avion Water Company (Exhibit I). The Master Plan and the Will Serve Letter document that water can be extended to the development consistent with these policies. With the subsequent subdivision application, the applicant will extend water mains and laterals, in accordance with City Standards.

The Master Plan, in addition to the adopted Development Code requirements which implement these policies, will ensure that overall project is consistent with these policies.

Storm Drainage Facilities and Systems

8-29 *The City shall reduce the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating stormwater runoff controls into new development and redevelopment land use decisions. Controls may be required to minimize illicit discharges or pollutants of concern.*

8-30 *The City shall implement and enforce requirements for an erosion and sediment control program for public and private construction and post-construction activities.*

8-31 *All developments shall evaluate the potential of a land parcel to detain excess stormwater runoff and require incorporation of appropriate controls, for example through the use of detention facilities to address quantity, flow, and quality concerns.*

8-37 *As part of site approval, or as a condition on tentative maps, as necessary, the City shall require permanent stormwater pollution control site design or treatment measures or systems and an ongoing method of maintenance over the life of the project.*

8-38 *The City shall minimize particulate matter pollution through controls over new and redevelopment (including erosion and sediment controls on grading, quarrying, vegetation removal, construction, and demolition), industrial processes, parking lots and other activities that pose a threat to water quality.*

8-39 *The City shall require the following stormwater protection measures for all new development and redevelopment proposals during the planning, project review, and permitting processes:*

FINDING: These policies are implemented via the approval criteria of BDC Chapters 4.9 Annexations, 4.5 Master Plans, 4.2 for Site Plan Review, and 4.3 for Land Divisions. The adopted Development Code requirements implement these policies and the associated development applications (for the subject property); therefore, the overall proposal is consistent with these policies.

Chapter 9: Community Appearance

FINDING: The policies of this section are implemented through the design and development standards of the Development Code. All design requirements will be reviewed with the subsequent Land Division and/or Site Plan Review applications, which will ensure consistency with the policies of this chapter.

Chapter 10: Natural Forces

FINDING: The proposal does not impact air quality, noise, energy conservation, natural hazards, or steep slopes. The only potential natural hazard on the site is wildfire. The City of Bend relies upon Building Code provisions for fire protection. All of these provisions have

been designed to sufficiently protect development from wildfire risk in the City of Bend. Future subdivision review will further assess facility capacity and location (water supply and fire hydrant location) and the Building Permit review ensures that structures are developed in a manner that adequately mitigates fire risk (including wildfire risk) to individual structures.

Chapter 11 – Growth Management

General Growth Management Policies

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 current proposal is for the development of a primarily vacant land. The proposal includes a Master Plan, which provides a mechanism for the efficient use of land. The proposal includes 346 units of mixed housing types, of which 40% will be affordable to moderate-income households, helping to meet the city’s housing needs.

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: The property is currently designated RM and RH. A change of 23.34 acres from RM to RS is proposed, which allows for the authorized Revised Concept Plan to meet all Master Plan density and mix standards. As detailed in the Master Plan (Exhibit H), City of Bend Resolution 3271 (Exhibit E), and as a requirement of the HB 4079 project, the site can and will be made accessible to a transit stop served by a fixed transit corridor with at least 8 weekday trips in each direction, within $\frac{3}{4}$ mile distance via a sidewalk or pedestrian walkway. Furthermore, the proposed Master Plan design includes a 4.07 acre park and a multi-use trail along the western property line. The property is also within 0.4 miles of Commercial and Mixed-Use zones that are developed with commercial services and employment opportunities. Regarding schools, the site is within 1.5 miles of Bear Creek Elementary and Pilot Butte Middle School, and within 2 miles of Bend High School and the application is supported by a letter from the Bend La Pine School District (Exhibit M), indicating their ability and willingness to serve the subject property.

For the aforementioned reasons, the proposed design is well-suited to carry out the Master Plan, in RS, RM and RH Zones, consistent with this policy.

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 subject property is at the eastern edge of the Bend Urban Area. As shown

on the Master Plan (Exhibit H), the design includes connectivity along Hwy 20, Livingston Drive, and Bear Creek Road. A new pedestrian path connecting to Highway 20 and extending along the western property line will also help connect existing development to the site and the proposed public park. The proposed Master Plan will be implemented through this master planning process, along with the annexation, land division, and site plan review procedures. The purpose of HB 4079, the Revised Concept Plan and the City of Bend development review requirements will ensure consistency with this policy.

11-18 The City of Bend shall continue to work with ODOT and Deschutes County to coordinate solutions to highway and non-highway road issues that cross over jurisdictional boundaries.

FINDING: The project is at the edge of the Bend UGB and abuts an ODOT Facility (Highway 20) and City of Bend facilities, and is also near Deschutes County facilities. The applicant has coordinated with all jurisdictions in the development of this Master Plan and it is anticipated that the City will notify and coordinate with the referenced jurisdictions throughout the review of this application.

11-19 The City of Bend shall work with Deschutes County and the Bend Parks and Recreation District (where applicable) to acquire, develop and maintain those sections of trails that are located outside of the Bend UGB, but are inside a URA, and are part of a trail plan or map that has been adopted by the City of Bend.

FINDING: Throughout the HB 4079 application process and the pre-submittal process to date, the applicant has worked in cooperation with the City of Bend, Deschutes County, and BPRD to identify a park, along with a trail system throughout the Master Plan site. Subsequent to Master Plan approval, the applicant will finalize the plan of reservation / preservation of the public park / open space, which will be finalized through the Land Division process. The proposed Master Plan, in addition to the City of Bend Review requirements, will ensure consistency with this policy.

11-21 Transportation facilities currently located on rural lands shall not be constructed to an urban standard until the area is brought into the UGB.

FINDING: Transportation facility improvements are noted on the Master Plan (Exhibit H) and the Street and Utility Plan. The applicant plans to make improvements and construct the referenced facilities in association with the subsequent Land Division. The proposal and subsequent development review procedures will ensure consistency with this policy.

Policies for Residential Areas and Neighborhoods

(See related policies in Chapter 5, Housing.)

11-34 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment, and public open space to provide the maximum access to the

highest concentrations of population.

FINDING: The property is currently designated RM and RH. A change of 23.34 acres from RM to RS is proposed, which allows for the authorized Revised Concept Plan to meet all Master Plan density and mix standards. As detailed in the Master Plan (Exhibit H), City of Bend Resolution 3271 (Exhibit E), and as a requirement of the HB 4079 project, the site can and will be made accessible to a transit stop served by a fixed transit corridor with at least 8 weekday trips in each direction, within $\frac{3}{4}$ mile distance via a sidewalk or pedestrian walkway. Furthermore, the proposed Master Plan design includes a 4.07 acre park and a multi-use trail along the western property line. The property is also within 0.4 miles of Commercial and Mixed-Use zones that are developed with commercial services and employment opportunities. Regarding schools, the site is within 1.5 miles of Bear Creek Elementary and Pilot Butte Middle School, and within 2 miles of Bend High School and the application is supported by a letter from the Bend La Pine School District (Exhibit M), indicating their ability and willingness to serve the subject property.

For the aforementioned reasons, the proposed design is well-suited to carry out the Master Plan, in RS, RM and RH Zones, consistent with this policy.

Master Planning Policies

11-48 Master plans in expansion areas are subject to policies 11-75 to 11-149 of this chapter.

FINDING: The only referenced policy that applies to the subject property is 11-82, which currently only applies to the 1.77-acre triangle in the northwest corner of the property, identified as the East Highway 20 UGB Expansion Area. As noted above under Policy 11-7 and the new associated graphic, the existing 1.77-acre “triangle” will be incorporated into a larger 37-acre Master Plan that provides affordable housing under HB 4079. Policy 11-82 is proposed to be modified as part of this application to address the entire subject property, incorporate the requirements of HB 4079, and provide a framework for development of the subject property. The suggested policy text modification is noted below on pages 60-63.

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

Residential District	Implementing Zone(s)	General Density Range*	Master Plan Minimum Density *	Master Plan Minimum Housing Mix**	
Urban Medium Density	Residential Medium Density (RM)		Min: 7.3 Max: 21.7	13.02	67%
Urban High Density	Residential High Density (RH)		Min: 21.7 Max: 43.0	21.7	90%

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

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

FINDING: The details of this policy are implemented through BDC 4.5.200.E.3.iii. A complete review of that section was included above.

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 property is over 20 acres and the proposal includes a Master Plan; therefore the proposal is consistent with this policy.

Specific Expansion Area Policies

Area-specific policies for land added to the UGB established in 2016 are intended to guide the development of Area Plans (including Master Plans) for expansion areas (see Figure 11-7). These areas are also subject to policies in this Chapter regarding urbanization and annexation.

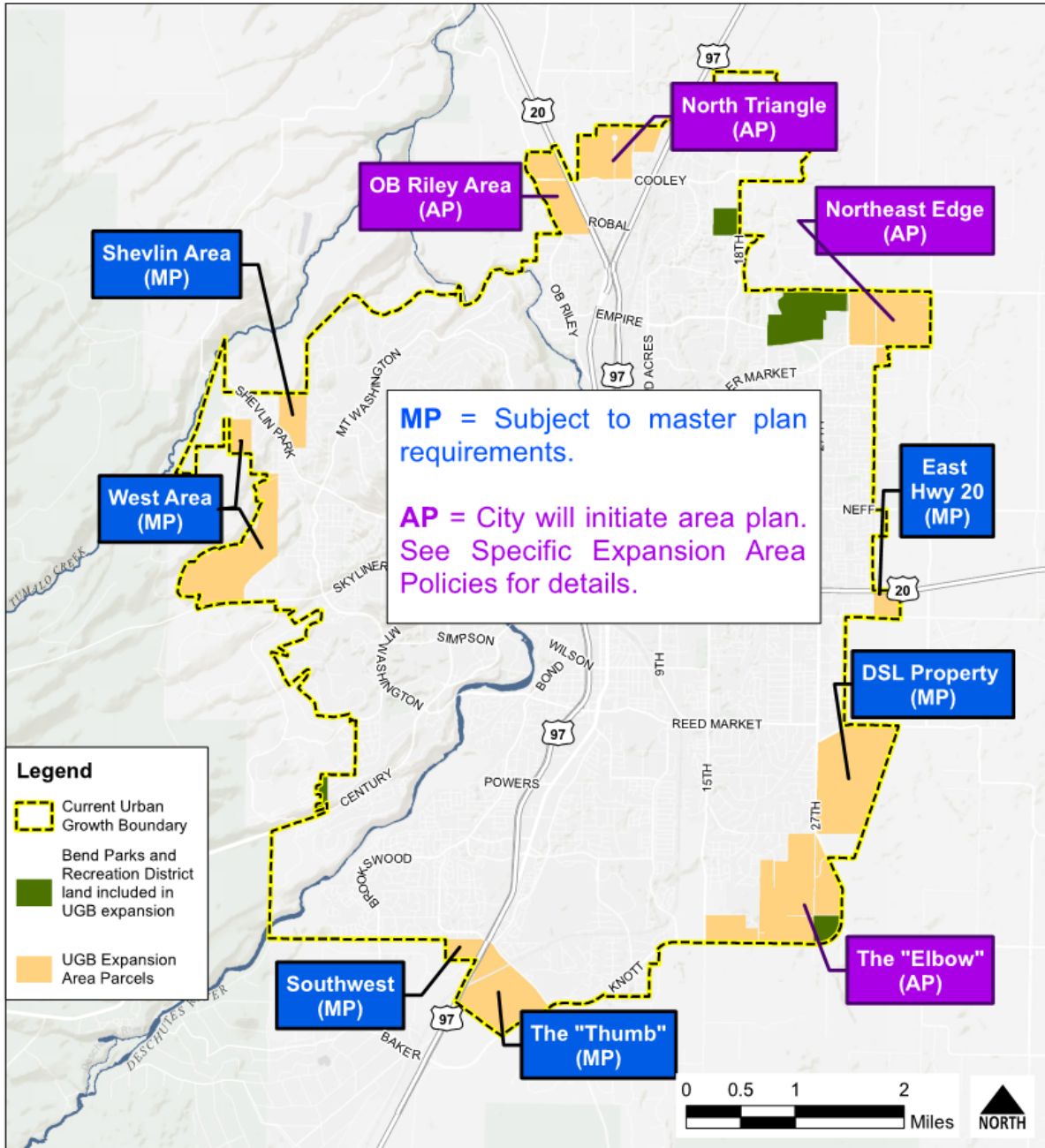
Figure 11-7: UGB Expansion Subareas and Area Planning Requirements

FINDING: A small triangle (1.77 acres) in the northwest corner of the subject property is identified as the East Hwy 20 area on Figure 11-7. This figure is proposed to be modified to include the whole 37.1-acre subject property in association with the proposed amendment to Policy 11-82, as shown below.

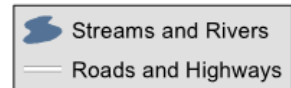
Bend UGB

UGB Expansion Subareas and Area Planning Requirements

December 20, 2022



Data source: Deschutes County GIS (2022)



East Highway 20

11-82 This area (identified on Figure 11-7) shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

- o The minimum number of affordable housing units shall be 100% of the housing units developed on the portion of the property shown on Figure 11-7.**
- o Guarantees, in a form acceptable to the City, shall be in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.**
- o Planning and phasing requirements for affordable housing units shall be established, in a form acceptable to the City.**

FINDING: The referenced area in the existing Figure 11-7 is 1.77 acres in size and designated RH in the Bend Comprehensive Plan. Developed at the minimum density of 21.7 units per acre, this area would require a minimum of 39 dwelling units. Therefore, per this Comprehensive Plan policy, a minimum of 39 affordable dwelling units are required for this RH-designated portion of the property. As proposed, 28 dwelling units are proposed within the RH-designated portion of the property.

However, the applicant proposes to incorporate this area into a larger Master Plan that will implement HB 4079. HB 4079 requires that 30% of the total units be affordable. If only the RM and RS designated portions of the subject property were included in the master plan, a minimum of 255 units would be required, of which 30% (77 units) would be required to be affordable per HB 4079. Including the RH-designated portion in the master plan brings the minimum required total affordable units, per Policy 11-82 and HB 4079, to 116 affordable units ($39 + 77 = 116$) out of the minimum 294 total dwelling units ($39 + 255 = 294$). The master plan includes 139 affordable units out of a total of 346 total units, far exceeding the number of affordable units required under Policy 11-82 and HB 4079.

As noted above, the existing policy is met with the overall Parkside Place Master Plan. Since this 1.77 acre property will be absorbed into the overall master plan, the existing Policy 11-82 above is proposed to be modified as reflected in underlined text below to address the entire subject property, incorporate the requirements of HB 4079, and provide a framework for development of the subject property. In order to address the property as a whole, Policy 11-82 is proposed to be modified to state the following:

11-82 Consistent with the HB 4079 Pilot Program, which is aimed at boosting affordable housing by allowing cities to develop affordable and market rate housing on lands currently outside the UGB without going through the normal UGB expansion process, development must be consistent with Resolution 3271 adopted by the City Council to implement the program and the following additional policies:

FINDING: As noted in findings above, the Parkside Place Master Plan is consistent with the Revised Concept Plan acknowledged by City Council in Resolution 3271 and accepted by the Department of Land Conservation and Development.

11-82.A The area must provide for a mix of affordable and market rate housing units. The specific area identified in Figure 11-7 must provide a minimum of 345 housing units, to include a minimum of 138 affordable housing units (rental units or owner occupied housing units at 80% AMI as set forth below), and 207 market rate units. The affordable housing units must meet the following:

- **Affordable housing units must meet the definition of affordability as defined in House Bill 4079. The owner-occupied affordable units must also meet the City's definition of affordability in Housing Policy 5-20.**
- **All the affordable units must have guarantees, in a form acceptable to the City, in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.**
- **Planning and timing requirements for the affordable housing units must be established in an annexation agreement.**

FINDING: The submitted Parkside Place Master Plan (Exhibit H) includes a total of 346 housing units, of which 139 units will be affordable at 80% AMI, which meets the affordability requirement of HB 4079 and the definition of affordability in Housing Policy 5-20 for the owner-occupied units. The units will remain affordable for at least 50 years through a deed restriction/covenant placed on the property at the time of development. The concurrent annexation application (PLANX20220849) includes an annexation agreement that addresses the construction timing requirement of the affordable units as required under HB 4079.

11-82.B The master plan must provide a mix of densities. The residential plan densities must include approximately 1.7 gross acres of RH (Residential High Density), 11.9 gross acres of RM (Residential Medium Density), and 23.3 acres of RS (Residential Standard Density).

FINDING: The Parkside Place Master Plan includes 1.77 acres of RH, 11.99 acres of RM, and 23.34 acres of RS designated property, consistent with this policy.

11-82.C The master plan must include open space throughout the neighborhood to connect transportation linkages (streets, bikeways, sidewalks and paths) to nearby shopping, transit and employment areas.

FINDING: The Parkside Place Master Plan includes a 4.07 acre park, along with 1.48 acres of open space, including the extension of the Big Sky Park trail along the western boundary within the irrigation easement and pedestrian pathways bisecting blocks. The park is planned to be conveyed to the Park District and the open space will be owned, operated, and managed by an HOA. The pedestrian system connects to the sidewalk

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system within Livingston Drive that extends to the commercial development and transit routes on 27th Street.

11-82.D The street, path and bikeway network must provide connectivity through this area, connect to existing abutting local roads, and provide opportunities for connections to adjacent undeveloped land inside the UGB. The transportation network must be consistent with the Bend Development Code, Chapter 4.7 and the City's Transportation System Plan.

FINDING: The proposed street system extends an existing local road (Livingston Drive) and collector street (Bear Creek Road) through the property and proposes a new local street (O'Connor Way) that will provide an opportunity for a connection to the abutting Land Systems property to the west if it redevelops in the future.

The Parkside Place Master Plan includes a multi-use path and a bike lane along both collector streets (Bear Creek Road and the new north-south collector street). The Big Sky Park trail is identified to be located along the eastern boundary and will be required to be constructed such that an underpass under Highway 20 will be viable in the future. The pedestrian system connects to the sidewalk system within Livingston Drive that extends to the commercial development and transit routes on 27th Street.

11-82.E The master plan must include approximately 4.0 acres of either private open space or of land for a community or neighborhood park site to be acquired and owned by the Bend Parks and Recreation District. If the latter it may include a large pond (as determined by the Parks District, the owner and COID) with trails, a seasonal restroom, and other park amenities and possibly parking, as further identified in the site plan, and developed during a public design process with the Parks District. The developer must conduct any necessary wetland analysis under State Planning Goal 5 prior to annexation or development approval as required by the City. Coordination with Bend Park and Recreation district is required in order to address provision and ownership of parks and/or trails within this area. All other irrigation district water rights must be removed and transferred from the property consistent with city code and Central Oregon Irrigation District policy.

FINDING: The Parkside Place Master Plan includes a 4.07 acre park, which is planned to be conveyed to the Park District (see Exhibit Z for the coordination letter from the Parks District). See the findings under Goal 5 above regarding the existing pond within the future park site. Exhibit O of the application is a letter from the Central Oregon Irrigation District (COID) confirming coordination with the developer. COID also submitted a letter in response to the Agency Review notice for this application, indicating that the applicant has removed and quitclaimed the water rights back to COID, and will pipe and re-route COID's A-Lateral to COID's specifications subsequent to future subdivision approval.

11-82.F Coordination with other special districts and utility providers is required within this area.

FINDING: As noted above, the applicant has coordinated with the Parks District, COID as well as the Avion Water District (see Exhibit I). The Deschutes County Library (Exhibit N) and Cascades East Transit (Exhibit P) also provided letters of support and coordination with the developer.

4.6.300. Quasi-Judicial Amendments (continued from page 41)

B. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments

- 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;**

FINDING: The current Revised Concept Plan will be further detailed and implemented through a subsequent land division process. As documented in Section IV - Findings of Fact of the applicant's narrative, the HB 4079 Application Submittal (Exhibit F), the Avion Water Company Will Serve Letter (Exhibit I), the City of Bend Sewer Analysis (Exhibit J) and the Transportation Report, prepared by Transight Consulting (Exhibit K), the subject property is able to be served by public water, sanitary sewer, and transportation systems. Furthermore, the subsequent subdivision will require the extensions needed to provide and extend the noted facilities and services. In association with this application, the applicant is undertaking all required steps to update the TSP, along with the necessary planning, designing and extending of services (as required through the Master Plan, Annexation, Land Division and Site Plan processes), to accommodate the Master Plan (Exhibit H) and the ultimate development of the site. The proposal conforms to the current public facilities master plans and it has been shown that the property can be provided public facilities and services, concurrent with development. The proposal is therefore consistent with this approval criterion

Regarding services (schools, parks, fire and police), upon development the property will be within the incorporated area of the City of Bend, the Bend-La Pine School District boundary, and the Bend Park and Recreation District boundary.

Schools: The Bend-La Pine School District regularly completes Facilities Plans that ensure capacity is provided throughout the District service area. The School District has provided a letter indicating the ability and willingness to serve the property (Exhibit M). All future Site and Facilities planning efforts will accurately account for the needs of the site.

Parks: The subject property is located within the boundary of the Bend Parks and Recreation District. The Park District has a Comprehensive Plan to ensure park capacity is provided throughout the District service area. As documented on the Master Plan

(Exhibit H), the proposal adds a substantial 4.07-acre park to the Master Plan area along with a planned trail connection along the western boundary; the Park District has indicated their support of the project (Exhibit Z).

Fire and Police Protection: Subsequent to annexation, the property will be located within the City of Bend, which is served by City Police and Fire Departments. Development will result in an increased property tax base, which will be directed to the City's General Fund and partially allocated to provide police and fire services throughout the City.

The combination of the built facilities, public facilities plans, and the Development Code requirements for development ensure that adequate public facilities are currently provided or will be provided concurrent with development, in conformance with this approval criterion.

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

FINDING: The elements of the proposal to which this criterion applies include the amendment to the Comprehensive Plan Map, the amendment to Comprehensive Plan Policy 11-82 and the TSP Map Amendment. In that regard, through the adoption and roll-out of the HB 4079 project, the state documented that a high number of Oregonians, particularly low income Oregonians, were paying more than 30% of their income on housing. Amongst this housing environment, Oregon State Legislators passed HB 4079, Affordable Housing Pilot Project, in 2016.

The premise of the Affordable Housing Pilot Project is to understand whether relaxing UGB rules to bring in land that would not otherwise be urbanized makes affordable housing more feasible to developers.

The passing of HB 4079, the adoption of the implementing rules in OAR 660-039, and the selection of the City of Bend (and the subject property) all constitute changes that have occurred since the property was last designated and zoned, which justify the amendment of Policy 11-82 to address the subject property as a whole and the designation of 23.34 acres of RM designated land to RS so that the Revised Concept Plan can be achieved with density and housing unit standards that comply with the Bend Development Code.

When the HB 4079 Revised Concept Plan was developed, and the UGB was expanded and the RM designation placed on the property, a detailed Master Plan review was not completed. As such, the higher density and mixed housing type requirements that apply to Master Plans were not considered, in error. The Comprehensive Plan Map amendment will allow for the Revised Concept Plan to meet the housing density and mix provisions that apply to Master Plans.

Furthermore, the planned TSP Map amendment is intended to extend/include the higher order streets that are needed to accommodate the HB 4079 project, thus the same changes apply to justify the TSP Map Amendment.

5. ***Approval of the request is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.***

**C. OREGON TRANSPORTATION PLANNING RULE SECTION 660-012-0060
PLAN AND LAND USE REGULATION AMENDMENTS**

660-012-0060

Plan and Land Use Regulation Amendments

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule...***
- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.***
- (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;***
- (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and***
- (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024- 0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.***

FINDING: The Master Plan will carry out the Revised Conceptual Plan that is consistent with the subject property's existing RM and RH designations in the Comprehensive Plan. Given "housing mix and density requirements" of Master Plans in Bend, to achieve the authorized concept plan, the Master Plan necessitates a change to the Comprehensive Plan Map, changing 23.34 acres from RM to RS. The Comprehensive Plan Map amendment will not change the number or type of units, and will not impact traffic impacts. Furthermore, the proposed TSP Map Amendment will only formalize/memorialize the planned street improvements on land that was previously outside of the UGB, and not referenced in the TSP Document. OAR 660-012-0060 (1) and (2) apply to amendments to acknowledged land use regulations text and maps. The proposed applications amends acknowledged land use regulation text and the Comprehensive Plan and TSP maps. OAR 660-012-0060 (2) further provides that an application demonstrate no "significant affect" on impacted transportation facilities unless the "significant affect" is mitigated. The Traffic Impact Analysis that was included with the submittal demonstrates that the proposed Type III Major Community Master Plan / Comp Plan Policy Amendment / Comp Plan & TSP Map Amendments
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development (and associated applications) does not have a significant affect; the associated Transportation Analysis Memo issued by the City of Bend outlines specific mitigation measures to be implemented upon future subdivision of the property. Thus, the proposal will not significantly impact a transportation facility as defined in 660-012-0060 and the proposed Comprehensive Plan Map and Transportation System Plan Map amendments comply with the TPR.

4.6.300. Quasi-Judicial Amendments

FINDING: Upon annexation, the zoning will implement the underlying Comprehensive Plan designations; thus the criteria in BDC 4.6.300.C. are addressed below.

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.**

4.9.700 Zoning of Annexed Areas.

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

FINDING: Prior to future development of the subject property, the land within the Parkside Place Master Plan must be annexed into the City of Bend. An annexation application has been submitted (PLANX20220849) to be processed concurrently with this Master Plan application at City Council. Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the zoning district that implements the Comprehensive Plan Map designation, as amended herein, consistent with this criterion.

- 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.**

FINDING: This is the same criterion as BDC 4.6.300.B.3; see findings above for compliance with this criterion.

4.5.200 Community Master Plan. *(Continued from page 32)*

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

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

FINDING: Commercial goods and services are provided in the Mixed-Use Employment (ME) and Commercial General (CG) zoned lands that are located to the west of the subject property. Approximately one-half of the subject property is located within one-half mile of the nearby ME and CG zoned lands (to the west) and all of the subject property is within 0.75 miles of the nearby ME and CG Zoned lands (to the west).

The proposal is for the HB 4079 Affordable Housing Pilot Project. When discussing the project with the City and ODOT, the possibility of commercial uses in the Master Plan area created concerns and issues with the Hwy 20 connection (and potential traffic impacts). If a substantial number of trips were diverted to (or from) Hwy 20 to access commercial uses on this site, greater impacts to that system could create access problems (potential upgrades) and impact the financial viability of the project. Furthermore, providing more commercial uses on the site would lessen the number of housing units (and affordable housing units) that could be developed on the site, which would be contrary to the intent of HB 4079. This code section does not establish a size requirement for commercial elements, thus it is possible that a very small “token” area could be added to meet the standard. However, a small token area of commercial may not provide a true benefit for the area. Overall, the applicant does not have a desire or interest in developing commercial uses on the site, as doing so would reduce the number of housing units (and affordable housing units) and lessen the viability of the project. Furthermore, adding commercial uses would be inconsistent with the Revised Concept Plan that was reviewed and authorized by the City Council in City of Bend Resolution 3271 (Exhibit E).

The proposed design, including the well-connected street, bicycle, and pedestrian system, the park and open space amenities, the off-site improvements, and planned transit stop on the site, will all function to improve connectivity to the nearby commercial areas and provide reasonable access to commercial uses, consistent with the requirements of this section. Additional commercial areas are not necessary.

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

FINDING: Since the subject property was recently brought into the Bend UGB (Ordinance 2447), the TSP does not identify any facilities (streets or multi-modal connections) on the subject property. However, the Park District Comprehensive Plan identifies a “Planned Trail” along the western property line. As shown on the submittal documents, including P1.4 Street, Pedestrian and Bike Facilities Plan, the Parkside Place Master Plan includes a trail that is consistent with the BPRD Comprehensive Plan. In addition, the new north-south collector street will include a 10-foot multi-use path along both sides of the street and Bear Creek Road will include a 10-foot multi-use path along the property frontage. Finally, a transit stop serving three different routes (CET Routes 5, 6 and 7) is within $\frac{3}{4}$ mile distance from the intersection of the new access onto Highway 20. In addition, as documented in the letter from Cascades East Transit (Exhibit P), the applicant has committed to providing a transit stop on the new north-south collector street within the site upon development.

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

FINDING: The site is over 20 acres, therefore subsections (E)(3) and (b) apply. The Parkside Place includes a total of 346 housing units, which exceeds this minimum standard in the Bend Comprehensive Plan Policy 11-82. As detailed on Sheet P1.3, the Master Plan includes 181 detached single family dwelling units, 57 townhomes, and 108 multifamily dwelling units; a total unit count of 346 units, which exceeds the minimum required number of units for the site.

As detailed in findings below, compliance with the master plan standards for each zone (RS, RM and RH) requires a minimum of 269 housing units ($97 + 149 + 23 = 269$). Superseding these requirements is HB 4079, which was authorized in City Council Resolution 3271 with a minimum of 345 housing units (which is also included in amended

Comprehensive Plan Policy 11-82). The proposed housing types in the RS, RM and RH zones on the subject property are described in the findings below.

A total of 346 housing units are proposed. Of the total proposed units, 57 units are townhomes and 108 units are multi-family units. As shown in Table 1 below, the total unit count of Policy 11-82 is met as is the unit requirements of BDC 4.5.200.E.3.

Table 1: Parkside Place Housing Mix

Zone	Unit Type	Required (per BDC 4.5.200.E.3)	Proposed (%)
RS	Single-unit detached		127 units (88.8%)
	Townhomes, duplex triplex, & multi-unit	15 units (10%)	16 units (11.2%)
	Subtotal		143 units
RM	Single-unit detached		54 units (30.9%)
	Townhomes, duplex triplex, & multi-unit	118 units (67%)	122 units (69.1%)
			176 units
RH	Townhomes, duplex triplex, & multi-unit	27 units (100%)	27
	Total		346 units (164 non-single-unit detached units – 47.4%)

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

FINDING: The proposal does not include public uses, institutional uses, and/or miscellaneous uses in an opportunity area; therefore, this section does not apply.

- ii. **Open Space. Open space in compliance with subsection (E)(4) of this section may be excluded from the applicable density calculation; and**

FINDING: As documented on Sheet P1.2B, the proposal includes 1.48 acres of open space and 4.07 acres of park. The open spaces are proposed to be owned, managed and maintained by an Home-Owners Association, while the park will be dedicated to and owned and operated by the Bend Park District. These areas are allowed to be excluded from the density calculation, as noted below.

- iii. **Comprehensive Plan Designations. Land designated as Commercial, Mixed-Use, Industrial and Public Facilities may be excluded from the applicable density calculation.**

FINDING: The site does not include any areas that are designated Commercial, Mixed-Use, Industrial or Public Facilities.

b. Minimum standards are as follows:...

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

FINDING: Within the RS designated area, the site has 18.90 acres of land to be included in the density calculation (after excluding park and open space areas). Seventy (70) percent of the maximum gross density of the RS Comprehensive Plan designation of 7.3 units per acre is 5.11 units per acre. The resulting minimum number of units is 97 units ($18.9 \times 5.11 = 96.6$, rounded up to 97). As detailed on the submitted Plan Set, the proposal provides 143 units on the RS Zoned land, which is in conformance with this requirement.

This standard also requires that at least 10% of the units need to be two- and three-unit dwellings, quadplexes, townhomes, and/or multi-unit residential housing units. As detailed on Sheet P1.2B – Housing Development Plan, of the Plan Set, the design provides 127 (88.8%) detached single-family homes and 16 (11.2%) townhomes in the RS Zone. For the RS zoned area, the proposed design conforms to the Master Plan density and mix standards of this section.

- iii. **RM Comprehensive Plan Designation. At least 60 percent of the maximum gross density of the RM Comprehensive Plan designation, with two- and three-unit dwellings, quadplexes, townhomes, and/or multi-unit residential housing units comprising at least 67 percent of total housing units.**

FINDING: Within the RM designated area, the site has 11.42 acres of land to be included in the density calculation (after excluding park and open space areas). Sixty (60) percent of the maximum gross density of the RM Comprehensive Plan designation of 21.7 units per

acre is 13.02 units per acre. The resulting minimum number of units is 149 units ($11.42 \times 13.02 = 148.7$, rounded up to 149). As detailed on the Plan Set, the proposal provides 175 units on the RM Zoned land, which is in conformance with this requirement.

This standard also requires that at least 67% of the units need to be two- and three-unit dwellings, quadplexes, townhomes, and/or multi-unit residential housing units. As detailed on Sheet P1.2B – Housing Development Plan, of the Plan Set, the design provides 54 (30.9%) detached single-family homes, 40 (22.9%) townhomes, and 81 (46.2%) multi-unit dwellings, in the RM Zone. For the RM zoned area, the proposed design conforms to the Master Plan density and mix standards of this section.

iv. RH Comprehensive Plan Designation. The minimum density of the RH Comprehensive Plan designation applies. Single-unit detached dwellings are not permitted in the RH Zone.

FINDING: Within the RH designated area, the site has 1.04 acres of land to be included in the density calculation (after excluding park and/or open space areas). The minimum density of the RH Comprehensive Plan designation of 21.7 units per acre. As detailed on the submitted Plan Set, the RH designated area requires a minimum of 23 units ($1.04 \times 21.7 = 22.6$, rounded up to 23) and the proposed design provides 27 dwelling units in a multi-unit building and one townhome. The proposed design conforms to these standards.

- 4. The community master plan must contain a minimum of 10 percent of the gross area as public or private open space such as parks, pavilions, squares and plazas, multi-use paths within a minimum 20-foot wide corridor, areas of special interest, tree preservation areas, or public and private recreational facilities and must comply with the following:**
 - a. The open space area must be shown on the conceptual site plan and recorded with the final plat or separate instrument.**
 - b. The open space must be conveyed in accordance with one of the following methods:**
 - i. By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities; or**
 - ii. By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City. Private open space must be located in a tract and include an open space easement.**

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

FINDING: The property is 37.1 gross acres, thereby requiring 3.71 acres of park and open spaces. As detailed on the Plan Set, the design includes a 4.07 acre park, along with 1.48 acres of open space. The park is planned to be conveyed to the Park District and the open space will be owned, operated, and managed by an HOA. The park and open space areas total 15% of the site, which exceeds 10% and conforms to the requirements of this section. Furthermore, conveying the park to the Park District and maintaining and managing the open space areas by an HOA will ensure that conveyances occur in conformance with the standards of this section.

F. Duration of Approval.

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

FINDING: The timeframe studied in the initial transportation analysis extended to 2030; a supplemental memo submitted by the applicant extended the horizon year to 2040. The Water and Sewer Analysis Application assumed an open-ended timeline to achieve full build out. Thus, the duration of approval for the infrastructure capacity is for 15 years from the effective date of the master plan.

PLANNING COMMISSION RECOMMENDATION: Based on the application materials submitted by the applicant, and the findings in this report which are based on the applicant's narrative addressing the relevant criteria for approval, the Planning Commission recommends that the Bend City Council adopts an ordinance to:

- Amend Bend Development Code Chapter 2.7, Special Planned Districts, to create the Parkside Master Planned Development as proposed in Attachment A.
- Amend the Bend Comprehensive Plan Map to redesignate 23.34 acres of RM-designated property to RS as proposed in Attachment B.
- Amend Figures 4-3 and 5-1 of the Transportation System Plan as proposed in Attachment C.
- Amend Figure 11-7 of the Comprehensive Plan to include the subject property as shown in Attachment D.
- Amend Comprehensive Plan Policy 11-82 to establish the policy framework for implementing HB 4079 and the Parkside Place master plan as proposed in Attachment E.