

ORDINANCE NO. NS - 2415

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

Findings:

- A. On May 7, 2021, Pahlisch Homes, Inc. submitted a Type III Quasi-judicial application for a Development Code amendment to modify the Easton Major Community Master Plan, increasing the master plan area by 48 acres.
- B. On June 28, 2021, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend Article XXIII of Chapter 2.7 of the Development Code to modify the Easton Master Planned Development.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On June 30, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend Neighborhood Association representatives. On July 2, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at four locations, visible from abutting rights of way.
- D. The Bend City Council held a public hearing on July 21, 2021, to consider the Planning Commission recommendation.
- E. The Development Code amendment to modify the Easton Major Community Master Plan approved by this Ordinance meets all applicable Development Code criteria, policies of the Bend Comprehensive Plan, and Oregon Statewide Planning Goals.

THE CITY OF BEND ORDAINS AS FOLLOWS:

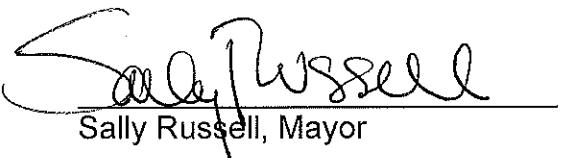
Section 1. The Bend Development Code is amended to modify the Easton Master Planned Development as contained in Exhibit A.

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

First Reading: July 21, 2021

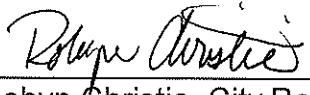
Second reading and adoption by roll call vote: August 4, 2021

YES: Mayor Sally Russell NO: none ABSTAIN: Schenkelberg
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins



Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

EASTON CODE AMENDMENTS

Bend Comprehensive Plan

Chapter 11, Growth Management

The Elbow a.k.a. Southeast Expansion Area

11-95 This area provides for a mix of residential, commercial and industrial uses, including ~~158.5 gross acres of residential plan designations, 38.5 gross acres of commercial plan designations, 38 gross acres of industrial designations, 142 gross acres of mixed employment plan designations, and 66 gross acres of public facilities (excluding existing right of way).~~

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11-104 The City will ensure that a total of ~~28.5 acres of land designated for Commercial land uses on the Comprehensive Plan map with the 2016 UGB expansion that were subsequently changed to non-employment designations through adoption of the Southeast Area Plan will be replaced to ensure an adequate supply of commercially designated land for commercial uses. The City will complete an inventory of existing Commercial lands and evaluation of need for new Commercial lands within seven years of the City Council's adoption of the Southeast Area Plan. The City may replace these of commercial lands through a rezoning of land within the UGB, an amendment to the UGB that adds land for commercial land uses, or some combination of the two.~~

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Bend Development Code

Article XXIII. Easton Master Planned Development

2.7.4100 Easton Master Planned Development.

2.7.4110 Purpose.

The purpose of the Easton Master Planned Development is to create a new complete community that establishes the western gateway for the Southeast Expansion Area, complements the Southeast Area Plan, and sets the stage for future urban growth in the surrounding area. The development standards will:

Deleted: residential neighborhood that sets the stage for a complete community extending south along the eastern side of SE 15th Street to Knott Road.

A. Create a complete community, with housing in close proximity to schools, recreation, and commercial services that are scaled to serve the frequent needs of residents.

Deleted: Provide a mix of housing types

B. Ensure capacity for a minimum of 720 housing units, including a minimum of 244 units of mixed housing consisting of townhomes, duplexes, triplexes, quadplexes, and/or multifamily units, for owners and renters of multiple lifestyles and income levels – including workforce housing – all in a coordinated neighborhood.

C. Provide for missing middle housing types within a Middle Housing Overlay (MHO) in areas close to shopping, services, and broader commercial uses, and to serve as a transitional use area between other Residential Districts and other less restrictive areas.

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D. Establish design standards for streets and blocks in order to create safe, functional, and attractive streetscapes.

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E. Create safe, attractive, and efficient pedestrian routes and other multi-modal transportation options.

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F. Preserve open space for a neighborhood-scale park, trail system, multiple pocket parks, and other community amenities.

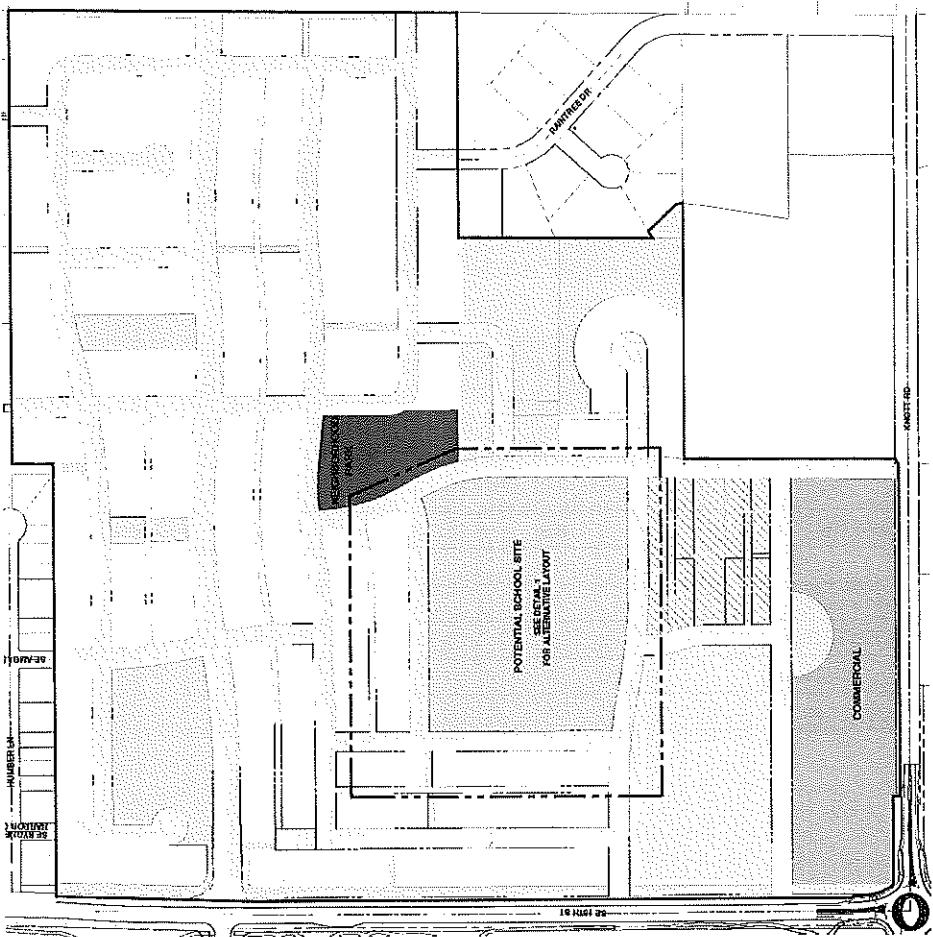
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2.7.4120 Applicability.

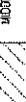
The Easton Master Planned Development standards apply to the property identified in Figure 2.7.4120. The special standards of the Master Plan supersede the standards of the underlying zone and other applicable standards of the Bend Development Code, including the Southeast Area Plan. Where there is a conflict between the provisions of the Easton 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.

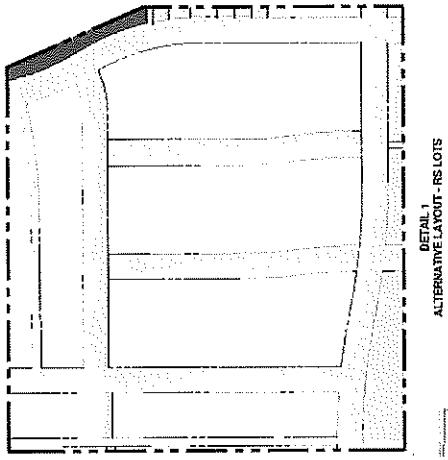
EASTON CODE AMENDMENTS

Figure 2.7.4120 – Easton Master Plan [Updated Plan]



AMENDED MASTER PLAN AREA SUMMARY

AMENDED MASTER PLAN AREA SUMMARY			
LEGEND	LAND USE	AREA (ACRES)	
	MASTER PLAN BOUNDARY	4.123.4	
	RESIDENTIAL STANDARD DENSITY (RS)	4.97.5	
	RESIDENTIAL MEDIUM DENSITY (RM)	±17.6	
	MIDDLE HOUSING DENSITY (MHD)	±1.6	
	COMMERCIAL, GENERAL (CG)	±10.0	
	POTENTIAL SCHOOL SITE	±0.8	
	NEIGHBORHOOD PARK	1.2.1	
	OPEN SPACE (TOTAL)	±11.1 (17%)	



EASTON CODE AMENDMENTS

2.7.4130 Definitions.

A. Quadplex means a type of housing with four dwelling units on one lot or parcel.

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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 except the primary front lot line.

2.7.4140 Review Procedures.

The following review procedures are applicable to single-family dwellings, duplexes, triplexes, and quadplexes within the Easton Master Planned Development:

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A. Single-family dwellings, duplexes, triplexes, and quadplexes are subject to BDC 4.2.400, Minimum Development Standards Review, BDC 3.6.200(H), Duplex and Triplex Development, BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply.

Deleted: fourplex

1. Exemptions.

a. The following uses are exempt from BDC 4.2.400, Minimum Development Standards Review, with existing full utility and full street frontage infrastructure:

i. Single-family detached housing.

ii. Attached single-family townhomes with vehicular access from an alley.

iii. Duplexes, triplexes, and quadplexes with vehicular access from an alley.

Deleted: fourplex

b. Single-family dwellings, duplexes, triplexes, and quadplexes that meet the standards of BDC 4.2.400(A)(3) are exempt from BDC 4.2.400, Minimum Development Standards Review.

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B. All other uses are subject to BDC 4.2.500, Site Plan Review, BDC 2.1.900, Architectural Design Standards, BDC 2.2.600, Commercial Design Review, and BDC 4.2.600, Design Review, do not apply.

2.7.4150 Residential Zoning Districts.

A. Permitted Uses. The land uses listed in Table 2.7.4150 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.3950, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 2.7.3950 may be permitted.

Table 2.7.4150 – Permitted and Conditional Uses

Land Use	RS	RM	MHO
Residential			
Single-Family Detached Housing	P	P	N
*Accessory Dwelling Units (ADUs)	P	P	P
*Attached Single-Family Townhomes	P	P	P
Duplexes, Triplexes, <u>Quadplexes</u>	P	P	P

Deleted: Fourplex

EASTON CODE AMENDMENTS

Land Use	RS	RM	MHO
**Cottage Developments	P	P	P
Residential Care Home (5 or fewer residents)	P	P	P
Adult Day Care	P	P	P
Family Childcare Home (16 or fewer children)	P	P	P
Multifamily Residential (5 or more units)	N	P	P
*Home Business (Class A/Class B)	P	P	P
*Accessory Uses and Structures	P	P	P
*Public and Institutional			
Parks	P	P	N
Recreational Facilities	P	P	N
***Schools	P	N	N
Miscellaneous Uses			
*Short-Term Rental	P	P	P

* Subject to special standards as described in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

** Subject to BDC 4.5.500.

*** Schools are permitted in the RS District, subject to the provisions of BDC 2.6.300, Public Facilities Zoning District (PF).

B. Setbacks.

	Primary Front	Secondary Front	Rear	Side
RS	10 ft.*	8 ft.*	5 ft.**/***	4 ft., except 8 ft. when side abuts an alley***
RM				
MHO	10 ft.*	8 ft.*	5 ft.	4 ft., except 8 ft. when side abuts an alley

* Garages and/or carports must maintain a minimum front setback of 20 feet.

** Garages and/or carports that access an alley must have a driveway with a minimum length of 18 feet.

*** When multifamily buildings containing five or more units or nonresidential uses abut a detached single-family dwelling on land designated RS, any side or rear setback abutting the RS land 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.

1. Setback Exceptions.

- BDC 2.1.300(H), Residential Compatibility Standards, does not apply.
- Attached Single-Family (Townhomes). Interior side setbacks are zero feet.
- Architectural Features. The following architectural features are allowed to encroach into the front, side and rear setbacks by no more than two feet provided a minimum setback of three

EASTON CODE AMENDMENTS

feet is provided from the property line: eaves, chimneys including fireplace enclosures and chimney chases, bay windows up to eight feet in width, window wells, and similar architectural features.

d. Front Setback Encroachments. The following may encroach into the front setback:

i. An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be set back a minimum of six feet from the front property line, as long as it does not encroach into any easement. No portion of the structure may encroach closer than six feet to the front property line including the architectural features in subsection (B)(1)(c) of this section.

ii. As shown in Figure 2.1.300, side entry garages that access a street must have a driveway with a minimum length of 20 feet from the front and side property lines.

iii. Stairs, ramps and landings that are not roofed or enclosed above or below the steps may be in the front setback when they follow the grade.

e. Side and Rear Setback Encroachments. The following may encroach into side and rear setbacks:

i. An uncovered porch, patio, deck or stoop located above finished grade with a maximum floor height not exceeding 18 inches must be set back a minimum of 18 inches from the side and rear property lines, as long as it does not encroach into an easement.

ii. Uncovered patios at finished grade are exempt from setbacks as long as it does not encroach into an easement.

C. Floor area ratio does not apply to any uses.

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-Family Detached Housing	RS	Minimum area: 2,700 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 75 ft.
	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
Duplexes, Triples, and Quads	RS	Minimum areas – Duplex: 2,700 sq. ft.	Duplex: Minimum width: 30 ft. at front property line
		Triple: 5,500 sq. ft. Quadplex: 7,100 sq. ft.	Minimum lot depth: 50 ft. Triple and Quadplex: Minimum width: 40 ft. at front property line

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Residential Use	Zone	Lot Area	Lot Width/Depth
			Minimum lot depth: 50 ft.
	<u>RM</u>	<u>None</u>	Minimum width: 30 ft. at the front property line
	<u>MHO</u>	<u>None</u>	Minimum lot depth: 50 ft.
Single-Family Attached Housing (Townhomes)	<u>RS</u>	Average minimum lot or parcel area: 1,500 sq. ft. for each unit	Minimum width: 20 ft. at front property line
	<u>RM</u>		Minimum lot depth: 50 ft.
	<u>MHO</u>	Minimum area: 1,200 sq. ft. for each unit	
Multifamily Housing (5+ Units)	<u>RS</u>	<u>Not applicable</u>	<u>Not applicable</u>
	<u>RM</u>	<u>None</u>	Minimum width: 30 ft. at front property line
	<u>MHO</u>		Minimum lot depth: 50 ft.

Exceptions:

1. Bulb of a cul-de-sac or knuckle corner minimum width: 30 feet at the front property line, except for townhomes.
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 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.
4. Other exceptions permitted in the underlying Residential District are also permitted.

Deleted: for interior townhome lots and 24 ft. at front property line for exterior townhome lots
Deleted: Minimum area: 1,600 sq. ft. for each unit

E. Residential Density and Housing Mix. Based on the planned zoning, the Easton Master Plan must ensure capacity for at least 720 housing units, including at least 244 units of townhomes, duplexes, triplexes, quadplexes and/or multifamily.

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

Residential Lot Coverage

Residential Zone	Lot Coverage
Standard Density Residential (RS)	50% for lots with 2+ story dwelling units
Medium Density Residential (RM)	55% for lots with single-story dwelling units and single-story accessory structures
Middle Housing Overlay (MHO)	60% for lots with attached single-family townhomes, duplexes, triplexes, quadplexes, and multifamily

Deleted: Density standards may be averaged over more than one development phase within the Easton Master Plan, but gross density must be 5.11 to 7.3 units/acre. Duplexes, triplexes, and fourplexes are exempt from the maximum density standards, except when lots are created as part of a new subdivision application.

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G. Building Height.

1. Buildings within the RS District may be no more than 30 feet in height.
2. Buildings within the RM District or MHO may be no more than 45 feet in height.

Deleted: height maximum: 30 feet.

H. Architectural Design Standards. Buildings are not subject to the design standards of the underlying zoning district or the standards in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses, except where explicitly referenced.

I. Additional Standards for Townhomes, Duplexes, Triplexes, and Quadplexes. Townhomes, duplex, triplex, and quadplex developments not accessed by an alley must comply with the following standards:

1. Townhomes located on lots that meet the minimum width requirement for detached single-family homes are not subject to BDC 3.6.200(D), but must comply with the following standards:

- a. Driveway approaches must be separated by a minimum of seven feet.
 - b. Driveway approaches must not exceed 20 feet in width.

2. Driveway approaches for duplexes, triplexes, and quadplexes must comply with the following standards:

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- a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (I)(2)(c) of this section.

- b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.

- c. In addition, lots or parcels with more than one frontage must comply with the following:

- i. Lots or parcels must access the street with the lowest classification.

- ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. When lots or parcels only have frontages on collector streets or only on arterial streets, the City Engineer will determine which frontage may have one driveway approach based on the following:

- (A) Distance from the nearest intersection;

- (B) Clear vision areas;

- (C) Topography;

- (D) Utility conflicts; and

- (E) Pedestrian and bike conflicts in the vicinity.

- iii. Lots or parcels with frontages only on local streets must comply with the following:

- (A) Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16-foot-wide driveway approach per frontage.

- (B) Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width

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on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

(C) Quadruplexes may have four driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16-foot-wide driveway approach on one other frontage.

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3. Clear vision standards do not apply between driveway approaches on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.

4. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3).

J. On-Site Surface Water Drainage.

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

a. Roof drainage originating from residential properties may be conveyed to a public street and/or public storm drain collection and disposal system by subsurface piping, or curb weepholes, as approved by the City Engineer during permit review.

b. Roof and surface drainage originating from residential properties may be conveyed to a private storm drain collection and disposal system located in a private tract or easement. The City may allow for private drainage systems in the public right-of-way if deemed appropriate by the City and maintenance agreements are executed between the homeowners' association and the City.

c. Roof drainage originating from residential properties may be commingled with drainage originating from public streets, 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.

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

2.7.4160 Commercial General.

A. Where no special standards are provided, the applicable standards of the CG Zone apply.

EASTON CODE AMENDMENTS

B. Permitted Uses. The land uses listed in Table 2.7.4160 are permitted in the Commercial General District, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.4160, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 2.7.4160 may be permitted.

Table 2.7.4160 – Permitted and Conditional Uses

<u>Land Use</u>	<u>CG</u>
*Residential Use as Part of a Mixed-Use Development	P
Live/Work Townhomes	P
Retail Sales and Service	P
Restaurants/Food and Beverage Services	P
Offices and Clinics	P
Production Office	P
Convention Center/Meeting Rooms	P
Lodging (e.g., hotels, motels, *bed and breakfast inns, *short-term rentals, hostels)	P
Hospitals	P
Commercial and Public Parking	P
Commercial Storage	P
Entertainment and Recreation	P
Day Care	P
Redemption Center	P
Wholesale Sales (more than 75% of sales are wholesale)	P
Veterinary Clinic	P
*Mixed-Use Commercial (residential with commercial/civic/industrial) Mixed-use developments must be subject to the use limitations prescribed for the respective individual uses	P
Government (point of service, branch service)	P
Parks and Open Space	P
Schools	P
Institution of Higher Education	P
*Clubs and Places of Worship	P
*Utilities (above ground)	P
*Manufacturing and Production less than 5,000 sq. ft. with retail outlet	P
Wireless and Broadcast Communication Facilities	See BDC Ch. 3.7

* Subject to special standards as described in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

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2.7.4170 Special Street Standards.

A. Figure 2.7.4170 depicts the street type, tentative street location and alignment in the Easton Master Planned Development and the standards to correspond to each street type. The precise street alignment will be established through the approval of tentative subdivision plans. The Easton Master Planned Development Street Type Plan and the Easton Master Planned Development Street Standards, Figure 2.7.4170, will be applied to the Easton Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process.

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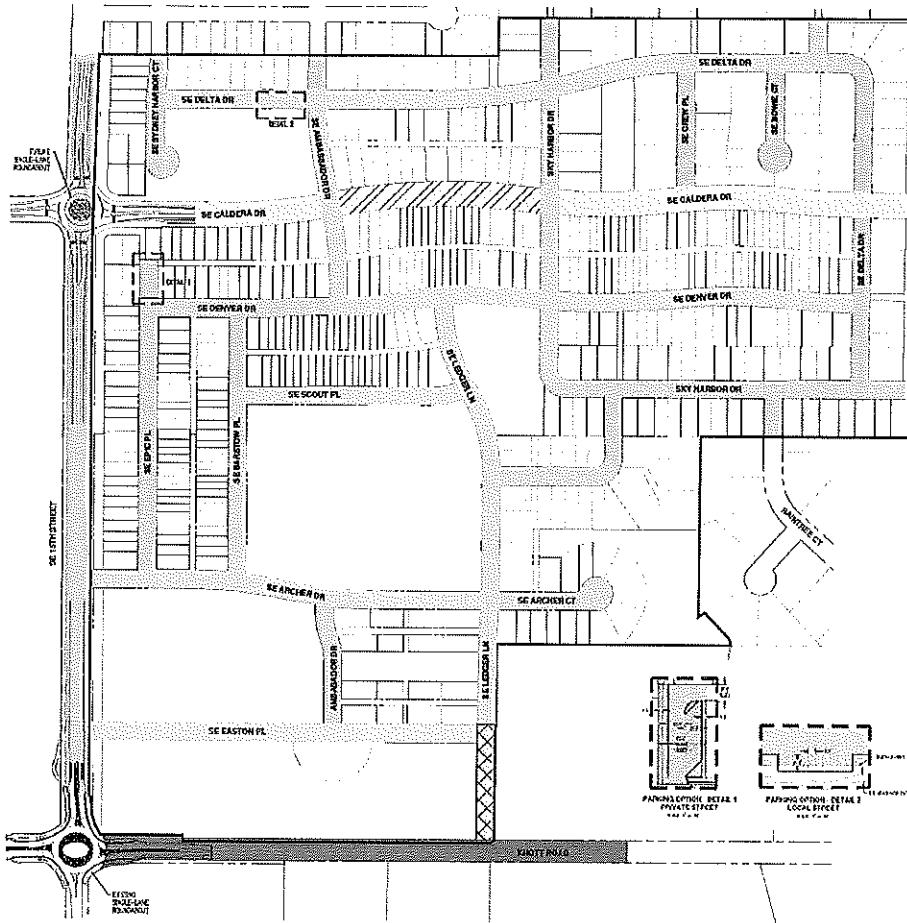
B. Any City street standard adopted after the effective date of the ordinance codified in this chapter, which permits a lesser street standard, may be applied to the Easton Master Planned Development during the subdivision review process.

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Figure 2.7.4170 – Easton Street Type Plan and Standards [Updated Plan]

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EASTON CODE AMENDMENTS

STREET LEGEND AND SPECIFICATIONS								*PARKING OPTIONAL	
STREET TYPE		RIGHT-OF-WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANER WIDTH	MULTI-USE PATH WIDTH	SIDEWALK WIDTH
	SE 15TH STREET	100 FT	46 FT	11 FT	6 FT	0 FT	VARIABLES	10 FT	0 FT
	CALDERA DRIVE (W/OPTIONAL PARKING)	80 FT	54 FT	11.5 FT	6FT + 2FT BUFFER	7.5 FT (BOTH SIDES)*	VARIABLES	10 FT	6 FT
	CALDERA DRIVE	80 FT	46 FT	11 FT	6FT + 2FT BUFFER	8 FT (1 SIDE)	VARIABLES	10 FT	6 FT
	LOCAL STREET W/MULTI-USE PATH	60 FT	32 FT	16 FT	0 FT	BOTH SIDES	VARIABLES (4FT OR 8FT)	9 FT	5 FT
	LOCAL STREET	60 FT	32 FT	16 FT	0 FT	BOTH SIDES	8 FT	0 FT	5 FT
	COMMERCIAL W/MULTI-USE PATH	60 FT	36 FT	18 FT	0 FT	BOTH SIDES	VARIABLES	9 FT	5 FT
	COMMERCIAL STREET	60 FT MIN.	VARIABLES (11FT-13FT)	0 FT	VARIABLES (8FT-17FT)	VARIABLES	0 FT	VARIABLES (5+ FT TYP.)	
	KNOTT ROAD	100 FT	52 FT	11 FT	6FT + 2.5FT BUFFER	0 FT	VARIABLES	12 FT	6 FT
	ALLEY	20 FT	19 FT	17 FT	0 FT	0 FT	0 FT	0 FT	0 FT

NOTE: WHERE ABUTTING 181215CD01600 IMPROVEMENTS TO BE CONDUCTED TO THE OPPOSITE CURB

2.7.4180 Transportation Mitigation Plan.

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A. Applicability. The following Transportation Mitigation Plan applies to all development within the Easton Master Planned District. The Transportation Mitigation Plan is adopted and implemented pursuant to BDC 4.7.600(D)(1).

B. Alternate Transportation Design Standards. Transportation facilities within the Easton Master Planned District must comply with the standards set forth in BDC 2.7.4170 and Figure 2.7.4170.

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C. Transportation Mitigation. The following transportation mitigation measures must be constructed pursuant to the deadlines set forth in Table 2.7.4180 below.

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EASTON CODE AMENDMENTS

Table 2.7.4180

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EASTON CODE AMENDMENTS

2.7.4190 Future Capacity Reservation.

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A. The Easton Master Plan reserves infrastructure capacity (sewer, water, and transportation) through and including November 6, 2035, for all site plan review and subdivision applications filed pursuant to the phasing plan through November 6, 2035. Site plan review and subdivision applications submitted after November 6, 2035, will be subject to new utility and transportation analyses.

PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL

PROJECT NUMBER: PLMOD20210482

HEARING DATE: July 21, 2021

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

OWNERS: JL Ward Company and Josele Ward
210 SW Wilson Avenue, Suite 100
Bend, OR 97702

Pahlisch Homes at Easton Limited Partnership
210 SW Wilson Ave #100
Bend, OR 97702

LOCATIONS: 60802 15th St; Tax Lot 1812150001500
60901 Raintree Drive; Tax Lot 181215CD01400
No situs address; Tax Lot 181215CD01401
No situs address (east side of SE 15th Street, south of Humber Lane); Tax
Lots 181215CB02400 and 1812150001400.

REQUEST: Type III Quasi-judicial amendment to Bend Development Code Chapter
2.7, Special Planned Districts, to amend the adopted Easton Master
Planned Development to include three contiguous tax lots to the south for
an additional 48 acres of residential and commercial land

STAFF
REVIEWERS: Karen Swenson, AICP, Senior Planner
(541) 388-5567; kswenson@bendoregon.gov
Chris Henningsen, Principal Engineer
(541) 693-2134, roster@bendoregon.gov

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Bend Development Code

Criteria

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

Standards

Chapter 2.1, Residential Districts
Chapter 2.2, Commercial Districts (CG)
Chapter 2.7, Special Planned Districts (Easton)
Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
Chapter 3.4, Public Improvement Standards
Chapter 4.7, Transportation Analysis



COMMUNITY
DEVELOPMENT

Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan

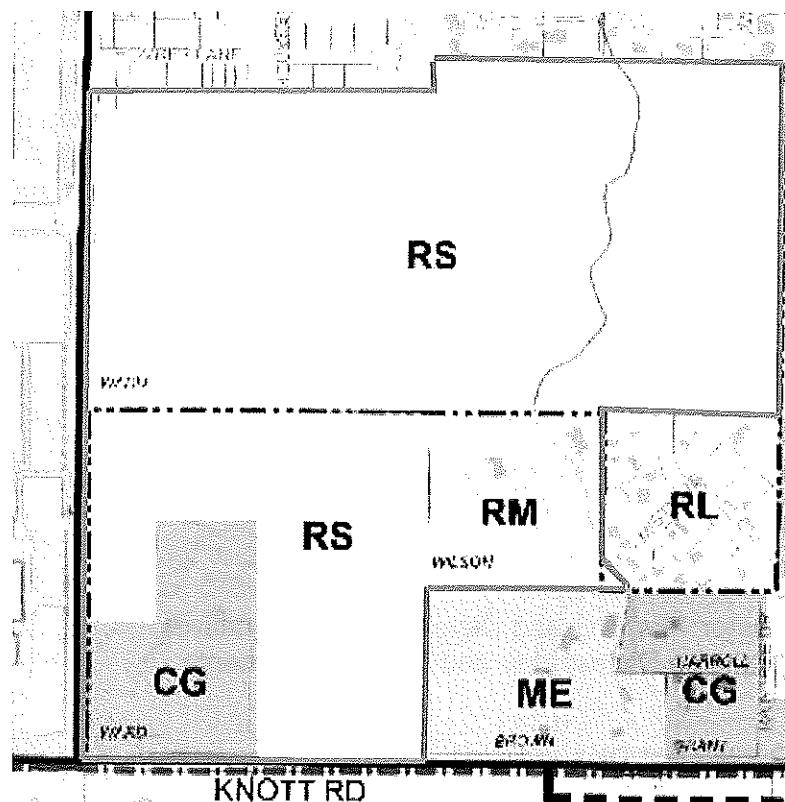
Chapter 11, Growth Management

Oregon Administrative Rules

Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

- LOCATION:** The Easton Master Plan Modification adds 48 acres of residential and commercial land to the approved 75.4-acre approved master plan in order to create a 123.4-acre complete community abutting SE 15th Street on the west, Knott Road to the south, Raintree subdivision and large residential lots or undeveloped land to the east, and the Bridges at Shadow Glen and Silver Ridge P.U.D. to the north.
- ZONE AND PLAN DESIGNATION:** The approved Easton Master Plan is zoned Residential Standard Density (RS) and also designated RS on the Bend Comprehensive Plan Map. The properties within the proposed Easton Master Plan modification to the south are currently zoned Urbanizable Area (UA) but designated RS, Medium Density Residential (RM) and General Commercial (CG) on the Bend Comprehensive Plan Map.



Existing Comprehensive Plan Designations (at date of application submittal)

The Bridges at Shadow Glen subdivision to the north is zoned and designated RS. The Silver Ridge P.U.D. to the north and Raintree subdivision to the southeast are zoned and designated Low Density Residential (RL). The properties to the east and south are currently zoned Urbanizable Area (UA) but are currently designated RS in the Bend Comprehensive Plan. The property to the west across SE 15th Street is zoned and designated primarily RS with a small portion of Convenience Commercial (CC), but is being developed with a new high school to the southwest and will be developed with a middle school to the northwest in the future.

3. SITE DESCRIPTION & SURROUNDING USES: As currently approved, the Easton Master Plan (shown with hatching east of 15th Street) encompasses 75.4 acres and is bounded by SE 15th Street (Minor Arterial) to the west, existing single-family homes to the north, and Bend City limits to the east and south. The phased subdivision for the northern portion of the Easton Master Plan boundary was recently approved (PLLD20200979). The properties planned to be added to the Easton Master Plan are located directly south of the current master plan and include three tax lots totaling 48 acres, which will increase the total Easton Master Plan area to 123.4 acres.

Two of the three tax lots (totaling 47.84 acres) are located outside City limits but within the Urban Growth Boundary (UGB) and the "Elbow" or Southeast Expansion Area. The third tax lot (0.16 acres) is located within City limits in the Raintree subdivision and is zoned Residential Low Density (RL). Property outside City limits to the east contains large-lot rural property designated Residential Standard Density (RS) and Commercial General (CG) and are included in the recently approved Southeast Expansion Area Plan.

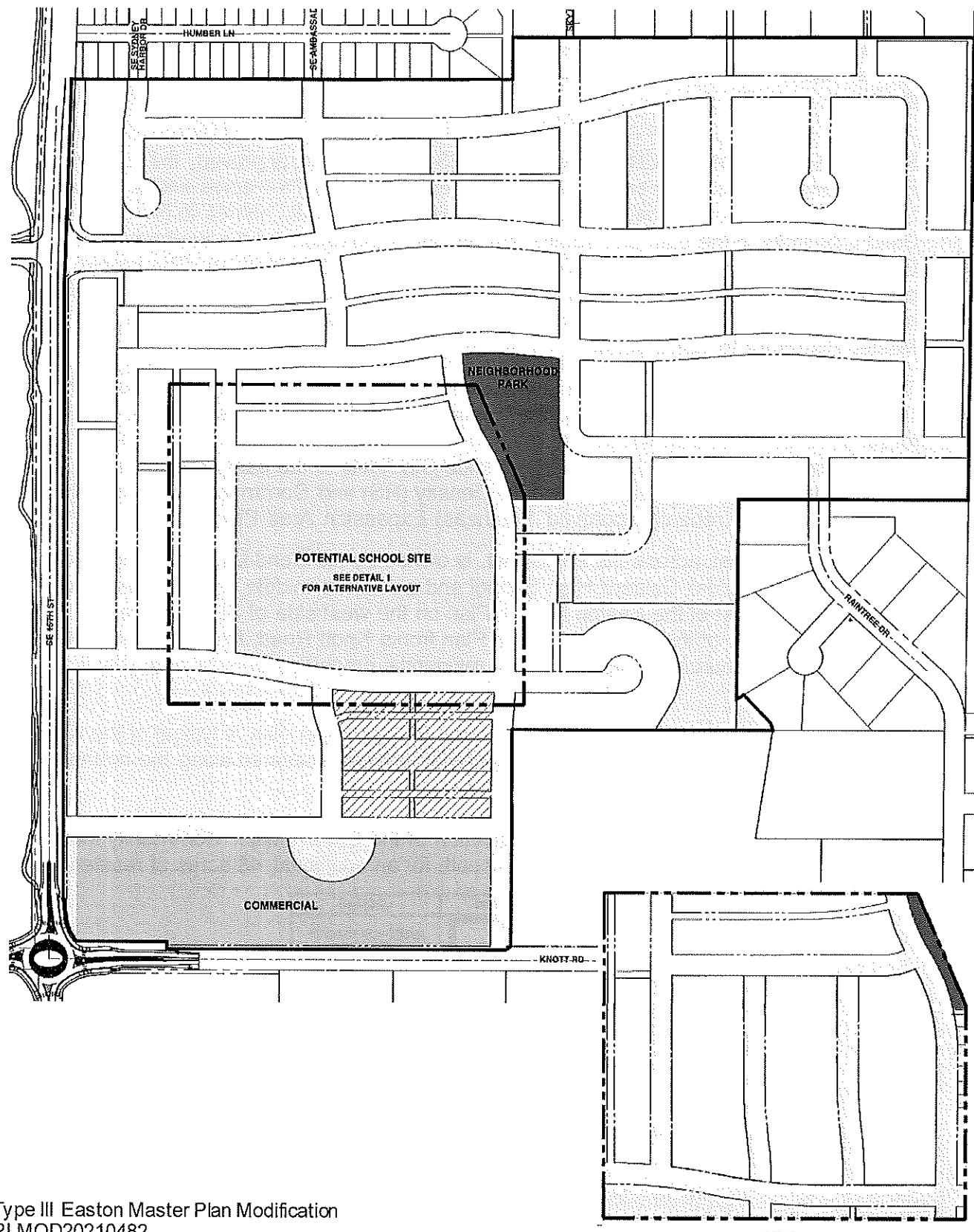
Property to the west, across SE 15th Street, is owned by the Bend-La Pine School District and includes the future Caldera High School and a planned middle school. Alpenglow Park is located northwest of the Easton Master Plan on the west side of SE 15th Street. The southern boundary of the modified Master Plan fronts Knott Road. Property across Knott Road includes a church and large-lot rural residential properties outside both City limits and the UGB.

Existing vegetation on the property to be added to the master plan is typical of the east side of Bend and includes coniferous trees—primarily junipers scattered along the northwest corner—of varying heights and maturities.

4. PROPOSAL: This proposal is for a modification of the Easton Major Community Master Plan to include three contiguous tax lots to the south for an additional 48 acres of residential and commercial land.

LEGEND	LAND USE
	MASTER PLAN BOUNDARY
	RESIDENTIAL STANDARD DENSITY (RS)
	RESIDENTIAL MEDIUM DENSITY (RM)
/	MIDDLE HOUSING OVERLAY (MHO)
...	COMMERCIAL GENERAL (CG)
	POTENTIAL SCHOOL SITE
...	NEIGHBORHOOD PARK
	OPEN SPACE (TOTAL)

Proposed Easton Master Plan Modification



5. **PROCEDURAL HISTORY:** The Easton Master Plan was approved the fall of 2020 and became effective November 20, 2020. The proposed Easton Master Plan Modification was submitted on May 13, 2020. The Southeast Area Plan for the "Elbow" Expansion Area of the Bend Comprehensive Plan was approved in the spring of 2020 and became effective May 21, 2020. Thus, the Easton Master Plan modification is vested under the Comprehensive Plan and Development Code at the time of submittal, prior to the effective date of the Southeast Area Plan and its associated Comprehensive Plan and Development Code text amendments.

6. **PUBLIC NOTICE AND COMMENTS:** The applicant hosted a virtual public meeting in accordance with BDC 4.1.215, on October 21, 2020, at 5:30 p.m. via a Zoom "webinar". Documentation of public notices and verification of compliance forms were submitted with this application. Approximately 38 people attended the virtual public meeting, including the Southeast Bend Neighborhood Association Land Use Chair. The required Neighborhood Meeting forms were signed by both the Southeast Bend and Old Farm Neighborhood Association Land Use Chairs. The concerns expressed at the meeting included the design/type of businesses in the commercial area to support walkable neighborhoods and the need for a grocery store, the timing and importance of the commercial area, access to/through the private streets, parking overflow from the commercial and multifamily developments, parking restrictions in the CC&Rs, traffic volume on Ferguson Road and Caldera Drive (including the need for a roundabout), Knott Road access, and questions about the new elementary school.

On June 7, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at four locations, visible from adjacent rights of way. These notices were posted for more than 10 days prior to the June 28, 2021 hearing date.

The Planning Commission held a public hearing for the Easton MPD modification on June 28, 2021, and issued a recommendation of approval to the Council. Two individuals provided oral comments at the Planning Commission public hearing; one individual expressed support of the proposal and the other individual was a new abutting property owner unaware of previous land use decisions regarding the subject property.

Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On June 30, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend Neighborhood Association representatives. On July 2, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at four locations, visible from adjacent rights of way. No additional comments were received in response to these notices at the time this summary was prepared, and three comments were received prior to the Planning Commission public hearing expressing concern about pathway and street connections to the north as well as concern about the level of development from a new abutting property owner.

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

7. **APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on May 7, 2021 and the application fee was paid on May 13, 2021. The submittal materials were uploaded to CityView between May 7 and May 17, 2021,

with some additional materials uploaded on May 20, 2021. The application was deemed complete on May 17, 2020. In accordance with BDC 4.1.430, applications for major master plans are exempt from the 120-day review time limitation for final decision.

APPLICATION OF THE CRITERIA:

Bend Development Code

Chapter 4.5, Master Planning and Development Alternatives

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

1. The following modifications to a master plan, PUD or special planned district may be approved with a land division or with an application in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review, and Design Review, unless the Development Services Director elevates the application to the Planning Commission for hearing as a Type III application.
 - a. Increase or decrease of residential densities relative to that approved in the master plan by no more than 15 percent, when such change conforms to the Bend Comprehensive Plan and its density ranges. In no case shall the density fall below the minimum density established in BDC 4.5.200(E)(3)(b). Master plans 20 acres or larger must comply with the density standards of BDC 4.5.200(E)(3);
 - b. A reduction to the amount of open space or landscaping relative to that approved in the master plan by no more than 10 percent, when such change complies with the master plan's minimum open space requirements;
 - c. An increase in lot coverage by buildings relative to that approved in the master plan by no more than 15 percent of the approved lot coverage (e.g., approved lot coverage of 40 percent may increase to 46 percent);
 - d. Any changes in the amount of parking relative to that approved in the master plan by no more than 15 percent. A proposed modification that is part of an approved TPDM plan must comply with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan;
 - e. A change in the location or alignment for proposed streets, parking lot configuration, utility easements, landscaping or other site improvements as long as the change is in substantial conformance with the approved master plan; and
 - f. Increase or decrease in the size and/or height of a building relative to that approved in the master plan by no more than 10 percent.
2. In no case will a modification under subsections (F)(1)(a) through (f) of this section be approved that causes a minor master plan that was approved without

any deviations to this code to fail to meet a minimum or maximum standard as set in this code.

3. All other changes require a modification in conformance with BDC 4.1.1325, Modification of Approval.

FINDING: The proposed modification to the Easton master plan increases the land area of the Easton Master Plan by 48 acres, property not currently within the Easton master plan shown on Figure 2.7.4120. The proposal requires an amendment to the Development Code.

Therefore, the proposal cannot be reviewed under this section and instead will be reviewed under BDC 4.1.1325.

4.1.1325 Modification of Approval.

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

FINDING: The Easton Master Plan was adopted on October 21, 2020. The adopting ordinance (NS-2391) became effective 30 days later on November 20, 2020. Therefore, the application is eligible for modification.

B. Modification Review Procedures.

- 1. A modification that does not have significant additional impacts on surrounding properties must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.**
- 2. A modification that has significant additional impacts on surrounding properties must be reviewed under all criteria applicable to the entire approval and may, at the discretion of the City, require the filing of a new application.**
- 3. A modification must not be considered to have significant additional impacts on surrounding properties if the identified impacts could be addressed under the applicable provisions of this code at the time of future development (e.g., a future site plan review or conditional use permit application).**
- 4. A modification that is a new proposal must be filed as a new application.**

- C. An application for a modification of a Type I approval must be processed as a Type I application. All other modifications must be processed as a Type II application unless elevated to a Type III process by the Development Services Director.**

FINDING: The Modification includes the addition of 48 acres to the approved 75.4-acre Easton Master Plan. Applicable criteria are addressed below. The modification application is being processed as a Type III application.

- D. The original approval time limitation is governed by BDC 4.1.1310.**

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

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

F. Modifications of a master plan, PUD or special planned district approved under land use regulations in place prior to April 14, 2017, must meet the approval criteria required in subsection (B) of this section in one of the following sections in BDC Chapter 4.5, Master Planning and Development Alternatives:

- 1. The modification of a master plan, PUD or special planned district that is primarily for residential uses is subject to the applicable approval criteria in BDC 4.5.200(D).325**

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

4.5.100 Master Plan General Provisions.

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

FINDING: The Easton Master Plan Modification boundary contains 123.4 acres (48 acres of expansion), of which 10 acres are designated for commercial use and 116.8 acres are designated for residential use. Therefore, the most prominent uses within Easton continue to be residential uses, and the project is still considered a Major Community Master Plan.

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

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

FINDING: No density transfers are contemplated or proposed in the Easton 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: While the current zoning for the additional properties to be added is Urbanizable (UA), the properties are designated Standard Density Residential (RS), Medium Density Residential (RM), and General Commercial (CG) on the Comprehensive Plan Map. Annexation of these properties, submitted concurrently with the modification (PLANX20210483), will rezone the properties to RS, RM, and CG. All uses permitted in each zoning district are consistent with the characteristics of the plan designation.

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 submitted Open Space and Trails Plan shows 13.1 acres of open space, which includes a 2.1 acre neighborhood park, planned to be owned and maintained by either the Bend Parks and Recreation District (BPRD) or the future Homeowner's Association. Exhibit F of the application submittal is a letter from BPRD which acknowledges the ongoing coordination between the applicant and BPRD and their review of the planned modification and annexation. Any additional open space areas not transferred to BPRD are planned be owned and maintained by the homeowners' association (HOA), in compliance with BDC 4.5.200(E)(4). The criterion is met.

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

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

As noted above, the proposed Easton Master Plan Modification was submitted on May 13, 2020. The Southeast Master Plan was approved in the spring of 2020 and became effective May 21, 2020. Thus, the Easton Master Plan modification is vested under the Comprehensive Plan and Development Code at the time of submittal, prior to the effective date of the Southeast Area Plan and its associated Comprehensive Plan and Development Code text amendments.

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

FINDING: The Applicant's narrative provides descriptions of which exhibits submitted with the application address each of the submittal requirements listed in this section. Staff reviewed the application materials and determined that the applicable information was submitted and the application was complete on May 17, 2021. The following is a summary of the exhibits submitted with this application:

Exhibit B – Property Owner Authorization Forms

Exhibit C – Easton Master Plan Modification Plans
Exhibit D – Map and Legal Description
Exhibit E – Preliminary Title Reports and Deeds
Exhibit F – Easton BPRD Coordination Letter
Exhibit G – Bend LaPine School District Letter
Exhibit H – Utility Availability Memo
Exhibit I – Transportation Element
Exhibit J – Utility Will Serve Letter (Avion)
Exhibit K – Neighborhood Meeting Documentation
Exhibit L – Draft Development Code
Exhibit M – Arnold Irrigation District Correspondence

4.5.200 Community Master Plan.

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 Easton Master Plan Area modification (48 acre expansion, 123.4 acres overall) totals over 20 acres under common ownership. Therefore, the project is subject to the Community Master Plan standards and requirements.

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 Easton Master Plan includes needed housing as defined by Oregon Revised Statute (ORS) 197.303(1)(a) as it provides a spectrum of housing types housing for both owner and renter occupancy. However, the applicant elects to use a deviation process in order modify one or more BDC standards.

- 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 outlined above. Additionally, the submitted exhibits and documentation constitute a complete and thorough application that will allow the timeline to be compressed by reviewing and approving Steps 1 and 2 concurrently.

D. Community Master Plan Approval Criteria.

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

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

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

FINDING: The Utility Availability Memo (Exhibit H; PRSWA20205999) issued by City of Bend Engineering Division shows that existing sewer facilities have adequate capacity to serve the Easton Master Plan and its expansion or adequate facilities will be installed concurrent with construction and prior to occupancy or use. Exhibit J includes a "will-serve" letter from Avion Water Company. This criterion is met.

The Utility Availability Memo is binding on both the applicant and the City of Bend for a period of 15 years from the date of the initial master plan approval.

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

Chapter 4.7, Transportation Analysis

4.7.600 Significant Impacts and Mitigation Measures.

D. Timing of Improvements.

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

FINDING: The Transportation Impact Analysis (Exhibit I of the application) for the modified Easton Master Plan was prepared by Transight Consulting, LLC. The Traffic Analysis Memo issued by the City of Bend (PRTFR202100087) provides a list of mitigations to address compliance with Chapter 4.7. A revised Transportation Mitigation Plan is included in the proposed Easton Development Code amendments based on these mitigation measures.

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

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

FINDING: The submitted Preliminary Zoning Map and the table below show the amount of residential and commercial plan designations are consistent with Policy 11-95 of the Bend Comprehensive Plan (BCP) for the Southeast Area ("Elbow") at the time of application submittal. However, in order to align with the residential element of the Southeast Area Plan that became effective after this application submittal, the Easton Master Plan provides an additional 7.6 acres of RM land (off-set with a corresponding decrease of RS land) relative to the existing plan designations for the portion of the project located in the Southeast Expansion Area. The additional RM land creates consistency between the Easton Master Plan and the Southeast Area Plan in the acreage of each residential plan designation shown for the portion of the project in the Southeast Expansion Area. Housing density and mix is addressed further in the findings for compliance with BCP Policies 11-95 and 11-96 below. Subsection (E)(3) is also addressed below.

Comprehensive Plan Designations			
Zone/Plan Designation	Proposed Portion of Easton MP in SE Area Plan ("Elbow")	Comprehensive Plan Designations (on submittal date)	Southeast Area Plan (effective after submittal date)
RS	20.4	28.0	15.9
RM	17.6	10.0	17.6
<i>Subtotal Residential</i>	<i>38.0</i>	<i>38.0</i>	<i>33.5</i>

CG	10.0	10.0	14.5
TOTAL	48.0	48.0	48.0

The Easton Master Plan shows 10 gross acres of commercial designations within the Southeast Expansion Area, consistent with the existing acreage commercial plan designations at the time of application submittal. The 10 acres of placeholder commercial designation has been reconfigured to fill the southwest corner of the project, with frontage on two Minor Arterials (SE 15th Street and Knott Road), SE Easton Place, and SE Ledger Lane.

The table above shows that the Southeast Area Plan contemplates 4.5 additional acres of commercial plan designation for the subject property than currently exists or is shown on the Easton Master Plan. However, the Southeast Area Plan became effective after the date of this application; thus this application is vested under the acreages designated on the Comprehensive Plan map at the time of submittal, prior to the effective date of the Southeast Area Plan.

While the Southeast Area Plan added 4.5 commercially designated acres to the area within the Easton Master Plan expansion, the area plan reduced the acreage for commercially designated property over the whole of the Southeast Area Plan. As detailed more fully below regarding compliance with Comprehensive Plan Policy 11-95, the applicant is proposing a Comprehensive Plan text amendment to revise this policy accordingly. A corresponding policy (BCP Policy 11-104) adopted with the Southeast Area Plan commits the City to identify and replace the commercially designated land removed from the Southeast Area Plan through a future rezone or UGB amendment. This policy is also proposed by the applicant to be revised to add the 4.5 acres of commercially designated land to that future rezone or UGB amendment process.



Proposed Comprehensive Plan Designations

- 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: The findings below show how general compliance with the applicable standards of Title 2 and 3 with future Site Plan Review or Subdivision applications. A special plan district for Easton is codified in BDC Chapter 2.7 and establishes unique standards for each plan district that help ensure efficient use of land, an appropriate housing mix, and land use compatibility

across the entire Master Plan. These code deviations are outlined below. With the addition of RM and CG land, a revised Draft Development Code amending BDC 2.7.4100 is included as Exhibit L of the application.

As noted previously, the Easton Master Plan application was submitted prior to the effective date of the Southeast Area Plan; therefore, the standards in the Easton Master Plan will supersede the standards of the Southeast Area Plan.

Chapter 2.1 - Residential Districts

The submitted Preliminary Zoning Map shows that the Easton Master Plan contains 0.2 gross acres of RL, 95.5 gross acres of RS, and 17.6 gross acres of RM zoned property. BCP Policy 11-51 and Policy 11-96 prescribe a density requirement for Major Master Plans and areas within the Southeast Expansion Area. Tables 1 and 3 below under Policy 11-51 and 11-96 outline how the Easton Master Plan meets the applicable land area and density requirements for the planned residential plan designations.

A majority of the placeholder RM designated lands, as well as the additional 7.6 acres, are reconfigured away from abutting RL land to the southern portion of the Master Plan, where it serves as a transition between the CG on Knott Road and the RS to the north. The submitted Preliminary Phasing Plan shows the RM land abutting the CG land is planned to accommodate a larger multifamily site as well as threeplex/fourplex housing. These locations are equally aligned with the purpose of the residential districts and the characteristics of the RM zone, as sewer and water service will be readily available and the planned locations function as a transition between lower densities and more intensive uses and/or higher classification streets.

The RS plan map designation makes up the majority of the Easton Master Plan, and the submitted Preliminary Zoning Map shows the planned locations of the RS zone buffer existing Residential Low Density (RL) lands to the east and are partially buffered from the higher classification streets by the planned RM District and Commercial Center. There are no changes planned to the location of the 0.16 gross acres of RL, which is anticipated to be utilized as open space.

BCP Policy 11-96 also provides an alternative method by which the Easton Master Plan and framework-level Southeast Area Plan (SEAP) can allocate residential zones, by showing that the area provides capacity for at least 820 housing units, including at least 17 percent (139 units) single-family attached housing and 47 percent (385 units) multifamily and duplex/triplex housing. The Southeast Area Plan includes more acres of land for housing, and provides a capacity greater than 820 housing units and planned densities of the residential designations that allow for the development of 1,231 units. Amendments to the special plan district for Easton to be codified in BDC 2.7.4100 establish unique standards for each plan district that help ensure that the appropriate housing mix and capacity are met.

Chapter 2.2 - Commercial Zoning Districts

The Easton Master Plan includes 10 acres of land to be designated and zoned Commercial General (CG) on the Comprehensive Plan Map. A special plan district for Easton will be codified in BDC 2.7.3900 to establish the list of uses permitted in the CG zone. Future

development of commercial areas will be subject to City site plan review, but design will be enforced by the Easton Architectural Review Committee.

At the date of this application submittal, BCP Policy 11-95 assigned 67 acres of gross commercial plan map designations, shown as CG on the Comprehensive Plan Map, within the Southeast Expansion Area. The submitted Preliminary Zoning Map shows the Easton Master Plan shifts a portion of the CG placeholder designation south to create more frontage along the higher order streets, SE 15th Street and Knott Road. This location also provides a more logical transition to the RM and RS zones as well as buffers residential uses from the future Mixed Employment (ME) designated lands further east along Knott Road, outside of the Master Plan.

The submitted Preliminary Street Circulation Plan shows the commercial property is surrounded and well-served by two higher classification streets that also provide 10- and 12-foot-wide multiuse pathways along the western and southern commercial frontage. The addition of the commercial property along Knott Road and SE 15th Street will allow for an extension of the commercial frontage along Knott Road and form a gateway into the Easton commercial area. The planned cross-sections reinforce streets as public rights-of-way for multiple modes—including pedestrians and bicycles—and provide multimodal connections to residential areas.

Chapter 2.8 - Urbanizable Area (UA)

The portion of the Easton Master Plan located in the Southeast Expansion Area is currently zoned Urbanizable Area (UA). Subsequent to Planning Commission review of the modification to the Easton Master Plan, City Council will review the Annexation Application concurrent with the Major Community Master Plan Modification Application. Upon approval of the annexation and modification to the Major Community Master Plan, the property added to the Easton Master Plan would be automatically rezoned as shown on the submitted Preliminary Zoning Map.

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

The submitted Preliminary Street Circulation Plan shows conceptual lot lines for the intended uses, along with block design, possible access points for each lot, and Easton's general circulation scheme. As planned, a future land division or site plan review is capable of meeting the applicable standards in Chapter 3.1.

Chapter 3.2 – Landscaping, Street Trees, Fences and Walls

The Preliminary Open Space and Trails Plan shows open space, trails, and conceptual street tree locations. Fences and walls will be addressed in future land use applications, as necessary. The applicant recognizes the value and importance of incorporating trees and other existing vegetation into new neighborhoods. However, necessary site grading, construction of public street infrastructure, underground utility connections, and storm drainage facilities often jeopardizes the health of existing vegetation and precludes the preservation of significant trees. Consequently, in addition to required street tree plantings that will be required with future subdivision and site plan review approvals, it is anticipated that onsite landscaping associated with future parks, multifamily projects, and single-family homes will incorporate additional trees into the overall landscape of the neighborhood. Future land use applications will address tree preservation in detail, as required in Chapter 3.2.

Chapter 3.3 – Vehicle Parking, Loading and Bicycle Parking

Compliance with Chapter 3.3 will be reviewed during future Site Plan Review (for multi-family and commercial development) or building permit review (for single-family and 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

The applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Easton Master Plan as they are built out over the next decade and beyond. The draft Annexation Agreement (PLANX20210483) identifies needed infrastructure as well as formalizes the sequencing and financing mechanisms. The submitted Easton Master Plan Modification shows that public facilities—including sanitary sewer, potable water, and transportation facilities—are available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (Exhibit H) and the Transportation Element (Exhibit I). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits F and G. The Easton Master Plan contemplates how the abutting portions of the Southeast Expansion Area can be served by existing or planned utilities, transportation networks, and public services.

Future land use applications will address public improvement standards in detail, as required in Chapter 3.4. The preliminary plans and exhibits show that applicable requirements are capable of being met.

Code Deviations

In the residential zones, the special planned district for Easton contains deviations from the underlying BDC standards to create a cohesive site and architectural arrangement that simultaneously provides a wide range of housing types, styles, and price points. The Master Plan and corresponding development code language have been developed strategically to balance the provision of needed housing with the realities of market demand anticipated over the full build-out of the project. Deviations from current BDC standards are necessary to prioritize both meeting anticipated demands for housing and the City's objectives for housing diversity. Consistent with the criteria above, these deviations support a project that meets or exceeds the intended benefits of the underlying standard.

Middle Housing Overlay (MHO)

Easton includes a mix of housing types that will implement the City Council's goal to increase the supply of needed housing – both rental and owner-occupied – across a range of income levels and price points. While missing-middle housing will be incorporated throughout the project, a new Middle Housing Overlay (MHO) guarantees middle housing in an location adjacent to commercial.

Residential Setbacks

Deviations to the typical setback standards have already been approved for the RS zone. These amendments simply apply the approved deviations to the RM zone and MHO. BDC

2.1.300(A) states that residential “setbacks 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.” The planned 1-foot reduction in side setbacks (from 5 feet to 4 feet) and 2-foot reduction in secondary front setbacks (from 10 feet to 8 feet) is mitigated by a community design that includes 13.1 acres of open space. Conversely, in situations where a side lot line abuts an alley, the minimum side setback is planned to increase from 5 feet to 8 feet. A minimum side setback of 4 feet also allows residents sufficient space to access the sides of their homes and perform any necessary maintenance.

Regarding fire protection, a minimum setback of 4 feet ensures structures (including eaves) maintain enough separation from property lines to comply with fire safety requirements. Setbacks of 3 feet or less could trigger additional building techniques per the building code to mitigate fire risk. On balance, the deviations will equally or better meet the purpose of the underlying standard.

Residential Lot Dimensions

Deviations to the typical lot dimensions have already been approved for the RS zone. These amendments simply add existing standards for the RM zone and create new standards for the MHO. While no purpose of the lot dimension standards is explicitly stated in BDC 2.1.500, they are generally understood to ensure adequate space is provided for the type of residential use and structure, appropriate to the scale and character of the surrounding neighborhood. For the MHO, dimensional standards are reduced or eliminated in order to provide maximum flexibility for construction of middle housing. The middle housing overlay covers an entire block immediately north of the commercial area, east of a planned multifamily site, and south of the potential school site.

To the east, outside the Master Plan boundary, there is Mixed Employment (ME). Consequently, the planned MHO is relatively separate from lower intensity, and the planned lot sizes and widths are appropriate to the scale and character of duplexes, triplexes, fourplexes, townhome, and multifamily that would be permitted in the MHO. Therefore, the new MHO standards will equally or better meet the purpose of the underlying standard.

In the absence of an explicit purpose stated for lot dimension standards, it should be noted that BDC 2.1.100 provides broader guiding principles of the residential districts, including: “Accommodate a range of housing needs, including owner-occupied and rental housing.” 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. On balance, the deviation will equally or better meet the purpose of the underlying standard.

Residential Building Height

BDC 2.1.800 states the intent of the building height standards is “to promote land use compatibility and support the principle of neighborhood-scaled design.” The planned 10-foot height increase for buildings in the RM zone (also applicable to the MHO) allows the flexibility to incorporate architectural features (pitched roofs, gables, roof offsets, etc.) that integrate well with surrounding single-family homes and create a cohesive community identity. For example,

the existing 35-foot maximum height in the RM zone would allow a four-story building, but only with a flat roof incorporating minimal offsets or other architectural features. Increasing the maximum height to 45 feet allows that same four-story building to incorporate architectural features that promote compatibility with the surrounding neighborhood without sacrificing an entire floor of needed housing. Therefore, the deviation will equally or better meet the purpose of the underlying standard.

The submitted Easton Major Community Master Plan and the proposed Easton Draft Development Code amendments contain the proposed modifications, as summarized above. All other applicable requirements from BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, are capable of being met during subdivision review. The criteria are met.

BDC 4.5.500.D.3. Major Community Master Plan criteria (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:

FINDING: The proposal includes a Comprehensive Plan text amendment; therefore, this section does not apply.

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

4.9.700 Zoning of Annexed Areas.

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

FINDING: Prior to future development of the subject property, 48 acres within the Easton Master Plan must be annexed into the City of Bend. Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the zoning districts shown on the submitted Preliminary Zoning Map. Compliance with BDC 4.6.300.C. is not required.

The Easton Master Plan rearranges the locations of the placeholder Comprehensive Plan Map designations while maintaining continuity in the residential and commercial designations outlined in BCP Policy 11-95 at the time of the application submittal. Pursuant to BDC 4.5.200.D.3.a, this rearranging of plan designations is allowed as a part of the master plan as long as the master plan retains the same (within 1%) total area of all plan designations on the subject site.

- 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 Easton Master Plan modification includes amendments to the Bend Comprehensive Plan in order to maintain consistency with the Southeast Area Plan. Consequently, BDC 4.6.300(B) is addressed below.

BDC 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 first step for citizen involvement is the public meeting required by BDC 4.1.215. The applicant held a virtual public meeting via an online Zoom "webinar" and telephone on October 21, 2020. Notice was provided to property owners located within 500 feet of the subject properties, as well the Old Farm and Southeast Bend 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 are included in the submittal documents. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. The requirements of this goal have been met.

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

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

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

FINDING: The proposal is a major community master plan modification that includes an amendment to add new text and figures within the Easton Master Planned Development code. The proposed text amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan policies specific to the subject property, BCP 11-

76 and 11-77. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed community master plan modification and its associated text and map amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions. The City will review and process this application consistent with the procedures detailed in the BDC Chapter 4.1, including consideration of any agency and public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.

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

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

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

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

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

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

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

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

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

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

The adopted Comprehensive Plan policies ensure compliance with Goal 6.

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

FINDING: No 100-year floodplains or mapped landslide areas are located within this master plan area. 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 BCP establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District (BPRD), via Policy 2-2.

The Easton Master Plan modification increases the total amount of planned open space from 8.4 acres to 13.1 acres of open space and the continuation of looped pathways throughout the project. The applicant and Bend Park and Recreation District (BPRD) have been collaborating on the possible transfer of a portion of the preserved open space to serve as a neighborhood park, and the 10-foot-wide multiuse path along the north side of SE Caldera Drive aligns with the High Desert Trail facility identified in BPRD's 2018 Comprehensive Plan. The City of Bend's Transportation System Plan (TSP) identifies a primary multiuse path aligning with Caldera Drive in the existing Easton master plan and along Knott Road, as well as a north-south connection between those two pathways. The proposal includes multi-use paths along Caldera Drive, 15th Street and Knott Road, and a north-south pathway connection aligning with the proposed Ledger Lane. The extensive network of multiuse pathways provides recreational opportunities for pedestrians and cyclists and connects the planned residential uses, commercial uses, community center, and open space within the community, as well as outward to BPRD's planned Alpenglow and High Desert Park facilities, and the adjacent school facilities to the west.

It is anticipated that parks and open space will be improved in conjunction with abutting residential construction. Therefore, Goal 8 is satisfied.

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

FINDING: The subject property has been identified in the City's Comprehensive Plan as appropriate for residential and commercial uses. The Easton Major Master Plan reconfigures the placeholder Commercial Plan designation while maintaining the gross area reflected on the Comprehensive Plan Map at the time of application submittal. The reconfiguration of the 10-acre commercial property so that it fronts along Knott Road and SE 15th Street will support future commercial uses envisioned as a neighborhood-scale commercial district. The location and configuration of the commercial and residential areas are interrelated and will work together

to create a complete community that encourages economic activity. Therefore, Goal 9 is satisfied.

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

FINDING: The subject property was included as a part of the City's Goal 10 inventory of needed housing when the City of Bend expanded its Urban Growth Boundary in 2016. The subject properties have been identified in the City's Comprehensive Plan as appropriate for housing and commercial uses. Upon annexation, these properties will be zoned consistent with their plan designations. The Easton Master Plan reconfigures the location of the placeholder plan designations and provides 7.6 acres more RM land than currently shown on the Comprehensive Plan Map. The additional RM (and corresponding reduction of RS) support the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-95 and 11-96 and the residential element of the Southeast Area Plan. The planned configuration of residential plan designations will provide for a mix of needed housing types – both rental and owner-occupied – across a range of income levels and price points. While missing-middle housing will be incorporated throughout the project, a new Middle Housing Overlay (MHO) guarantees middle housing in an ideal location adjacent to commercial uses.

Table 18 of the City's Housing Needs Analysis (shown below) indicate the needed types of housing units in the City of Bend. The Easton Master Plan as proposed to be modified provides 720 to 1,079 housing units with approximately 15% as townhomes (single-family attached) and 34.2% as duplex, triplex or multi-family units, with the remaining units (50.9%) as single-family detached units. This meets the needed housing mix shown in Table 18 of the Housing Needs Analysis. Therefore, Goal 10 is satisfied.

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

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: A previous Utility Availability Memo for the original Easton master plan area (BP-20-1835 SWA) indicated that water and sewer capacity exists to serve the original area. The existing Easton master plan area is within the City of Bend water service area. The Easton master plan expansion area is within the Avion Water Company service area. A "will-serve" letter from Avion Water Company for the master plan expansion area is included in the

application submittal. The submitted Utility Availability Memo (PRSWA20205999, Exhibit H of the application) indicate sewer capacity exists to serve the proposed master plan expansion area. Goal 11 is satisfied.

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

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

The Transportation Element (submitted Exhibit I) of the Easton Master Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, a Transportation Impact Analysis, and a TPR analysis. The Transportation Analysis Memo issued by the City (PRTFR202100087) includes a list of mitigation and timing mechanisms to ensure compliance with state and local policies. 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. 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 abuts the subject property to the south, was adopted in 2016. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

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

4.6.300.B. Criteria for Quasi-Judicial Comprehensive Plan Amendments (continued)

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 part of the Urban Growth Boundary (UGB) expansion process that concluded in December 2016, the City brought approximately 2,380 acres of land into the UGB in order to continue to provide a 20-year supply of residential, commercial, and industrial land. The process took more than a decade, with 70 public meetings, three technical advisory committees, and dozens of citizen volunteers. The "Elbow" or Southeast Expansion Area is one of the nine designated expansion areas. Along with the UGB lands, the City adopted new BCP policies in Chapter 11—Growth Management intended to guide the development of the expansion areas.

Area planning for the Southeast Expansion Area occurred parallel to the Easton Master Plan Modification in anticipation of future annexation into the City. The majority of land planned to be added to the Easton Master Plan is currently located in the Southeast Expansion Area, outside of City Limits, but will be annexed when added to the Easton Master Plan.

The proposed Easton Master Plan Modification was submitted on May 13, 2020. The Southeast Area Plan was approved in the spring of 2020 and became effective May 21, 2020. Thus, the Easton Master Plan modification is vested under the Comprehensive Plan and Development Code at the time of submittal, prior to the effective date of the Southeast Area Plan and its associated Comprehensive Plan and Development Code text amendments.

The submitted Easton Master Plan shows 38 gross acres of residential designations and 10 gross acres of commercial designations within the Southeast Expansion Area, consistent with the existing acreage of residential and commercial plan designations in Bend Comprehensive Plan (BCP) Policy 11-95. However, the Easton Master Plan reconfigures the location of the placeholder plan designations and provides an additional 7.6 acres of RM land (off-set with a corresponding decrease of RS land) relative to the existing plan designations for the portion of the project located in the Southeast Expansion Area. The additional RM land is a result of coordination with City staff and an effort to help address the small deficit of RM reflected in the Southeast Area Plan. Comprehensive Plan policies in Chapter 5 and 7 relevant to the deviation in residential plan designation are addressed below. The applicable BCP policies from Chapter 11 are addressed further below.

Chapter 5: Housing

Housing Mix, Density, and Affordability

5-14 *The City will support re-designation of suitable areas that are within a 1/4-mile walk to transit corridors from a lower density designation to a higher density designation, where plan amendment criteria are otherwise met.*

FINDING: Cascades East Transit (CET) recently adopted a 2040 Transit Master Plan identifying the need to provide new fixed-route transit service to Southeast Bend. This new service will connect southeast Bend to the primary transit network and utilize existing routes in along Murphy and/or Brosterhous Road. Longer term this route will connect the developing population and employment in Southeast Bend, including the new high school, to the transit network. In the near-term, CET has plans for transit stops on SE 15th Street, including one at the new Alpenglow Park, and another to be placed near Caldera High School. Therefore, the additional RM land is within 1/4-mile walk to a transit corridor but also a planned transit stop. The applicant team is coordinating with CET on additional transit stops, potentially adjacent to the commercial or multifamily use within the Easton master plan. The policy is met.

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: As noted above, Cascades East Transit (CET) recently adopted a 2040 Transit Master Plan identifying the need to provide new fixed-route transit service to Southeast Bend. In the near-term, CET has plans for transit stops on SE 15th Street, adjacent to the master plan.

The submitted Preliminary Zoning Map shows the additional RM land abutting both the potential school site and the planned commercial area along Knott Rd. Consequently, this amendment will provide medium density residential lands good access to public schools, commercial services, and employment in the Mixed Employment zoned lands to the east. The Easton master plan will establish a network of complete streets with enhanced pedestrian and biking amenities serving the needs of all residents. The Preliminary Street and Circulation Plan (Exhibit C of the application) shows the eastward extension of SE Caldera Drive (Major Collector) forming the east-west spine through the community with a meandering 10-foot multiuse pathway along the northern edge of the right-of-way. The network of 9-foot multiuse pathways running along the local streets all connect to SE Caldera Drive, which provides a direct connection to the paths running along both sides of SE 15th Street and links to destinations outside of the master plan, including the new high school, planned middle school, and Alpenglow Park. SE Ledger Lane, the primary north-south street through the community includes a 9-foot multiuse path linking the RM land with the neighborhood park, the potential school site, and the commercial area. The policy is met.

5-42 *Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks.*

FINDING: The submitted Preliminary Zoning Map shows the additional RM land abutting the potential school site. Consequently, this amendment will provide both low and medium density residential lands good access to public schools. Easton will establish a network of complete streets with enhanced pedestrian and biking amenities serving the needs of all residents. The submitted Preliminary Street and Circulation Plan shows the eastward extension of SE Caldera Drive (Major Collector) forming the east-west spine through the community with a meandering 10-foot multiuse pathway along the northern edge of the right-of-way. The network of 9-foot

multiuse pathways running along the local streets all connect to SE Caldera Drive, which provides a direct connection to the multiuse paths running along both sides of SE 15th Street and links to destinations outside of the master plan, including the new high school, planned middle school, and Alpenglow Park. SE Ledger Lane, the primary north-south street through the community includes a 9-foot multiuse path linking multiple housing types with the neighborhood park and the potential school site. The policy is met.

Public Utilities and Services

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

FINDING: The applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Easton Master Plan as they are built out over the next decade and beyond. The draft Annexation Agreement (PLANX20210483) identifies needed infrastructure as well as formalizes the sequencing and financing mechanisms. The submitted Easton Master Plan Modification shows that public facilities—including sanitary sewer, potable water, and transportation facilities—are available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (Exhibit H) and the Transportation Element (Exhibit I). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits F and G. The Easton Master Plan contemplates how the abutting portions of the Southeast Expansion Area can be served by existing or planned utilities, transportation networks, and public services. The policy is met.

Chapter 7: Transportation Systems

Transportation and Land Use

7-1 *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 Southeast Area is not currently served with fixed-route transit service. Cascades East Transit (CET) recently adopted a 2040 Transit Master Plan identifying the need to provide new fixed-route transit service to Southeast Bend. This new service will connect southeast Bend to the primary transit network and utilize existing routes in along Murphy and/or Brosterhous Road. Longer term, this route will connect the developing population and employment in Southeast Bend, including the new high school, to the transit network. In the near-term, CET has plans for transit stops on SE 15th Street, including one at the new Alpenglow Park, and another to be placed near Caldera High School. The project team is coordinating with CET on the potential for additional transit stops, potentially adjacent to the commercial or multifamily use within the Easton Master Plan.

The submitted Preliminary Zoning Map shows the additional RM land abutting both the potential school site and the planned commercial area along Knott Rd. Consequently, this amendment will provide medium density residential lands good access to public schools, commercial services, and employment in the Mixed Employment zoned lands to the east. Easton will establish a network of complete streets with enhanced pedestrian and biking amenities serving

the needs of all residents. The Preliminary Street and Circulation Plan (Exhibit C) shows the eastward extension of SE Caldera Drive (Major Collector) forming the east-west spine through the community with a meandering 10-foot multiuse pathway along the northern edge of the right-of-way. The network of 9-foot multiuse pathways running along the local streets all connect to SE Caldera Drive, which provides a direct connection to the multiuse paths running along both sides of SE 15th Street and links to destinations outside of the master plan, including the new high school, planned middle school, and Alpenglow Park. SE Ledger Lane, the primary north-south street through the community includes a 9-foot multiuse path linking the RM land with the neighborhood park, the potential school site, and the commercial area. The policy is met.

Chapter 11: Growth Management

General Growth Management Policies

11-2 *The City will encourage infill and redevelopment of appropriate areas within Bend's Central Core, Opportunity Areas and transit corridors (shown on Figure 11-1).*

FINDING: The original Easton Master Plan encompasses 75.4 acres within Opportunity Area #7 identified in Figure 11-1 of the Bend Comprehensive Plan. The site has been identified as appropriate for housing. The original Easton Master Plan established the street network and preserves open space to accommodate 428 future homes. The policy is met.

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

FINDING: The Easton Master Plan encompasses 123.4 acres of vacant land in the southeast side of Bend. The project area includes capacity for up to 763 residential units, including approximately 15 percent attached townhomes, 8 percent triplex/fourplex and over 26 percent multi-family units. The master plan includes 10 acres of commercial land, providing a range of commercial uses. The Easton Master Plan also includes 13.1 acres of open space, including a potential public neighborhood park, a community center, midblock open space areas and trails, and multiuse pathways connecting future residents to the open space amenities. The policy is met.

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

FINDING: The Easton Master Plan will establish a network of complete streets with enhanced pedestrian and biking amenities serving the needs of all residents. The submitted Preliminary Street and Circulation Plan shows the eastward extension of SE Caldera Drive (Major Collector) forming the east-west spine of the through the community with a meandering 10-foot multiuse pathway along the northern edge of the right-of-way. The network of 9-foot multiuse pathways running along the local streets all connect to SE Caldera Drive, which provides a direct connection to the multiuse paths running along both sides of SE 15th Street and links to the new high school, planned middle school, and Alpenglow Park. CET is planning to provide transit service down the SE 15th Street corridor in 2021. 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.*

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

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

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

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

FINDING: With the planned modification, the Easton Master Plan will include 113.4 acres zoned RL, RS, and RM. Table 1, below, shows the required density range and minimum housing mix (non-single-family detached units) based on the acreage of each residential zone.

Table 1: Zoning and Unit Count

Residential Zone	Easton Master Plan (Gross Acres)	Density Range (Units/AC)	Minimum Units	Maximum Units	Planned Units	Minimum Housing Mix
RL	±0.2	2.0 – 4.0	±1	±1	±0	10% (±0)
RS	±95.5	5.11 – 7.3	±489	±697	±470	10% (±47)
RM	±17.6	13.02 – 21.7	±230	±381	±293	67% (±197)
TOTAL	±113.4		±720	±1079	±763	±244 UNITS

*Minimum housing mix is defined as non-single-family detached units

The Draft Development Code for the modified Easton Master Planned Development allows density and housing mix to be averaged across phases and zones, subject to the specific applicable development standards. The submitted Preliminary Phasing Plan includes a table showing how the minimum housing mix is planned to be met. Relevant housing mix totals from that table are summarized below in Table 2. The proposed 375 non-single-family detached units far exceed the minimum 244 non-single-family detached units per master plan requirements in Policy 11-51 and the implementing regulation BDC 4.5.200.E.3.b.

Table 2: Planned Housing Mix, Easton Master Plan

Housing Type	Lots/Units	Percentage of Total Units
Detached Single-Family	±388	±50.9%
Townhomes	±114	±14.9%
Triplex/Fourplex (Mews)	±61	±8.0%
Multifamily	±200	±26.2%
Housing Mix Subtotal	±375	±49.1%
TOTAL UNITS	±763	±100%

*Housing mix subtotal is the number of non-single-family detached units

The table from the submitted Preliminary Phasing Plan, summarized in Tables 1 and 2, show that the Easton Master Plan will meet the minimum unit count and housing mix from Table 11-1 of the Bend Comprehensive Plan. An alternative layout and phasing are shown for a scenario where the school site is not developed. This alternative scenario nets an additional 84 lots for detached single-family homes and would increase the total units to 847. The plan policy is met.

The Elbow

11-93 The City will initiate an Area Plan for the Elbow area. The Area Plan will address policies 11-76 through 11-84. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level Area Plan for the rest of the subarea. Following adoption of the Area Plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved.

FINDING: BCP Policies 11-93 through 11-102 apply only to the 48 acres planned to be added to the Easton Master Plan that are within the Southeast Expansion Area. The City of Bend and Southeast Area Plan Advisory Committee (SEAPAC) initiated area planning to address long term planning within the Southeast Expansion Area. The Southeast Area Plan was under review by the City at the time of this master plan application but was not yet effective. The modification to the Easton Master Plan includes more than 40 contiguous acres of land within the Southeast Expansion Area and utilizes the land use and largely incorporates the land use and transportation element of the Southeast Area Plan to serve as the framework level Area Plan for the rest of the subarea. The policy is met.

11-94 This area, as identified in Figure 11-4, is intended to provide for employment uses to take advantage of good transportation access on Knott Road and 27th and existing city streets (and future improved access with the Murphy Extension) with a mix of residential uses providing a compatible transition from the employment lands to existing neighborhoods to the west. This mix of uses is also intended to increase the completeness of the existing low density neighborhoods.

FINDING: Easton will be a complete community, with housing in close proximity to employment and commercial services that are scaled to serve the frequent needs of neighborhood and area residents. A complete community is one that considers transportation options and connectivity, mixed and efficient uses of land, healthy environments, jobs and commercial activity, and residents that help define a unique character and sense of place.

The 10 acres of placeholder commercial designation has been reconfigured to fill the southwest corner of the project, with frontage on two Minor Arterials (SE 15th Street and Knott Road), SE Easton Place, and SE Ledger Lane. Moving north from Knott Road, land uses will transition to multifamily and various types of middle housing before reaching larger areas of detached single-family and the existing neighborhoods to the north. Also to the north is the extension of the new collector street, SE Caldera Drive, which serves as the east/west spine through the community and the western gateway to the Southeast Expansion Area.

The plazas, courtyards, and walkways in the commercial center will help smooth the transition to residential neighborhoods and function as community amenities that create a distinct urban character. All of these so-called “third places”—community-building gathering areas—promote social interactions among residents and visitors, strengthen the connection residents feel with their new community, and will actually help complete existing neighborhoods. The policy is met.

11-95 *This area shall provide for a mix of residential, commercial and industrial uses, including 122 gross acres of residential plan designations, 67 gross acres of commercial plan designations, 76 gross acres of industrial designations, 103 gross acres of mixed employment plan designations, and 75 gross acres of public facilities (excluding existing right of way).*

FINDING: The Easton Master Plan shows 38 gross acres of residential designations and 10 gross acres of commercial designations within the Southeast Expansion Area, consistent with the existing acreage of residential and commercial plan designations. However, the Easton Master Plan reconfigures the location of the placeholder plan designations and provides an additional 7.6 acres of RM land (off-set with a corresponding decrease of RS land) relative to the existing plan designations for the portion of the project located in the Southeast Expansion Area. The additional RM land is a result of coordination with City staff and an effort to help address the small deficit of RM reflected in the Southeast Area Plan.

Table 3, below, shows that the Southeast Area Plan requires 4.5 additional acres of commercial plan designation for the subject property than required under the Comprehensive Plan at the time of application submittal or is shown on the submitted Easton Master Plan. Market research commissioned by the applicant does not show a need for additional commercial land in this area. The Southeast Area Plan, which became effective after the date of this application, amended BCP Policy 11-95 to reduce—from 67 acres to 43 acres—the amount of commercial plan designations provided in the Southeast Expansion Area. A corresponding amendment (BCP Policy 11-104) committed the City to identify and replace the 24 acres of commercial land through a future rezone or UGB amendment. The applicant has argued it does not seem appropriate or fair that the Southeast Area Plan would show 45 percent increase of commercial designation on the subject property while simultaneously reducing the amount of commercial across the Southeast Expansion Area by 36 percent. Consequently, approval of the modification to the Easton Master Plan may require a concurrent amendment to Policy 11-95 and 11-104 adopted with the Southeast Area Plan, to read:

11-95 *This area provides for a mix of residential, commercial and industrial uses, including 158.5 gross acres of residential plan designations, 43 38.5 gross acres of commercial plan designations, 38 gross acres of industrial designations, 142 gross acres of mixed employment plan designations, and 66 gross acres of public facilities (excluding existing right of way).*

11-104 *The City will ensure that a total of 24 28.5 acres of land designated for Commercial land uses on the Comprehensive Plan map with the 2016 UGB expansion that were subsequently changed to non-employment designations through adoption of the Southeast Area Plan will be replaced to ensure an adequate supply of commercially designated land for commercial uses. The City will complete an inventory of existing Commercial lands and evaluation of need for new Commercial lands within seven years of the City Council's adoption of the Southeast Area Plan. The City may replace these of commercial lands through a rezoning of land within the UGB, an amendment to the UGB that adds land for commercial land uses, or some combination of the two.*

Table 3: Comprehensive Plan Designations

Zone/Plan Designation	Proposed Portion of Easton MP in SE Area Plan ("Elbow")	Comprehensive Plan Designations (on submittal date)	Southeast Area Plan (effective after submittal date)
RS	20.4	28.0	15.9
RM	17.6	10.0	17.6
Subtotal Residential	38.0	38.0	33.5
CG	10.0	10.0	14.5
TOTAL	48.0	48.0	48.0

The portion of the Master Plan within the Southeast Expansion Area includes 20.4 acres of land to be zoned RS, 17.6 acres to be zoned RM, and 10 acres to be zoned CG. The Easton Master Plan does not include land designated for industrial, mixed employment or public facilities plan designations. However, the Southeast Area Plan provides for adequate areas of these other land uses within its proposed amendments to the Comprehensive Plan. The policy is met.

11-96 In order to provide sufficient housing capacity and mix, the residential plan designations shall include 77 acres of RS, 36 acres of RM, and 9 acres of RH (excluding existing right of way). Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 820 housing units, including at least 17% single family attached housing and at least 47% multifamily and duplex/triplex housing types. The Area Plan may include and rely on plan designations, zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.

FINDING: BCP Policy 11-96 outlines two separate and distinct pathways for providing sufficient housing capacity and mix within the Southeast Expansion Area. The first pathway is based on the listed residential plan designations and the second is based on a minimum number of housing units and housing mix.

Table 3, above, shows the acreage of each residential plan designation for the portion of the Easton Master Plan located in the Southeast Expansion Area. The Easton Master Plan and the Southeast Area Plan provide the same acreage of each residential plan designation shown for the portion of the project in the Southeast Expansion Area. The portion of the Master Plan within the Southeast Expansion Area includes 20.4 acres of land to be zoned RS and 17.6 acres to be zoned RM.

The adopted Southeast Area Plan includes more acres of land for housing and provides a capacity greater than 820 housing units than was prescribed in Policy 11-96. The Southeast Area Plan land use plan designations include 105 acres of land designated RS, 35 acres of land designated RM, and 10 acres of land designated RH. While one less acre of land is designated RM, it has been replaced by another acres of land designated RH. In addition, the planned densities of these residential designations allow for the development of 1,231 units. Therefore, the Easton Master Plan provides its proportional share of both land for housing and capacity for units. The policy is met.

11-97 The alignment of a new collector street between 15th Avenue and 27th Avenue / Knott Road shall be determined in coordination with the City, consistent with the Transportation System Plan.

FINDING: The Easton Master Plan extends SE Caldera Drive, the new collector street from SE 15th Street towards 27th Avenue/Knott Road. The alignment of the street was determined in coordination with the City and is consistent with the Transportation System Plan. This new collector road will serve as the key east-west connection for SEAP lands and provide a parallel route to Ferguson Road and Knott Road. The policy is met.

11-98 Subsequent planning for this subarea shall address funding for the Murphy Road extension from Brosterhous to 15th Avenue.

FINDING: Funding for the Murphy Road extension from Brosterhous Road to SE 15th Street has already been secured by the City and construction of the new two-lane roadway connecting the streets, including a crossing over the BNSF Railway, is underway and expected to be completed in Summer 2021. Therefore, this policy is met.

11-99 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 inside the UGB. The transportation network shall be consistent with the Bend Transportation System Plan.

FINDING: The proposed Street Circulation Plan shows the street and multimodal network that connects the Easton Master Plan internally, but also to other properties within the Southeast Expansion Area and lands outside the UGB. The Easton Master Plan is bounded on two sides by Minor Arterial streets, SE 15th Street to the west and Knott Road to the south. The modification extends the 9-foot multiuse pathways along designated local streets and provides opportunities for vehicular, pedestrian, and bicycle connections to adjacent lands in the Southeast Expansion Area. The policy is met.

11-100 Coordination with Bend Park and Recreation district is required in order to address provision of parks and/or trails within this area.

FINDING: Exhibit F of the application is a letter from the BPRD acknowledging coordination and documentation of BPRD's review of the planned modification and annexation. The policy is met.

11-101 Coordination with the Bend-La Pine School District will occur during area planning within this subarea.

FINDING: Exhibit G of the application is a letter from the Bend-La Pine School District indicating that the required coordination has occurred regarding a potential elementary school site. The policy is met.

11-102 Coordination with other special districts and utility providers is required within this area.

FINDING: Exhibit J of the application includes correspondence from Avion Water Company and other utility providers. The applicant and its consultants continue to work with utility providers throughout the planning process. The policy is met.

4.6.300.B. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments. (continued)

- 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 subject property for the Easton Master Plan expansion is within the Southeast Expansion Area. The applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Easton Master Plan as they are built out over the next decade and beyond. An Annexation Agreement (PLANX20210483) is currently being drafted to formalize the sequencing and financing mechanisms for needed infrastructure. The Easton Master Plan Modification submitted plans shows that public facilities, including sanitary sewer and potable water, as well as transportation, are available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (Exhibit H; PRSWA20205999) and the Transportation Element (Exhibit I; reviewed under PRTFR202100087). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits F and G. The Easton Master Plan provides for future service of abutting portions of the Southeast Expansion Area by existing or planned utilities, transportation networks, and public services. The criterion is met.

- 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 Easton Master Plan shows 38 gross acres of residential designations and 10 gross acres of commercial designations within the Southeast Expansion Area, consistent with the existing acreage of residential and commercial plan designations at the time of application submittal. However, the Easton Master Plan reconfigures the location of the placeholder plan designations and provides an additional 7.6 acres of RM land (off-set with a corresponding decrease of RS land) relative to the existing plan designations for the portion of the project located in the Southeast Expansion Area. The additional RM land is a result of coordination with City staff and an effort to help address the small deficit of RM reflected in the Southeast Area Plan.

Comprehensive Plan Designations			
Zone/Plan Designation	Proposed Portion of Easton MP in SE Area Plan ("Elbow")	Comprehensive Plan Designations (on submittal date)	Southeast Area Plan (effective after submittal date)
RS	20.4	28.0	15.9
RM	17.6	10.0	17.6
Subtotal Residential	38.0	38.0	33.5
CG	10.0	10.0	14.5
TOTAL	48.0	48.0	48.0

The table above shows that the Southeast Area Plan added 4.5 commercially designated acres for the subject property than existed at the time of this application submittal or is proposed on the Easton Master Plan. Market research commissioned by the applicant does not show a need for additional commercial land in this area. The Southeast Area Plan proposes amending BCP Policy 11-95 to reduce—from 67 acres to 43 acres—the amount of commercial plan designations provided in the Southeast Expansion Area. A corresponding amendment adopted with the Southeast Area Plan (BCP Policy 11-104) committed the City to identify and replace the 24 acres of commercial land through a future rezone or UGB amendment. The applicant has argued that it does not seem proportionate that the Southeast Area Plan would show a 45 percent increase of commercial designation on the subject property while simultaneously reducing the amount of commercial across the Southeast Expansion Area by 36 percent. Consequently, approval of the modification to the Easton Master Plan requires a concurrent modification to the Policy 11-95 and 11-104 amendments adopted with the Southeast Area Plan as noted under Policy 11-95 above.

Therefore, the completion and approval of the Southeast Area Plan represents a change in the community and creates an inconsistency in the Comprehensive Plan regarding the subject property. The criterion is met.

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

FINDING: An updated Transportation Facilities Report (TFR), Transportation Impact Analysis (TIA), and Transportation Planning Rule (TPR) was prepared by Transight Consulting and submitted to the City. A Traffic Analysis Memo, Exhibit I (PRTFR202100087), issued by the City of Bend provides a list of timing and mitigations and addresses compliance with Chapter 4.7. Specific Transportation Mitigation Requirements that will be codified in BDC 2.7.4180 and are included in Exhibit L of the application.

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

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

OAR 660-012-0060

- (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. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - (b) Change standards implementing a functional classification system; or**
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**
- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.**
 - (a) Adopting measures that demonstrate allowed land uses are consistent with the**

planned function, capacity, and performance standards of the transportation facility.

- (b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
- (c) *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
- (d) *Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*
- (e) *Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:*
 - (A) *The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;*
 - (B) *The providers of facilities being improved at other locations provide written statements of approval; and*
 - (C) *The local jurisdictions where facilities are being improved provide written statements of approval.*

(3) *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

- (a) *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
- (b) *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
- (c) *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
- (d) *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written*

statement, then the local government may proceed with applying subsections (a) through (c) of this section.

FINDING: The Transportation Element (Exhibit I) was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation. The Traffic Analysis Memo (also Exhibit I) summarizes the transportation impacts and recommended mitigation. The Annexation Agreement (PLANX20210483) will formalize the transportation improvements necessary to mitigate impacts to, and expand capacity within, the effected transportation facilities, and identifies the specific timing, responsibilities, and cost allocation. For purposes of TPR compliance, through collaborative efforts between the applicant, ODOT, the City, and Deschutes County, the applicant is relying on OAR 660-012-0060(2)(e). In particular, the City, County, and ODOT have each provided written statements of approval that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects. The applicable standards are met.

(***)

(4) *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

(a) *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*

(b) *Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*

(A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

(B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*

(C) *Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*

(D) *Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*

(E) *Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional*

or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) *Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:*

(A) *ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*

(B) *There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*

(d) *As used in this section and section (3):*

(A) *Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*

(B) *Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and*

(C) *Interstate interchange area means:*

(i) *Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or*

(ii) *The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

(e) *For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

FINDING: This section of the Transportation Planning Rule requires coordination with affected transportation service providers. The applicant has coordinated with Deschutes County and the Oregon Department of Transportation (ODOT) regarding the Master Plan and Annexation application. Deschutes County and ODOT have provided written comments on the application and appropriate mitigation will be captured in the Annexation Agreement, which ensure consistency with the provisions of BDC 4.6.600 and satisfies the requirements of OAR 660-012-0060. There is substantial evidence in the record, including Exhibit I (Transportation Element), that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects as required under OAR 660-012-0060(2)(e). The applicable standards are met.

4.5.200 Community Master Plan. (Continued)

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

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

FINDING: The modification to the Easton Master Plan expands the perimeter of the Master Plan boundary and incorporates 10 acres of commercial land. The entirety of this expanded Master Plan boundary is within 0.5 miles of commercial goods and services. The standard is met.

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

FINDING: As originally approved, SE Caldera Avenue forms the east-west spine through the Master Plan, consistent with the TSP. The submitted Preliminary Street Circulation Plan shows this new collector street includes a 10-foot-wide multiuse path and a 6-foot-wide sidewalk. The 10-foot-wide multiuse path supports BPRD's goal of establishing the High Desert Trail, eventually connecting southeast to High Desert Park and to the SE 15th Street multiuse trail to the west. BPRD identifies the High Desert Trail as a high priority in their 2018 Comprehensive Plan, and the City of Bend's TSP also identifies this facility as a primary multiuse path. A network of local streets containing a 9-foot-wide multiuse path on one side is also proposed radiating north and south from SE Caldera Avenue, and making additional multimodal connections to SE 15th Street and Knott Road. The Master Plan extends the 10-foot wide multiuse path network down SE 15th Street along the project frontage and will provide a new 12-foot-wide multiuse path along the Knott Road frontage. The modification provides opportunities for vehicular, pedestrian, and bicycle connections to adjacent lands in the Southeast Expansion Area. This standard is met.

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

- 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;*
- ii. Open Space. Open space in compliance with subsection (E)(4) of this section may be excluded from the applicable density calculation; and*
- iii. Comprehensive Plan Designations. Land designated as Commercial, Mixed-Use, Industrial and Public Facilities may be excluded from the applicable density calculation.*

b. Minimum standards are as follows:

- i. RL Comprehensive Plan Designation. At least 50 percent of the maximum gross density of the RL Comprehensive Plan designation, with two- and three-family housing, attached single-family townhomes and/or multifamily residential housing units comprising at least 10 percent of total housing units.*
- ii. RS Comprehensive Plan Designation. At least 70 percent of the maximum gross density of the RS Comprehensive Plan designation, with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 10 percent of total housing units.*
- iii. RM Comprehensive Plan Designation. At least 60 percent of the maximum gross density of the RM Comprehensive Plan designation, with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 67 percent of total housing units.*

FINDING: The Easton Master Plan meets the applicable density standards in BDC 4.5.200(E)(3) as shown in the Table 4 below. A total of 470 units are proposed on RS designated land that is not designated open space, resulting in a density of 6.25 units per acre, exceeding 70 percent of the maximum density of the RS zone (5.11 units/acre). Over 24 percent of the units in the RS zone will be non-single-family detached units, exceeding the 10 percent requirement.

A total of 293 units are proposed on RM designated land that is not designated open space, resulting in a density of 19.4 units per acre, exceeding 70 percent of the maximum density of the RM zone (15.19 units/acre). Over 89 percent of the units in the RM zone will be non-single

family detached units, exceeding the 67 percent requirement. This standard is met.

Table 4: Housing Density and Mix by Zone

Zone/Plan Designation	Detached Single-Family	Townhomes	Mews	Multi-Family	Total	Density
RS (74.7 acres)	356	114 (24.2%)	0	0	470	6.3
RM (15.1 acres)	32	0	61 (20.8%)	200 (68.3%)	293	19.4
TOTAL (89.8 acres)	384	114	61	200	763	8.5

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 Easton Master Plan shows the gross area within the Master Plan boundary will be increased to 123.4 acres. The Master Plan shows 13.1 acres (10.6 percent of gross area) of open space. Exhibit F of the application is a letter from BPRD acknowledging the ongoing communication and coordination between the applicant and BPRD regarding a new neighborhood park as shown in the original Easton master plan. Any park or open space areas not transferred to BPRD are planned be owned and maintained by the HOA.

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

F. Duration of Approval.

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

FINDING: The Easton Master Plan Modification does not alter the duration of approval. The time frame studied in the transportation analysis extends to 2040, and the Water and Sewer Analysis Application assumed an open-ended timeline to achieve full build-out. The submitted Preliminary Phasing Plan shows the location and lot count for each phase. The submitted Phasing Plan will be supplemented by an approved Annexation Agreement detailing the various triggers and timelines for infrastructure improvements, as well as reserved capacity.

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