

ORDINANCE NO. NS -2431

AN ORDINANCE AMENDING THE BEND COMPREHENSIVE PLAN POLICY TEXT AND MAP TO REALLOCATE 59 MIDDLE AND MULTI-UNIT HOUSING UNITS AND 12 AFFORDABLE HOUSING UNITS FROM WEST AREA 3 TO WEST AREA 1 (DISCOVERY WEST) AND REDESIGNATE ONE ACRE EACH OF COMMERCIAL AND MIXED USE TO TWO ACRES OF RESIDENTIAL USE. THE ORDINANCE ALSO AMENDS THE BEND DEVELOPMENT CODE TO ADD THE 31.7-ACRE WEST AREA 3 EXPANSION AREA TO THE TREELINE MASTER PLAN AND MODIFIES THE DISCOVERY WEST MASTER PLAN TO ACCOMMODATE THE REALLOCATED HOUSING UNITS.

Findings:

- A. On September 30, 2021, Pahlisch Homes, Inc. and Brooks Resources Corporation submitted a Type III Quasi-judicial application for a Development Code amendment to modify the Treeline Major Community Master Plan and a Comprehensive Plan Policy and Map Amendment Development Code amendment to reallocate 59 middle and multi-unit housing units and 12 affordable housing units from West Area 3 (Treeline expansion) to West Area 1 (Discovery West) and redesignate one acre each of commercial and mixed use designation to two acres of residential use designation, with a corresponding modification of the Discovery West Master Plan.
- B. On December 13, 2021, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to modify the Comprehensive Plan Map and applicable policies and amend Article XXIII of Chapter 2.7 of the Development Code to modify the Treeline and Discovery West master plans.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On December 15, 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 Summit West Neighborhood Association representatives. On December 23, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at three locations, visible from abutting rights of way.
- D. The Bend City Council held a public hearing on January 5, 2022, to consider the Planning Commission recommendation.
- E. The Development Code text amendment to modify the Treeline and Discovery West master plans and the corresponding Comprehensive Plan Map and Policy Amendments 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 Comprehensive Plan Map is amended to redesignate two acres as contained in Exhibit A.

Section 2. The Bend Comprehensive Plan is amended to modify Policies 11-122, 11-124 and 11-125 to reallocate 59 middle and multi-units and 12 affordable housing units from the West Area 3 to West Area 1 as contained in Exhibit B.

Section 3. The Bend Development Code is amended to modify the Treeline Master Planned Development as contained in Exhibit C.

Section 4. The Bend Development Code is amended to modify the Discovery West Master Planned Development as contained in Exhibit D.

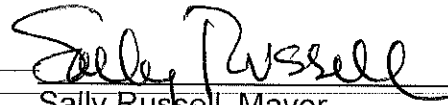
Section 5. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit E.

First Reading: January 5, 2022

Second reading and adoption by roll call vote: January 19, 2022

YES: Mayor Sally Russell
Mayor Pro Tem Gena Goodman-Campbell
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg

NO: None


Sally Russell, Mayor

Attest:


Robyn Christie, City Recorder

Approved as to form:


Mary A. Winters, City Attorney

Bend Comprehensive Plan

Chapter 11: Growth Management

West Area:

11-120 Master planning is required for this area. The master plan(s) must be consistent with both master plan standards in the development code and policies 11-101 through 11-108, below.

11-121 For the West Area, shown on Figure 11-4, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.

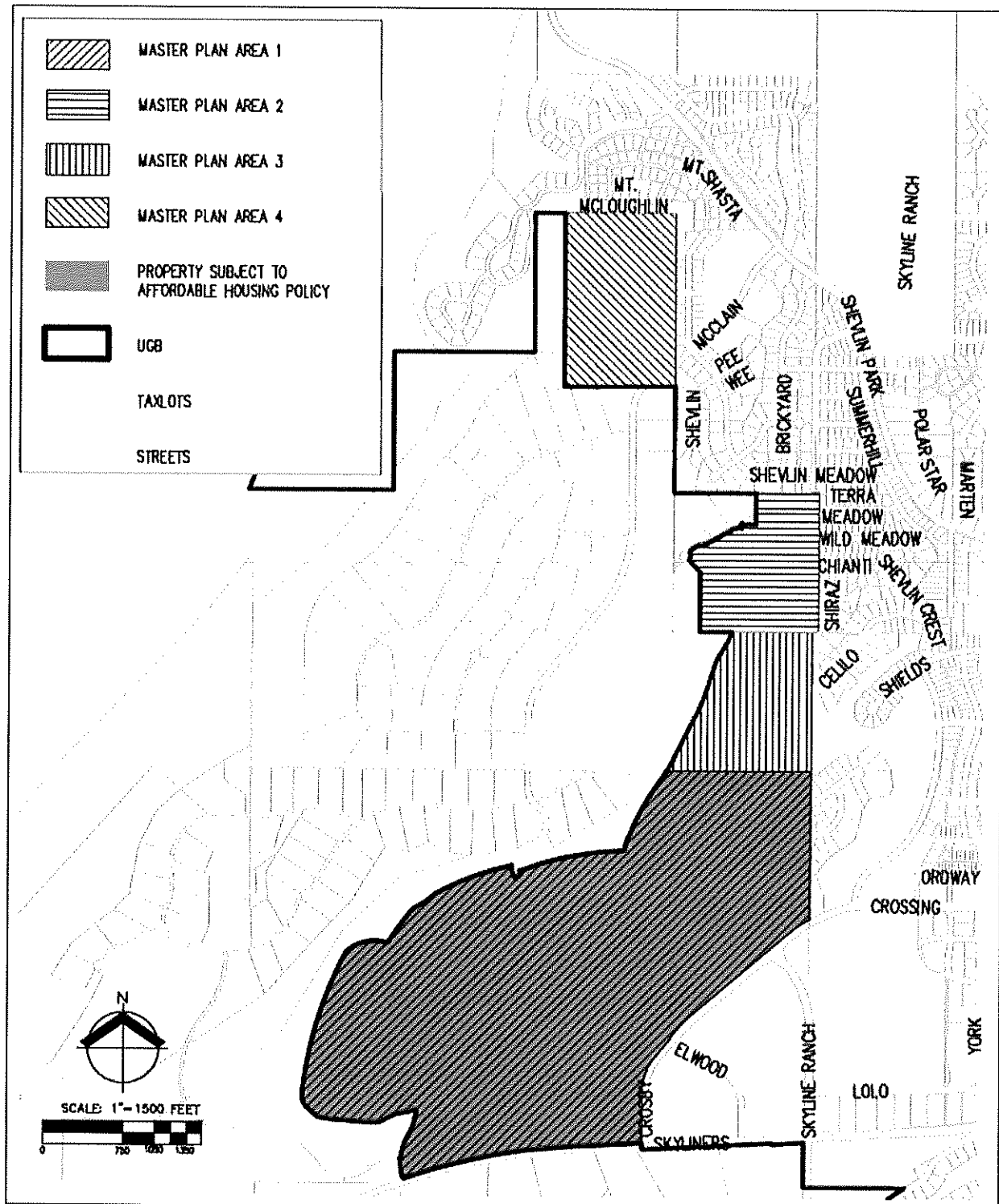
11-122 This area shall provide for a mix of residential and commercial uses, including 321 gross acres of residential plan designations, ~~67~~ acres of commercial plan designations, and ~~1314~~ gross acres of mixed employment plan designations (excluding existing right of way).

11-123 This area shall provide capacity for a minimum of 870 housing units including at least 9% townhomes and at least 21% multi-unit housing types (including duplex, triplex, and quadplex).

11-124 In the absence of an approved Area Plan for this subarea as a whole, each property included in the 2016 UGB expansion in this subarea (see Figure 11-5 below) must provide the mix of units specified below.

- o Master Plan Area 1: Include at least 60 townhomes and at least ~~201~~142 multi-unit and duplex/triplex/quadplex units.
- o Master Plan Area 2: Include at least 12 ~~single-unit attached units~~townhomes.
- o Master Plan Area 3: Include at least 16 ~~single-unit attached units~~townhomes and at least ~~59~~multiunit and/or duplex/triplex/quadplex units.

Figure 11-5: West Area Master Plan Areas and Affordable Housing Policy Applicability [Updated Map]



11-125 Master Plan Area 13, identified on Figure 11-5, must provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

- o ~~Must provide at least 12~~ ~~The minimum number of affordable housing units must be 20% of all multi-unit and duplex/triplex/quadplex housing units approved by the City.~~

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

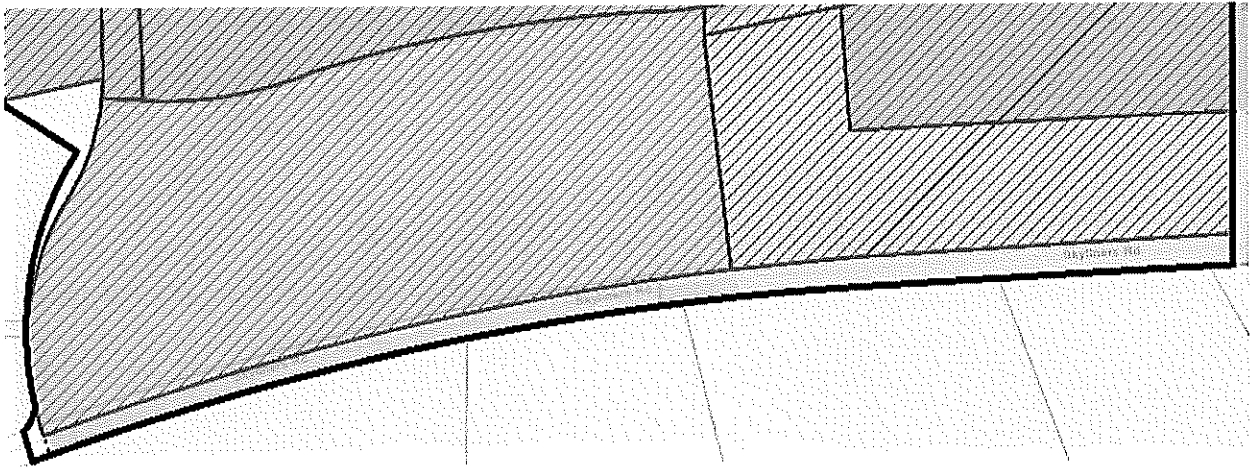
- o Planning and phasing requirements for affordable housing units must be established, in a form acceptable to the City.

11-126 The master plan process shall be used to establish appropriate development regulations to implement the transect concept, measures to make the development and structures fire resistant, and RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.

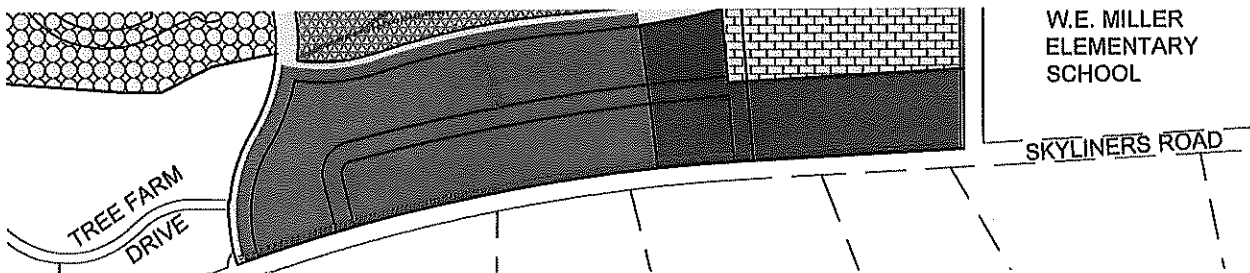
11-127 Coordination with Bend Park and Recreation district is required in order to address provision of parks and trails within this area.

11-128 Coordination with the Bend-La Pine Schools District is required during area planning for this subarea.

ATTACHMENT B
Existing Comprehensive Plan Designations

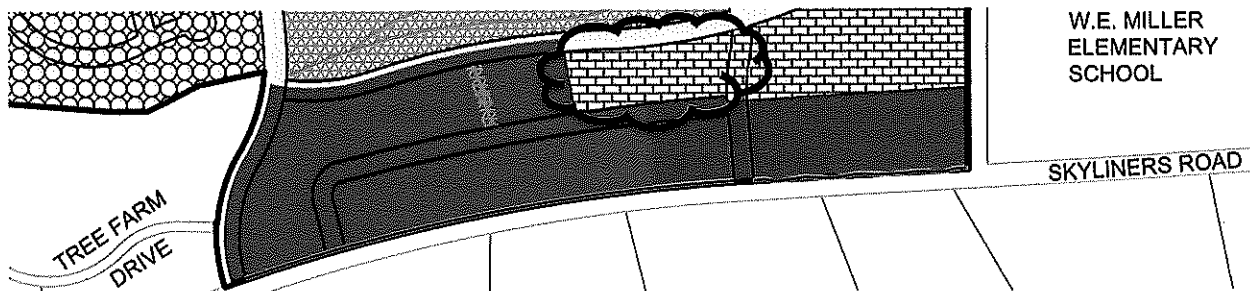


(as shown in City GIS)



As shown in existing Discovery West Master Plan

Proposed Comprehensive Plan Designations (CG and ME to RL)



Bend Development Code**Title 2 LAND USE DISTRICTS****Chapter 2.7 SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS****Article XXII. Treeline Master Planned Development****2.7.4000 Treeline Master Planned Development.****2.7.4010 Purpose.**

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

- A. Provide a variety of housing types and densities in a coordinated neighborhood.
- B. Implement BCP Policy 11-104-124 by providing capacity for a minimum of 128 up to 65 housing units within Master Plan Areas 2 and 3, including at least 12-28 single-family attached townhomes units. The minimum required units (total and by housing type) is 90 percent of the specified maximum.
- C. Ensure compatibility of uses within the master plan and the surrounding area.
- D. Create a transect where lower densities along the urban growth boundary transition to standard densities adjacent to existing neighborhoods.
- E. Preserve open space in order to provide buffers for wildlife and wildfire.
- F. Establish an interconnected street system consistent with the Transportation System Plan with cross-sections appropriate to the characteristics of adjacent land uses.
- G. Create safe, attractive, and efficient pedestrian routes and other multi-modal transportation options.

2.7.4020 Applicability.

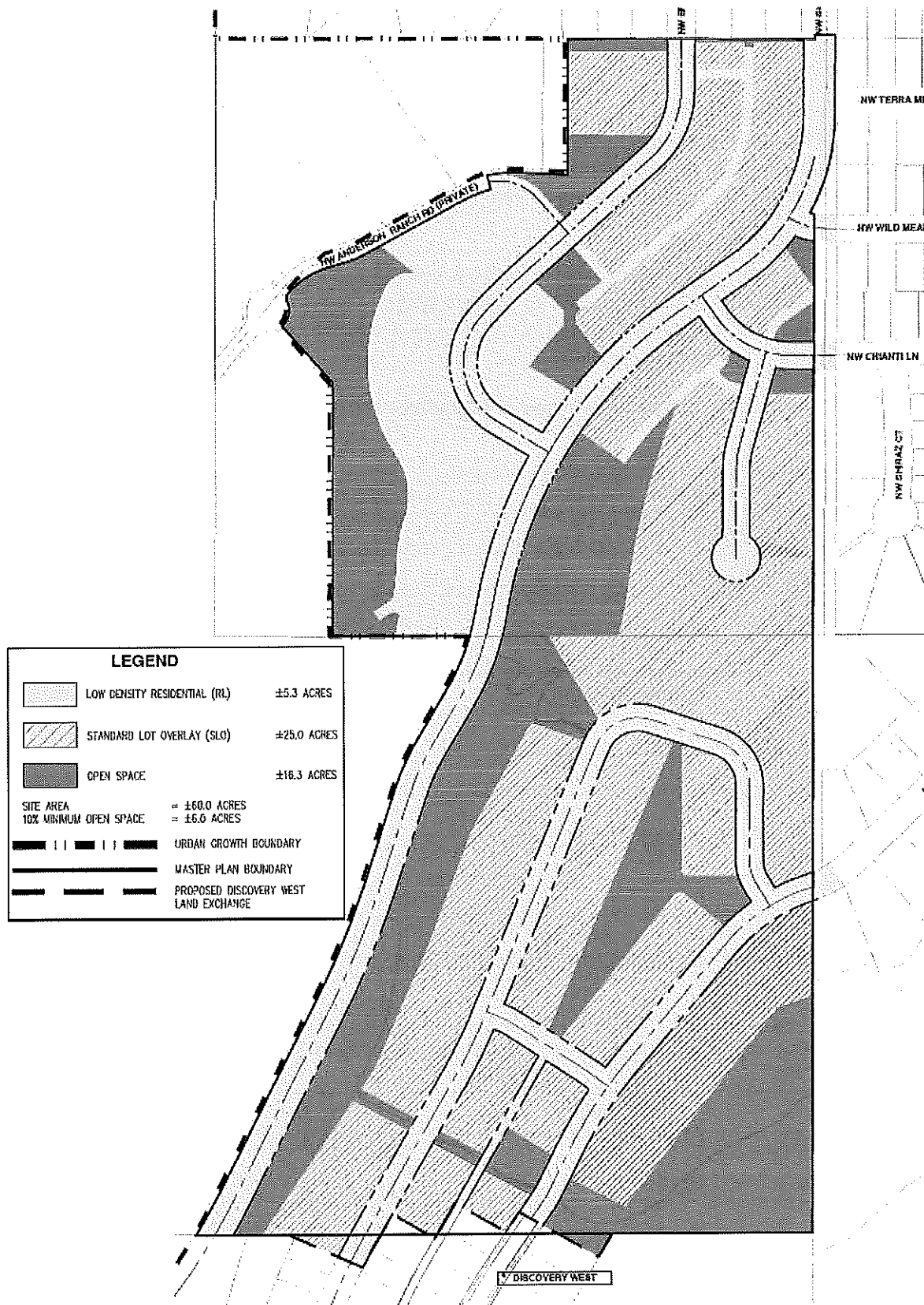
The Treeline Master Planned Development standards apply to the property identified in Figure 2.7.4020, a portion of the West Expansion Area in BCP Chapter 11. The special standards of the Master Plan supersede the standards of the underlying zone and other applicable standards of the Bend Development Code. Where there is a conflict between the provisions of the Treeline Master Plan and those of the underlying zone or other portions of the Development Code, the provisions of this district will control. Where no special standards exist, the standards of the underlying zoning district apply. The final determination of the overlay zone or district boundary will be established at the time of subdivision platting and right-of-way dedication. [Ord. NS-2365, 2020]

2.7.4030 Districts.

- A. Low Density Residential District. The purpose of the Low Density Residential (RL) District is to implement the low-density dwelling single-unit residential lot component of the west side transect as identified in the BCP. Open space, lot sizes, and setbacks in this District are intended to minimize impacts on wildlife and reduce the risk of wildfire.
- B. Standard Lot Overlay. The purpose of the Standard Lot Overlay (SLO) is to allow standard density single-units and duplexes on smaller lots than otherwise permitted in the underlying RL zone in order to

meet the unit and housing mix requirements in BCP Policy 11-104124. This district allows attached and detached single-units and duplexes and will accommodate at least ~~12-28~~ attached single-unit townhomes as required by BCP Policy.

Figure 2.7.4020 – Treeline Master Plan [Updated Map]



2.7.4040 Review Procedures.

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

A. Single-unit detached and attached dwellings, townhomes, accessory dwelling unit, and duplexes are subject to BDC 4.2.400, Minimum Development Standards Review. A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400, Approval Criteria is required and will be verified through the building permit process.

2.7.4050 Residential Zoning Districts.

A. Permitted Uses. The land uses listed in Table 2.7.4050 are permitted in the residential districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.4050, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as “similar” to those in Table 2.7.4050 may be permitted.

Table 2.7.4050 – Permitted and Conditional Uses

Land Use	RL	SLO
Single-Unit Detached Dwelling Units	P	P
*Accessory Dwelling Units (ADUs)	P	P
*Duplexes	P	P
*Townhomes	N	P
Family Childcare Home (16 or fewer children)	P	P
*Home Business (Class A/Class B)	P	P
*Accessory Uses and Structures	P	P
Parks	P	P
Recreational Facilities	P	P
*Short-Term Rental	P	P

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

B. Setbacks.

	Front*	Rear*	Side
RL	20 ft.	20 ft.	10 ft.
SLO	10 ft., except garages and/or carports must be set back 20 ft.	10 ft.	5 ft.

* On corner lots, one front setback may be subject to side setback requirements and rear setbacks may be subject to side setback requirements. Garages and/or carports must maintain a minimum front setback of 20 feet.

1. Setback Exceptions.

~~a. Residential compatibility standards do not apply.~~

~~ab. Attached Single Family (Townhomes). Interior side setbacks are zero feet.~~

be. 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 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.

cd. 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)(be) 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. Garages that access an alley must have a driveway with a minimum length of 18 feet.

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.

de. 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 any easement.

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

C. Floor area ratio (FAR) does not apply to any use.

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table:

Lot Areas and Dimensions by Housing Type and Zone/Overlay

Residential Use	Zone/ Overlay	Lot Area	Lot Width/Depth
Single-Unit Detached Housing and Duplexes	RL	Minimum area: 10,000 sq. ft.	Minimum lot width: 100 ft. Minimum lot depth: 100 ft.
	SLO	Minimum area: 4,000 sq. ft.	Minimum width: 40 ft. at front property line Minimum lot depth: 75 ft.
Townhomes	SLO	Minimum area: 4,000 sq. ft. for each unit	Minimum width: 40 ft. at front property line Minimum lot depth: 100 ft.

1. Exceptions:

- a. Lots that abut the bulb of a cul-de-sac or knuckle corner: minimum width 30 feet at the front property line.
- b. Corner lots must be at least five feet wider than the minimum lot width required in the zone or overlay, except for townhomes.
- c. Other exceptions permitted in the underlying Residential District are also permitted.

E. Residential Density. The Treeline Master Planned Development implements BCP Policy 11-104-124 by providing capacity for up to 65 a minimum of 128 housing units within Master Plan Areas 2 and 3, including at least 12-28 single-family attached units townhomes. The minimum required units (total and by housing type) is 90 percent of the specified maximum.

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

Residential Lot Coverage

Zone/Overlay	Maximum Lot Coverage
Low Density Residential (RL)	35%
Standard Lot Overlay (SLO)	45% for lots with two-story homes 50% for lots with single-story homes <u>and</u> <u>single-story accessory structures</u>

G. Maximum building height: 30-35 feet.

H. On-Site Surface Water Drainage.

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

- a. Roof drainage originating from residential properties may be conveyed to a public street and/or public storm drain collection and disposal system by subsurface piping, or curb weepholes.
- b. Roof and surface drainage originating from residential properties may be conveyed to a private storm drain collection and disposal system located in a private tract or easement. The City may allow for private drainage systems in the public right-of-way if ~~deemed appropriate by the City~~ proven that maintaining the private utility on private property is unachievable 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 storm water maintenance agreement must be signed with the City prior to final plat of the subdivision phase.

2.7.4060 Special Street Standards.

- A. Figure 2.7.4060 depicts the street type, tentative street location and alignment in the Treeline Master Planned Development. Table 2.7.4060 defines the standards to correspond to the street type shown in Figure 2.7.4060. The precise street alignment will be established through the approval of tentative subdivision plans. The Treeline Master Planned Development Street Type Plan, Figure 2.7.4060, and the Treeline Street Master Planned Development Standards, Table 2.7.4060, will be applied to the Treeline Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process.
- B. Due to topography, natural features, and existing development, block length and perimeter maximums do not apply to streets located or aligned in general conformance with Figure 2.7.4060, Treeline Street and Circulation Plan.
- C. 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 Treeline Master Planned Development during the subdivision review process.

Figure 2.7.4060 – Treeline Street and Circulation Plan [Updated Map]

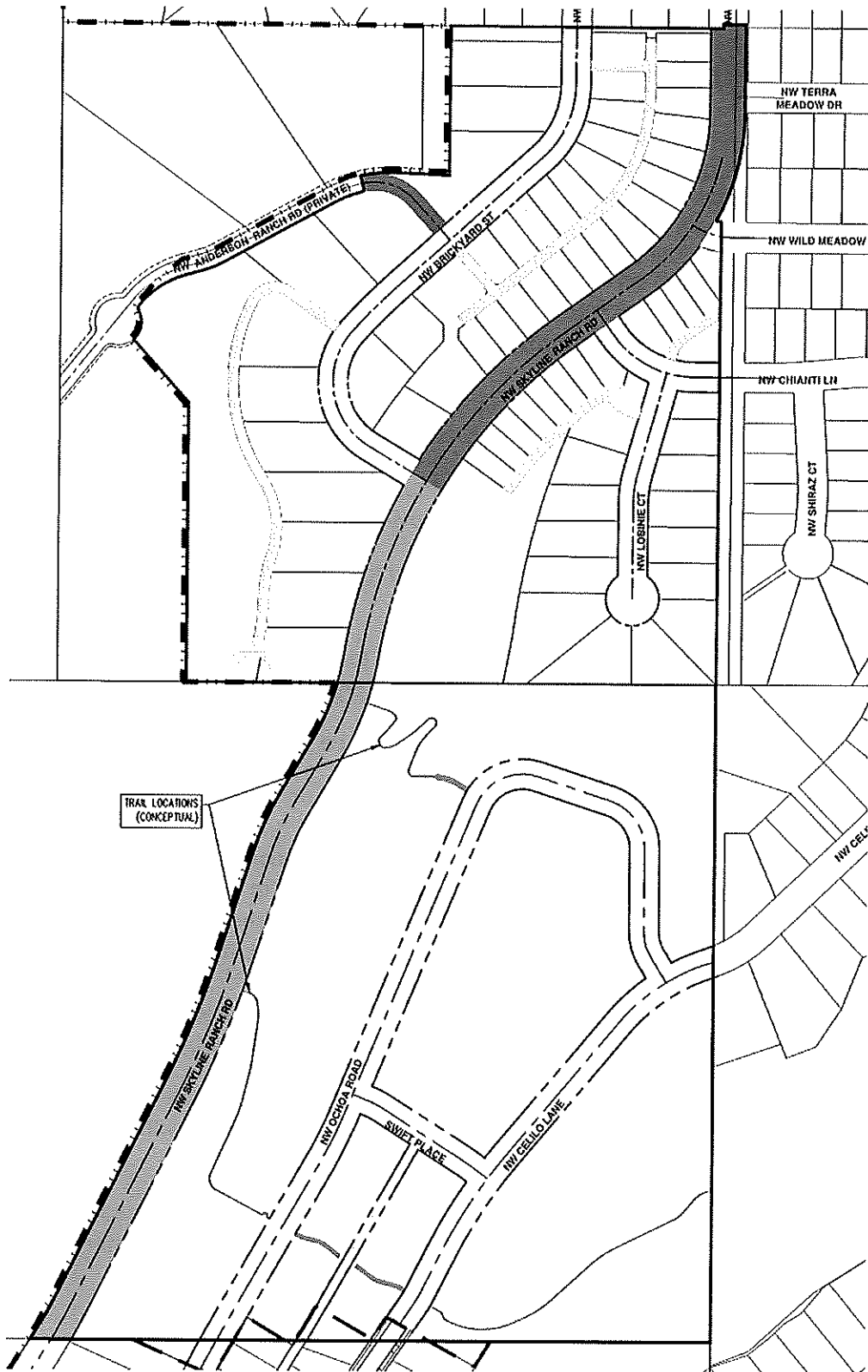








Table 2.7.4060 – Treeline Street Standards

STREET LEGEND AND SPECIFICATIONS ¹ PARKING OPTIONAL								
STREET TYPE		RIGHT-OF-WAY	PAVEMENT WIDTH	TRAVEL LANE	DIKE LANE	PARKING WIDTH	PLANTER WIDTH	SIDEWALK WIDTH
	CANYON COLLECTOR	70 FT	38 FT	11 FT	6 FT + 2 FT BUFFER	0 FT	VARIES (5 FT OR 15.5 FT)	10 FT ASPHALT TRAIL (1 SIDE)
	NEIGHBORHOOD COLLECTOR	70 FT	44 FT	10 FT	5 FT	7 FT (BOTH SIDES)*	5.5 FT	6.5 FT
	COLLECTOR TRANSITION	VARIES (70 FT-80 FT)	VARIES (30 FT-55.5 FT)	10 FT	5 FT	0 FT	VARIES (13 FT-5.5 FT)	6 FT
	LOCAL STREET	60 FT	32 FT	9 FT	0 FT	7 FT (BOTH SIDES)	8 FT	5 FT
	PRIVATE STREET	32 FT TRACT	28 FT	14 FT	0 FT	0 FT	0 FT	0 FT
	ALLEY	20 FT TRACT/EASEMENT	20 FT	10 FT	0 FT	0 FT	0 FT	0 FT

Bend Development Code**Title 2 LAND USE DISTRICTS****Chapter 2.7 SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS****Article XXII. Treeline Master Planned Development****2.7.3700 Discovery West Master Planned Development.****2.7.3710 Purpose.**

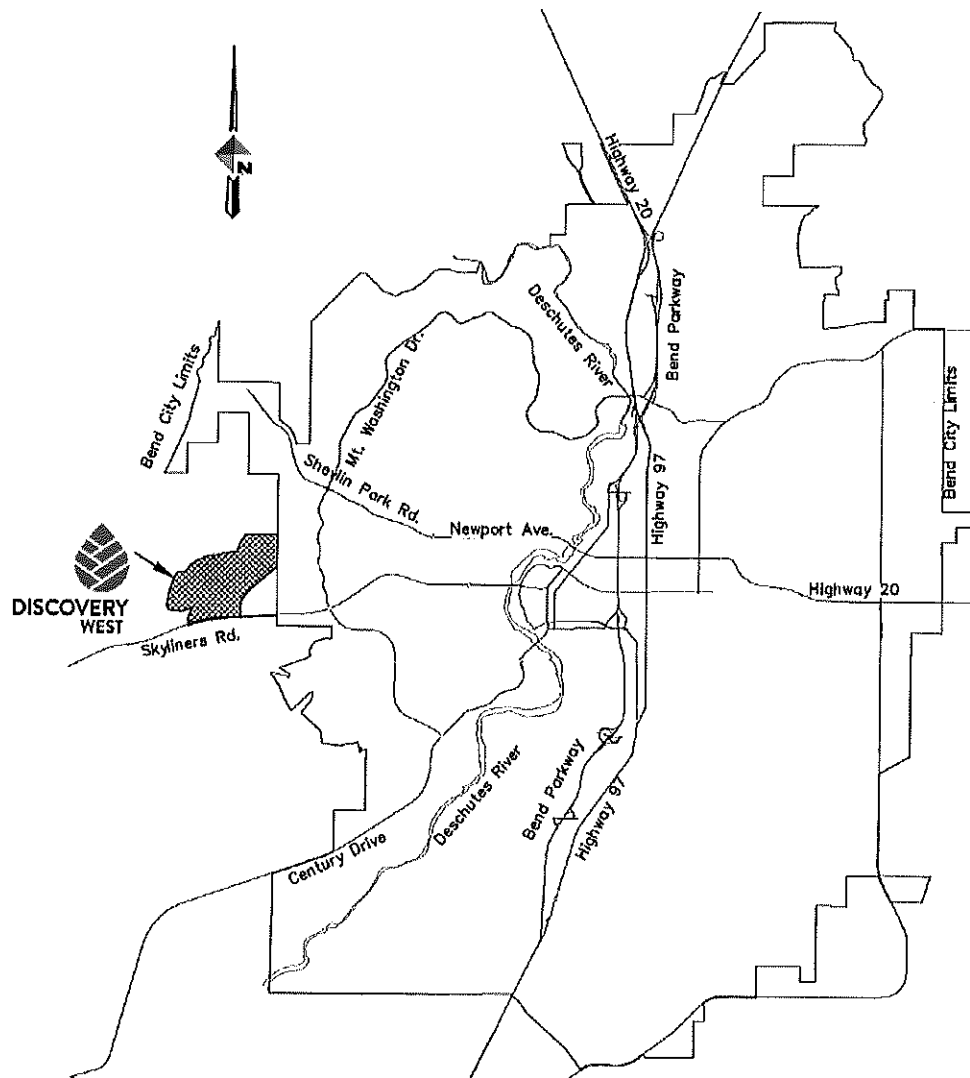
The purpose of the Discovery West Master Planned Development is to implement Bend Comprehensive Plan policies regarding the West UGB Expansion Area (Master Plan Area 1 under Chapter 11 of the Bend Comprehensive Plan), and to create overlay development standards for the Residential, Commercial and Employment Districts within the Discovery West Master Plan area. The development standards will:

- A. Provide a variety of housing types and employment opportunities.
- B. Locate higher density housing and employment lands adjacent to collector and arterial streets or public parks.
- C. Create opportunities for live/work townhomes and small-scale businesses in selected locations to foster a mixed-use residential neighborhood.
- D. Promote pedestrian and other multi-modal transportation options.
- E. Ensure compatibility of uses within the development and with the surrounding area.
- F. Create an interconnected system of streets with standards appropriate to the intensity and type of adjacent land use.
- G. Create safe and attractive streetscapes that will meet emergency access requirements and enhance pedestrian and bicycle access and safety.
- H. Implement the relevant policies of the Bend Comprehensive Plan:
 - 1. The central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that began with NorthWest Crossing with the existing concentration of schools, parks, commercial and employment lands; and creates a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.
 - 2. Establishing appropriate development regulations to implement the transect concept; develop measures to make the development and structures fire resistant; and implement RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.
 - 3. Include a minimum of ~~nine~~ 8.4 percent single-unit attached units ~~townhomes~~ (minimum of 54) and a minimum of ~~21-28~~ percent multi-unit and duplex/triplex/quadplex units (minimum ~~128-187~~ units). The minimum required units (total and by housing type) is ~~639~~ 585 total dwelling units. [Ord. NS-2338, 2019]
 - 4. Provide a minimum of 12 units of affordable housing.

2.7.3720 Applicability.

The Discovery West Master Planned Development standards apply to the property identified in Figure 2.7.3720, further identified as West Area Master Plan Area 1 in BCP Chapter 11. The special standards of the Master Plan supersede the standards of the underlying zone and other applicable standards of the Bend Development Code. Where there is a conflict between the provisions of the Discovery West Master Plan and those of the underlying zone or other portions of the Development Code, the provisions of this district will control ~~Where no special standards are provided, the applicable standards of the underlying zone apply.~~ The final determination of the zone or district boundary will be established at the time of subdivision platting and right-of-way dedication.

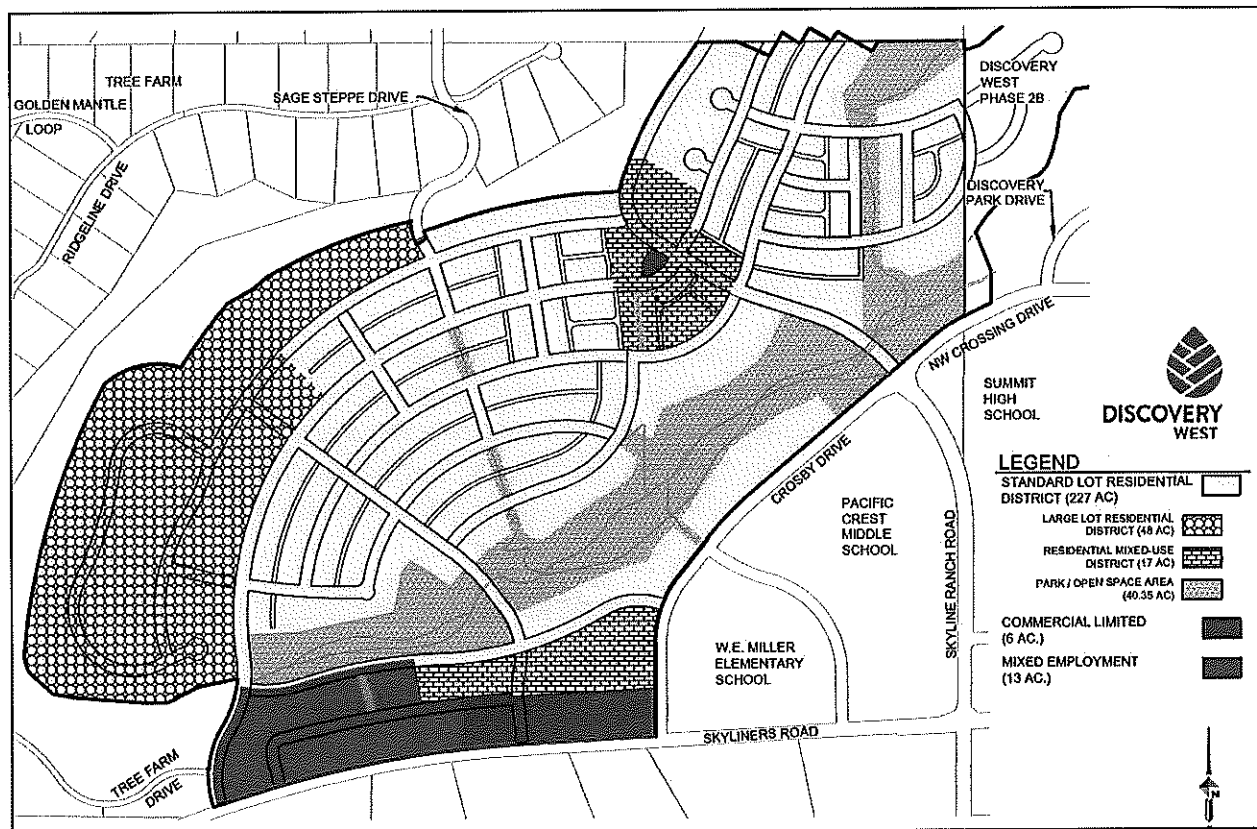
Figure 2.7.3720 Discovery West Master Planned Development.



[Ord. NS-2338, 2019]

2.7.3730 Districts.

Figure 2.7.3730 Districts. [Updated Map]



A. Large Lot Residential District.

1. Purpose. The purpose of the Large Lot Residential District is to implement the low-density single-unit residential lot component of the west side transect as identified in the Bend Comprehensive Plan. The increased setbacks in this district are intended to serve as greater buffers for wildlife passage and greater separation between structures for increased wildfire resilience.

2. Density. The Large Lot Residential District will accommodate approximately 50 single-unit detached dwelling and duplex lots.

B. Standard Lot Residential District.

1. Purpose. The purpose of the Standard Lot Residential District is to allow higher density detached single-unit and duplex lots on smaller lots than otherwise permitted in the underlying Low-Density Residential Zone (RL) zone to off-set the larger lots and lower density necessary for the Large Lot Residential District which implements the transect concept.

2. Density. The Standard Lot Residential District is intended to accommodate approximately 400 detached single-family unit and duplex residential lots.

C. Residential Mixed-Use District.

1. **Purpose.** The Residential Mixed-Use District is applied in locations adjacent to collector or arterial streets, Commercial Limited or Mixed Employment zones, or public parks to satisfy BCP Policy by allowing a variety of housing types, higher density residential uses, and live/work housing to form the highest density residential component of the transect along with some limited small-scale commercial opportunities in the live/work townhomes.

2. **Density.** The Residential Mixed-Use District will accommodate at least 54 ~~to 60 attached single-units townhomes~~ and at least ~~128-187 to 142~~ multi-unit, duplex, triplex, or quadplex residential units as required by BCP Policy 11-~~104~~124.

D. **Commercial/Mixed Employment District.**

1. **Purpose and Applicability.** The Commercial/Mixed Employment District applies to all land zoned Commercial Limited and Mixed Employment within the Discovery West Master Planned Development. The purpose of this district is to establish smaller scale commercial and employment uses than might otherwise be found in the CL and ME zones by limiting building height on lots abutting Skyliners Road. The Commercial/Mixed Employment District will also limit direct vehicular access to Skyliners Road.

E. **Definitions.** The following definitions apply to uses, building types and standards that are specific to the Discovery West Master Planned Development:

Attached single-family as used in Bend Comprehensive Plan Policy 11-~~104~~124, and as applicable to the Discovery West Master Planned Development, refers to townhomes, live-work townhomes, and any type of cluster housing development (both mews and cottages).

Cluster housing development refers to detached single-family-unit cottages or attached mews houses in a cluster around a central shared open space. Cottages or mews houses must be located on platted lots or as condominium units.

Cottage means a detached dwelling unit in a cluster housing development.

Live/work townhome means a residential townhome in which a business may be operated on the ground floor. A live/work dwelling is allowed instead of, or in addition to, home business as defined by this code.

Mews house means an attached dwelling unit in a cluster housing development, with common walls on one or both side lot lines.

Transect as used herein refers to a gradient from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire, pursuant to BCP Policy 11- 101. [Ord. NS-2338, 2019]

2.7.3740 Review Procedures.

The following review procedures are applicable to uses within the Discovery West Master Planned Development:

A. **Design Review.** Townhomes, live/work townhomes, cluster housing, duplexes, triplexes and quadplexes located on lots specifically approved as such will not be subject to design standards of the

underlying zoning district and the standards in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

B. ~~Site Plan/Design Review. Multifamily~~Multi-unit development greater than four units and buildings in the Commercial/Mixed Employment District will not be subject to the provisions of BDC 4.2.600, Design Review, or the design standards of the underlying zoning district and the standards in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses, but will be subject to BDC 4.2.500, Site Plan Review.

C. Conditional Use Permit. Conditionally permitted uses require a Conditional Use Permit in accordance with BDC Chapter 4.4. [Ord. NS-2389, 2020; Ord. NS-2338, 2019]

2.7.3750 Large Lot Residential District.

A. Permitted Uses.

1. Detached single-unit dwelling.
2. Accessory uses and structures.
3. Accessory dwelling unit.
4. Family childcare home (16 or fewer children).
5. Neighborhood, community, and regional parks.
6. Home business (Class A, Class B) subject to the provisions of BDC 3.6.200(N).
7. Duplexes, and
8. ~~Triplexes~~ on lots specifically designated for development as such on an approved subdivision tentative plan.

B. Height Standards. The height standards of the RL Zone apply.

C. Lot Area and Dimensions. The lot area and dimensions of the RL Zone apply.

D. Lot Coverage. The lot coverage standards of the RL Zone apply.

E. Setbacks. The setbacks of the RL Zone apply, with exception that a 20-foot side yard setback is required as a wildfire protection measure. [Ord. NS-2338, 2019]

2.7.3760 Standard Lot Residential District.

A. Permitted Uses.

1. Detached single-unit dwelling.
2. Accessory uses and structures.
3. Accessory dwelling unit.
4. Family childcare home (16 or fewer children).
5. Neighborhood, community, and regional parks.
6. Home business (Class A, Class B) subject to the provisions of BDC 3.6.200(N).

7. Duplexes ~~and~~

8. ~~Triplexes~~ on lots specifically designated for development as such on an approved subdivision tentative plan.

- B. Height Standards. The height standards of the RS Zone apply.
- C. Lot Area and Dimensions. The lot area and dimensions of the RS Zone apply.
- D. Lot Coverage. The lot coverage standards of the RS Zone apply.
- E. Setbacks. The setbacks of the RS Zone apply, with exception of the following special side setbacks:

Table 2.7.3760 Side Setbacks in the Standard Lot Residential District

Setback	Lot Width (frontage) Less than 65 feet	Lot Width (frontage) 65 feet or greater
Side	7.5 feet	10 feet

[Ord. NS-2338, 2019]

2.7.3770 Residential Mixed-Use District.

- A. Permitted Uses.
 - 1. All uses permitted or conditionally permitted in the Standard Lot Residential District.
 - 2. Multi-unit housing.
 - 3. Townhomes.
 - 4. Live/work townhome subject to the provisions of this district.
 - 5. Cluster housing development.
 - 6. Quadplexes.
- B. Setbacks. The setbacks of the RM Zone apply unless otherwise specified in the special use standards below (e.g., zero setback for common walls of townhome or mews houses).
- C. Height Standards. The following height standards apply in the Residential Mixed-Use District:

Table 2.7.3770 Height Standards in the Residential Mixed-Use District

Use	Building Height
Single-unit detached	30 35 feet
Townhome, duplex, triplex	35 feet
Multi-unit housing, live-work townhome, and quadplex	45 feet
Cluster housing – Cottage	25 feet
Cluster housing – Mews	35 feet

D. Lot Area and Dimensions. Except as otherwise specified in this section, the standards of the RM Zone apply.

E. Lot Coverage. The lot coverage standards of the RM Zone apply to detached ~~single-family unit~~ dwellings, duplexes, and triplexes. There is no lot coverage limitation for other uses in the Residential Mixed-Use District.

F. Platting Lots for Specific Uses. The following standards apply for the Residential Mixed-Use District:

1. The tentative plan application for a subdivision phase in the Residential Mixed-Use District must specify the housing type and a minimum and maximum number of residential units intended for each lot.
2. A deed restriction must be recorded with each lot in the RMUD intended for duplex, triplex, quadplex, multi-unit or townhome ~~attached single-unit dwellings~~ specifying a minimum and maximum range of housing units to ensure BCP Policy 11-104-124 is satisfied as to the type and total number of housing units specified for the West UGB Expansion Area Master Plan Area 1.

G. Special Standards for Live/Work Townhomes.

1. The location of lots where live/work dwellings may be sited must be specified in the tentative plan application for that development phase.
2. Live/work townhome lots may be designed without frontage on a public street when the lots abut the commercial lot to be developed as a plaza at the northwest corner of the Skyline Ranch Road/Ochoa Drive intersection. Townhome lots fronting the plaza must take access from a rear alley, and the property line fronting the commercial lot will be considered a front property line.
3. The commercial or office portion of the building may not exceed 50 percent of the square footage of the entire building, excluding any garage.
4. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. No more than four off-street parking spaces must be provided for each live/work townhome.
5. No outside storage of materials or goods related to the work occupation or business is permitted.
6. If the business is open to the public, public access must be through the work area front door and the business may not be open to clients or the public before 7:00 a.m. or after 10:00 p.m.
7. The residential portion of live/work townhomes may include a primary residence as well as an accessory dwelling unit. Residential units on any designated live/work townhome lot may be operated as short-term rental units and are not subject to the concentration limits in BDC 3.6.500, Short-term Rentals.
8. The following uses are allowed in live/work townhomes:
 - a. Offices and clinics;
 - b. Childcare facility (13 or more children);

- c. Food and beverage services less than 2,000 square feet (with or without alcohol) excluding automobile-dependent and automobile-oriented, drive-in, and drive-through uses;
- d. Laundromats and dry cleaners;
- e. Retail goods and services;
- f. Personal services (e.g., barber shops, salons, similar uses);
- g. Repair services, conducted entirely within building; excluding vehicle repair, small engine repair and similar services;
- h. Home business (Class A, B and C) subject to the provisions of BDC 3.6.200(N).

H. Special Standards for Cluster Housing Developments. Cluster housing development provides an alternative housing type to satisfy the attached single-family housing requirement of BCP Policy. The cluster housing development type supports the following principles:

- The development standards for cottage and mews houses fosters the creation of a small community within the larger overall Discovery West Master Planned Development.
- The site is designed with a coherent concept in mind, including shared functional open space, off-street parking areas, access within the site and from the site, and consistent landscaping;
- A cluster housing development must have a homeowners' association for the ownership and management of shared open space and any common parking areas.

1. General Development Requirements.

- a. There is no minimum lot size for cluster housing developments;
- b. Cottages or mews houses must be located on platted lots or as units in a condominium development and may share use of common facilities such as, but not limited to, a party room, tool shed, garden, workshop and parking areas;
- c. New lots created as a part of a cluster housing development within Discovery West are not required to have frontage on either a public or private street;
- d. Setbacks. A minimum setback of 10 feet and a maximum of 20 feet is required from any property line abutting a street. A minimum setback of five feet is required abutting all other outer boundaries of the cluster housing development;
- e. Interior Separation. There must be a minimum separation of 10 feet between all buildings with the exception of the common wall of attached mews houses;
- f. Accessory structures, garages or carports must be set back a minimum of 20 feet from property lines fronting a public street;
- g. Rear yard setbacks must be a minimum of five feet to the outer boundary of the cluster housing development.

2. Size Limitations.

- a. The total floor area of each cottage unit may not exceed 1,200 square feet, and the total floor area for each mews dwelling unit may not exceed 1,600 square feet. Attached garages are not included in the calculation of total floor area.
 - b. Cottage and mews areas that do not count toward the total floor area calculation are:
 - i. Architectural projections, such as bay windows or fireplaces;
 - ii. Attached roofed porches;
 - iii. Detached garages or carports;
 - iv. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second-floor area under the slope of the roof, or storage space under the main floor.
 - c. The maximum main floor area for cottages is 1,000 square feet. For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
 - d. Cottages must have a roofed porch at least 80 square feet in size with a minimum dimension of six feet on any side.
3. Required Open Space.
- a. Shared Open Space.
 - i. Shared open space must provide a centrally located, focal area for the cluster housing development.
 - ii. Shared open space must total a minimum of 500 square feet per cottage or mews lot when all shared open space areas are combined.
 - iii. Shared open space must abut at least 50 percent of the cottage or mews lots.
 - iv. Each cottage or mews lot must be connected to the shared open space by a pedestrian pathway.
 - v. Each cottage or mews lot must be within 75 feet of shared open space.
 - vi. Common parking areas are not counted in the shared open space area requirements.
 - b. Private Open Space.
 - i. Each unit must have a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage or mews resident.
 - ii. The private open space must be located on slopes of less than 10 percent.
4. Parking.
- a. A minimum of one parking space and a maximum of two parking spaces are required for each cottage or mews dwelling unit.

- b. A parking area is a location for two or more contiguous vehicle spaces not within a garage or carport. Any common parking area must be located in the cluster housing development. [Ord. NS-2338, 2019]

2.7.3780 Commercial/Mixed Employment District.

A. Development Standards. The development standards of the underlying zone apply within the Commercial/Mixed Employment District, with the exception of the additional limitations below for lots with frontage on Skyliners Road.

1. Height Limitation. For lots that abut Skyliners Road, the maximum building height is 35 feet.
2. Site Access. No vehicular access driveways are allowed onto Skyliners Road. [Ord. NS-2338, 2019]

2.7.3790 Special Street Standards.

Figure 2.7.3790.A depicts the street type, tentative street location and alignment in the Discovery West Master Planned Development. Table 2.7.3790 defines the standards to correspond to the street type shown in Figure 2.7.3790.A. The precise street alignment will be established through the approval of tentative subdivision plans. These street types and standards will be applied to the Discovery West Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process.

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 Discovery West Master Planned Development during the subdivision review process.

Figure 2.7.3790.A Discovery West Street and Circulation Plan [Updated Map]

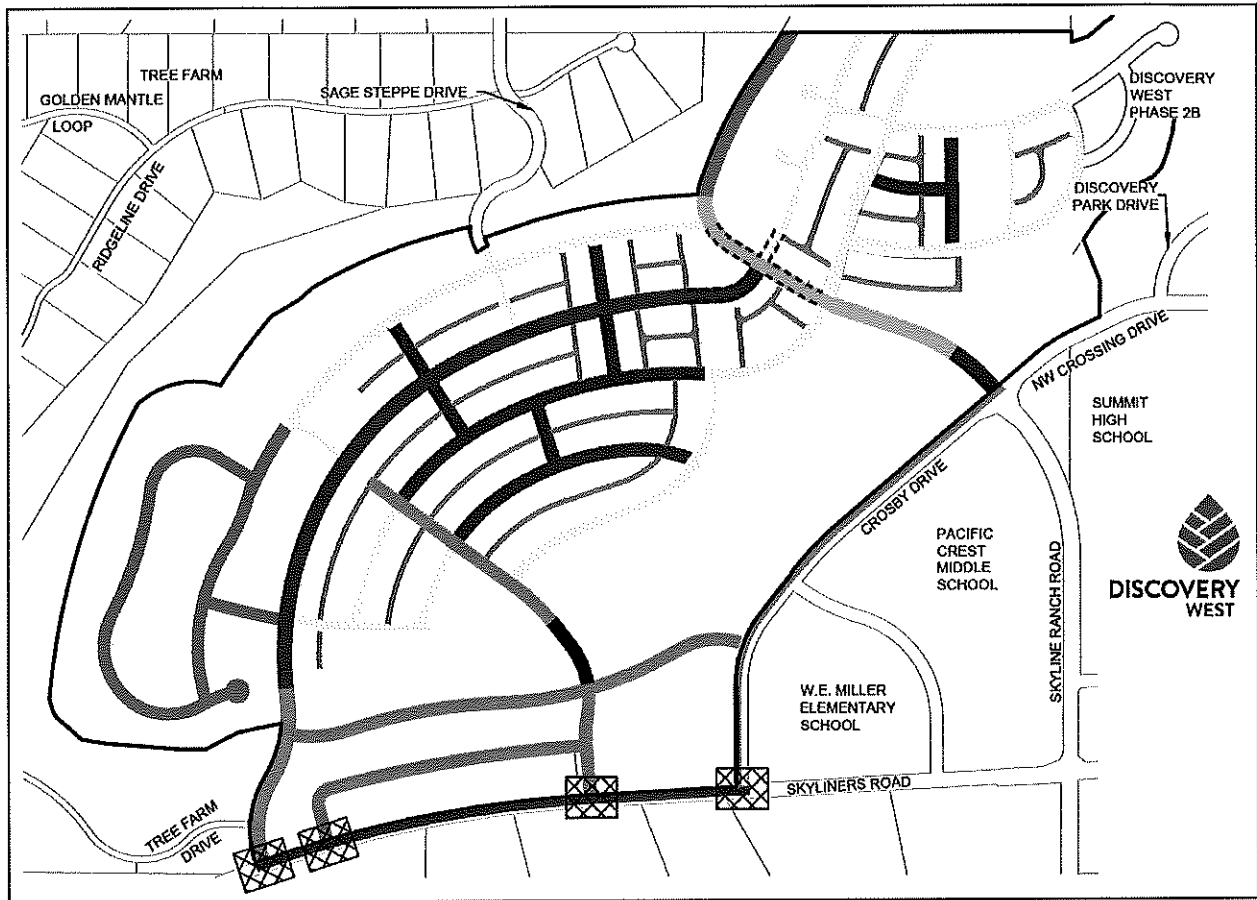















Table 2.7.3790 Discovery West Street Types and Standards with Cross Sections [Updated Table]

STREET LEGEND AND SPECIFICATIONS:								
STREET TYPE	RIGHT OF WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANTER WIDTH	SIDEWALK WIDTH	
 SKYLINERS RD. ARTERIAL	40 FT. (HALF WIDTH)	36 FT.	12 FT.	6 FT.	0 FT.	VARIES ~12 FT.	10 FT. ASPHALT TRAIL (1 SIDE)	
 COLLECTOR A	70 FT.	48 FT.	11 FT.	6 FT.	7 FT. (BOTH SIDES)	4 FT.	6.5 FT.	
 COLLECTOR B	70 FT.	44 FT.	10 FT.	5 FT.	7 FT. (BOTH SIDES)	6 FT.	6.5 FT.	
 COLLECTOR C	35 FT. (HALF WIDTH)	34 FT. TO 41 FT.	11 FT.	6 FT.	7 FT. (ONE SIDE)	VARIES 0'-7' FT.	6.5 FT.	
 CANYON COLLECTOR	70 FT.	38 FT.	11 FT.	6 FT. + 2 FT. BUFFER	0 FT.	VARIES ~12 FT.	10 FT. ASPHALT TRAIL (1 SIDE)	
 PARK COLLECTOR A	70 FT.	34 FT.	11 FT.	6 FT.	0 FT.	0 FT.	6.5 FT. CURB TIGHT	
 PARK COLLECTOR B	70 FT.	30 FT.	10 FT.	5 FT.	0 FT.	9.5 FT. - 13 FT.	10 FT AC - 6.5 FT.	
 LOCAL	60 FT.	36 FT.	10 FT.	0 FT.	8 FT. (BOTH SIDES)	6.5 FT.	5 FT.	
 LOCAL PARK	60 FT.	24 FT.	12 FT.	0 FT.	0 FT.	11 FT.	6.5 FT. CURB TIGHT	
 LOCAL RESIDENTIAL STANDARD A	60 FT.	* 32 FT.	* 9 FT.	0 FT.	7 FT. (BOTH SIDES)*	8.5 FT.	5 FT.	
 LOCAL RESIDENTIAL STANDARD B	60 FT.	28 FT.	10 FT.	0 FT.	8 FT. (BOTH SIDES)	10.5 FT.	5 FT.	
 LOCAL RESIDENTIAL STANDARD C	55 FT.	28 FT.	10 FT.	0 FT.	8 FT. (ONE SIDE ONLY)	8 FT.	5 FT.	
 ALLEY	20 FT.	15	15 FT.	0 FT.	0 FT.	0 FT.	0 FT.	



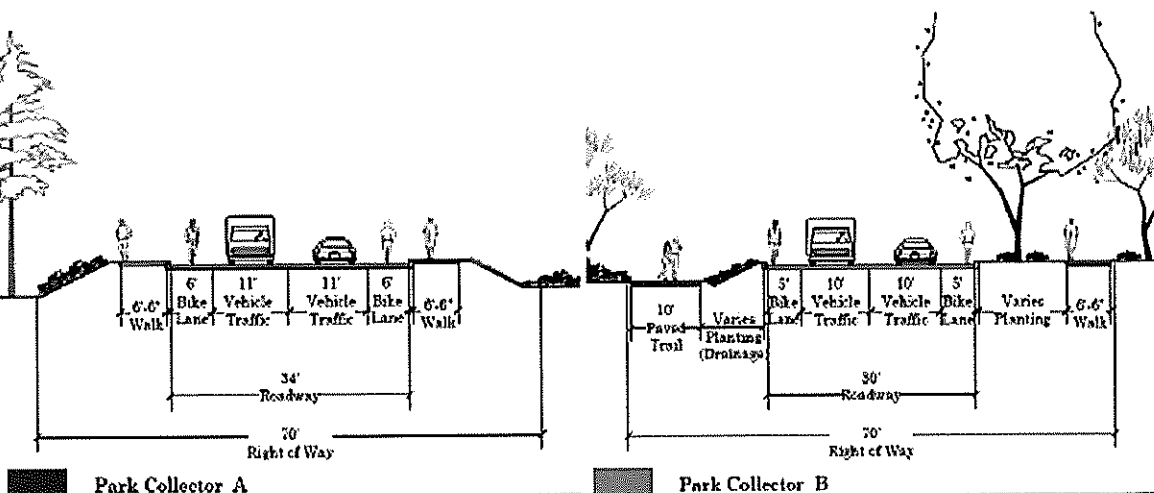
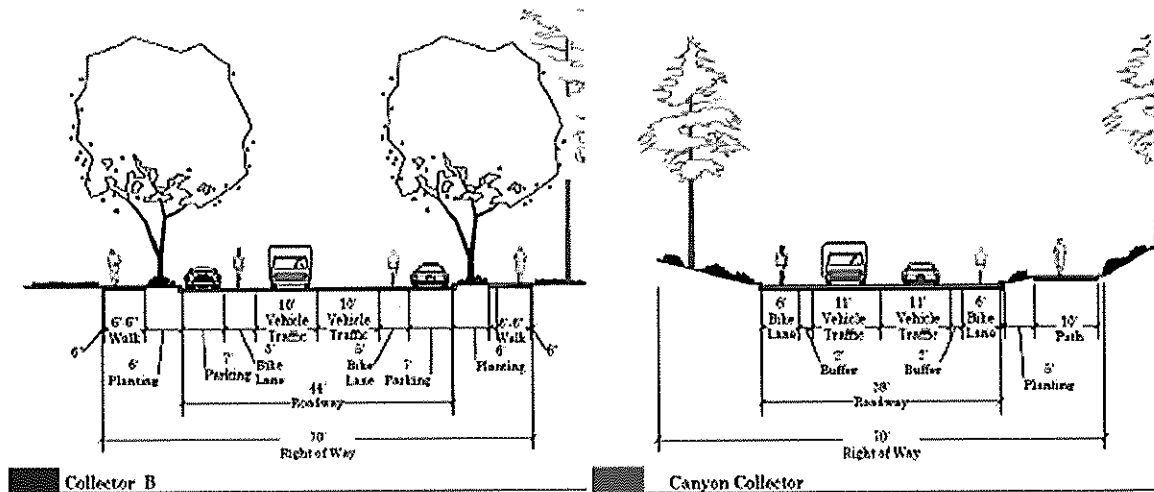
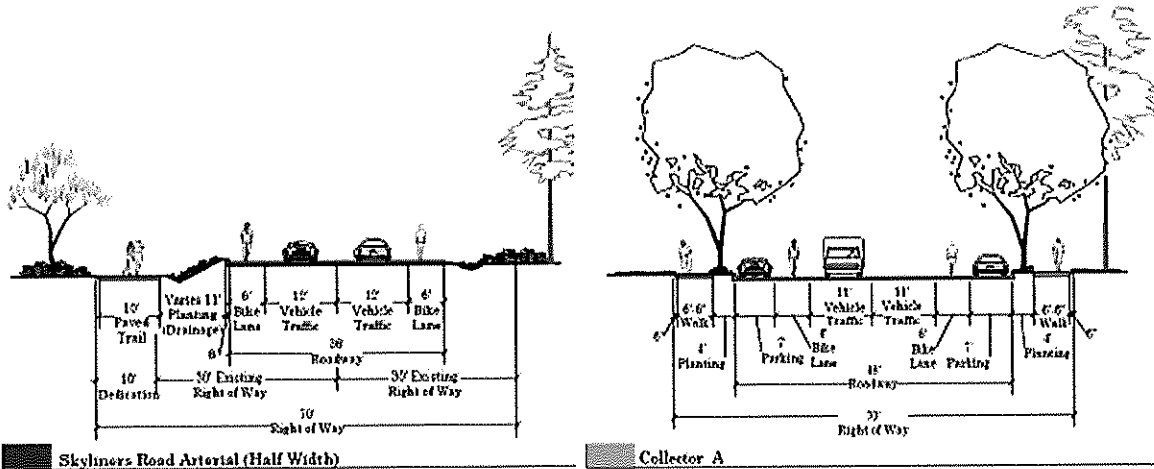
FULL MOVEMENT ARTERIAL STREET INTERSECTION

----- PLANTER WIDTH SHALL BE REDUCED TO 0', SIDEWALK SHALL EXTEND FROM CURB TO 0.5' INSIDE OF RIGHT OF WAY, AND TREE GRATES SHALL BE PROVIDED FOR STREET TREES.

*Performance standards for Local Residential Street "B"

1. Average daily traffic volume on do not exceed 300 ADT.
2. The street is connected to a grid street pattern at both block ends.
3. Blocks must have dedicated public alley access constructed to Discovery West standards.

4. "No Parking" zones must be established 55 feet from the centerline of intersecting local streets.
5. For block lengths exceeding 300 feet, "No Parking" zones must be established on both sides of the street spaced no greater than 250 feet apart. Each zone must be a minimum of 30 feet in length.



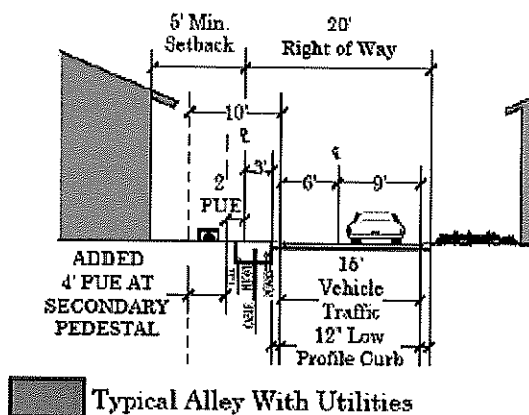
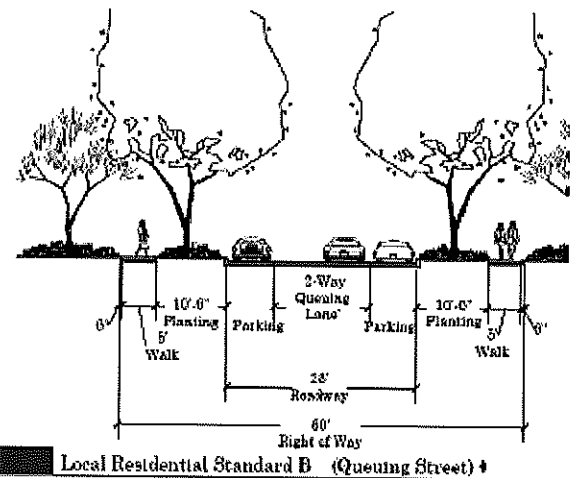
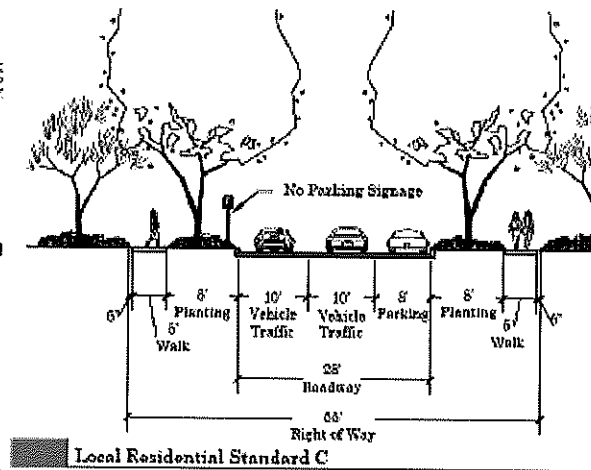
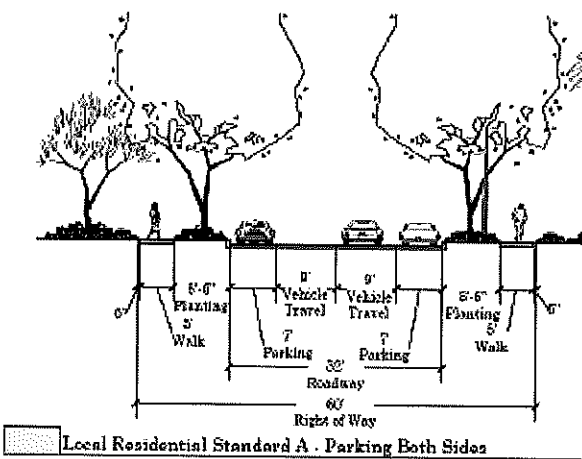
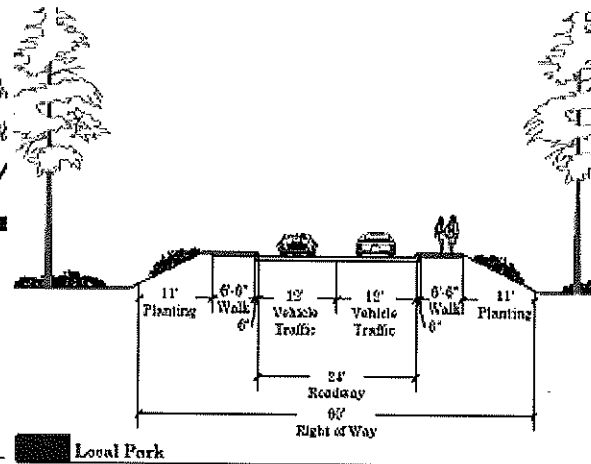
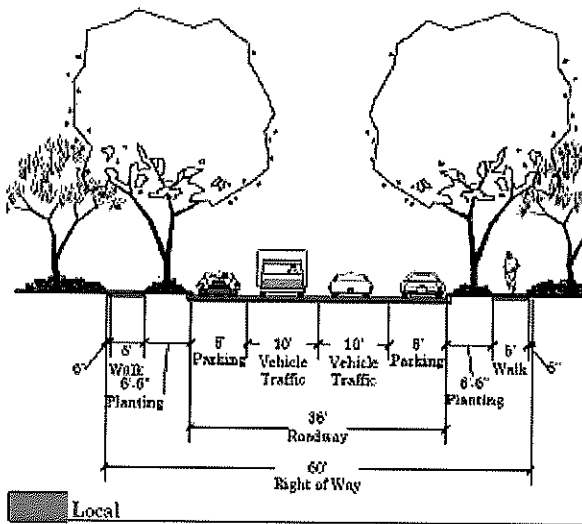
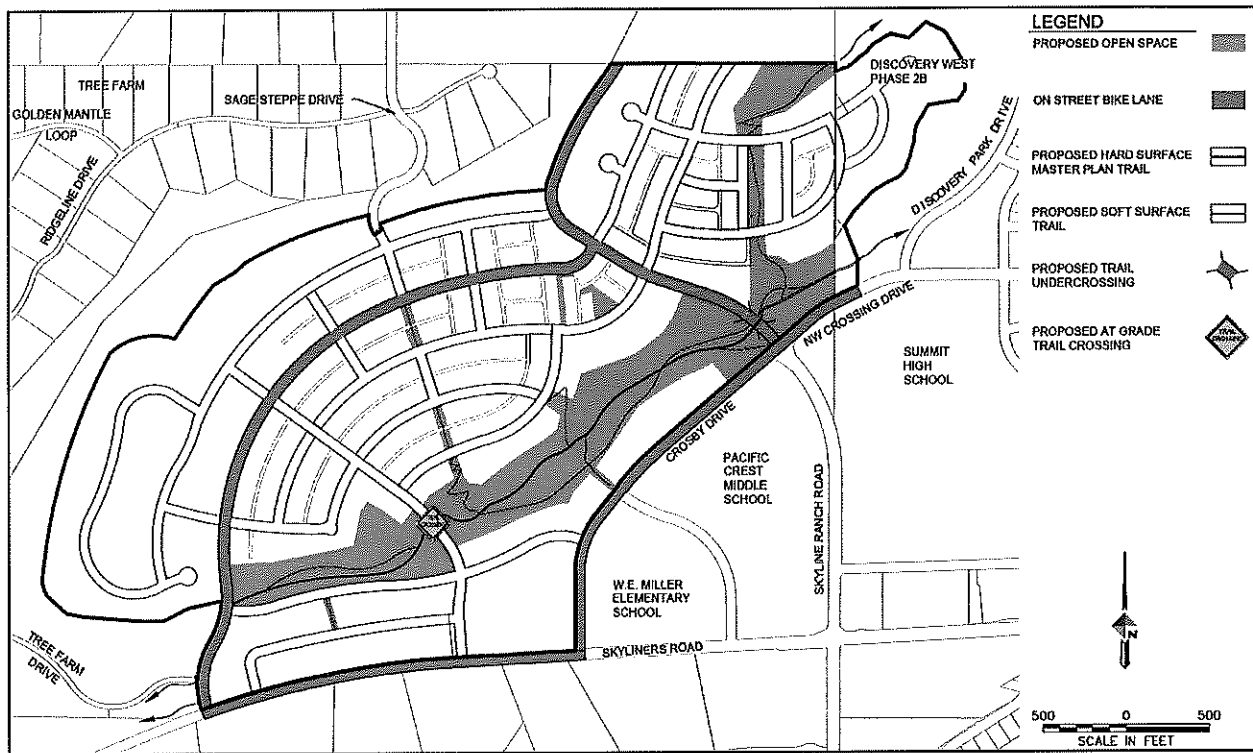
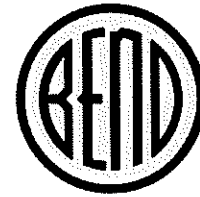


Figure 2.7.3790.B Discovery West Pedestrian and Bicycle Circulation Plan [Updated Map]

**CITY OF BEND PLANNING DIVISION
RECOMMENDATION TO THE CITY COUNCIL**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PLMOD20210933

HEARING DATE: January 5, 2022

**APPLICANT/
OWNER:** Pahlisch Homes, Inc.
(Treeline) 210 SW Wilson Avenue, Suite 100
Bend, OR 97703

OWNER: NWX2 LLC
(Discovery West) 409 NW Franklin Avenue
Bend, OR 97703

**PRIMARY
CONTACT:** Joey Shearer
AKS Engineering and Forestry, LLC
2777 NW Lolo Drive, Suite 150
Bend, OR 97703

LOCATION: Treeline Modification Area: Bend Urban Growth Boundary West Expansion
Area Master Plan Area 3; Tax lot 1100 on Deschutes County Assessor Map
1711135

Adopted Treeline Master Plan: Bend Urban Growth Boundary West
Expansion Area Master Plan Area 2; Tax Lots 100, 500 and 700 on
Deschutes County Assessor Map 171126DD

Adopted Discovery West Master Plan (a part): Bend Urban Growth
Boundary West Expansion Area Master Plan Area 1; Tax Lot 400 on
Deschutes County Assessor Map 1711135 and Tax Lot 400 on Deschutes
County Assessor Map 1711135D

REQUEST: Type III Quasi-judicial amendment to Bend Development Code Chapter
2.7, Special Planned Districts, to amend the Treeline Master Planned
Development to add 31.7 acres with 77 single-family homes including 16
townhomes, and 9.4 acres of open space.

Type III Quasi-judicial amendment to Comprehensive Plan Policies 11-122
through 11-125 to reallocate the required 59 multifamily, duplex, and/or
triplex housing units, including at least 12 affordable units, from the
Treeline Modification Area (West Area 3) to the Discovery West Master
Plan (West Area 1) and to provide for a one-acre reduction in both
commercial and mixed employment plan designations and a corresponding
two-acre increase in the Urban Low-Density plan designation, that will also
be reflected in the Comprehensive Plan Map and the Discovery West
Master Plan.

**STAFF
REVIEWERS:** Karen Swenson, AICP, Senior Planner
(541) 388-5567; kswenson@bendoregon.gov
Chris Henningsen, PE, Principal Engineer
(541) 388-5571; chenningesen@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 2.7, Special Planned Districts

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

Chapter 3.4, Public Improvement Standards

Chapter 4.7, Transportation Analysis

Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan

Chapter 11, Growth Management

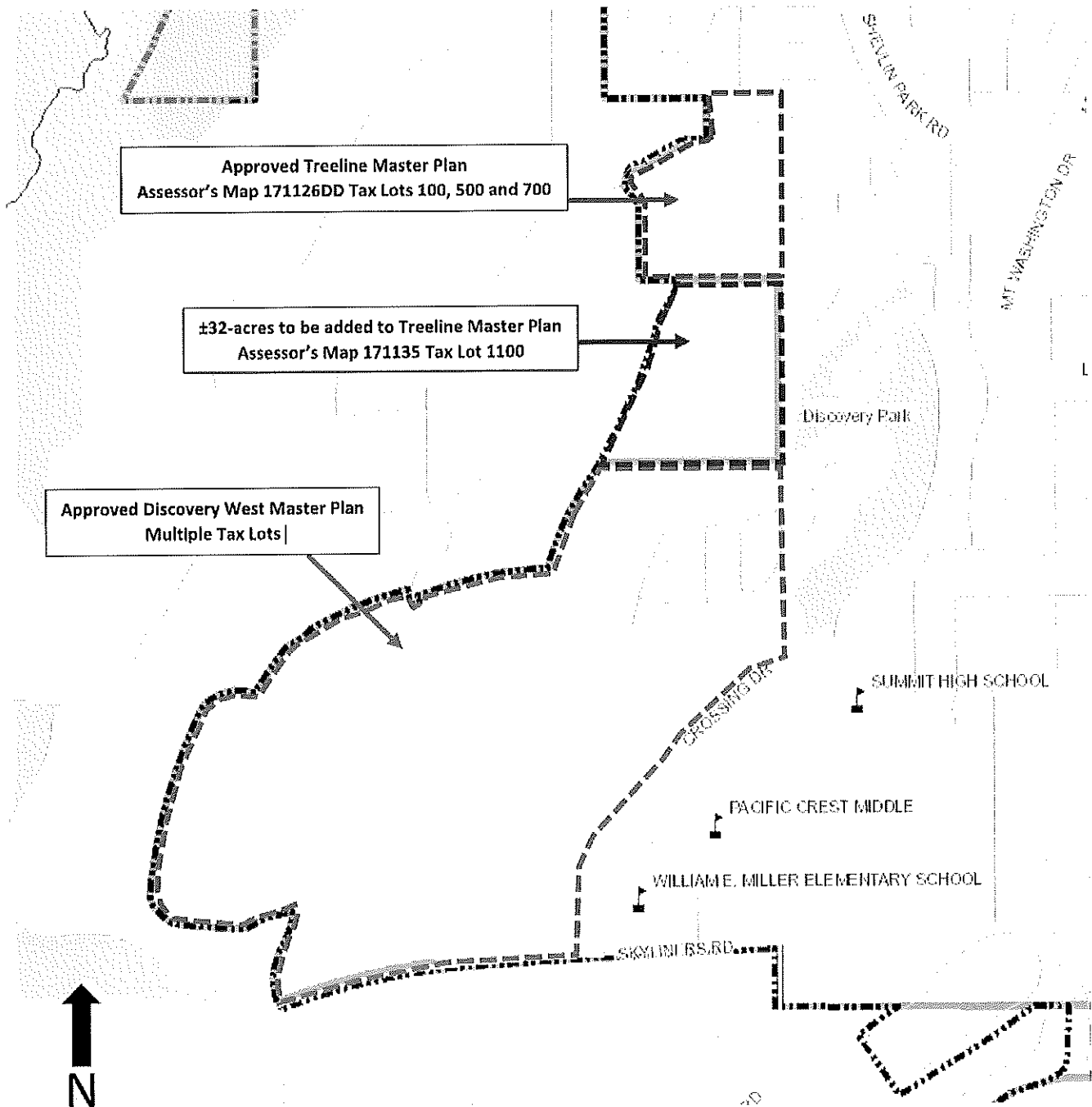
Oregon Administrative Rules

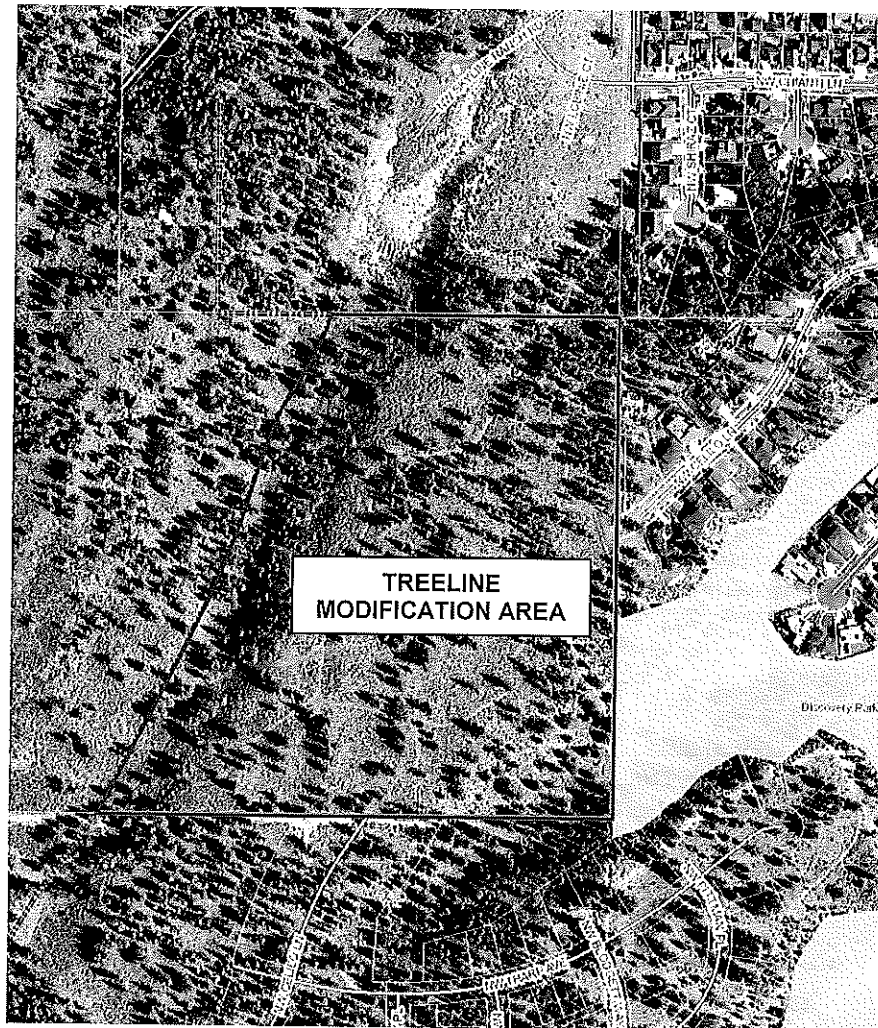
Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

1. **LOCATION:** The Treeline Master Plan Modification Area encompasses 31.7 acres of the 344-acre West Area Urban Growth Area (UGB) Expansion Area and is referenced as West Area 3. The extension of Skyline Ranch Road creates the western boundary of this master plan modification area and is coincident with the urban growth boundary. The adopted Treeline Master Plan is to the north and the adopted Discovery West Master Plan is to the south.
2. **ZONE AND PLAN DESIGNATION:** The Treeline Master Plan modification area is within the West Area of the 2016 Urban Growth Boundary (UGB) expansion, further identified as West Area Master Plan Area 3. The property consists of 31.7 total acres, currently zoned Urbanizable Area (UA), and designated Residential Urban Low Density (RL) by the Bend Comprehensive Plan Map. The Comprehensive Plan specifies that the property will be developed with a maximum of 136 total housing units, including 16 townhomes and 59 duplex/triplex/multifamily units, pursuant to Bend Comprehensive Plan (BCP) Policy 11-124. Policy 11-125 also indicates that 20 percent of the duplex/triplex/multifamily units must be affordable housing units.

Vicinity Map



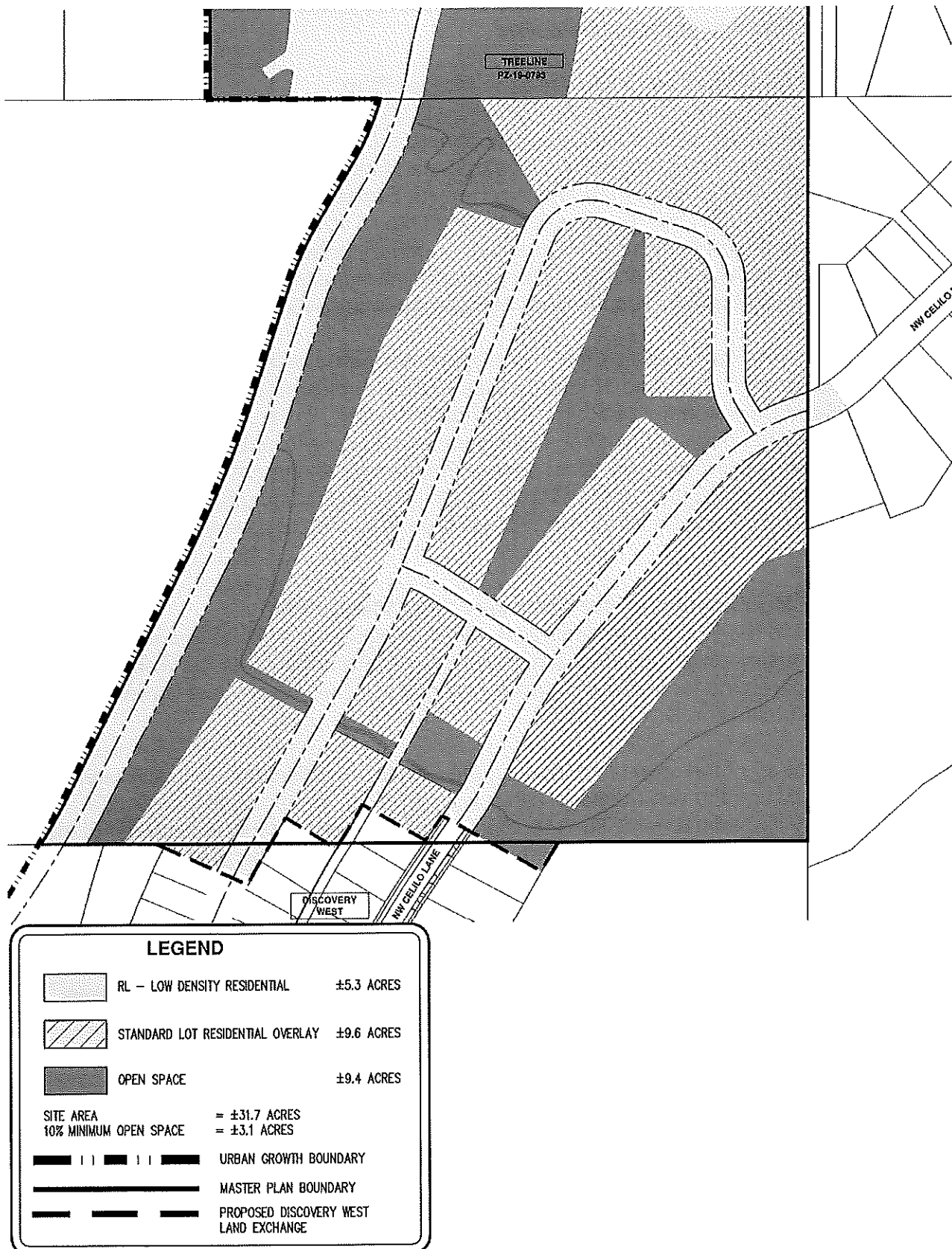


3. **SITE DESCRIPTION & SURROUNDING USES:** The Treeline Master Plan modification area is the fourth and last portion of the West Area (see Comprehensive Plan Figures 11-7 and 11-8) to submit for a master plan and annexation. The Master Plan Area is bounded by the adopted Treeline Master Plan (West Area 2) to the north, Discovery West Master Plan (West Area 1) to the south, the urban growth boundary and the county-approved Westgate subdivision within the Westside Transect zone to the west, and Discovery Park and single-family homes within the Northwest Crossing subdivision to the east.

Existing vegetation within Master Plan Area 3 is typical of the west side of Bend and includes coniferous trees—primarily Ponderosa pines—of varying heights and maturities. The Existing Conditions Plan and Existing Aerial View (Exhibit C) show the property is devoid of structures. Topography on the site varies. Large areas along the western edge and southeastern corner slope down at 10 to 25 percent to the property boundary, with some areas in excess of 25 percent slope.

4. **PROPOSAL:** This proposal is for a Major Community Master Plan modification for the 31.7-acre West Area 3 Urban Growth Expansion Area to be included in the adopted Treeline Master Plan.

Figure 1: Treeline Master Plan Modification



This application package consists of three individual sub-applications: a Modification to the Treeline Master Plan, a Modification to the Discovery West Master Plan, and a Comprehensive Plan Text and Map Amendment. Each application and applicable approval criteria are identified and summarized below.

Application for Modification to the Treeline Master Plan

The modification to the Treeline Master Plan will add 31.7 acres of residential land in Master Plan Area 3 to the approved 28.3-acre project consisting of Master Plan Area 2, creating a 60-acre master planned neighborhood. Development standards for the Treeline Master Plan, including the Master Plan map and the Treeline Street and Circulation Plan, are codified in BDC 2.7.4000. The Treeline Master Plan figure shows a planned lot line adjustment configuration to establish a modified boundary between the Discovery West Master Plan and Treeline Master Plan. The property line adjustment will be submitted as a separate application and results in no net change in area for either Master Plan.

The Comprehensive Plan specifies that the property will be developed with a maximum of 136 total housing units, including 16 townhomes and 59 duplex/triplex/multifamily units, pursuant to Bend Comprehensive Plan (BCP) Policy 11-124. Policy 11-125 also indicates that 20 percent of the duplex/triplex/multifamily units must be affordable housing units. This application modifies the Discovery West Master Planned development to reallocate the required 59 multifamily, duplex, and/or triplex housing units, including at least 12 affordable units, from the Treeline Modification Area (West Area 3) to the Discovery West Master Plan (West Area 1).

Application for Modification to the Discovery West Master Plan

The modification to the Discovery West Master Plan includes updates to account for the addition of 59 housing units, including a minimum of 12 affordable units, as well as minor updates to the standards for live/work townhomes and the Discovery West Street and Circulation Plan codified in BDC 2.7.3700.

Due to the geometry of the streets connecting the Treeline modification to Discovery West, the boundary between the two master plans are proposed to be modified to reflect a planned property line adjustment. The modified boundary between the two master plans allows for new lots to have uniform property lines perpendicular to the planned streets.

Application for Comprehensive Plan Text and Map Amendment

The amendments to Bend Comprehensive Plan (BCP) Policies 11-122, 11-124, and 11-125 facilitate the transfer of 59 multifamily, duplex, and triplex housing requirements from Master Plan Area 3 to Master Plan Area 1, the Discovery West Master Plan. The amendments account for a one-acre reduction in both commercial and mixed employment plan designations and a corresponding two-acre increase in the Urban Low-Density plan designation, that will also be reflected in the Comprehensive Plan Map and the Discovery West Master Plan. Under OAR 660-009-0010(4), a post-acknowledgement plan amendment that changes the plan designation of land for two acres or less within an existing urban growth boundary from an employment use designation to any other use designation, is exempt from the requirement to show consistency with the most recent economic opportunities analysis and the parts of the Bend Comprehensive Plan which address the requirements of this OAR section.

6. **PROCEDURAL HISTORY:** On June 5, 2019, the Bend City Council adopted Ordinance NS-2338, adopting the Discovery West Master Plan and implementing BCP Policies 11-120 through 11-128 for Master Plan Area 1. The ordinance became effective on July 5, 2019. On March 4, 2020, the Bend City Council adopted Ordinance NS-2365, adopting the Treeline Master Plan and implementing BCP Policies 11-120 through 11-128 for Master Plan Area 2. The ordinance became effective on April 3, 2020.
6. **PUBLIC NOTICE AND COMMENTS:** A neighborhood public meeting was held on May 12, 2021, at 5:30 p.m. via a Zoom webinar format, due to COVID-19 state restrictions on in-person public meetings and gatherings. Large-scale preliminary plans and vicinity maps were displayed electronically at the meeting. The public meeting was conducted and completed in accordance with BDC Section 4.1.215. The subject property is within the Summit West Neighborhood Association (SWNA). Bill Bernardy, SWNA Land Use Chair, accepted the applicant's invitation to participate as a panelist, meaning he could see all the written questions that were submitted and ask follow-up questions. The signed meeting verification form and associated neighborhood meeting materials are included as part of this application submittal. The documents show that approximately 30 members of the public attended the virtual neighborhood meeting. According to the documents, concerns at the meeting included: fire/emergency access; the definition, need and transfer of affordable housing units; specific concerns about Celilo Lane including construction and residential traffic and setback and height of home on the east side of Celilo Lane; too much building and traffic in Bend; tree preservation; impacts to infrastructure, water supply, forests and wildlife habitat; vehicle speeds and traffic calming; and timing of construction, including Skyline Ranch Road. It was noted that the 59 duplex/triplex/multifamily/affordable units are better suited for Discovery West than the Treeline modification area.

The Planning Commission held a public hearing for the master plan modifications and Comprehensive Plan policy and map amendments on December 13, 2021, and issued a recommendation of approval to the Council. Four individuals provided oral comments at the Planning Commission public hearing.

On December 15, 2021, the City of Bend Planning Division mailed notice of the City Council hearing for this application to surrounding owners of record of property within 500 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Summit West Neighborhood Association. The notices for the public hearing were mailed more than 10 days prior to the first evidentiary hearing, in accordance with BDC 4.1.423. There will be at least two evidentiary hearings for this application; one before the Planning Commission on December 13, 2021, and another before the City Council once the Planning Commission issues a recommendation to the Council.

On December 23, 2021, three *Notice of Proposed Development* signs were posted by the applicant at the eastern and southern boundary of the Treeline modification area (termini of Celilo Lane) and along the southern boundary of the Discovery West master plan near the property to be redesignated (on Skyliner Road west of Crosby Drive), visible from abutting developed rights of way. These notices were posted for more than 10 days prior to the January 5, 2022 hearing date.

One written comment was received in response to the City Council public hearing notice at the time this recommendation was written. Various agencies were also sent notice, and their comments are contained in the project file and considered in this decision.

- 8. APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on September 30, 2021 and most required submittal materials were uploaded that day. The application fees were fully paid on October 28, 2021. The Utility Availability Memo was uploaded on November 5, 2021. 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 Treeline master plan increases the land area of the Easton Master Plan by 31.7 acres, property not currently within the Treeline master plan shown on Figure 2.7.4020. The proposal requires an amendment to the Development Code for both the Treeline and Discovery West master plans.

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 Treeline Master Plan was adopted on March 4, 2020. The adopting ordinance (NS-2391) became effective 30 days later on April 3, 2020. The Discovery West Master Plan was adopted on June 5, 2019. The adopting ordinance (NS-2338) became effective 30 days later on July 5, 2019. Therefore, both approvals are 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 31.7 acres to the approved 28.3-acre Treeline Master Plan, and the redesignation of 2 acres of commercial and mixed use property within the Discovery West Master Plan to residential use. 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 Treeline Master Plan and Discovery West Master Plan modifications are 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 Treeline Master Plan and Discovery West Master Plan were 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 Treeline Master Plan Modification boundary contains 60 acres (31.7 acres of

expansion), all of which 10 acres are designated for residential use. Therefore, the most prominent uses within the Treeline Master Plan 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: Rather than a density transfer, this project includes an amendment to the Comprehensive Plan that reallocates 59 duplex/triplex/multifamily units within the West Area UGB Expansion Area, from Master Plan Area 3 to Master Plan Area 1. With the planned amendments, the project meets the applicable density standards in BDC 4.5.200(E)(3) by showing that Master Plan Areas 1 and 3 will contain the housing unit count and mix prescribed in BCP Policies 11-124 and 11-125.

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

FINDING: The Treeline Master Plan property is currently zoned Urbanizable Area (UA), but designated RL - Low Density Residential (31.7 acres) on the Comprehensive Plan map. Annexation of Master Plan Area 3, submitted concurrently with the modification, will rezone the properties to RL. Only uses permitted in the RL zone in the Treeline Master Plan are proposed. Similarly, with the redesignation of 2 acres of commercial and mixed use property within the Discovery West master plan to residential use, only uses permitted in the applicable residential zone are proposed.

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

FINDING: The Treeline major community master plan modification incorporates approximately 9.4 acres of additional open space, for a total of 16.3 acres of open space within the overall Treeline Master Plan, or 27 percent of the master plan area, in compliance with BDC 4.5.200.E.4. The open space will be private, maintained by the Treeline HOA. No changes are made to the open space designations or acreage in the Discovery West master plan.

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 proposed master plan modification is not subject to the 120-day review period specified in ORS 227.178.

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

1. Existing Conditions Submittal Requirements.

....

2. Proposed Master Plan Submittal Requirements.

a. Narrative that describes the following:

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

b. Scaled maps or diagrams that include the following information (as applicable):

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

- d. A letter or other written documentation from the Bend Metro Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity**

to review the design for options to enhance existing parks and trails, and develop new parks and trails.

- e. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity to review the Master Plan area for compliance with the School Facility Plan, latest edition.
- f. Transportation analysis in compliance with BDC Chapter 4.7. Transportation Analysis.
- g. Institutional and Employment Master Plans must submit a Transportation and Parking Demand Management (TPDM) Plan in compliance with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.
- h. Water and Sewer Capacity Analysis.
- i. Information required by BDC 2.7.400 Waterway Overlay Zone, BDC 2.7.700 Upland Areas of Special Interest Overlay Zone, BDC 3.5.200 Outdoor Lighting Standards, and/or BC Chapter 5.50 Noise, as applicable.
- j. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).
- k. A Title Report prepared within the previous 90 days.

FINDING: The applicant's narrative provides descriptions of which exhibits submitted with the application address each of the submittal requirements listed in this section. Staff reviewed the application materials and determined that the applicable information was submitted and the application was complete on November 5, 2021. In addition to the Site Plan Drawings, the following is a summary of the exhibits submitted with this application:

Exhibits:

- A. Property Owner Authorization Forms
- B. Annexation Application forms
- C. Treeline Master Plan Modification Plans
 - Vicinity Map
 - Existing Ownership
 - Existing Conditions Utility and Slope
 - Preliminary Master Plan (Addition)
 - Preliminary Master Plan
 - Preliminary Open Space and Trails Plan
 - Preliminary Zoning Map
 - Preliminary Circulation Plan
 - Preliminary Street Sections
 - Conceptual Grading Plan

- D. Map and Legal Description
- E. Preliminary Title Report
- F. Bend Park and Recreation District (BPRD) Letter
- G. Bend-La Pine School District Letter
- H. Utility Availability Memo
- I. Traffic Analysis Memo (TAM)
- J. Wildfire Mitigation Plan
- K. Neighborhood Meeting Materials
- L. Treeline Development Code
- M. Discovery West Development Code
- N. "Will-Serve" Letters
- O. Westside Infrastructure Group Development Agreement (WIG DA)
- P. Preliminary Tree Preservation Plan

4.5.200 Community Master Plan.

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

B. Applicability.

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

FINDING: BCP Policy 11-118 requires master planning for the West Area UGB Expansion Area. Additionally, this project is subject to the community master plan requirements because it includes a single property under common ownership totaling more than 20 acres (31.7 acres). The property does not qualify for any exemptions to the master planning requirements outlined in this section.

C. Review Process.

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

FINDING: The Treeline community master plan modification includes 77 units of statutory needed housing and the Discovery West master plan modification includes 59 units of needed housing. However, the applicant is electing to use a deviation process as allowed under a major master plan in order to modify one or more BDC standards to ensure consistency with the housing units and mix required by BCP Policy 11-124 for Master Plan Area 3.

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

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

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

D. Community Master Plan Approval Criteria.

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

FINDING: Subsection (E) is addressed below. The 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 Existing Conditions Plan (Exhibit C) shows existing water mains, sanitary sewer mains and storm sewer mains abutting and nearby the project site in addition to existing overhead power lines crossing the site. The Utility Availability Memo (Exhibit H) issued by City of Bend Engineering Division (PRSWA202103433) shows that existing water and sewer facilities have adequate capacity to serve the additional properties planned to be added to the Treeline Master Plan or adequate facilities will be installed concurrent with construction and prior to occupancy or use.

The Westside Infrastructure Group Development Agreement (WIG DA - Ordinance No. NS-2316, effective November 16, 2018, City file #PZ 18-0696; Exhibit O of this application) also demonstrates compliance with this section. The West Area and Shevlin Area UGB expansion areas were incorporated in this development agreement at their maximum permissible development potential as specified in the Bend Comprehensive Plan, to assess impacts on the sewer and water systems. The findings in support of the WIG DA (PZ 18-0696) conclude that existing sewer and water facilities are currently adequate or will be made adequate with the installation of certain improvements specified in the WIG DA. The requirements of the WIG DA are binding on both the applicant and the City for a period of 15 years from enactment, until November 16, 2033. Those findings and conclusions adopted in support of Ordinance NS-2316 are incorporated herein by reference.

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

Chapter 4.7, Transportation Analysis

4.7.600 Significant Impacts and Mitigation Measures.

D. Timing of Improvements.

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

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

In addition, the applicant submitted a supplemental Transportation Facilities Report (Exhibit I of the application) which was reviewed by City staff. The City issued a Traffic Analysis Memo

(PRTRF202104245) on August 31, 2021 outlining site-specific transportation mitigation requirements. Implementation of these mitigation measures indicates compliance with BDC 4.7 and the WIG DA (Exhibit O).

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 Treeline Major Community Master Plan Modification meets the applicable density standards by showing that the West Areas 1 and 3 will contain the housing unit count and mix prescribed in BCP Policy 11-123 and 11-124, as amended by the concurrent Comprehensive Plan map and text amendment. Housing density and mix is addressed further in the response to BCP Policy 11-123 and 11-124, below. The affected properties will be zoned consistent with their plan designations. The applicable criteria are met.

Per BDC Table 2.1.100 and 2.1.600, the RL zone density range is 1.1 to 4.0 dwelling units per gross acre. The proposed master plan includes 77 single family housing units, which equates to 2.4 units per acre with the open space included and 3.45 units per acre without the open space included, in compliance with the RL Comprehensive Plan and zoning designation. Single-family residences are a permitted use in the RL zone. This criterion has been met.

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

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

FINDING: A special plan district for the Treeline Master Plan is codified in BDC 2.7.4000. The modification does not include changes to the zoning district requirements or changes to code sections in Title 3, only map modifications to show the Treeline expansion area (Figures 2.7.4020 and 2.7.4060). The modified code is included in Exhibit L. Future land use applications – including Subdivision and Site Plan Review – and building permit review will provide the required details demonstrating compliance with the specific applicable provisions of Titles 2 and 3. However, the preliminary plans (Exhibit C) for the Master Plan Modification show that applicable requirements are capable of being met.

A special plan district for Discovery West is codified in BDC 2.7.3700. The modified code language is included in Exhibit M of the application. Figure 2.7.3730 is modified consistent with the Comprehensive Plan Map amendment to exchange one acre each of commercial and mixed use zoning for residential zoning. Text referencing the number and type of housing units is modified consistent with the proposed Comprehensive Plan policy amendment. Minor code amendments regarding live/work townhomes are also proposed, increasing the maximum building height, allowing frontage on a commercial lot rather than a street, and clarification that the townhome may include an accessory dwelling unit and may be operated as short term rentals. These minor amendments are necessary to meet the specific development types proposed by the developer and meet the purpose of the regulation being modified. Figure 2.7.3790 is modified to show Crosby Drive as a Collector C street type due to topographic grades precluding a wider street section (and a corresponding change to Table 2.7.3790), and Figure 2.7.3790.B. is modified to change a trail undercrossing to an at-grade crossing at the request of the Bend Parks and Recreation District.

Due to the geometry of the streets connecting the Treeline modification to Discovery West, the boundary between the two master plans has been modified to reflect a planned property line adjustment. The modified boundary between the two master plans allows for new lots to have uniform property lines perpendicular to the planned streets. A subsequent property line adjustment will be submitted upon approval of this application.

- c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:**
- i. Approval of the request is consistent with the relevant Statewide planning goals that are designated by the Planning Director or designee; and**
 - ii. Approval of the request is consistent with only the relevant policies of the Bend Comprehensive Plan Chapter 11, Growth Management, that are designated by the Planning Director or designee.**

FINDING: The modification to the Treeline Master Plan and Discovery West Master Plan Modification includes an amendment to the Bend Comprehensive Plan. Therefore, the above criteria do not apply. Compliance with BDC 4.6.300 is addressed below.

- 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).**

FINDING: Prior to future development of the subject property, the land within the Treeline Master Plan must be annexed into the City of Bend. This application includes a concurrent annexation application. Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the zoning district (RL) that implements the BCP map designation.

This application includes a Comprehensive Plan map amendment to convert one acre each of commercial and mixed use designated property to a residential designation with the Discovery West master plan area. The zoning would concurrently be brought into compliance with the new designations. BDC 4.6.300.C. is addressed below.

- 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 master plan modification application includes a proposed amendment to both the Bend Comprehensive Plan Map and text (policies). BDC 4.6.300.B. is addressed below.

Chapter 4.6 LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.300 Quasi-Judicial Amendments

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

FINDING: The application must demonstrate compliance with the relevant Statewide planning goals. Given the urban intent of the land located within the Urban Growth Boundary, several of the Statewide Planning Goals do not apply to this proposal. As discussed under each goal, the

Statewide Planning Goals largely impose obligations on local governments to develop programs, policies, and implementation measures consistent with the requirements of the Statewide Planning Goals.

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

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

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

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

FINDING: The proposal is a modification to two adopted major community master plans and a Comprehensive Plan map and text amendment. The Treeline master plan modification increases the master plan area by 31.7 acres. Comprehensive Plan policy amendments are proposed to reallocate 59 duplex/triplex/multifamily units (including 12 affordable units) from the Treeline master plan to the Discovery West master plan. The Discovery West master plan modification redesignates one acre each of commercial and mixed use property to residential use to accommodate those additional units (modifying the Comprehensive Plan map accordingly). The boundary between the two master plans is also being modified to reflect a planned property line adjustment to have uniform property lines perpendicular to the planned streets.

The proposed amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan policies specific to the subject property, BCP 11-120 to 11-128, as modified in this application. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed community master plan amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions. Therefore, the proposal complies with Statewide Planning Goal 2.

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

Goal 4, Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices

that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

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

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

FINDING: In the 2016 UGB expansion decision, the City Council found that the subject properties do not include any of the following Goal 5 resources: riparian corridors, wetlands, Federal Wild and Scenic Rivers, State Scenic Waterways, groundwater resources, approved Oregon Recreation Trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources and cultural areas. Those findings note that the City relied on the inventory included in the Deschutes County Comprehensive Plan and available information from State and Federal sources to make this determination. The Council also found that the big game winter range (BGWR) is included in the West and Shevlin areas, based upon a 2009 Oregon Department of Fish and Wildlife (ODFW) map of big game (deer and elk) winter ranges. However, none of the subject properties are within the Deschutes County Wildlife Combining Zone. As there are no Safe Harbor provisions to guide the creation of a wildlife protection program, the City used an economic, social, environmental and energy (ESEE) analysis process and requirements of OAR 660-023-0040 and 660-023-0050 to guide the development of a protection program. Through this analysis, Council found that the BGWR values in the West Area could be protected by applying a combined "Limit" and "Allow" approach through transect concepts and master planning. To address this approach, the City adopted the following Comprehensive Plan policies:

11-72 *The City will consider applying the concept of a "transect" to appropriate areas. The transect is a series of zones that transition from urban to rural which can reduce the risk of wildfire and provide an appropriate transition from urban uses to national forest lands and other resource areas, such as wildlife habitat, that will not be urbanized within the long-range future.*

11-121 *For the West Area, shown on Figure 11-7, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.*

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

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

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

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

The Treeline properties have been identified in the City's Comprehensive Plan as appropriate for residential uses. The Discovery West properties have been identified as appropriate for residential, mixed employment, and commercial uses. With the planned amendments, the Treeline Master Plan and Discovery West Master Plan support the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-122 through 11-124. The planned amendments to the Comprehensive Plan replace one acre or less each of Mixed Employment (ME) and Commercial General (CG) zoning with two acres of Residential Mixed-Use District (RMUD) zoning.

The new location for the 59 units of higher density housing mix abuts the 19-acre commercial and mixed employment district and is generally more walkable with close, easy access to three public schools and a park. Neither West Area 3 nor West Area 1 are currently well-served by transit, though the new location is more likely to be served by transit in the future due to the concentration of commercial uses and housing. The small reduction of ME and CG areas combined with increasing housing mix in a more walkable environment maintains and improves the quality of air, water, and land resources. 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 these master plan areas. During the City of Bend's recent UGB expansion process, wildfire risk was identified as significant in the area of the subject properties of this application. As a result, the City included wildfire hazard as one of the performance measures in evaluating the UGB expansion scenarios. The City Council found that the proposed (now adopted) Growth Management Chapter 11 of the City's Comprehensive Plan included policy language focused on mitigating the risk of wildfire. Specifically, the adopted Policy 11-5 reads:

"The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of

aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend."

The City, in collaboration with a wildfire consultant, found that wildfire risks can be mitigated through implementation of the UGB expansion and future master plan and subdivision applications. There are three basic approaches to wildfire mitigation recognized by the City of Bend: development pattern, construction technique, and vegetation management. Each of these approaches is addressed in detail in the Treeline Wildfire Mitigation Plan (Exhibit J of the application). This plan is based on many of the National Fire Protection Association (NFPA) Wildfire Protection standards that were utilized in the Tree Farm subdivision and were approved with the Discovery West Master Plan. Plan elements include implementation of the transect concept, a well-connected transportation network, managed open space buffers, and fire-resistant building materials and construction methods. A letter endorsing this plan from Craig Letz, a wildfire mitigation consultant based in Central Oregon who advised the City of Bend on the 2016 UGB expansion is included as Exhibit J of the application. Therefore, the goal is met.

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

FINDING: The City adopted the Bend Comprehensive Plan and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the BCP establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District, via Policy 2-2. The applicant notes that over 27% of park land and open space are included in the overall Treeline community master plan. Additionally, established trail networks will continue throughout the property and connect to surrounding trail networks. The new location for the 59 units of higher density housing mix is generally more walkable with close, easy access to three public schools and a park. 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 Treeline master plan amendments includes residential lands to better serve the City's housing needs as specified in amended BCP Policy 11-124. The Discovery West properties have been identified as appropriate for residential, mixed employment, and commercial uses. With the planned amendments, the Treeline Master Plan and Discovery West Master Plan support the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-122 through 11-124. The planned amendments to the Comprehensive Plan replace one acre or less each of Mixed Employment (ME) and Commercial General (CG) zoning with two acres of Residential Mixed-Use District (RMUD) zoning. Per OAR 660-009-0010(4), since the redesignation of land from commercial use to residential use is two acres or less, review for consistency with the City's Economic Opportunity Analysis is not required. The new location for the 59 higher density residential units abuts the 19-acre commercial and mixed employment district accessed from higher order streets NW Crosby Drive (collector) and Skyliners Road (arterial), is an easy walking distance from three public schools, and will be across the street from a planned developed park area within the larger Discovery Park. The area is a more suitable location for the higher density residential

uses than West Area 3, which is further from schools, potential employment, and commercial services. Therefore, Goal 9 is satisfied.

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

FINDING: The Treeline master plan expansion area was depicted within Master Plan Area 3 of the West Area in Chapter 11, Growth Management of the Comprehensive Plan during the City's 2016 UGB Expansion. This area was identified as one of the several areas to provide needed housing with the city's UGB, directly responding to Goal 10. Specific Policies applicable to the West area expansion properties are found in BCP Policies 11-1200 to 11-128. The proposed community master plan is a required process to make the property ready for development. The proposed deviations from BDC Titles 2 and 3 provide the flexibility necessary for the subject property to be developed with the amount of housing specified in the City's Comprehensive Plan to provide for needed housing. Without the deviations, due to infrastructure and open space requirements, the required number of single-family homes in the Comprehensive Plan for the subject property would not be met. Consistent with BCP Policy 11-123 and 11-124, the Master Plan sets the stage to ensure that the overall West Expansion Area can provide capacity for at least 870 housing units, including at least 9% single-family attached housing, and more specifically, Master Plan Area 3 can provide capacity for at least 77 housing units, including at least 16 single-family attached units and Master Plan Area 1 can provide capacity for an additional 59 duplex/triplex/quadplex/multifamily units.

Table 18 of the City's Housing Needs Analysis (shown below) indicate the needed types of housing units in the City of Bend. Per the amended Bend Comprehensive Plan policy for the West Area – Policy 11-124, the overall Treeline Master Plan provides 77 housing units including at least 16 townhomes (20%) and the Discovery West Master Plan provides a minimum of 644 housing units with at least 201 duplex/triplex/quadplex/multifamily units (31.2%) and 60 townhomes (9.3%). This mix of housing unit types attempts to meet the needed housing mix shown in Table 18 of the Housing Needs Analysis to the extent achievable with the topographical challenges in this area and within the bounds of the transect concept for the West Area as outlined in Policy 11-121.

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

These master plan modifications provides 136 additional units (77 units – 61 single-family detached and 16 single-family attached – in the Treeline Master Plan modification area; 59 additional duplex/triplex/multifamily units in the Discovery West Master Plan), while continuing

to meet the housing mix requirements set forth in the Bend Comprehensive Plan policies, as detailed in Policy 11-124 below. Therefore, Goal 10 is satisfied.

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

FINDING: The property is subject to the Westside Infrastructure Group Development Agreement (WIG DA), included as Exhibit O of the application, approved by the City of Bend (Ordinance NS-2316, effective November 16, 2018) to guarantee sewer, water, and transportation infrastructure mitigation in a timely, orderly and efficient manner for the future urban development for the West and Shevlin UGB expansion areas. This development agreement provides for the timing, construction and funding of infrastructure necessary to support the Treeline Master Plan and Discovery West Master Plan modifications. Therefore, Goal 11 is satisfied.

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

FINDING: The Preliminary Circulation Plan (Exhibit C of the application) shows how transportation networks, including bike and pedestrian facilities, are planned throughout the Treeline Master Plan. The planned transportation improvements, internal circulation system, and street cross-sections will support residential uses within Treeline while also improving connectivity and the functionality of critical transportation facilities on the west side of Bend. The project will extend NW Skyline Ranch Road, a collector street that includes dedicated facilities for vehicles, bicycles, and pedestrians. The project also extends local streets that improve the connectivity of the transportation system in the surrounding neighborhoods.

The planned reallocation of 59 multifamily, duplex, and triplex housing units within the West Area, from Master Plan Area 3 (Treeline) to Master Plan Area 1 (Discovery West) locates this higher density housing mix adjacent to commercial and mixed use areas. The new location for the 59 units of higher density housing mix abuts the 19-acre commercial and mixed employment district accessed from higher order streets NW Crosby Drive (collector) and Skyliners Road (arterial), is an easy walking distance from three public schools, and will be across the street from a planned developed park area within the larger Discovery Park. The area is better suited to this range of higher density housing than Area 3, which is further from schools, potential employment, and commercial services. Neither Area 3 nor Area 1 are currently well-served by transit, though the new location is more likely to be served by transit in the future due to the concentration of commercial and housing.

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

Oregon Administrative Rule Chapter 660, Division 12, is the Transportation Planning Rule (the TPR) adopted by the LCDC. The TPR implements Goal 12, Transportation, and is an independent approval standard in addition to Goal 12 for map amendments. Oregon

Administrative Rules 660-012-0060(1) and (2) apply to amendments to acknowledged land use regulation (including a zoning map), such as this major community master plan application.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application has a "significant affect," 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 there is a "significant affect," then the Applicant must demonstrate appropriate mitigation under OAR 660-012-0060(2).

The planned transportation improvements, internal circulation system, and street cross-sections will support residential uses within the Treeline master plan while also improving connectivity and the functionality of critical transportation facilities on the west side of Bend. The project will extend NW Skyline Ranch Road, a collector street that includes dedicated facilities for vehicles, bicycles, and pedestrians. As the north/south spine through the community, a critical design consideration for this collector street is lowering vehicle speeds and supporting safe multimodal travel, both across the street and north through the existing neighborhood. Curb bulb-outs and a pedestrian island provide traffic calming and make pedestrian crossings safer and more comfortable. The project also extends local streets that improve the connectivity of the transportation system in the surrounding neighborhoods.

The transportation analysis (Exhibit I of the application) prepared by Transight Consulting includes a Transportation Facilities Report and addresses compliance with the WIG DA (Exhibit O of the application). The City's prior approval of the WIG DA addressed the City's formal Transportation Impact Analysis requirements as well as compliance with the Transportation Planning Rule for City facilities. This assessment and agreement included the impacts of multiple properties on Bend's west side and considered the cumulative transportation improvements on City and County major roadway facilities throughout the area.

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

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

The planned transportation improvements within the Treeline master plan are consistent with the WIG DA. Therefore, Goal 12 is satisfied.

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

FINDING: Goal 13 generally imposes obligations on local governments to develop plans and implementing measures that conserve energy. In 2016, Council found that the 2016 UGB

expansion, which brought the subject properties into the City's UGB, satisfied Goal 13 because it was designed to conserve energy by directing more growth in housing and employment to opportunity areas inside the existing UGB, considering energy in the evaluation and arrangement of land uses in the UGB expansion areas (subject properties), and ensuring that the areas added to the UGB are well connected to the transportation system.

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

FINDING: During the City's 2016 UGB expansion process, the City demonstrated a need to amend the UGB to accommodate future urban population and job growth within the Bend UGB, through several analyses, including the Urbanization Report and the UGB Scenario Evaluation Report. The City inventoried its buildable lands for both housing and employment and forecasted future needs for housing and employment based on the 20-year population forecast, determining that a UGB expansion was necessary. This UGB expansion, which included the Treeline MPD areas, was adopted in 2016. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

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

B. Criteria for Quasi-Judicial Comprehensive Plan Map 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 UGB expansion process that concluded in December 2016, the City brought 2,380 acres of land into the UGB in order to continue to provide a 20-year supply of residential, commercial, and industrial land. The process took more than a decade, with 70 public meetings, three technical advisory committees, and dozens of citizen volunteers. The West 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.

Chapter 5 Housing

Housing Mix, Density, and Affordability

5-8 The City will apply innovative and flexible zoning tools to support a mix of housing types and densities.

FINDING: The Comprehensive Plan Amendment would reallocate 59 multifamily, duplex, and triplex housing—including a minimum of 12 (20%) affordable housing units—within the

West Area, from Master Plan Area 3 (Treeline) to Master Plan Area 1 (Discovery West). The reallocation of housing does not reduce or otherwise change the amount of housing – including affordable housing – in the West Area. The area of the Residential Mixed-Use District (RMUD) within Discovery West adjacent to William E. Miller Elementary School on Crosby Drive will increase by 2 acres to accommodate these additional housing units.

The RMUD allows a variety of housing types and density that are currently permitted within the adjacent NorthWest Crossing Overlay Zone, including single-family detached, townhomes, live/work townhomes, cluster cottage housing, duplex, triplex and multi-family, as well as the addition of mews (attached cottage) housing. The RMUD is an innovative and flexible zoning district that provides a continuation of 20+ years of established development pattern that has connected with surrounding neighborhoods and been cited as a model for “complete communities” in BCP Policy 11-121. The plan policy is met.

5-13 *Existing residentially-designated areas that are adjacent to commercial or mixed use designations may be re-designated for Residential Medium and High density development.*

FINDING: While the planned reallocation of 59 multifamily, duplex, and triplex housing within the West Area, from Master Plan Area 3 (Treeline) to Master Plan Area 1 (Discovery West), does not re-designate existing residential land, it does support the intent behind BCP Policy 5-13 by locating higher density residential uses adjacent to commercial and mixed use areas. The new location for the 59 higher density residential units abuts the 19-acre commercial and mixed employment district accessed from higher order streets NW Crosby Drive (collector) and Skyliners Road (arterial), is an easy walking distance from three public schools, and will be across the street from a planned developed park area within the larger Discovery Park. The area is a more suitable location for the higher density residential uses than Area 3, which is further from schools, potential employment, and commercial services.

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

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

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

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

o Require other measures deemed necessary by the City.

FINDING: The Comprehensive Plan Amendment would reallocate 59 multifamily, duplex, and triplex housing—including a minimum of 12 (20%) affordable housing units—within the West Area, from Master Plan Area 3 (Treeline) to Master Plan Area 1 (Discovery West). The reallocation of housing does not reduce or otherwise change the amount of affordable housing. Guarantees ensuring a minimum of 12 units meet the affordability requirements for at least 50 years will be provided to the City in conjunction with a future tentative subdivision plan and/or site plan review application.

Residential Compatibility

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

FINDING: The planned reallocation of 59 multifamily, duplex, and triplex housing units within the West Area, from Master Plan Area 3 (Treeline) to Master Plan Area 1 (Discovery West) locates this higher density housing mix adjacent to commercial and mixed use areas. The new location for the 59 units of higher density housing mix abuts the 19-acre commercial and mixed employment district accessed from higher order streets NW Crosby Drive (collector) and Skyliners Road (arterial), is an easy walking distance from three public schools, and will be across the street from a planned developed park area within the larger Discovery Park. The area is better suited to this range of higher density housing than Area 3, which is further from schools, potential employment, and commercial services. 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: The planned reallocation of 59 multifamily, duplex, and triplex housing units within the West Area, from Master Plan Area 3 (Treeline) to Master Plan Area 1 (Discovery West) locates this higher density housing mix adjacent to commercial and mixed use areas. The new location for the 59 units of higher density housing mix abuts the 19-acre commercial and mixed employment district accessed from higher order streets NW Crosby Drive (collector) and Skyliners Road (arterial), is an easy walking distance from three public schools, and will be across the street from a planned developed park area within the larger Discovery Park. The area is better suited to this range of higher density housing than Area 3, which is further from schools, potential employment, and commercial services. Neither Area 3 nor Area 1 are currently well-served by transit, though the new location is more likely to be served by transit in the future due to the concentration of commercial and housing. The policy is met.

Bend Comprehensive Plan Chapter 11, Growth Management

11-5 The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface

Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend

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

Wildfire

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

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

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

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

Development Density

Through application of a transect concept, the City designated a low-density development pattern for the subject master plan area, through a Comprehensive Plan designation (and future zoning) of low density residential (RL) for the entire property. This low-density development pattern is further required through specified density requirements (number of housing units) required in Comprehensive Plan Policy 11-124. The overall Treeline Master Plan implements the transect concept through its planned zoning, transportation system, and preservation of open space. The RL zone requires larger lots and lower densities along the urban growth boundary, while the SLO overlay allows more standard densities adjacent to existing neighborhoods.

Landscape Management

The applicant will address wildfire management strategies through required landscape materials and management for individual lots within the proposed master plan area, as outlined in Exhibit J of the application. These landscape management strategies will be enforced through CC&Rs, recorded for each lot within each phase. A Homeowners Association will be formed, funded, and maintained to ensure that individual lot landscaping complies with the requirements of the CC&Rs.

Abutting Open Space

The western section of the northern master plan area includes 2.8 acres of open space, to be maintained by the Treeline HOA, will provide a natural buffer between the proposed master plan area and rural areas to the west. Skyline Ranch Road is the western boundary of the Treeline modification area with additional open space between this collector street and the proposed residential lots.

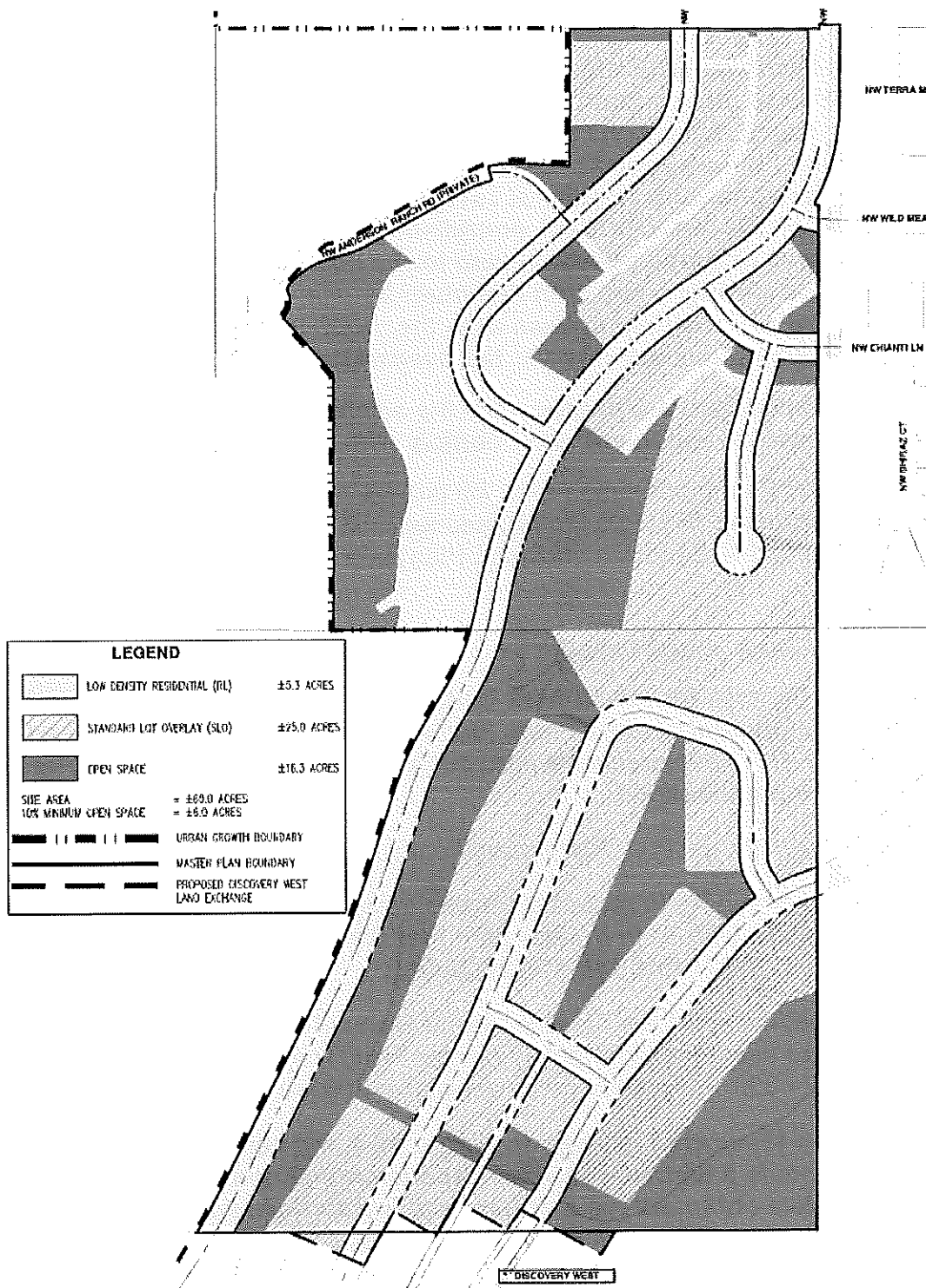
Abutting Development

To the west, the Westgate master plan and tentative plan (247-19-00500-MP + 247-19-00501-TP) approved by Deschutes County includes a subdivision with large lots (2.5 acres to 5 acres). Wildfire mitigation is a founding and central element of the development's design and long-term management, enforced through CC&Rs. This development includes significant conservation and no-build buffers along its western edge (up to 450 feet deep), as well as detailed landscape and building material requirements based on National Fire Protection Association standards for construction in the Wildland Urban Interface.

The combination of large lots and wildfire mitigation strategies for this development to the south will also create a buffer between the subject property master plan area (Treeline modification area) and the forestlands to the south and west.

Agency Efforts

Further to the west, in 2018, the USFS conducted a prescribed burn of 95 acres of Shevlin Park, to provide fire fuel breaks along the western interface between urban and forest lands. On-going efforts such as this enhance the fire resiliency of the area around the subject property.



Infrastructure

The proposed master plan area will be served by City water services. These City water lines will provide ample water supply to fire hydrants, which will be located within the right-of-way throughout the proposed master plan area. Additionally, the master plan is served by multiple streets, providing ample daily and emergency access for all proposed lots. Having multiple access points will provide multiple circulation options and multiple evacuation routes, dispersing the traffic through different entrance and exit points.

- 11-26** *Area Plans for land within UGB expansion areas shall comply with the policies of this chapter. There is flexibility to refine the spatial arrangement of plan map designations provided that identified land and housing needs are still met. Where specific expansion area policies identify acreages of specific plan designations or general categories of plan designations (e.g. commercial) are identified, compliance is defined as providing the required acreages of gross buildable land to the nearest acre. Where expansion area policies identify a required minimum housing capacity and mix, compliance is defined as providing no less than the required number of units and providing the housing mix specified to the nearest percentage point (e.g. 37%).*
- 11-27** *Where changes are proposed to the arrangement of plan designations, the proposed arrangement must comply with the relevant policies of this Chapter.*

The Treeline Master Plan modification area will provide the 31.7 acres of RL zoning and 77 residential units, including 16 single-family attached units (townhomes), specified in the amended BCP Policy 11-124 for West Master Plan Area 3.

Specific Expansion Area Policies

Area-specific policies for land added to the UGB established in 2016 are intended to guide the development of Area Plans (including Master Plans) for expansion areas (see Figure 11-4). These areas are also subject to policies in this Chapter regarding urbanization and annexation.

Polices 11-120 through 11-128 are specifically applicable to the West Area:

- 11-120** *Master planning is required for this area. The master plan(s) must be consistent with both master plan standards in the development code and policies 11-121 through 11-128, below.*

FINDING: The modification of the Treeline Master Plan will add 31.7 acres to the 28.3 acres previously approved and annexed Treeline Master Plan. The area added to the Master Plan is subject to BDC 2.7.4000. Consistency with applicable policies 11-121-128 are discussed below.

- 11-121** *For the West Area, shown on Figure 11-4, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.*

FINDING: The modification to the Treeline master plan continues to implement the transect concept through its planned zoning, transportation system, and preservation of open space. The RL zone requires larger lots and lower densities along the UGB, while the Standard Lot Overlay (SLO) allows more standard densities adjacent to existing neighborhoods. Within the expanded Treeline master plan, approximately 27 percent of the land area will be preserved as

permanent open space. The planned open space will be managed in accordance with the approved Wildfire Mitigation Plan (Exhibit J of the application) to provide defensible space against wildfire and passive recreation for future residents. The transition in density and preservation of open space are also intended to minimize impacts to wildlife.

The planned transportation improvements, internal circulation system, and street cross sections will support residential uses in the Treeline master plan while also improving connectivity and functionality of critical transportation facilities on the west side of Bend. The extension of NW Skyline Ranch Road will connect to commercial areas, schools, and parks in Discovery West and Northwest Crossing, complementing the pattern of complete communities established in this area.

For the Discovery West master plan, the proposed amendments would replace 2 acres of Mixed Employment (ME) and Commercial General (CG) zoning with two acres of Residential Mixed-Use District (RMUD) zoning. The location for this change is easily accessed from Skyliners Road, an arterial street, is in easy walking distance of three public schools, and will be across the street from a planned developed park area within the larger Discovery Park. The area is a more suitable location for the 59 multifamily, duplex, and/or triplex unit than Master Plan Area 3, which is further from schools, potential employment, and commercial services. The change in zoning is necessary to accommodate the reassignment of these 59 units from Master Plan Area 3 to Discovery West. While the RMUD allows a variety of housing types, the specific housing type and mix of uses will be determined with a future tentative subdivision plan and/or site plan review application. The policy is met.

11-122 This area shall provide for a mix of residential and commercial uses, including 321 gross acres of residential plan designations, 7 acres of commercial plan designations, and 14 gross acres of mixed employment plan designations (excluding existing right of way).

FINDING: This policy applies to the entire West Area, which includes development of four master plan areas. With this application, this policy is proposed to be amended to include 6 acres of commercial plan designations and 13 acres of mixed employment designations, a reduction of one acre each, to provide two additional acres of residential designation in the Discovery West Master Plan for 59 units of needed middle and multi-unit housing. The Discovery West (Area 1), Treeline (Areas 2 and 3) and Shevlin West (Area 4) master plans include 224, 60 and 40 acres, respectively, of residential designations for a total of 324 acres of residential designations, exceeding the requirements of this policy.

11-123 This area shall provide capacity for a minimum of 870 housing units, including at least 9% townhomes and at least 21% multi-unit housing types (including duplex, triplex and quadplex).

11-124 In the absence of an approved Area Plan for this subarea as a whole, each property included in the 2016 UGB expansion in this subarea (see Figure 11-5 below) must provide the mix of units specified below.

- ***Master Plan Area 1: Include at least 60 townhomes and at least 142 multi-unit and duplex/triplex/quadplex units.***

- **Master Plan Area 2: Include at least 12 townhomes.**
- **Master Plan Area 3: Include at least 16 townhomes and at least 59 multi-unit and/or duplex/triplex/quadplex units.**

FINDING: The four master plans include the following number of units and mix of units:

Master Plan	West Area	Townhomes	Multi-unit housing types	Total units
Discovery West	1	60	201 (142+59)	644-709
Treeline	2	12	0	65
Treeline Expansion	3	16	0	77
Shevlin West	4	0	0	116
Total		88 (10% of min)	201 (22% of min)	902-967

As shown in the table above, the four master plans collectively meet the minimum requirements of Policy 11-123. The table also shows how the two modified master plans will meet the unit mix requirements for the specific subareas in Policy 11-124.

No area plan for the entire West Area has been approved. The modification to the Treeline master plan includes the addition of Master Plan 3 to the existing 28.3 acre Treeline master plan area. Master Plan Area 3 is designated Urban Low Density on the Comprehensive Plan Map. This policy requires at least 16 townhomes and 59 duplex/triplex/quadplex and multi-unit dwelling units. However, a Comprehensive Plan Amendment application with this application reallocates 59 duplex/triplex/quadplex and/or multi-unit dwelling units within the West Area from the Treeline master plan to the Discovery West master plan. This would result in a requirement for Master Plan Area 3 (Treeline master plan expansion area) to provide 77 housing units, including 16 townhomes. The table above and the submitted Master Plan (Exhibit C) demonstrates compliance with this requirement.

Furthermore, a special plan district for Treeline is codified in BDC Chapter 2.7 which establishes standards for the Low Density Residential (RL) zone and creates the Standard Lot Overlay (SLO) to reinforce the transect concept and ensure that future subdivision will contain lots meeting the required number and mix of housing units. These standards will apply to the additional area added to the Treeline Master Plan. The applicable plan policies are met.

11-125 Master Plan Area 3, identified on Figure 11-5, shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

- o **The minimum number of affordable housing units shall be 20% of all multifamily and duplex/triplex housing units approved by the City.**
- o **Guarantees, in a form acceptable to the City, shall be in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.**

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

FINDING: The Comprehensive Plan Amendment included with this application would reallocate the 59 multifamily, duplex, and triplex housing—including a minimum of 12 (20%) affordable housing units—within the West Area, from Master Plan Area 3 (Treeline) to Master Plan Area 1 (Discovery West). The modified Discovery West Master Plan shows two additional acres of RMUD intended to accommodate the 59 units from Master Plan Area 3 located west of William E. Miller Elementary School. While the RMUD allows a variety of housing types, the specific housing type and mix of uses will be determined with future tentative plan and/or site plan applications. Guarantees ensuring a minimum of 12 units meet the affordability requirements for at least 50 years will be provided to the City in conjunction with a future tentative subdivision plan and/or site plan review application.

11-126 The master plan process shall be used to establish appropriate development regulations to implement the transect concept, measures to make the development and structures fire resistant, and RL plan designation densities within this area while providing for a mix of housing types and clustering developed areas to provide for open space preservation.

FINDING: The Preliminary Master Plan (Exhibit C of the application) shows the implementation of the transect concept with large open space buffers ($\pm 27\%$ of the site area) and density decreasing as the project extends from existing neighborhoods on the east to the UGB along the western boundary. Additionally, a special plan district for the Treeline master plan codified in BDC Chapter 2.7 establishes standards for the Low Density Residential (RL) zone and the Standard Lot Overlay (SLO) to reinforce the transect concept and ensure that future subdivision will contain lots meeting the required number and mix of housing units.

Exhibit J of the application contains the Treeline Wildfire Mitigation Plan. This plan is based on many of the National Fire Protection Association (NFPA) Wildfire Protection standards that were utilized in the Tree Farm and were approved with the Discovery West Master Plan. Plan elements include implementation of the transect concept, a well-connected transportation network, managed open space buffers, and fire-resistant building materials and construction methods.

The City has already determined that Discovery West implements the transect concept, mitigates against fire provides a mix of housing types, and preserves open space. The planned modifications to Discovery West simply continue the approved development pattern. The policy is met.

11-127 Coordination with Bend Park and Recreation district is required in order to address provision of parks and trails within this area.

FINDING: Exhibit F of the application is a letter from the Bend Park and Recreation District (BPRD) documenting the coordination between the applicant and BPRD. BPRD has indicated support for the incorporation of open space throughout the Treeline master plan. The policy is met.

11-128 Coordination with the Bend-La Pine Schools District is required during area planning for this subarea.

FINDING: Exhibit G of the application is a letter from the Bend LaPine School District. Since there are existing elementary, middle, and high schools proximate to the site, no additional school sites or facilities are contemplated within the Treeline master plan.

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 necessary infrastructure, as well as sequencing and financing mechanisms, are detailed in the WIG DA (Exhibit O). The Master Plans, in combination with the WIG DA, provide substantial evidence that the necessary infrastructure planning has occurred and the necessary facilities exist or will be constructed concurrently with Master Plan development.

- 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 City Council adopted goals for the 2021-2023 biennium that took effect on July 1, 2021. The adoption of the following City Council goals related to affordable housing constitutes a change in the community:

Remove and reduce regulatory barriers for development of housing, with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members; and

Create 1,000 units of rent and price restricted housing that's accessible and affordable to all

Since the UGB expansion was approved, this Council adopted goals to reduce regulatory barriers to housing development, specifically affordable housing. Furthermore, additional phases of Discovery West are currently under construction as the project continues to build out. This constitutes a change in the neighborhood. Consequently, transferring the affordable housing from Master Plan Area 3 to Master Plan Area 1 places it in a complete community, with housing in close proximity to employment and commercial services 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. Discovery West was designed and approved, has started to develop, and has a viable location for affordable housing in a complete, walkable community that aligns much better with BCP policies for density/multi-unit housing than the present location in Master Plan Area 3.

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

FINDING: The approved WIG Development Agreement addressed the City's Transportation Impact Analysis (TIA) requirements as well as compliance with the Transportation Planning Rule (TPR) for City facilities. This assessment and agreement included the impacts of multiple properties on Bend's west side and considered the cumulative transportation improvements on City and County major roadway facilities throughout the area.

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

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

The planned transportation improvements within the modified Treeline Master Plan are consistent with the WIG Development Agreement. The applicable criteria are met.

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

- 1. The amendment will bring the zone map into conformance with the Comprehensive Plan map.**

FINDING: The application includes Comprehensive Plan policy amendments that account for a one-acre reduction in both commercial and mixed employment plan designations and a corresponding two-acre increase in the Urban Low-Density plan designation in the Discovery West and the Bend Comprehensive Plan map. The zoning would then be brought into conformance with these modified Comprehensive Plan designations.

- 2. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.**

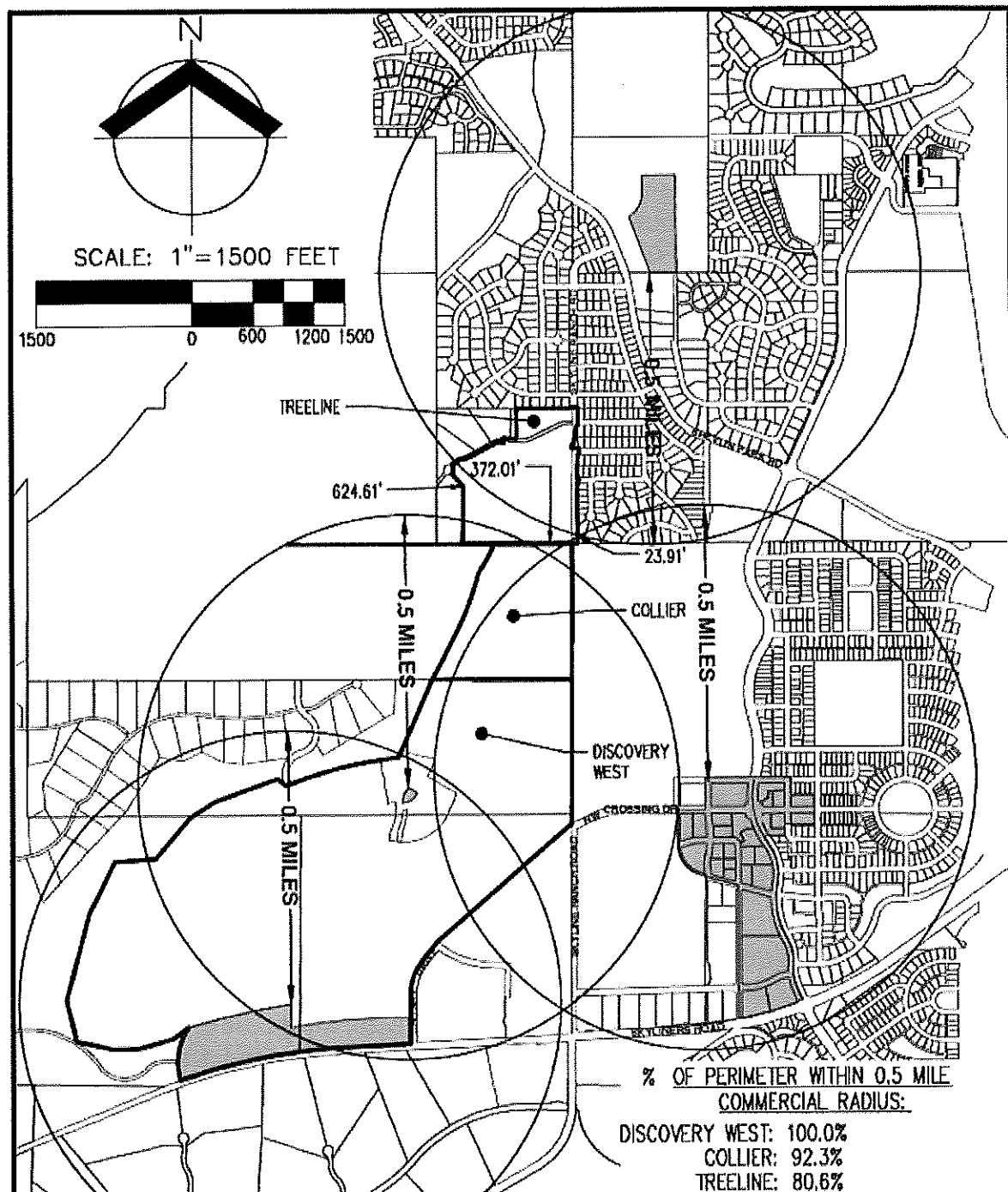
FINDING: The necessary infrastructure, as well as sequencing and financing mechanisms, are detailed in the WIG DA (Exhibit O). The Master Plans, in combination with the WIG DA, provide substantial evidence that the necessary infrastructure planning has occurred and the necessary facilities exist or will be constructed concurrently with Master Plan development.

BDC 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: Discovery West contains two areas designated for commercial uses and its entire perimeter is within 0.5 miles of lands planned, zoned, or developed for commercial use. On the other hand, the underlying plan designations for the Treeline Master Plan, including the land to be added, are exclusively residential, thereby precluding commercial zoning without a comprehensive plan amendment. Consequently, portions of the perimeter of the Treeline Master Plan are more than 0.5 miles from lands planned, zoned, or developed for commercial use. The figure below shows that the Treeline master plan was originally approved with 80.6 percent of its perimeter within 0.5 miles of commercial goods and services. For the land proposed to be added to the Treeline master plan, 92.3 percent of its perimeter is within 0.5 miles of commercial goods and services, and the entire Treeline perimeter will be within 0.6 miles of lands planned, zoned, or developed for commercial use. Where the minimum distances set forth in this standard cannot be met, the standard expressly allows the review authority to find the standard is met where the intent and purpose of the standard are adequately addressed. Here, the purpose and intent of the standard—that a community master plan must have close and convenient access to commercial goods and services by walking or biking—can still be met. Specifically, the relatively small number of future residents who live outside the 0.5-mile radius will have multiple routes where either the entirety or majority of their route to commercial goods and services will be on a combination of 10-foot-wide multiuse pathways and curb- and grade-separated sidewalks. Therefore, the applicable standards are 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: The addition of property to the south of the current Treeline Master Plan boundary expands Treeline's open space program and creates the opportunity for additional future trail locations. The Preliminary Street Circulation Plan (Exhibit C) shows a 10-foot multiuse path on

the east side of NW Skyline Ranch Road extending the length of the Master Plan Area. This new path will intersect with the planned connection to the Manzanita Trail, a key BPRD trail segment connecting Discovery Park and Shevlin Park. The criteria are 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.**

FINDING: The Treeline Master Plan and Discovery West Master Plan Modifications continues to meet the applicable density standards in BDC 4.5.200(E)(3) by showing that Master Plan Areas 1 and 3, as modified by this application, will contain the housing unit count and mix prescribed in BCP Policy 11-123 and 11-124. The requirements of the Bend Comprehensive Plan supersede the general provisions of this section. Housing density and mix is addressed further under Comprehensive Plan Policy 11-123 and 11-124, above. The applicable criteria are met.

- 4. The community master plan must contain a minimum of 10 percent of the gross area as public or private open space such as parks, pavilions, squares and plazas, multi-use paths within a minimum 20-foot wide corridor, areas of special interest, tree preservation areas, or public and private recreational facilities and must comply with the following:**
 - a. The open space area must be shown on the conceptual site plan and recorded with the final plat or separate instrument.**
 - b. The open space must be conveyed in accordance with one of the following methods:**
 - i. By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities; or**
 - ii. By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) acceptable to the City. Private open space must be located in a tract and include an open space easement.**
 - 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 Treeline Master Plan Modification (Exhibit C) shows the gross area within the Master Plan boundary will be increased to 60 acres. The Master Plan Modification (Exhibit C) shows 16.3 acres (27 percent of gross area) of open space. Exhibit F includes a letter from BPRD which acknowledges park service needs are or will be met in the general vicinity, and no additional park space is required within the Treeline Master Plan. Open

space tracts are planned to be owned and maintained by the HOA, and will be recorded with the final plat, in compliance with BDC 4.5.200(E)(4). The criterion is met.

No changes to the open space designations are proposed to the Discovery West master plan.

F. Duration of Approval.

- 1. An approved community master plan will remain valid indefinitely unless withdrawn by all owner(s) of property within the community master plan. The City may deny withdrawal when a switch to otherwise applicable standards would not be in the public interest because of sufficient development under the community master plan. Standards and regulations identified in the approved community master plan will control all subsequent site development as long as the approved community master plan is valid. If alternative standards and regulations are not specifically identified in the approved community master plan, the applicable City standard at the time any development application is submitted will apply.**
- 2. The duration of approval for a community master plan must coincide with the timeline outlined in the approved phasing plan and in accordance with the time frames studied in the transportation analysis and water and sewer capacity analysis for the community master plan. Site plan review or land division applications submitted consistent with or earlier than as provided in an approved phasing plan will not require an updated transportation analysis and water and sewer capacity analysis as part of the development application. Infrastructure capacity may be reserved for the community master plan site for up to 15 years or as specified in an approved phasing plan.**
- 3. The time period set forth in this subsection (F) will be tolled upon filing of an appeal to LUBA and must not begin to run until the date that the appellate body has issued a final order. [Ord. NS-2289, 2017]**

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

STAFF 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 City Council adopt an ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, to amend the Treeline Master Plan and Discovery West Master Plan, and amend the applicable Comprehensive Plan policies and Comprehensive Plan Map.

Written by:


Karen Swenson, AICP, Senior Planner