

ORDINANCE NO. NS-2499

AN ORDINANCE AMENDING CHAPTER 2.7 OF THE BEND DEVELOPMENT CODE TO MODIFY THE STANDARDS IN THE PETROSA AND EASTON MASTER PLANS TO ALLOW A “VILLAGE” STYLE HOUSING PRODUCT AND TO CLARIFY THE TRANSPORTATION MITIGATION TRIGGERS IN THE PETROSA TRANSPORTATION MITIGATION TABLE BY SUBPHASE.

Findings:

- A. On March 15, 2024, Pahlisch Homes Inc. submitted a Type III Quasi-judicial application for Bend Development Code text amendments to the Petrosa and Easton Master Plans.
- B. On May 13, 2024, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend Chapter 2.7 of the Bend Development Code to modify the standards in the Petrosa and Easton Master Plans to allow a “village” style housing product and to clarify the transportation mitigation triggers in the Petrosa Transportation Mitigation table by subphase. The Planning Commission encouraged staff and the City Council to consider a financial security or other assurance prior to final plat approval of Petrosa Phase 6A for the construction of the Eagle Road and Yeoman Road improvements.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of Bend Development Code 4.1.423-4.1.425. On May 23, 2024, notice was mailed by the Planning Division to surrounding owners of record and addresses of property within 500 feet of the subject properties and to the designated representatives of the Mountain View, Boyd Acres, Southeast Bend and Old Farm District Neighborhood Associations. A “Proposed Development” sign was also posted at multiple locations along the frontages of each master plan on May 23, 2024, visible from adjacent rights-of-way.
- D. The Bend City Council held a public hearing on June 5, 2024, to consider the Planning Commission recommendation.
- E. The Type III quasi-judicial Bend Development Code text amendments approved by this Ordinance meet all applicable Development Code criteria, policies of the Bend Area Comprehensive Plan, and Oregon Statewide Planning Goals. The amendments include new language in the Petrosa Transportation Mitigation table reflecting the Planning Commission recommendation on a financial security for certain transportation improvements.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Development Code is amended to modify the standards in the Petrosa and Easton Master Planned Development Code and the Transportation Mitigation table in the Petrosa Master Plan as contained in Exhibit A, and as recommended by the Bend Planning Commission.

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

incorporates the findings in Exhibit B.

Section 3. 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 Date: June 5, 2024

Second Reading and Adoption by Roll Call Vote: June 20, 2024

YES: Mayor Melanie Kebler
Councilor Barb Campbell
Councilor Ariel Méndez
Councilor Anthony Broadman
Mayor Pro Tem Megan Perkins
Councilor Mike Riley
Councilor Megan Norris

NO: none



Melanie Kebler, Mayor

ATTEST:


Morgen Fry, City Recorder

Approved as to form:



Mary Alice Winters, City Attorney

Exhibit A

NOTE:

Text in underlined typeface is proposed to be added

Text in ~~striketrough~~ typeface is proposed to be deleted

Text in red underlined or striketrough typeface is amended language as a result of the Planning Commission recommendation

(***) Indicates where text from the existing code has been omitted because it will remain unchanged.

2.7.3900 **Petrosa Master Planned Development.**

(***)

2.7.3930 **Definitions.**

A. **Quadplex** means a type of housing with four attached dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally.

B. **Live/work townhome** means a residential townhome in which a business may be operated.

C. **Lot line, front** means the property line abutting a street or open space tract.

1. **Primary front lot line** means the shortest front lot line abutting a street or open space. If there is more than one such lot line of equal length, then the applicant or property owner must choose which lot line is to be the primary front lot line.

2. **Secondary front lot line** means all other front lot lines abutting a street except the primary front lot line. [Ord. NS-2423, 2021; Ord. NS-2407, 2021; Ord. NS-2363, 2020]

2.7.3950 **Residential Zoning Districts.**

(***)

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 residential structure being occupied. Lot area and dimensions exceptions for affordable housing, see BDC [3.6.200\(C\)](#).

Exhibit A

Lot Areas and Dimensions in Petrosa Residential Districts by Housing Type and Zone

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Unit Detached Dwellings	RS	Minimum area: 2,800 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.
	RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.
	RH	Not applicable	Not applicable
Single-Room Occupancy	RS	Minimum area: 10,000 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.
	RM	None	Minimum width: 30 ft. at front property line
	RH	None	Minimum lot depth: 50 ft.
Duplexes, Triplexes, and Quadplexes	RS	Minimum areas – Duplex: 2,800 sq. ft. Triplex: 7,500 sq. ft. Quadplex: 10,000 sq. ft.	Duplex: Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft. Triplex and Quadplex:

Exhibit A

Residential Use	Zone	Lot Area	Lot Width/Depth
			Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.
	RM	None	Minimum width: 30 ft. at the front property line
	RH	None	Minimum lot depth: 50 ft.
Townhomes	RS	Minimum area: 2,000 sq. ft. for each unit	Minimum width: 20 ft. at front property line for interior townhome lots and 24 ft. at front property line for exterior townhome lots Minimum lot depth: 50 ft.
	RM	Minimum area: 1,600 sq. ft. for each unit	
	RH	Minimum area: 1,200 sq. ft. for each unit	
Multi-Unit (5+ Units)	RS	Not applicable	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.
	RM, RH	None	

1. *Exceptions.*

- a. Bulb of a cul-de-sac or knuckle corner minimum width: 30 ft. at the front property line.
- b. Corner lots or lots where a side lot line abuts an alley must be at least four feet more in width than the minimum lot width required in the zone.

Exhibit A

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

d. Flag lots are permitted. When there are two abutting flag lots and the flag poles abut each other, the minimum lot frontage and width of each pole must be 9 feet and the minimum shared lane width must be 18 feet. The shared lane must have a reciprocal access and maintenance easement recorded for all lots or parcels accessing the shared lane. All other flag lots must comply with BDC 3.6.400(B), Flag Lots.

e. Other exceptions permitted in the underlying residential district are also permitted.

2.7.3980 Transportation Mitigation Plan.

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C. *Transportation Mitigation.* The following transportation mitigation measures must be constructed pursuant to the deadlines set forth in Table 2.7.3980 below.

Table 2.7.3980.

Mitigation Requirements	Trigger
Install left-turn lane on Butler Market Road at new intersection and extend eastward the multi-use pathway on Petrosa Avenue.	Prior to final plat of Residential Phase 5b.
Extend Yeoman Road, including a multi-use pathway, from Deschutes Market Road to Eagle Road.	Prior to final plat of Residential Phase 6b, and if not already complete. <u>Phase 6A may be platted without these improvements if a financial guarantee is provided at the time of final plat. The improvements must be completed prior to the final plat approval of Phase 6b.</u>
Accommodate a multi-use trail crossing the southern Deschutes Market Road / Yeoman Road roundabout approach.	
Construct Eagle Road to Yeoman Road.	

Exhibit A

<p>Provide right-of-way for a future roundabout at the Eagle Road and Yeoman Road intersection.</p>	
<p>Construct the NUID Canal bridge crossing, east of Deschutes Market Road.</p>	<p>Prior to final plat of Residential Phase 6b or Phase 7 or prior to occupancy of the school, whichever occurs first. <u>Phase 6A may be platted without these improvements if a financial guarantee is provided at the time of final plat. The improvements must be completed prior to the final plat approval of Phase 6b.</u></p>
<p>Construct a single-lane roundabout at the intersection of Deschutes Market Road and Yeoman Road.</p>	<p>Prior to final plat of Residential Phase 6b or Phase 7, or prior to occupancy of the school, or prior to the 335th Phased (Phases 1 – 8) housing unit if Yeoman Road has also been extended from Eagle Road to Deschutes Market Road, whichever comes first. <u>Phase 6A may be platted without these improvements if a financial guarantee is provided at the time of final plat. The improvements must be completed prior to the final plat approval of Phase 6b.</u></p>
<p>Construct Yeoman Road from Purcell Boulevard to 18th Street to a modified City of Bend collector standard cross-section per the Petrosa Annexation Agreement (2020-11217) if not funded through a capital project.</p>	<p>Prior to final plat of Residential Phase 6b or Phase 7, or prior to occupancy of the school, or prior to the 335th Phased (Phases 1 – 8) housing unit if Yeoman Road has also been extended from Eagle Road to Deschutes Market Road, whichever comes first. <u>Phase 6A may be platted without these</u></p>
<p>Construct stop controlled intersection improvements at Yeoman Road and 18th Street.</p>	<p><u>improvements if a financial guarantee is provided at the time of final plat. The improvements must be completed prior to the final plat approval of Phase 6b.</u></p>

[Ord. NS-2407, 2021; Ord. NS-2363, 2020]

Exhibit A

2.7.4100 Easton Master Planned Development.

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2.7.4130 Definitions.

- A. **Quadplex** means a type of housing with four attached dwelling units on one lot or parcel.
- B. **Lot line, front** means the property line abutting a street or open space tract.
1. **Primary front lot line** means the shortest front lot line abutting a street or open space. If there is more than one such lot line of equal length, then the applicant or property owner must choose which lot line is to be the primary front lot line.
 2. **Secondary front lot line** means all other front lot lines abutting a street except the primary front lot line. [Ord. NS-2415, 2021; Ord. NS-2391, 2020]

2.7.4150 Residential Zoning Districts.

(***)

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 residential structure being occupied. Lot area and dimensions exceptions for affordable housing, see BDC [3.6.200\(C\)](#).

Lot Areas and Dimensions in Easton by Housing Type and Zone

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Unit Detached Dwellings	RS	Minimum area: 2,700 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.

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Residential Use	Zone	Lot Area	Lot Width/Depth
	RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.
	MHO	Not applicable	Not applicable
Single-Room Occupancy	RS	Minimum area: 7,000 sq. ft.	Minimum width: 40 ft. at the front property line Minimum lot depth: 50 ft.
	RM	None	Minimum width: 30 ft. at the front property line
	MHO	None	Minimum lot depth: 50 ft.
Duplexes, Triplexes, and Quadplexes	RS	Duplex: 2,700 sq. ft. Triplex: 5,000 sq. ft. Quadplex: 7,000 sq. ft.	Duplexes: Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft. Triplexes and Quadplexes: Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.
	RM	None	Minimum width: 30 ft. at the front property line
	MHO	None	

Exhibit A

Residential Use	Zone	Lot Area	Lot Width/Depth
			Minimum lot depth: 50 ft.
Townhomes	RS	Average minimum lot or parcel size: 1,500 sq. ft. for each unit	Minimum width: 20 ft. at front property line Minimum lot depth: 50 ft.
	RM		
	MHO	Average minimum lot or parcel size: 1,500 sq. ft. for each unit	
Multi-Unit Dwellings (5+ Units)	RS	Not applicable	Not applicable
	RM	None	Minimum width: 30 ft. at front property line
	MHO		Minimum lot depth: 50 ft.

Exceptions.

1. Except for townhomes, bulb of a cul-de-sac or knuckle corner minimum width: 30 feet at the front property line.
2. Except for townhomes, corner lots or lots where a side lot line abuts an alley must be at least four feet more in width than the minimum lot width required in the zone.
3. Frontage on a public street, private street, or open space tract is required. Lots with frontage on fronting open space tracts only must take access from a rear alley, and the property line fronting open space must be considered a front property line.
4. Flag lots are permitted. When there are two abutting flag lots and the flag poles abut each other, the minimum lot frontage and width of each pole must be 9 feet and

Exhibit A

the minimum shared lane width must be 18 feet. The shared lane must have a reciprocal access and maintenance easement recorded for all lots or parcels accessing the shared lane. All other flag lots must comply with BDC 3.6.400(B), Flag Lots.

45. Other exceptions permitted in the underlying Residential District are also permitted.

EXHIBIT B
CITY OF BEND PLANNING COMMISSION
FINDINGS



COMMUNITY
DEVELOPMENT

PROJECT NUMBER: PLTEXT20240140 (Type III)

HEARING DATE: May 13, 2024 at 5:30 p.m.
City of Bend Council Chambers (hybrid)
710 NW Wall Street, Bend, OR 97703

REPORT DATE: May 21, 2024

**APPLICANT/
OWNER:** Pahlisch Homes, Inc.
210 SW Wilson Ave, Ste 100
Bend, OR 97702

AGENT: AKS Engineering, LLC
2777 Lolo Drive, Suite 150
Bend, OR 97703

LOCATION: Petrosa and Easton Master Plan Areas

REQUEST: Quasi-Judicial Bend Development Code Text amendment to the Petrosa and Easton Master Plan overlays modifying the residential standards in each master plan to allow an alternative “village” housing product. In addition, the package includes text amendments to the Petrosa Master Plan Transportation Mitigation Plan to clarify transportation improvement triggers by subphase in Phases 5 and 6. (Type III Quasi-Judicial Planning Commission recommendation to City Council)

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

I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Development Code (BDC)

Approval Criteria

Chapter 4.6, Land Use District Map and Text Amendments
Chapter 4.5, Master Plans

Standards

Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans
Article XXI, Petrosa Master Planned Development
Article XXIII, Easton Master Planned Development
Section 4.5.200, Community Master Plan

Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan Policies

Chapter 11, Growth Management

Oregon Administrative Rules

Chapter 660, Division 15, Statewide Planning Goals

II. FINDINGS OF FACT:

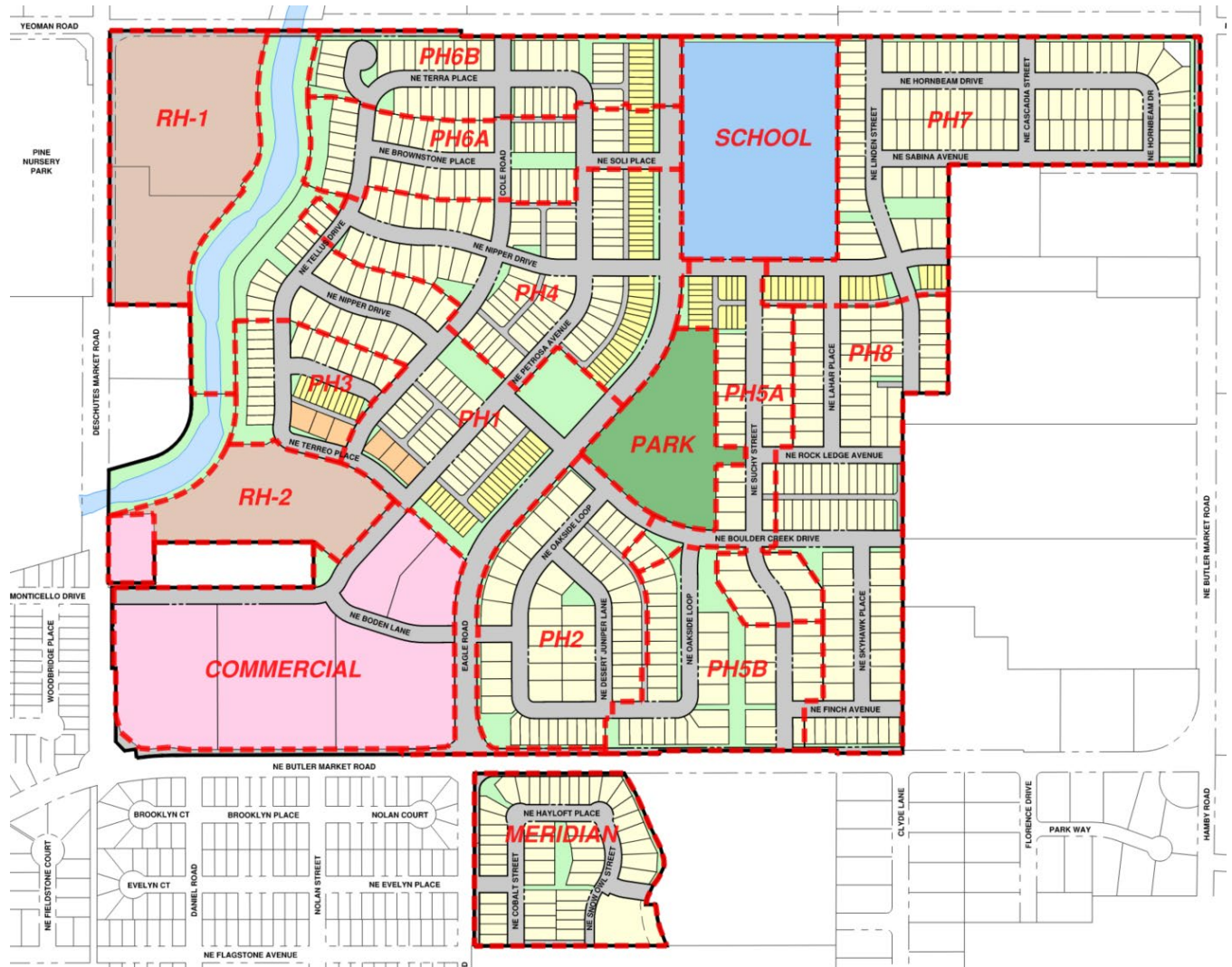
- 1. LOCATION:** The Petrosa Master Plan is located east of Deschutes Market Road and is primarily north of Butler Market Road but a 12-acre portion lies south of Butler Market Road and east of Eagle Road. On the north, the master plan abuts the future extension of Yeoman Road. The unincorporated portion of the Northeast Edge Expansion Area abuts the Petrosa master plan to the east.

The Easton Master Plan is located east of SE 15th Street and north of Knott Road. The master plan area abuts the Bridges at Shadow Glen subdivision to the north, and unincorporated properties within the Southeast Area Plan to the east.

Each master plan is comprised of multiple tax lots, and platted lots that have individual addresses, which are too numerous to list in this staff report.

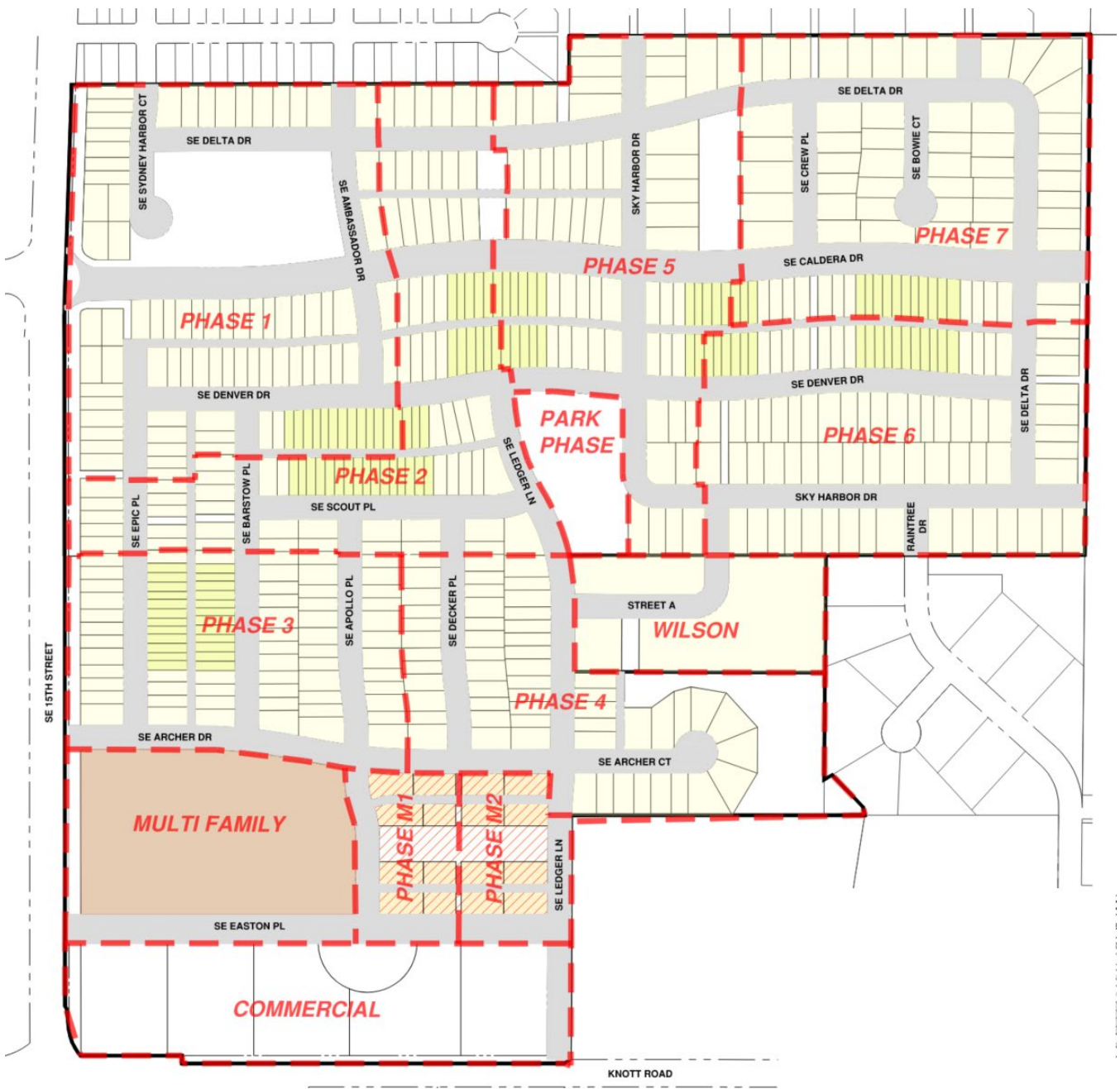
- 2. ZONING AND PLAN DESIGNATION:** The Petrosa Master Plan includes land designated and zoned as Residential Standard Density (RS), Residential Medium Density (RM), Residential High Density (RH), and General Commercial (CG). The Easton Master Plan includes land designated and zoned as RS, RM, RM with Middle Housing Overlay, and CG.
- 3. SITE DESCRIPTION AND SURROUNDING USES:** The Petrosa Master Plan is 189.1 acres in size. Pine Nursery Park, a Forest Service headquarters office, and the Monticello Estates subdivision is located across Deschutes Market Road to the west. The Mirada subdivision is located across Butler Market Road to the south. The unincorporated portion of the Northeast Edge Expansion Area is located to the east and is comprised of two churches and large lot residential uses up to 10 acres in size. The properties north of the Petrosa Master Plan are located outside of the urban growth boundary and are developed with rural residential uses.

The plats for Phases 1, 2, 3 and 4 of Petrosa have been recorded and dwelling units are fully constructed or under construction. The infrastructure for Phase 5A and Meridian (south of Butler Market Road) is complete and a final plat for each phase has been submitted to the City for review. The infrastructure plans for Phase 5B have been approved and construction is underway. Phase 6A infrastructure plans are currently under review by the City. The Solis apartments in the northwest portion of the master plan (RH-1) are fully constructed and occupied and the building permits for the Clarico apartments south of NE Torreo Place (RH-2) are currently under review.



Petrosa Master Plan

The Easton Master Plan is 123.4 acres in size. Caldera High School is located across SE 15th Street to the west. The urban growth boundary abuts the master plan to the south at Knott Road, across which lies a church and rural residential uses. The master plan area abuts the Bridges at Shadow Glen subdivision to the north, and unincorporated properties within the Southeast Area Plan to the east generally developed as large lot or rural residential uses. The southern 50 acres of the Easton Master Plan is located within the Southeast Area Plan but the standards of the Easton Master plan supersede the Southeast Area Plan standards. Phase 1 of the original Easton subdivision has been recorded and the final plat for Phase 2 has been approved. The Easton South subdivision has also been recorded, renamed Easton Commercial, which created the 5 undeveloped commercial lot and a multi-unit residential lot. Building permits are near issuance for the multi-unit residential lot. The Easton clubhouse was approved in April 2022 (PLSPR20211082) and construction is complete.



Easton Master Plan

- PROPOSAL:** The applicant proposes to modify the residential standards in each master plan code in Chapter 2.7 to allow an alternative “village” housing product. In addition, the package includes text amendments to the Petrosa Master Plan Transportation Mitigation Plan to clarify transportation improvement triggers by subphase as the applicant proposes to further divide Phases 5 and 6 into Phases 5a and 5b and Phases 6a and 6b. The proposal does not increase the number of residential units or density within either master plan.

5. **BACKGROUND:** The Petrosa Master Plan was adopted in February 2020 (Ordinance 2363) and modified in May 2021 to increase the master plan area by 12.1 acres (Ordinance 2407). The Easton Master Plan was adopted in October 2020 (Ordinance 2391) and modified in August 2021 to increase the master plan area by 48 acres (Ordinance 2415).

A phased tentative plan approval was issued for Petrosa Phases 1-6 in May 2020 (PZ-20-0235) and Meridian Phases 1-2 in February 2022 (PLLD20211114). A Site Plan Review approval was issued for RH-1/Solis multi-unit residential development in August 2020 (PZ-20-0231), for the Petrosa Park in May 2021 (PLSPR20210380) and for the Petrosa Clubhouse also in May 2021 (PLSPR20210274). The RH-2/Clarico multi-unit residential development was approved in November 2023 (PLSPR20230435).

A phased tentative plan approval was issued for Easton Phases 1-7 in April 2021 (PLLD20200979) and the phasing was modified under PLMOD20220027 in March 2022, so that the phasing within the subdivision was numbered Phases 1, 2 5, 6 and 7. Another phased tentative plan approval was issued in June 2022 for Easton South (PLLD20220219) which included Phases 3 and 4, as well as commercial lots, a multi-family lot, and lots specifically for middle housing. The Easton clubhouse was approved in April 2022 (PLSPR20211082).

6. **PUBLIC NOTICE AND COMMENTS:** On April 18, 2024, the Planning Division mailed notice of the Planning Commission public hearing to property owners of record as shown on the most recent property tax assessment roll and to the addresses of property (based on the City's current addressing record) within and 500 feet beyond the boundaries of each master plan site, and to the designated representatives of all of the City's Neighborhood Associations. A "Proposed Development" sign was also posted at multiple locations along the frontages of each master plan on April 30, 2024. Notices were also sent to participating City Departments and other affected agencies for comment. The agency comments and recommendations that the Planning Division received in response are contained in the project file and were considered in this staff report.

The required notice to the Department of Land Conservation and Development (DLCD) was provided on April 8, 2024, 35 days prior to the first public hearing as required.

As of May 21, 2024 no public comment letters had been received by the Planning Division. Two individual provided oral comments at the public hearing expressing concern about the amendments to the Petrosa Transportation Mitigation Table, specifically a secondary access point.

7. **APPLICATION ACCEPTANCE DATE:** This application was submitted on March 15, 2024 and deemed complete on April 9, 2024. The application is not exempt from the 120-day statutory time limitation for review per BDC 4.1.430.C.

III. APPLICATION OF APPROVAL CRITERIA:

BDC Chapter 4.6, Land Use District Map and Text Amendments

A. Applicability, Procedure and Authority. Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual

setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

FINDING: This application is for a text amendment to certain Bend Development Code (BDC) sections in Chapter 2.7 and does not include an amendment to the Bend Comprehensive Plan text or map or a zone change. The text amendment involves the application of existing policy to a specific factual setting, affecting a limited group of properties. Special plan districts, for both the Petrosa Master Plan and Easton Master Plan, have been codified in BDC Chapter 2.7, which established unique standards for each plan district.

The BDC requires this application be considered through a Type III quasi-judicial procedure, pursuant to BDC 4.1.426(A), for two reasons. First, although the application amends the text of the BDC, the City's acknowledged land use regulations, the amendment applies narrowly, only to the areas within Petrosa and Easton. Second, BDC 4.5.100(D) provides that master plans and amendments of this type are processed as quasi-judicial applications and not legislative applications. Therefore, the following criteria from BDC 4.5.200.D.3.b. are addressed for this quasi-judicial text amendment application.

4.5.200 Community Master Plan

D. Community Master Plan Criteria.

3. Major Community Master Plan...

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

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

FINDING: See findings below under Conformance with Statewide Planning Goals for compliance with this criterion.

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

FINDING: See findings below under Conformance with Comprehensive Plan Policies for compliance with this criterion.

IV. CONFORMANCE WITH BEND DEVELOPMENT CODE STANDARDS

BDC Section 4.5.200, Community Master Plan

D. Community Master Plan 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: The proposed text amendments do not change the residential density or types of uses allowed in each master plan; therefore, the two master plans remain in compliance with BDC 4.5.200.E.

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.

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

FINDING: The proposed text amendments to the residential districts in each master plan do not change the residential density or types of uses allowed; therefore, there is no impact to the existing and proposed/required water, sewer and transportation facilities in each master plan.

The amendments to the Petrosa Transportation Mitigation Plan in BDC Table 2.7.3980 clarify the triggers required for transportation improvements along the Butler Market Road and Yeoman Road corridors. The proposed amendments clarify when a certain transportation mitigation is required by *subphase*, as subphases were not initially proposed with the initial master plan. The required transportation mitigation requirements remain the same, but the timing or trigger for specific improvements are clarified by subphase.

3. Major Community Master Plan

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:

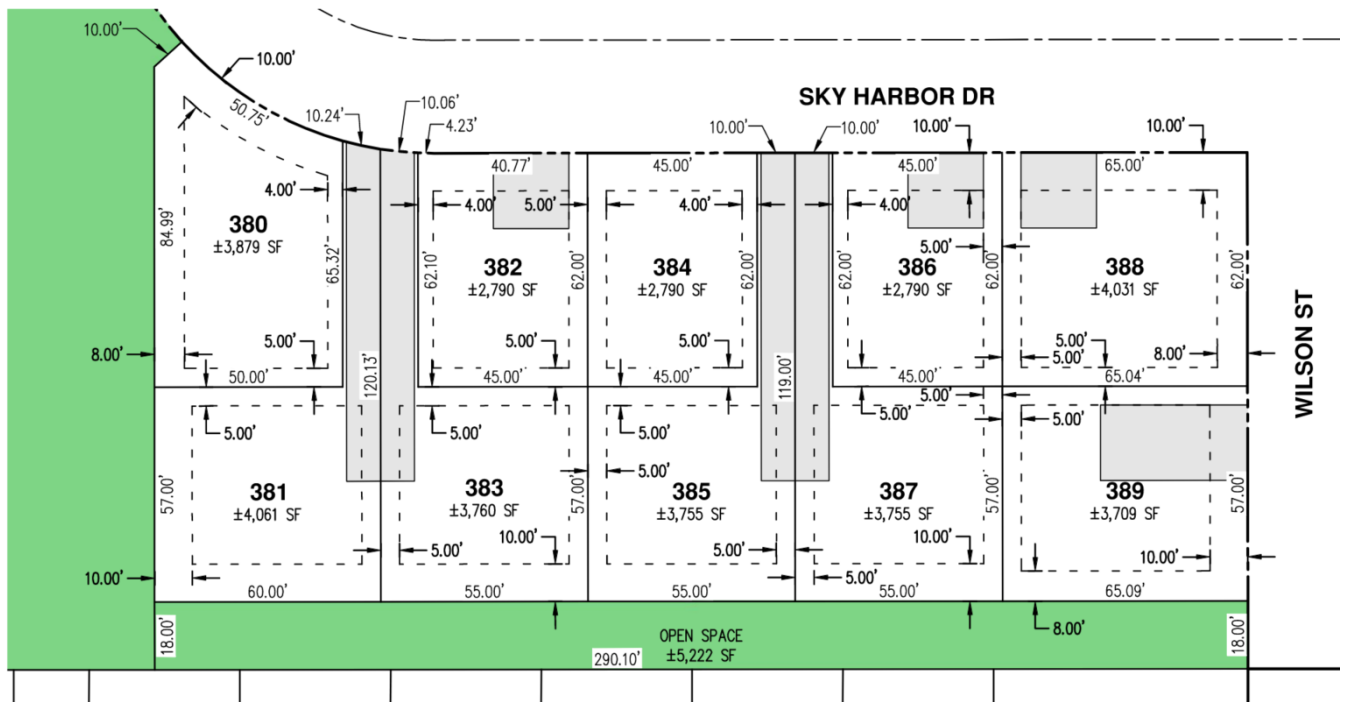
- i. That granting a deviation to the BDC standards and/or zoning district requirements will equally or better meet the purpose of the regulation proposed to be modified; or**
- ii. That granting a deviation to the BDC standards and/or zoning district requirements is necessary due to topographical constraints 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: In their residential zones, the special plan districts for Petrosa and Easton contain similar deviations from the underlying BDC standards, as approved with the original master plans under this section.

The proposed text amendments are an additional code deviation to allow flag lots with a narrower “pole” of nine feet and an 18-foot wide shared driveway to accommodate “village-style” middle housing, as depicted below. This village-style housing is a grouping of four units, three of which share a single driveway connection to the public street. This housing type and layout provides an opportunity for ownership of a smaller, detached home that also provides the opportunity for a smaller, private yard. This housing alternative achieves a net density between a “traditional” detached single-unit home and the densest townhomes within Petrosa or Easton. These village-style homes would be in place of planned alley-loaded townhomes and alley-loaded single-unit homes. The housing unit requirements for both master plans (10 percent of units must be townhomes) would still be met.



Example of Village Housing Layout – driveways in gray, open space in green

BDC 3.8.400.B.3, Infill Development, requires a minimum lot frontage of 15 feet for flag lots and, when a shared lane serves two or more properties, the shared lane must be a minimum of 20 feet. While no purpose of the flag pole width standard is explicitly stated in BDC 3.8.400.B., it is generally understood to ensure adequate width for utility service lines and vehicular access, especially when there is shared access. In coordination with City Private Development Engineering Department (PDED) staff, it has been determined that

utility service lines and vehicle access are feasible within an 18-foot-wide shared lane spanning two abutting 9-foot-wide flag poles. The amendments also provide for reciprocal access and maintenance easements for any lots or parcels utilizing the shared lane.

In the absence of an explicit purpose stated for flag pole and shared lane dimensional standards, it should be noted that BDC 2.1.100 provides broader guiding principles for the residential districts, including: “Accommodate a range of housing needs, including owner-occupied and rental housing.” One reason why a deficit exists of the so-called “missing middle” housing, is that development standards may unintentionally disincentivize (if not preclude) its construction. In a master planned community, strategically integrating different types of homes, including those on smaller or narrower lots, helps define the scale and character of the surrounding neighborhood as inherently appropriate for a range of housing.

These amendments also streamline the process to realize a lot configuration and related housing type that could ordinarily be permitted through a Middle Housing Land Division under BDC 4.3.700, while also ensuring that each lot maintains minimum frontage on a public street and utility service lines can be provided without crossing multiple lot lines. On balance, the deviation will equally or better meet the purpose of the underlying standard, and the applicable criterion is met, and no impacts are anticipated from the planned deviation. The applicable criteria are met.

V. CONFORMANCE WITH STATEWIDE PLANNING GOALS

Goal 1, Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The City’s acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC 4.1.215. The applicant held a neighborhood public meeting on October 17, 2023. Notice was provided to property owners located within 500 feet of the subject properties, as well all of the City’s neighborhood associations, in compliance with BDC 4.1.215. The required City forms for Verification of Compliance and Verification of Neighborhood Meeting, as well as documentation of the mailing of notices were included in the submittal. Mailed public notice was provided by the City on April 18, 2024, pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. The applicant also posted “Proposed Development” signs on April 30, 2024 at multiple locations along the frontages of each master plan area, in compliance with BDC 4.1.425. The requirements of this goal have been met.

Conformance with Goal 1 is further achieved through compliance with Title 4 of the Bend Development Code, Applications and Review Procedures. Section 4.6.300 of the Development Code establishes that quasi-judicial amendments must 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 proposed text amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan policies specific to the subject properties. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed text amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions.

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

Goal 3, Agricultural Lands

To preserve and maintain agricultural lands.

Goal 4, Forest Lands

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

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

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

To protect natural resources and conserve scenic and historic areas and open spaces.

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

available information from State and Federal sources to make this determination. The subsequent approved land divisions in the subject properties confirmed this determination. For the above reasons, the requirements of Goal 5 are met.

Goal 6, Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

FINDING: Air and water quality are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. Maintaining or improving the quality of the community’s air, water and land resources will be assured through enforcement of state and local regulations. Noise levels will not exceed DEQ noise regulations.

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

- *“The proposal does not include new areas along the Deschutes River or Tumalo Creek; the proposed efficiency measures and areas for expansion direct growth away from these areas.*
- *The proposal will maintain and improve the quality of air resources because it has been designed to reduce the growth of vehicle miles traveled (VMT), which will help in limiting or avoiding new greenhouse gas emissions from auto and truck traffic.*
- *The planned housing mix makes a shift from single-family detached, to more attached housing types, which studies have shown typically consume less energy than single-family dwellings.”*

The adopted Comprehensive Plan policies ensure compliance with Goal 6. Both the Petrosa and Easton Master Plans allow residential uses and densities consistent with the City’s Comprehensive Plan. The text amendments do not change the density or types of residential uses allowed in each master plan. Therefore, net impact to air, water, and land resources will be negligible. Furthermore, the BDC has established standards, requirements, and procedures for reviewing applications involving natural resources, including the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI). The subject properties are not located within the WOZ and do not contain ASI. Future land use applications for projects within the Master Plan will continue to be reviewed in accordance with these standards and requirements. Therefore, compliance with Goal 6 is achieved.

Goal 7, Areas Subject to Natural Hazards

To protect people and property from natural hazards.

FINDING: No 100-year floodplains or mapped landslide areas are located within the two master plan areas. Therefore, Goal 7 is satisfied.

Goal 8, Recreational Needs

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

FINDING: The City adopted the Bend Comprehensive Plan and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the Bend Comprehensive Plan establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District (BPRD), via Policy 2-2.

The two master plans include designated open space areas that were subsequently approved as open space tracts in the tentative plan approvals. The Fieldstone Park in Petrosa and the Petrosa Clubhouse are complete as is the Easton Clubhouse. The future Easton park was identified as an open space tract in the approved Easton subdivision. BPRD have been working collaboratively with the applicant towards an agreement on the final design, program, and financing of the planned neighborhood park within the Easton Master Plan. Individual open space tracts will be improved in conjunction with abutting residential or commercial construction.

The proposed text amendments do not change the density or types of residential uses allowed in each master plan, and the text amendments do not change the amount of open space in each master plan. Therefore, compliance with Goal 8 is achieved.

Goal 9, Economic Development

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

FINDING: The subject properties have been identified in the City's Comprehensive Plan as appropriate for housing and commercial uses, and the adopted master plans identify specific areas for each use consistent with the applicable Comprehensive Plan policies. The codified special planned districts outline unique standards for each zone. The proposed text amendments do not alter the master plan standards for commercial development in either master plan. As such, Goal 9 is satisfied.

Goal 10, Housing

To provide for the housing needs of the citizens of the state.

FINDING: Both the Petrosa and Easton Master Plans allow residential uses and densities consistent with the City's Comprehensive Plan. The text amendments do not change the density or types of residential uses allowed in each master plan. Rather, the text amendments allow flag lots with a narrower "pole" and shared driveway to accommodate "Village-style" middle housing (see figure above on page 8). These amendments streamline the process to realize a lot configuration and related housing type that could ordinarily be permitted through a Middle Housing Land Division under BDC 4.3.700, while also ensuring that each lot maintains minimum frontage on a public street and utility service lines can be

provided without crossing multiple lot lines. The amendment provides additional flexibility to design and build needed housing. Therefore Goal 10 is satisfied.

Goal 11, Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The proposed text amendments do not change the density or types of residential uses allowed in each master plan. Infrastructure necessary to serve the variety of uses within both master plans was identified through coordination with City staff and utility service providers during the master plan and subdivision review process. Further discussion with City staff regarding utility provision to the “village-style” housing product resulted in the proposed text amendments. Compliance with Goal 11 is achieved.

Goal 12, Transportation

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

FINDING: The Transportation Planning Rule (TPR) (OAR 660-012-0000) implements Goal 12 and states the purpose is “to provide and encourage a safe, convenient and economic transportation system.” The TPR also supports mobility and accessibility, the availability of multimodal choices, efficient flow of freight, protection of existing and planned transportation facilities, and coordination among service providers.

The Transportation Elements of both the Petrosa and Easton Master Plans included a Transportation Facilities Report (TFR), Transportation Impact Analysis, TPR analysis, proposed mitigation, and a summary of recommended cost allocation for the entire UGB expansion area. Transportation mitigation satisfying the decision criteria, including the TPR, was adopted in BDC Article XXI and Article XXIII, for each respective master plan, which ensures adequate capacity and mitigates against any “significant effects” on the transportation system. The proposed text amendments do not change the capacity of the transportation system or increase impacts to the transportation system by increasing density or expanding permitted uses. The supplemental memorandum prepared by Transight Consulting, included as Exhibit C of the application, confirms that required transportation improvements will continue to be provided at the time impacts are anticipated to occur, tied to subphases of original subdivision phases.. Therefore, Goal 12 is satisfied.

Goal 13, Energy Conservation

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

FINDING: Goal 13 generally imposes obligations on local governments to develop plans and implementing measures that conserve energy. In 2016, Council found that the 2016 UGB expansion satisfied Goal 13 because it was designed to conserve energy by directing more growth in housing and employment to opportunity areas inside the existing UGB,

considering energy in the evaluation and arrangement of land uses in the UGB expansion areas, and ensuring that the areas added to the UGB, including the two master plan areas, are well connected to the transportation system. The proposed text amendments do not change the density or types of residential uses allowed in each master plan. Furthermore, the planned multimodal improvements that support transit and encourage a pedestrian-friendly environment remain unchanged. A robust multimodal network makes the overall transportation network more efficient and enhances the community. Therefore, Goal 13 is satisfied.

Goal 14, Urbanization

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

FINDING: During the City’s 2016 UGB expansion process, the City demonstrated a need to amend the UGB to accommodate future urban population and job growth within the Bend UGB, through several analyses, including the Urbanization Report and the UGB Scenario Evaluation Report. The City inventoried its buildable lands for both housing and employment and forecasted future needs for housing and employment based on the 20-year population forecast, determining that a UGB expansion was necessary. This UGB expansion, which includes the two master plan areas, was adopted in 2016. The proposed text amendments do not change the location, density, or types of residential uses allowed in each master plan. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

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

VI. CONFORMANCE WITH BEND COMPREHENSIVE PLAN POLICIES

Chapter 11, Growth Management

General Growth Management Policies

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

FINDING: The amendments to the Petrosa Transportation Mitigation Plan do not change the types of pedestrian, biking, and transit scale amenities within Petrosa. The policy is met.

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 text amendments do not change the density or types of allowable uses in each master plan, and the development intensity is consistent with the applicable underlying zones. The amendments to modify the transportation triggers do not change the transportation network, schools, commercial services, etc. within Petrosa. The policy is met.

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

FINDING: The text amendments to the Petrosa Transportation Mitigation Plan do not change the connections to, and are consistent with, the roadways shown in the approved Petrosa Master Plan. The policy is met.

Master Planning Policies

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.*

FINDING: The text amendments do not change the density or types of allowable uses in each master plan, and the development intensity is consistent with the applicable underlying zones. The text amendments include streamlining the process to realize a lot configuration and additional housing type that could ordinarily be permitted through a Middle Housing Land Division under BDC 4.3.700, while also ensuring that each lot maintains minimum frontage on a public street and utility service lines can be provided without crossing multiple lot lines. The policy is met.

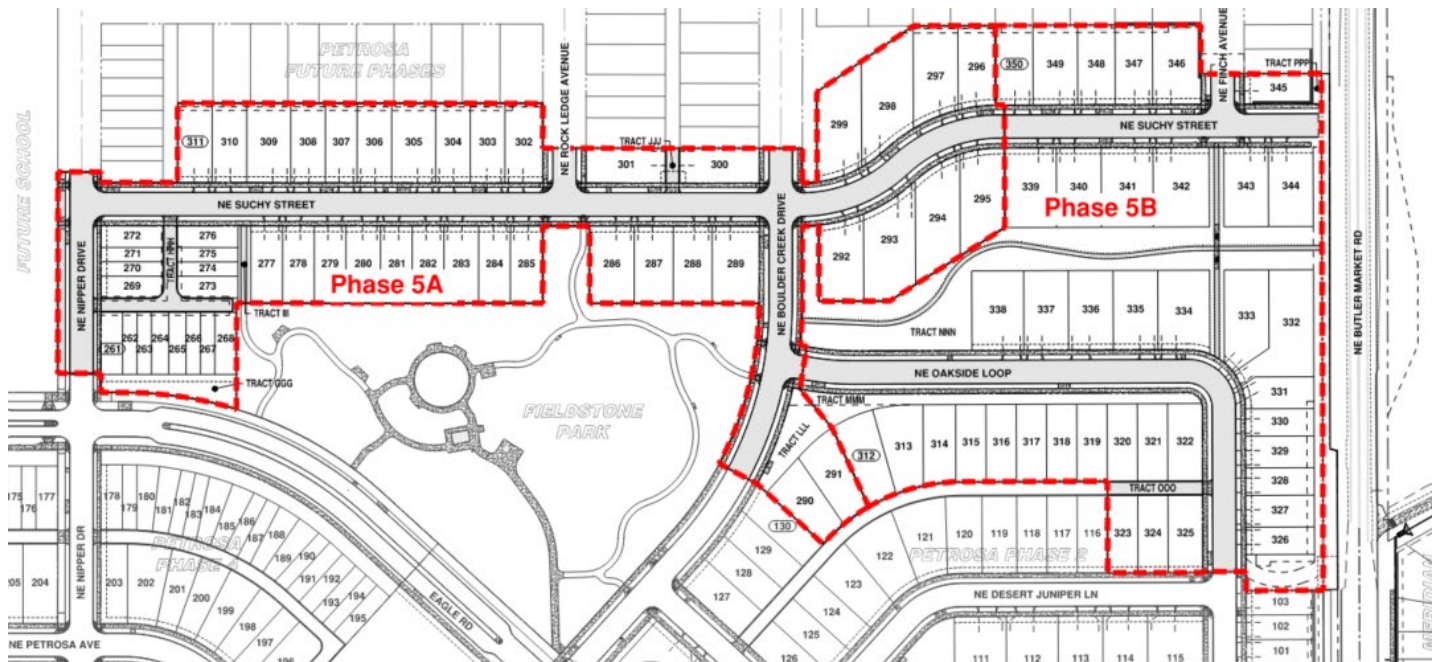
Specific Expansion Area Policies

Northeast – Butler Market Village

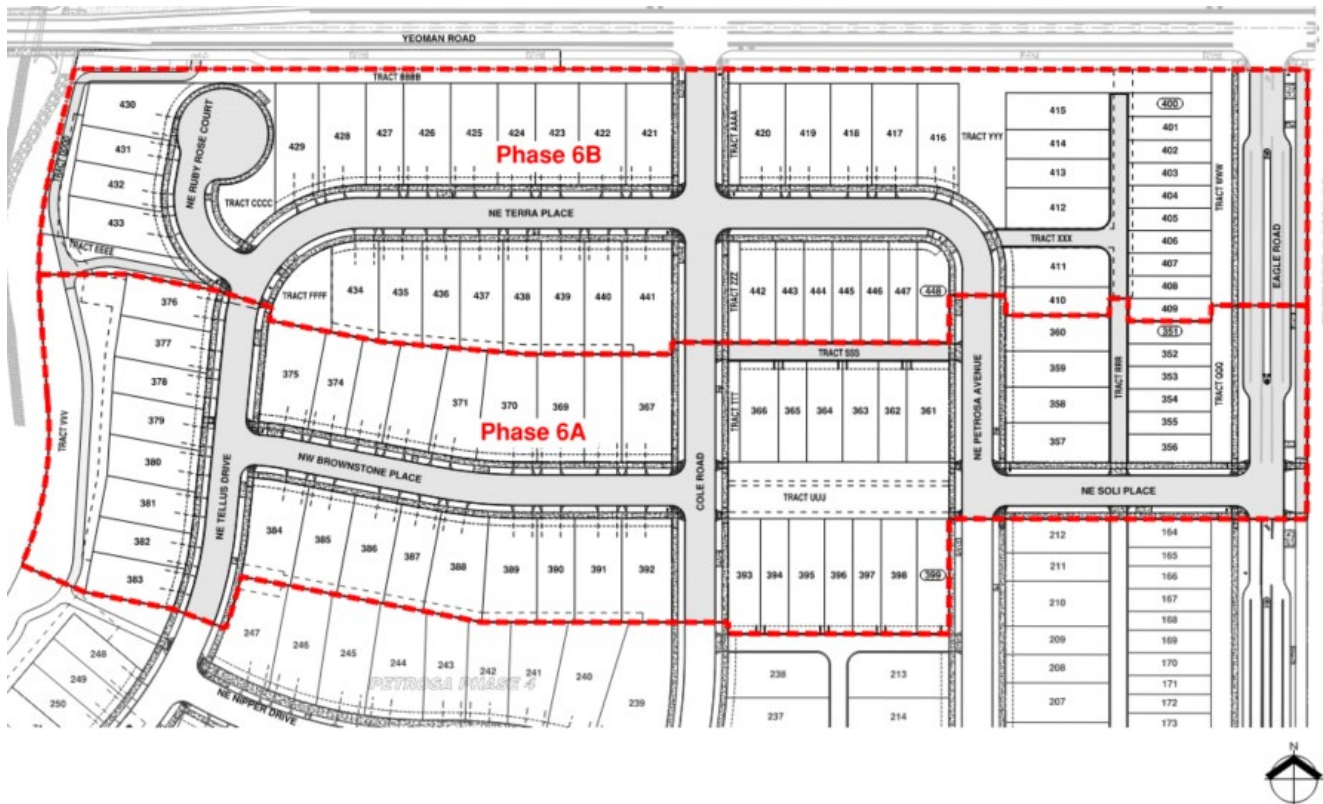
11-78 *The street, path and bikeway network shall provide connectivity throughout this area, connect to existing abutting local roads, and provide opportunities for connections to adjacent undeveloped land both inside and outside the UGB. The transportation network shall be consistent with the Bend Transportation System Plan.*

FINDING: The amendments to the Petrosa Transportation Mitigation Plan in BDC Table 2.7.3980 clarify the triggers required for transportation improvements along the Yeoman Road corridor. The transportation improvements necessary to mitigate the impacts of Petrosa were identified with the original approval (Ord No 2363) and they have been constructed when triggered, per the mitigation plan, with development of each phase.

These amendments are necessary to account for modifications to planned phasing within Petrosa that occurred, as allowed, after the initial approval of the master plan. First, the City approved an increase to the size of Phase 4, which resulted in 30 lots originally located within Phase 6 being pulled forward into Phase 4. Consequently, this pushed the 335th residential unit into Phase 5 instead of Phase 6. Based on current market conditions, Phases 5 and 6 are each being split into two subphases (5A, 5B, 6A, and 6B, see Exhibit F of the application and graphics below).



Phase 5 split into Phases 5A and 5B



Phase 6 split into Phases 6A and 6B

The Petrosia Transportation Memo (Exhibit C of the application) explains that the 335th residential unit is not, by itself, an adequate trigger for the Yeoman corridor improvements. Rather, the 335th residential unit only becomes a trigger if Eagle Road is connected to Yeoman Road and Yeoman Road is extended to Deschutes Market Road, both of which occur with Phase 6B. Consequently, the amendment to BDC Table 2.7.3980 more specifically describes and does not alter the applicant’s obligation to construct these improvements at the time they are needed. The plan policy is met.

VII. RECOMMENDATION: Based on the plans and supporting documents submitted by the applicant, and the findings of fact in this report which are based on the applicant’s narrative addressing the relevant criteria for approval, the Planning Commission recommends the Bend City Council adopt an ordinance to amend the Bend Development code as presented in Exhibit A. The Planning Commission encourages the City Council to require a financial security for the Yeoman Road street and Yeoman/Deschutes Market intersection improvements in Petrosia Phase 6A.