

**ORDINANCE NO. NS - 2476**

**AN ORDINANCE TO AMEND THE BEND DEVELOPMENT CODE TO ADOPT THE  
TIMBER YARDS MAJOR COMMUNITY MASTER PLAN**

**Findings:**

- A. On January 31, 2023, Kennedy Wilson submitted a Type III Quasi-judicial application for a Development Code amendment to create the Timber Yards Major Community Master Plan.
- B. The 32-acre Timber Yards master plan is located within the KorPine Opportunity Area.
- C. The locations of the proposed collector streets in the master plan application meet the purpose and intent of the Transportation System Plan (TSP) and related maps. As part of the Master Plan buildout, Sisemore Street between Colorado Avenue and Arizona Avenue is required to be developed as a collector street within the existing right-of-way, connecting the east/west travel lanes of a separated arterial (Colorado and Arizona Avenues).
- D. On May 8, 2023, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an Ordinance to amend Chapter 2.7 of the Development Code to include the Timber Yards Master Planned Development.
- E. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.1.423-4.1.425. On May 10, 2023, notice was mailed by the Planning Division to surrounding residents and owners of record of property within 750 feet of the subject properties, and to the Southern Crossing, Old Bend, River West, Orchard District, Larkspur and Old Farm District Neighborhood Association representatives. On May 12, 2023, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at six locations, visible from adjacent rights of way.
- F. The Bend City Council held a public hearing on June 7, 2023, to consider the Planning Commission recommendation.
- G. The amendment to the Development Code approved by this Ordinance meets all applicable Development Code criteria, policies of the Bend Area Comprehensive Plan, and the applicable Oregon Statewide Planning Goals.

**THE CITY OF BEND ORDAINS AS FOLLOWS:**

- Section 1.** The Bend Development Code is amended to include the Timber Yards Master Planned Development as contained in Attachment A.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates the findings in Attachment B.
- Section 3.** If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First Reading: June 7, 2023

Second reading and adoption by roll call vote: June 21, 2023

YES: Mayor Melanie Kebler  
Councilor Barb Campbell  
Councilor Megan Perkins  
Councilor Ariel Méndez  
Councilor Mike Riley

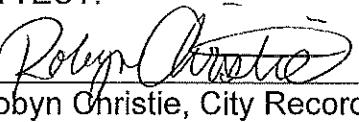
NO: none



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Melanie Kebler, Mayor

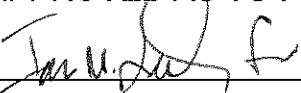
ATTEST:



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Robyn Christie, City Recorder

APPROVED AS TO FORM:



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Mary A. Winters, City Attorney

## Attachment A

**Article XXVIII. Timber Yards Master Planned Development****2.7.4700 Timber Yards Master Planned Development.****2.7.4710 Purpose.**

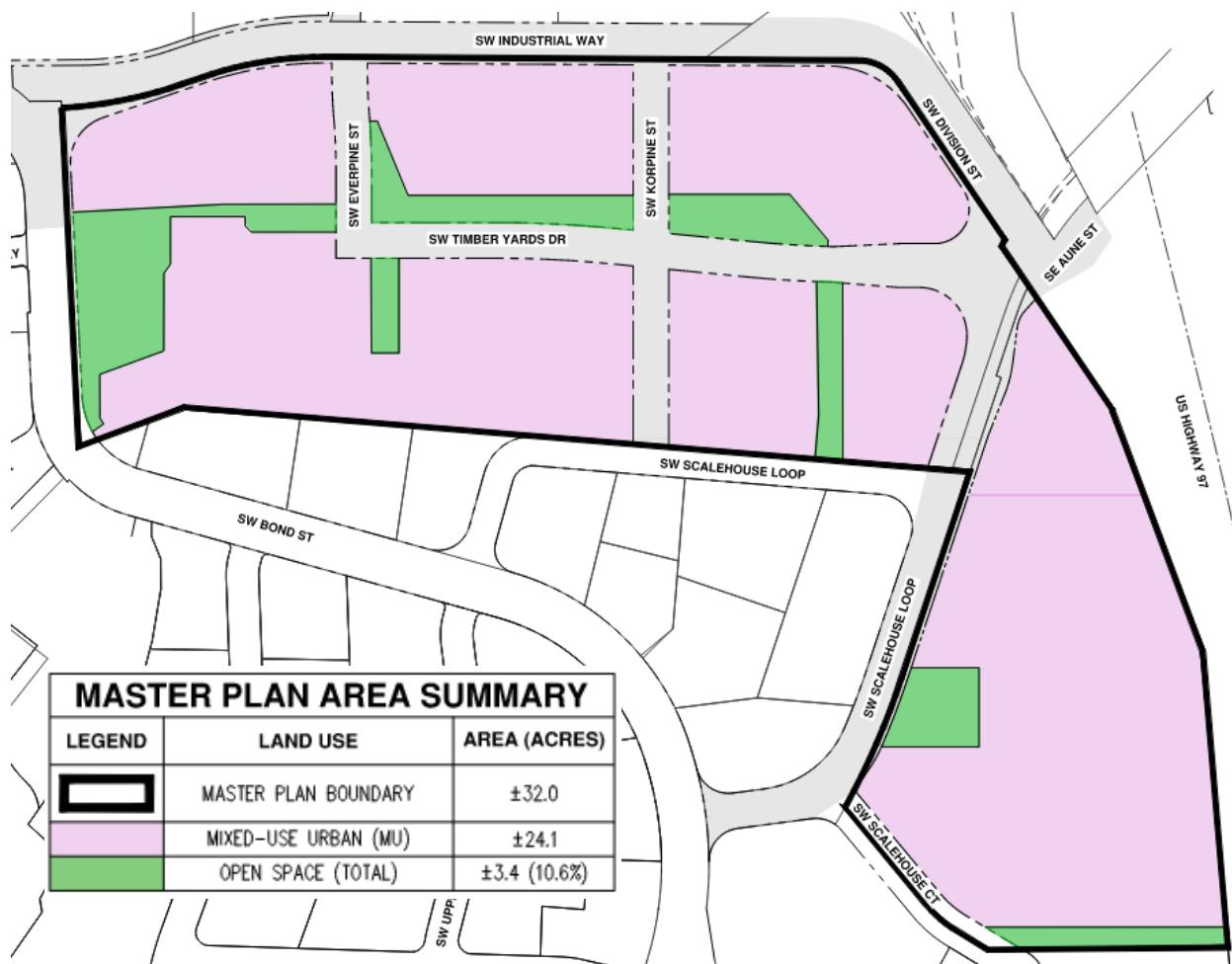
The purpose of the Timber Yards Master Planned Development is to implement the policies in the Bend Comprehensive Plan (BCP) regarding the Korpine Opportunity Area, and to create appropriate development standards for the residential and commercial uses within the Timber Yards Master Plan area. The development standards will:

- A. Transform vacant land and a historically industrial area into a vibrant, urban, and mixed-use neighborhood with housing in close proximity to employment and commercial services, which are scaled to serve the needs of area residents and workers.
- B. Establish an interconnected street system consistent with the Transportation System Plan with cross-sections appropriate to the characteristics of the site and that consider adjacent land uses and regional connectivity needs.
- C. Create safe, attractive, and efficient pedestrian routes and other multi-modal transportation options.

**2.7.4720 Applicability.**

The Timber Yards Master Planned Development standards apply to the property identified in Figure 2.7.4720, which constitutes the majority of the Korpine Opportunity 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 Timber Yards Master Plan and those of the underlying zone or other portions of the Development Code, the provisions of this district will control. The final determination of the overlay zone or district boundary will be established at the time of land division platting and right-of-way dedication.

Figure 2.7.4720 – Timber Yards Master Plan



### 2.7.4730 Review Procedures.

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

- A. *Site Plan Review.* Multi-unit residential, commercial, and mixed-use developments are subject to BDC 4.2.500, Site Plan Review.
- B. *Design Review.* Multi-unit residential, commercial, and mixed-use developments are subject to BDC 4.2.600, Design Review and the designs standards in 2.7.4750 Design Standards, below.

**2.7.4740 Mixed Use Urban District.**

A. The standards of the underlying Mixed-Use Urban (MU) Zone apply, except all buildings can be no more than 75 feet in height.

B. Loading and On-Street Parking Standards. On-site loading spaces are not required.

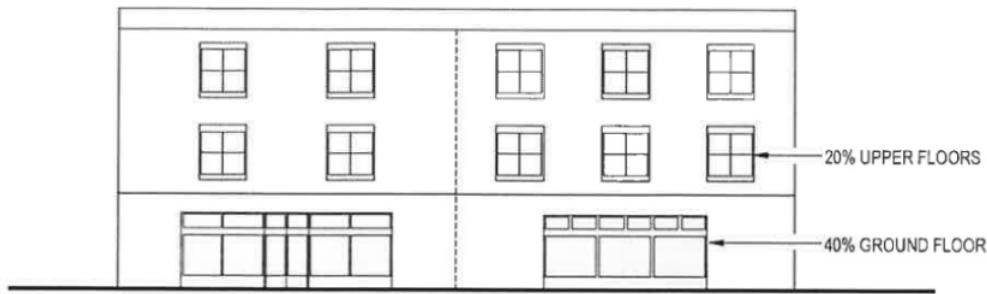
C. Mobility Hub.

1. The Mobility Hub within the Timber Yards Master Plan must include the following components:
  - a. Transit stop.
  - b. Flex mobility space(s) a minimum of 250 square feet.
  - c. Secured bicycle parking for a minimum of 10 bicycles.
  - d. Garbage and recycling cans.
  - e. Benches.
  - f. Kiosk, signage and wayfinding.
2. The Mobility Hub may also provide any of the optional facilities and services listed in the City standards for Mobility Hubs.

**2.7.4750 Design Standards.**

A. Multi-unit residential, commercial, and mixed-use developments in Timber Yards are subject to the following design standards. These standards replace design standards of BDC 2.3.500, including the standards in BDC 2.1.900, Architectural Design Standards and BDC 2.2.600, Commercial Design Review Standards.

1. Building and Entry Orientation.
  - a. Primary Entrance. Each building must provide a primary building entrance oriented to at least one street or to a street-oriented plaza.
  - b. Building facades located within 10 feet of SW Bond Street must include a minimum of one entrance every 60 feet onto SW Bond Street.
2. Facade Height Minimum.
  - a. For buildings located on SW Bond Street, the minimum height for the facade(s) facing SW Bond Street is 20 feet.
  - b. The minimum height for facades facing other streets is 15 feet.
3. Transparency.
  - a. Facades that face SW Bond Street must include transparency/glazing (i.e., glass windows and/or glass doors) totaling a minimum of 40 percent of the ground level wall area and 20 percent on the upper level(s) wall area, as shown in Figure 2.7.4750.A. Ground level wall area includes the exterior wall area up to 10 feet above the finished grade.
  - b. Facades that face other streets must include transparency/glazing (i.e., glass windows and/or glass doors) totaling a minimum of 25 percent of the ground level wall area and 20 percent on the upper level(s) wall area, as shown in Figure 2.7.4750.B. Ground level wall area includes the exterior wall area up to 10 feet above the finished grade.

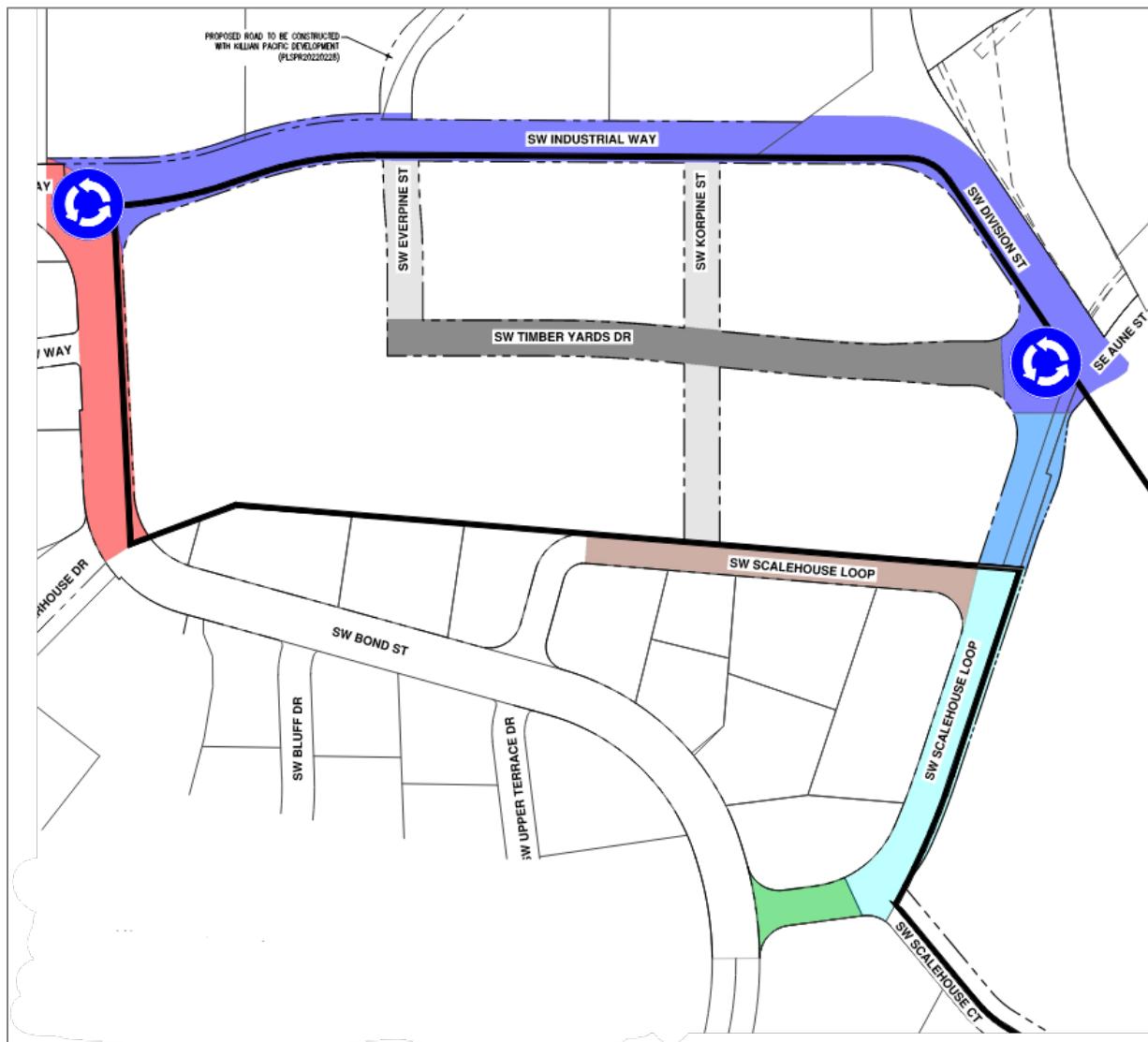
**Figure 2.7.4750.A – SW Bond Street Facade****Figure 2.7.4750.B – Other Street Facade**

4. Building Articulation. One or more of the following facade treatments must be incorporated on each level of all street-facing facades:
  - a. Building offsets (projections or recesses) at least two feet deep and six feet wide;
  - b. Upper level balconies (projecting or recessed) at least six feet wide;
  - c. Building canopies, awnings, pergolas, architectural sun shade structures, or similar weather protection (minimum projection of four feet for overhead weather protection when located on the ground level and over a sidewalk or other pedestrian space);
  - d. Transparency greater than the minimum required by subsection (A)(3) of this section;
  - e. Recessed building entries at least six feet wide;
  - f. Use of masonry material (i.e., brick, brick veneer, stone, concrete, or stucco) for a minimum of 75 percent of the total wall area of the street-facing facade level as measured from floor-to-floor height, not including windows; and/or
  - g. On upper levels, use of two or more facade materials and/or facade colors.
5. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity, neon, glossy, or fluorescent colors for the facade and/or roof of the building is prohibited except as approved for building trim.

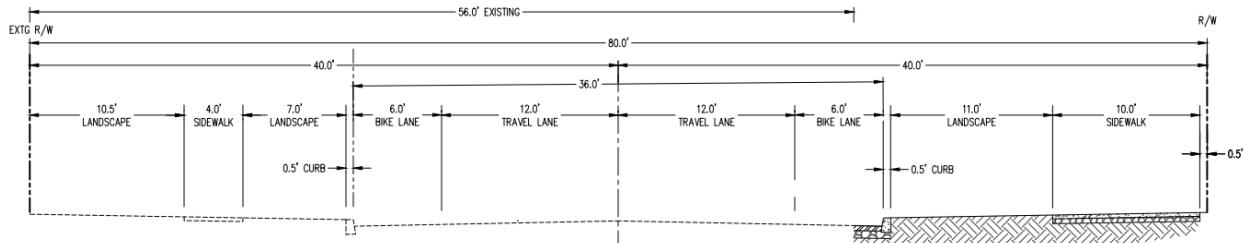
**Figure 2.7.4750.C – Illustration of Use of Architectural Features****2.7.4760 Special Street Standards.**

- A. Figure 2.7.4760 depicts the street type, tentative street location and alignment in the Timber Yards Master Planned Development. The precise street alignment will be established through the land division process. The Timber Yards Master Planned Development Street Type Plan, Figure 2.7.4760, applies to the Timber Yards Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process. The travel lanes for local streets may be increased to 13 feet wide, as required to meet applicable Fire Code.
- B. Block length and perimeter maximums do not apply to streets located or aligned in general conformance with Figure 2.7.4760, Timber Yards 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 Timber Yards Master Planned Development during the land division or site plan review process.

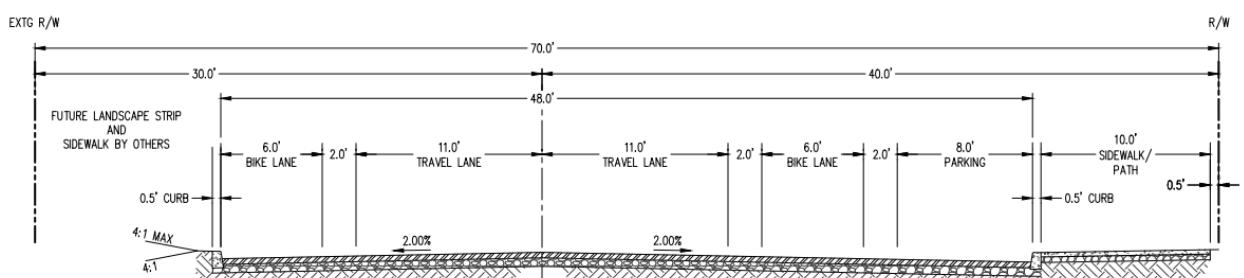
Figure 2.7.4760 – Timber Yards Street and Circulation Plan



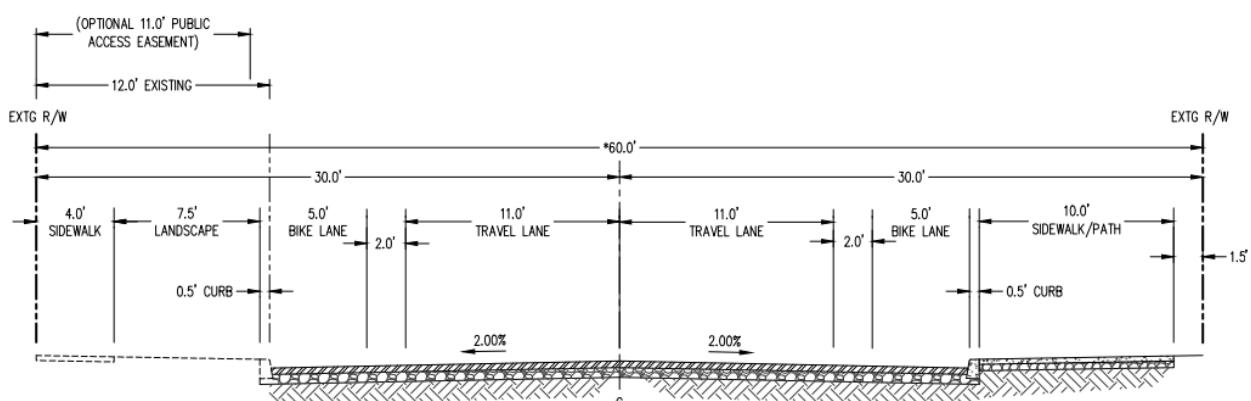
LEGEND	STREET TYPE
Red	MINOR ARTERIAL
Blue	COLLECTOR
Green	MINOR COLLECTOR
Cyan	MINOR COLLECTOR
Light Blue	MINOR COLLECTOR
Grey	LOCAL
Dark Grey	OPTIONAL PARKING BOTH SIDES
Light Grey	LOCAL
White	OPTIONAL PARKING ONE SIDE
Brown	LOCAL



MINOR ARTERIAL

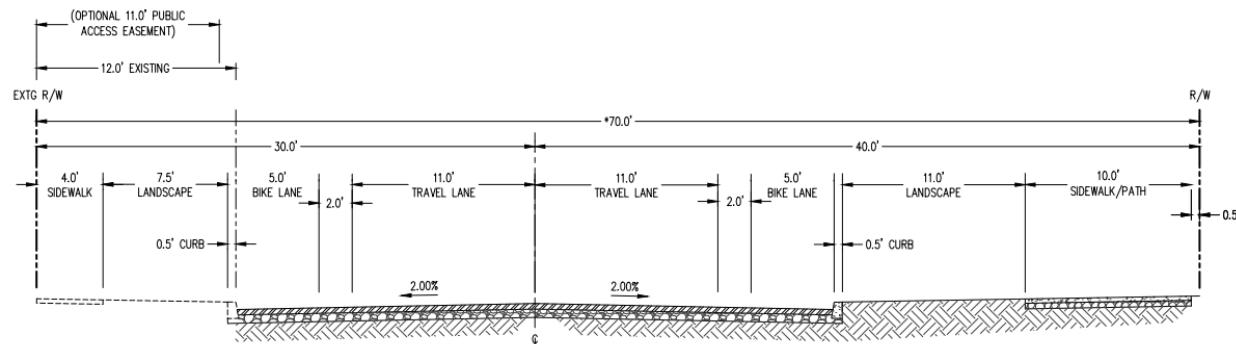


COLLECTOR

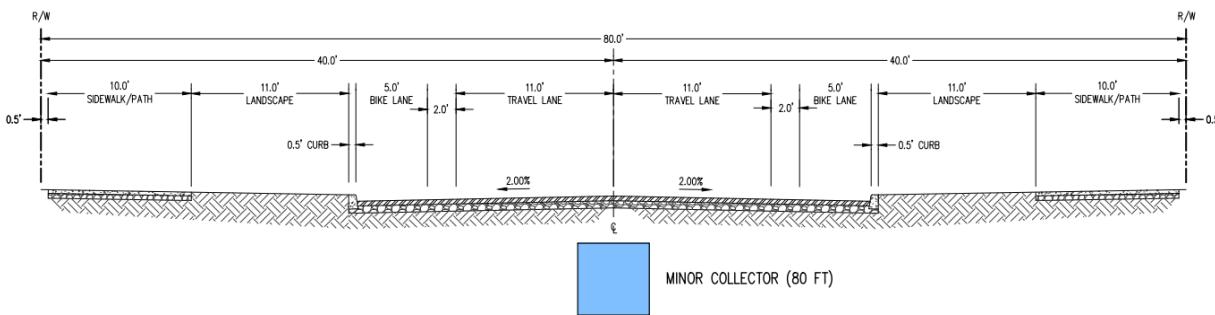


MINOR COLLECTOR (60 FT)

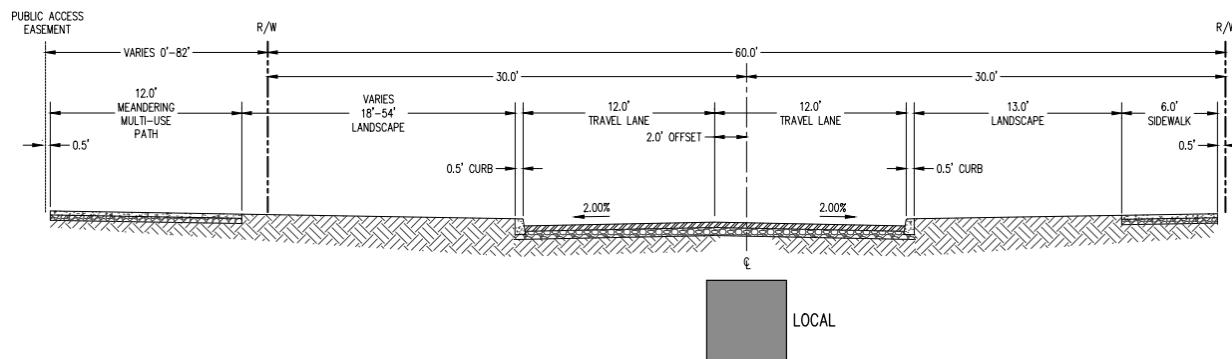
\*WITH PUBLIC ACCESS EASEMENT,  
RIGHT-OF-WAY WIDTH IS REDUCED TO 49.0'.



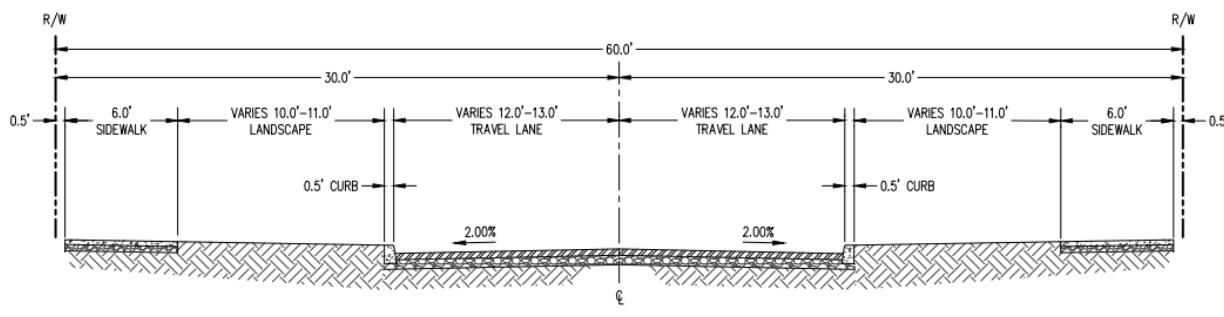
MINOR COLLECTOR (70 FT)  
\*WITH PUBLIC ACCESS EASEMENT,  
RIGHT-OF-WAY WIDTH IS REDUCED TO 59.0'.



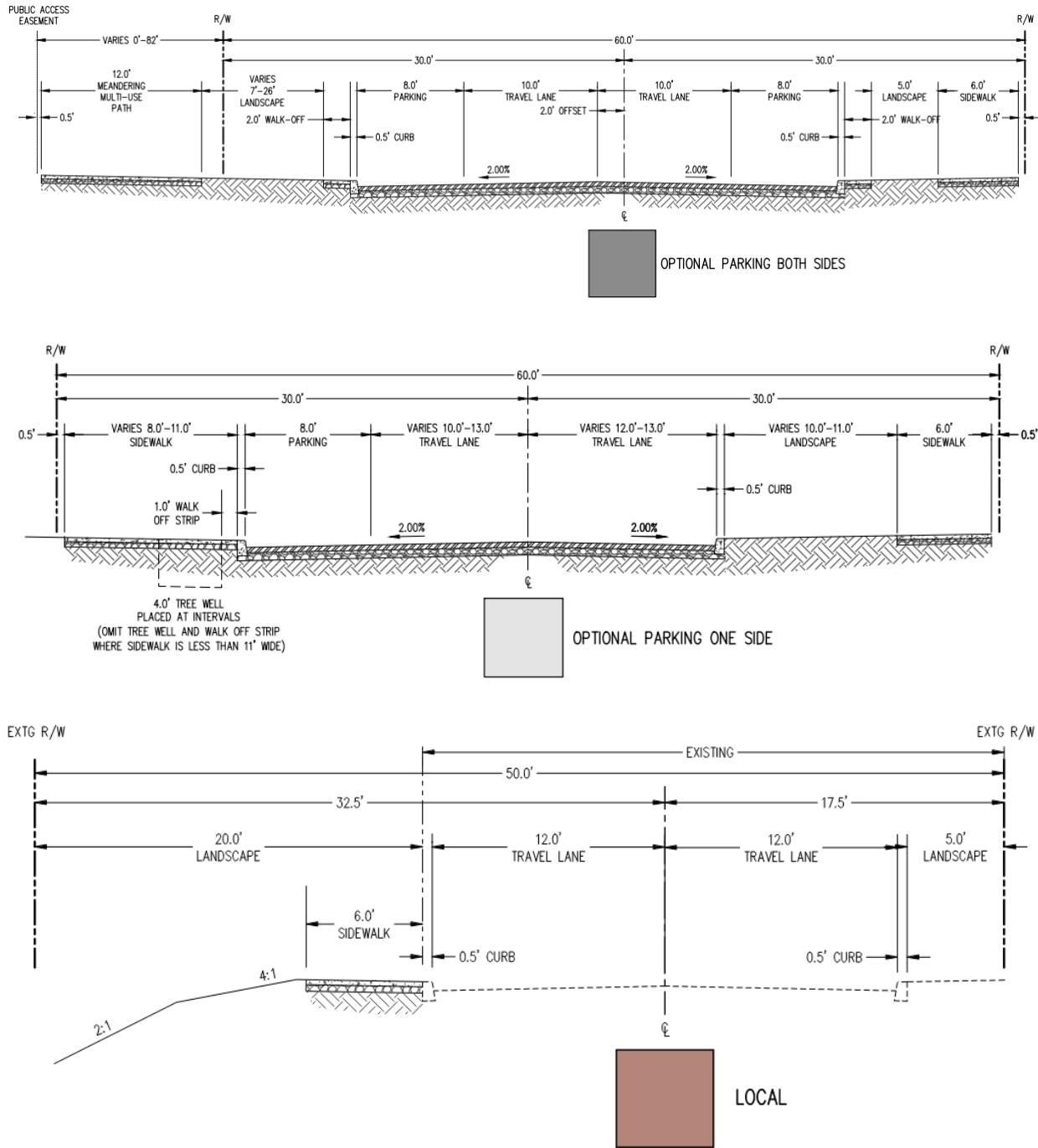
MINOR COLLECTOR (80 FT)



LOCAL



LOCAL



### 2.7.4770 Transportation Mitigation Plan.

A. Applicability. The following Transportation Mitigation Plan applies to all development within the Timber Yards Master Planned District.

B. Alternate Transportation Design Standards. Transportation facilities within the Timber Yards Master Planned District must comply with the standards set forth in BDC 2.7.4760 and Figure 2.7.4760.

C. Transportation Mitigation. The following transportation mitigation measures must be constructed pursuant to the schedule set forth in Table 2.7.4770 below. The timing of the mitigation measures are tied to the phases depicted on Figure 2.7.4770 below; the phasing does not need to occur in any specific order.

**Table 2.7.4770 – Transportation Mitigation**

Mitigation Requirement	Trigger
Widen Sisemore Street pavement width to provide bicycle lanes and widened sidewalks from Colorado Avenue to Arizona Avenue within existing ROW and construct a safety improvement at the intersection of Colorado Avenue and Sisemore Street.	Prior to Occupancy of first building in any phase after Sisemore Street between Industrial Way and Arizona Avenue is fully constructed by others
Southbound Hwy 97 Colorado intersection curb returns and accessible curb ramps must be constructed. The curb return radii must conform to City of Bend standards unless otherwise approved by the City Engineer during right of way permit review. Changes to the ramp radii may require traffic signal modification to the push buttons and a review of the signal phasing such as a southbound right turn overlap phasing requiring additional vehicle indication. Developer may elect to utilize payment in lieu of fee per 4.7.600F(2)(c), estimated under the proportionate share calculation in BDC 4.7.700 at \$300,000 in 2023.	Prior to Occupancy of the first building in any Phase concurrent with the improvement of Industrial Way to Division Street
<p>Dedication of right-of-way (ROW) and completion of the Bond Street/Industrial Way single-lane asphalt roundabout adjacent to Phase A. Construction of the roundabout will require continued access to impacted uses and development. The implementation of a detour plan will be required.</p> <p>Construction of an access road from the sewer pump station (south of Phase B or Phase D) along the sewer alignment and to the sewer outfall in Aune Street must be constructed.</p> <p>Design and reconstruction of Aune Street to existing conditions within the available ROW under Hwy 97 undercrossing to 2nd Street over the required water and sewer main installation with the 1st phase of development. Developer to coordinate detour plans for review and approval by the City of Bend describing how it will maintain public and emergency ingress/egress for impacted businesses during construction of area infrastructure improvements.</p>	Prior to Occupancy of the first building in any Phase

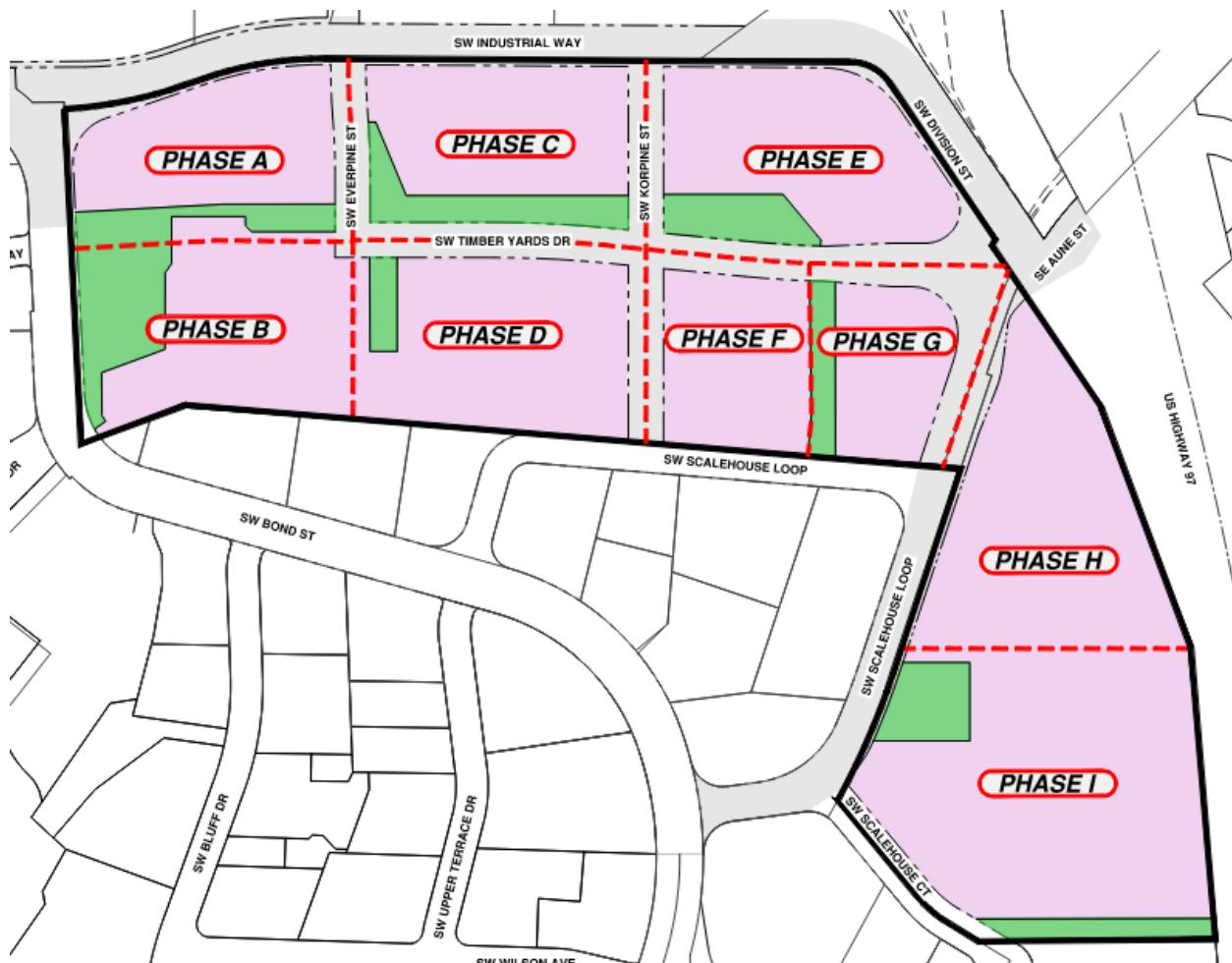
Mitigation Requirement	Trigger
<p>The existing gate on Industrial Way (fronting Phase E) must have a revocable agreement recorded against the property prior to permit issuance. With no revocable agreement, the gate must be removed.</p> <p>Each phase of development review will provide a trip debit letter that will track available trips banked by the Transportation Review. Trips in excess of the Traffic Impact Analysis will require an additional transportation review in accordance with BDC Chapter 4.7.</p>	
<p>Industrial Way - ROW dedication required to obtain 40 feet ROW width from ROW centerline to frontage property line and completion of <math>\frac{3}{4}</math> street improvements from Bond Street through property frontage - full asphalt street bound by curb on both sides and a wide sidewalk along the frontage.</p> <p>Bond Street – ROW dedication of 40 feet from ROW centerline to property line and completion of a multi-use path along Bond Street frontage to Powerhouse Drive.</p> <p>Provision of an enhanced pedestrian crossing at Bond Street and Powerhouse Drive intersection. The City may allow the limited deferral of the crossing with an acceptable agreement in place between Timber Yards and the Old Mill to construct a broader intersection improvement that includes an equivalent enhanced pedestrian crossing.</p> <p>Everpine Street - Dedication of ROW and completion of <math>\frac{3}{4}</math> street improvements – full asphalt street bound by curb on both sides and sidewalk along the property frontage.</p> <p>Dedication of public access easement for non-vehicular and emergency access route from Everpine Street west to Bond Street, gated (or similar vehicular restriction) at Bond Street, aligning with Mill View Way (south of Phase A frontage).</p> <p>Construction of Mobility Hub along SW Bond Street frontage.</p>	Prior to Occupancy of the first building in Phase A
<p>Bond Street - ROW dedication required to obtain 40 feet ROW width from ROW centerline to frontage property line and completion of a multi-use path along Bond Street frontage to Powerhouse Drive.</p> <p>Industrial Way - ROW dedication required to obtain 40 feet ROW width from ROW centerline to frontage property line and completion of <math>\frac{3}{4}</math> collector street improvements from Bond Street through Parcel A property frontage - full asphalt street bound by curb on both sides and a multi-use path along the frontage.</p> <p>Everpine Street (north) - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements from Industrial Way to the property – full asphalt street bound by curb on both sides and sidewalk along the property frontage.</p>	Prior to Occupancy of the first building in Phase B

Mitigation Requirement	Trigger
<p>Everpine Street (south) - Dedication of public access easement and completion of private street to local street standards from Timber Yards Drive south to a turnaround used for site access and public sewer pump station maintenance– full asphalt street bound by curb on both sides and sidewalk.</p> <p>Provision of an enhanced pedestrian crossing at Bond Street and Powerhouse Drive intersection. The City may allow the limited deferral of the crossing with an acceptable agreement in place between Timber Yards and the Old Mill to construct a broader intersection improvement that includes an equivalent enhanced pedestrian crossing.</p> <p>Construction of Mobility Hub along SW Bond Street frontage.</p> <p>Dedication of public access easement for non-vehicular and emergency access route from Everpine Street west to Bond Street, gated at Bond Street, aligning with Mill View Way (north of Phase B frontage).</p>	
<p>Industrial Way - ROW dedication required to obtain 40 feet ROW width from ROW centerline to frontage property line and completion of <math>\frac{3}{4}</math> collector street improvements from Bond Street through property frontage - full asphalt street bound by curb on both sides and a wide sidewalk along the frontage.</p> <p>Everpine Street (north), Timber Yards Drive and Korpine Street - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements – full asphalt street bound by curb on both sides and sidewalk along the property frontage.</p> <p>If constructed prior to Phase D, Korpine Street must be constructed between the intersection of Timber Yards Drive and Scalehouse Loop. Korpine Street south of Phase C can either be constructed as a full street improvement or as a temporary gated emergency access road, gate installed south of Timber Yards Drive.</p> <p>Provision of an enhanced pedestrian crossing at Bond Street and Powerhouse Drive intersection. The City may allow the limited deferral of the crossing with an acceptable agreement in place between Timber Yards and the Old Mill to construct a broader intersection improvement that includes an equivalent pedestrian crossing.</p> <p>Construction of Mobility Hub along SW Bond Street frontage.</p>	Prior to Occupancy of the first building in Phase C
<p>Industrial Way - ROW dedication required to obtain 40 feet ROW width from ROW centerline to frontage property line and completion of <math>\frac{3}{4}</math> collector street improvements from Bond Street through the Korpine Street intersection – full asphalt street bound by curb on both sides and a wide sidewalk along the frontage.</p> <p>Timber Yards Drive and Everpine Street (north) - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements – full asphalt street bound by curb on both sides and sidewalk along the property frontage.</p>	Prior to Occupancy of the first building in Phase D

Mitigation Requirement	Trigger
<p>Everpine Street (south) - Dedication of public access easement and completion of private street to local street standards from Timber Yards Drive south to a turnaround used for site access and public sewer pump station maintenance– full asphalt street bound by curb on both sides and sidewalk.</p> <p>Korpine Street - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements – full asphalt street bound by curb on both sides and sidewalk from Industrial Way to and through Scalehouse Loop. Korpine Street will connect to Scalehouse Loop with development of Phase D and/or Phase F.</p> <p>Construction of sidewalk on Scalehouse Loop along the property frontage within a public access easement or right of way dedication.</p>	
<p>Industrial Way &amp; Division Street - ROW dedication required to obtain 40 feet ROW width from ROW centerline to frontage property line and completion of <math>\frac{3}{4}</math> collector street improvements from Bond Street to and through the site frontage - full asphalt street bound by curb on both sides and a wide sidewalk along the frontage.</p> <p>Prior to occupancy, the existing fire gate on Industrial Way must be removed unless otherwise approved by the City Engineer.</p> <p>Modification of the existing Industrial Way / Division Street cycle track to a 10-foot multiuse pathway on northeast side of the street</p> <p>Timber Yards Drive and Korpine Street - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements – full asphalt street bound by curb on both sides and sidewalk along the property frontage.</p> <p>Dedication of ROW and construction of the Division Street/Aune Street single lane roundabout, if not already constructed with Phases G or H.</p>	Prior to Occupancy of the first building in Phase E
<p>Industrial Way - Dedication of ROW and completion of <math>\frac{3}{4}</math> collector street improvements from Bond Street through the Korpine Street intersection - full asphalt street bound by curb on both sides and a multi-use path along the frontage.</p> <p>Timber Yards Drive and Korpine Street - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements – full asphalt street bound by curb on both sides and sidewalk along the property frontage.</p> <p>Korpine Street - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements – full asphalt street bound by curb on both sides and sidewalk from Industrial Way to and through Scalehouse Loop. Korpine Street will connect to Scalehouse Loop with development of Phase D and/or Phase F. An agreement with Old Mill District must be established to permit the connection of this street to the private Scalehouse Loop street prior to occupancy.</p> <p>Construction of sidewalk on Scalehouse Loop along the property frontage within</p>	Prior to Occupancy of the first building in Phase F

Mitigation Requirement	Trigger
<p>a public access easement or right of way dedication.</p>	
<p>Division Street - Dedication of ROW and completion of <math>\frac{3}{4}</math> collector street improvements northeast corner of Phase E to Aune Street - full asphalt street bound by curb on both sides.</p> <p>Prior to occupancy, the existing fire gate on Industrial Way must be removed unless otherwise approved by the City Engineer.</p> <p>Modification of the existing Industrial Way / Division Street cycle track to a 10-foot multiuse pathway on northeast side of the street.</p> <p>Timber Yards Drive - Dedication of ROW and completion of <math>\frac{3}{4}</math> local street improvements – full asphalt street bound by curb on both sides and sidewalk along the property frontage.</p> <p>Dedication of ROW and construction of the Division Street/Aune Street single lane roundabout, if not already constructed with Phases E or H.</p> <p>Scalehouse Way (south of Aune Street roundabout to and through the property) - Dedication of ROW and completion of <math>\frac{3}{4}</math> collector street improvements - full asphalt street bound by curb on both sides.</p> <p>Scalehouse Way (south of Phase G) is to be dedicated to the City of Bend and reconstructed to City of Bend collector street standards (street reconstruction, multiuse pathway to Bond/Wilson roundabout, and reconstruction of Bond Street/Scalehouse Loop curb radii).</p> <p>Construction of sidewalk on northern side of Scalehouse Loop along frontage.</p>	Prior to Occupancy of the first building in Phase G
<p>Scalehouse Loop is to be dedicated to the City of Bend and reconstructed to City of Bend collector street standards (street reconstruction, multiuse pathway to Bond/Wilson roundabout, and reconstruction of Bond Street/Scalehouse Loop curb radii).</p> <p>Dedication of ROW and construction of the Division Street/Aune Street single lane roundabout, if not already constructed with Phases E or G.</p> <p>Scalehouse Way (south of Aune Street roundabout to and through the property) – Dedication of ROW and completion of <math>\frac{3}{4}</math> collector street improvements – full asphalt street bound by curb on both sides.</p> <p>If Phase H anticipated access to Scalehouse Court, either a 1) public access easement and public utility easement must be recorded over the entirety of the street and sidewalk (if the southern half of the street is still under the ownership of a separate landowner, a maintenance agreement must be created), OR 2) Scalehouse Court is to be dedicated to the City of Bend and reconstructed to City of Bend local street</p>	Prior to Occupancy of the first building in Phase H

Mitigation Requirement	Trigger
<p>standards. If a private street is retained, public access easements must be established within the property boundary.</p> <p>Scalehouse Way is to be dedicated to the City of Bend and reconstructed to City of Bend collector street standards (street reconstruction, multiuse pathway to Bond/Wilson roundabout, and reconstruction of Bond Street/Scalehouse Loop curb radii).</p> <p>Dedication of ROW and construction of the Division Street/Aune Street single lane roundabout.</p> <p>Scalehouse Way (south of Aune Street roundabout to and through the property) - Dedication of ROW and completion of <math>\frac{3}{4}</math> collector street improvements - full asphalt street bound by curb on both sides.</p> <p>Prior to occupancy of Phase I that needs access from Scalehouse Court, either a 1) public access easement and public utility easement must be recorded over the entirety of the street and sidewalk (if the southern half of the street is still under the ownership of a separate landowner, a maintenance agreement must be created), OR 2) Scalehouse Court is to be dedicated to the City of Bend and reconstructed to City of Bend local street standards. If a private street is retained, public access easements must be established within the property boundary.</p>	<p>Prior to Occupancy of the first building in Phase I</p>

**Figure 2.7.4770 – Timber Yards Phasing Plan****2.7.4780 Future Capacity Reservation.**

A. The Timber Yards Master Plan reserves infrastructure capacity (sewer, water, and transportation) through and including [15 years from date of adoption], for all site plan review and subdivision applications filed pursuant to the phasing plan through [15 years from date of adoption]. Site plan review and subdivision applications submitted after [15 years from date of adoption], will be subject to new utility and transportation analyses.

Attachment B

PLANNING COMMISSION  
RECOMMENDATION  
TO THE CITY COUNCIL



COMMUNITY  
DEVELOPMENT

**PROJECT NUMBER:** PLSPD20230065

**HEARING DATE:** June 7, 2023

**APPLICANT:**  
Kennedy Wilson  
503 32<sup>nd</sup> St, Suite 120  
Newport Beach, CA 92663

**OWNERS:**  
*Tax lot 181205A000500*  
KW Kelton-Bend Owner, LLC  
151 S El Camino Drive  
Beverly Hills, CA 90212

*Tax lot 181205A000800*  
Scalehouse Loop Investments, LLC  
95 SW Scalehouse Loop #100  
Bend, OR 97702

*Tax lot 181205A000900*  
McKenzie Creek Development, LLC  
95 SW Scalehouse Loop #100  
Bend, OR 97702

**PLANNING/  
ENGINEERING:**  
AKS Engineering & Forestry, LLC  
Joey Shearer, AICP  
Brian Wilkinson, PE

**TRANSPORTATION:**  
Transight Consulting, LLC  
Joe Bessman, PE

**LOCATION:**  
East of Bond Street, west of Hwy 97 and south of Industrial Way; 175 SW Industrial Way, 95 SW Scalehouse Loop and an unaddressed property; Tax lots 500, 800 and 900 of Deschutes County Assessor Map 18-12-05A

**REQUEST:**  
Type III Quasi-judicial amendment to Bend Development Code Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans, to create the Timber Yards Master Planned Development; a 32-acre Major Community Master Plan, with a mix of residential and commercial uses, including approximately 1,600 dwelling units, a 180-room hotel, 120,000

square feet of office space and 70,000 square feet of retail space, along with at least 3.2 acres of open space.

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

## APPLICABLE REVIEW CRITERIA, STANDARDS AND PROCEDURES:

### **Bend Development Code**

#### **Criteria**

Chapter 4.5, Master Plans

#### **Standards**

Chapter 2.3, Mixed Use Zoning Districts (MU)

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**

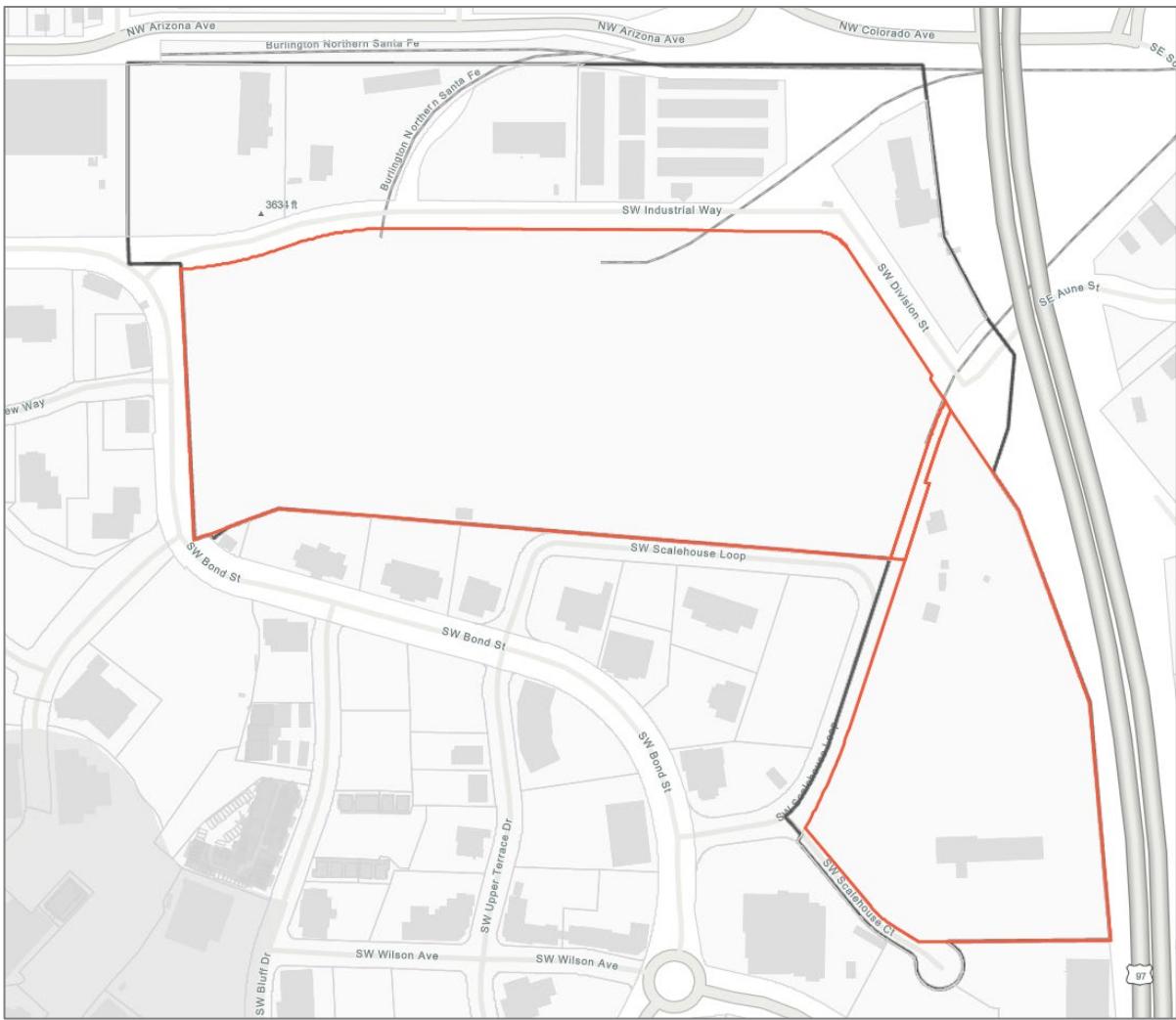
Chapter 11, Growth Management

### **Oregon Administrative Rules**

Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

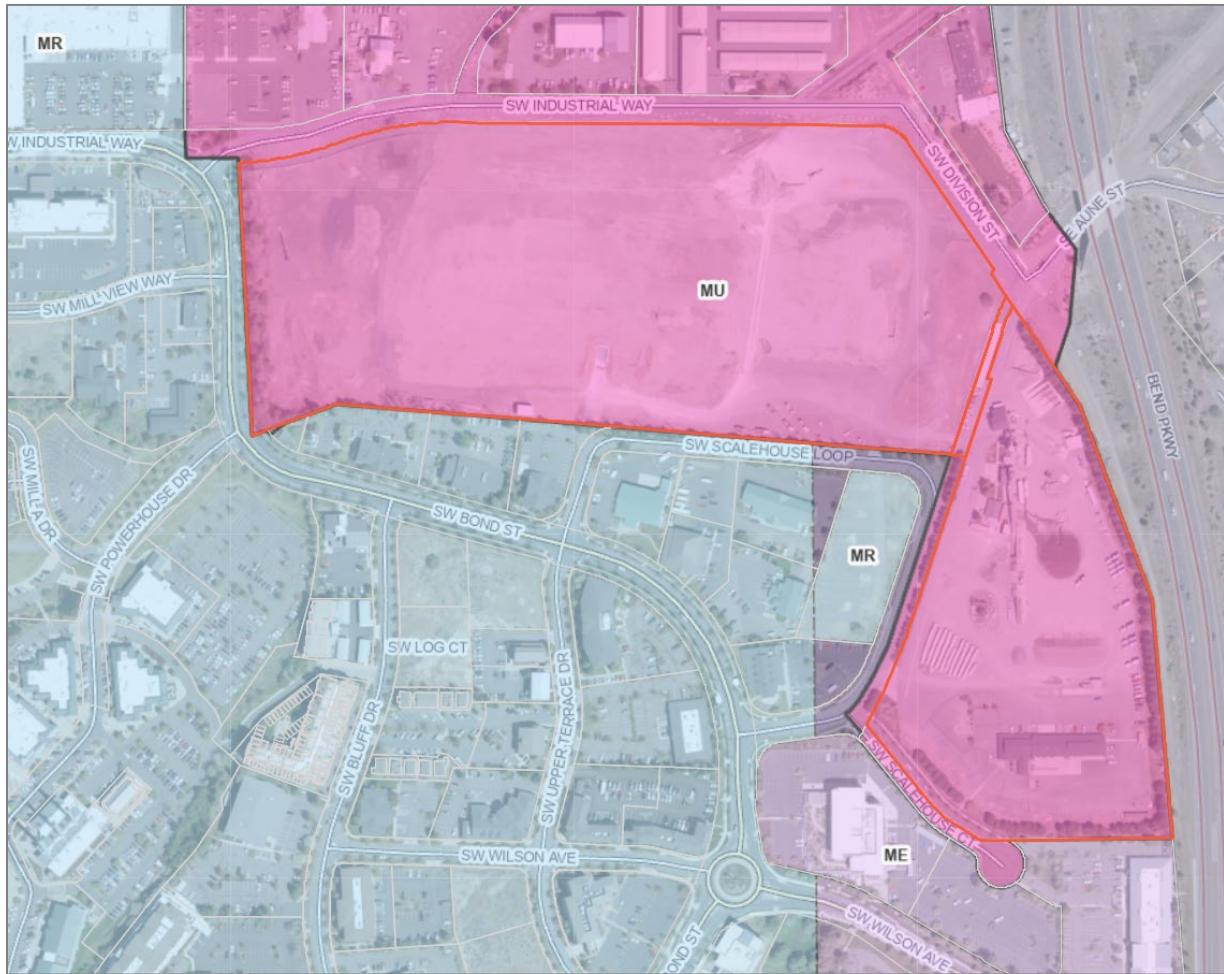
## **FINDINGS OF FACT:**

- LOCATION:** The Timber Yards Master Plan encompasses 32 acres within the KorPine Opportunity Area. The site is comprised of a three tax lots, tax lots 500, 800 and 900 of Deschutes County Assessor Map 18-12-05A, with addresses of 175 SW Industrial Way and 95 SW Scalehouse Loop in Bend. The property is bounded by Industrial Way (collector street) to the north, Bond Street (minor arterial) to the west, Bend Parkway (highway) to the east, and Scalehouse Loop (private street) to the south.



Timber Yard Master Plan subject property outlined in orange; KorPine opportunity area outlined in black

2. **ZONE AND PLAN DESIGNATION:** The Timber Yards Master Plan is located within the KorPine Opportunity Area. The master plan property is designated Mixed Use-Urban (MU) in the Bend Comprehensive Plan and also zoned MU.
4. **SITE DESCRIPTION & SURROUNDING USES:** The northern portion of the Timber Yards Master Plan (Tax Lot 500) is the former location of the KorPine particleboard plant, which operated from 1966 to 2002. In January of 2017, the former KorPine particleboard building collapsed under the weight of heavy snow. The demolished building was removed and that portion of the site has remained vacant since then. Tax Lot 800 to the southeast contains facilities for Hooker Creek, including offices and a concrete batch plant. Tax Lot 900 (approximately 0.2 acres) is a small, paved area between Tax Lots 500 and 800. The topography is relatively level with no significant vegetation internal to the site; the boundary of the Hooker Creek property is lined with trees.



Surrounding land uses include:

North: North of the property is Industrial Way (collector street). North of Industrial Way is a 7-story mixed-use development under construction (Jackstraw; PLSPR20220228), a landscaping company, and a self-storage facility, which are all zoned MU.

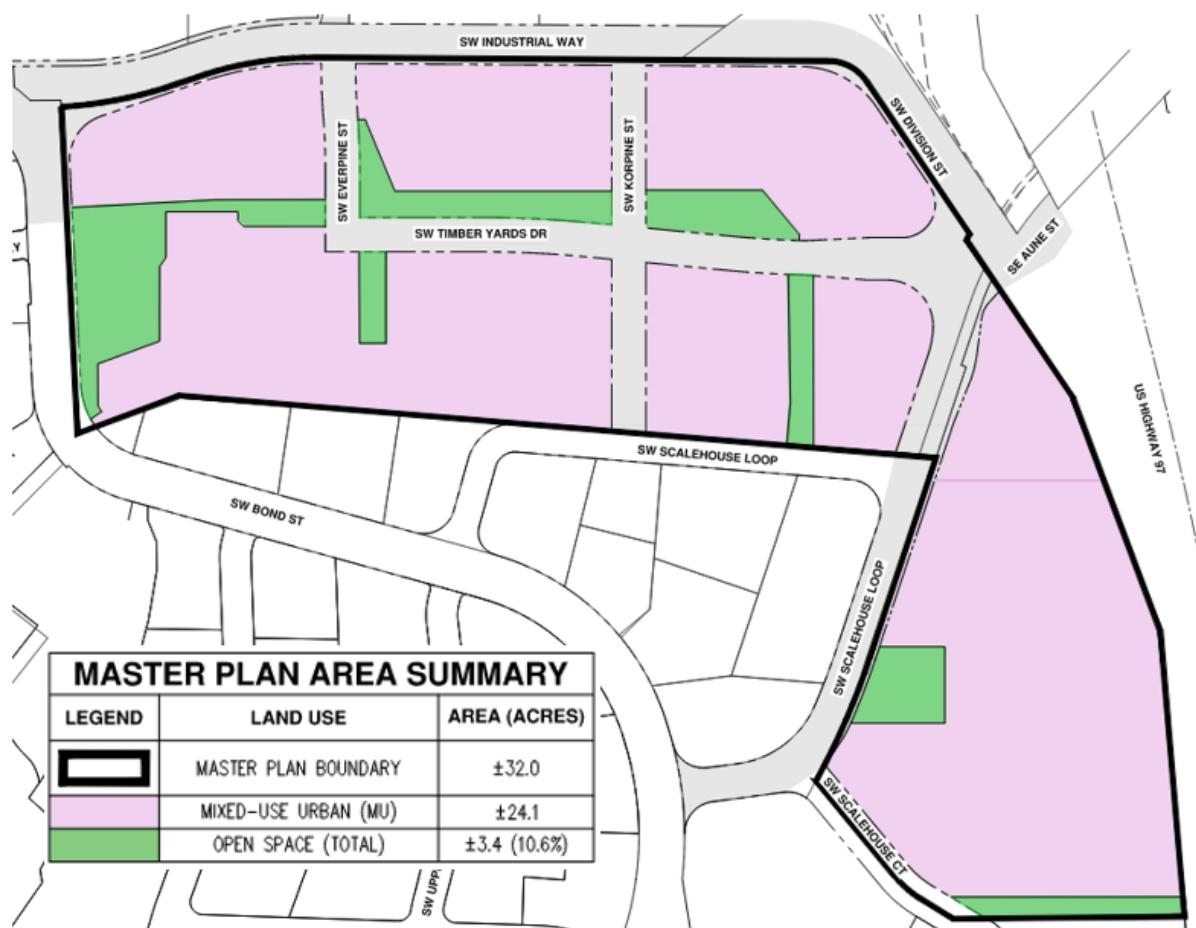
East: Northeast of the property is a brewing facility and brewpub (Crux) zoned MU. East of the property is the Bend Parkway (Highway 97). The properties east of the Parkway are zoned Light Industrial (IL).

South: To the south along SW Bond Street and SW Scalehouse Loop, properties are zoned MR and Mixed Employment (ME) and are generally developed with office and retail uses. The property southwest of the intersection/bend in Scalehouse Loop is approved for a Shared Court townhome subdivision (PLLD20211044).

West: To the west, across SW Bond Street, properties are zoned Mixed-Use Riverfront (MR) and developed with office, retail, and hotel uses.

**5. PROPOSAL:** The applicant proposes a Major Community Master Plan to be known as Timber Yards located on approximately 32 acres within the KorPine Opportunity Area of the Bend Comprehensive Plan.

The Timber Yards Master Plan will include a mix of residential and commercial uses, including approximately 1,600 dwelling units, a 180-room hotel, 120,000 square feet of office space and 70,000 square feet of retail space, along with at least 3.2 acres of open space. The development will occur in a series of phases over time dependent upon market demand and design layout of utilities and road systems, beginning with Phase A southeast of the Bond/Industrial intersection.



*Proposed Master Plan*

**6. PUBLIC NOTICE AND COMMENTS:** In accordance with BDC 4.1.215, the applicant held a virtual neighborhood meeting on December 6, 2022 via Zoom. Documentation of the public meeting was submitted with this application, including signed verification of compliance forms from the Southern Crossing and Larkspur neighborhood

association representatives, a roster of the Zoom meeting attendees, a list of questions submitted electronically during the virtual meeting, copies of materials provided to neighbors within 500-feet of the Timber Yards site, and copies of emails sent to the neighborhood association land use representatives. Approximately 53 attended the virtual public meeting, and 19 of the attendees submitted questions during the meeting. The Southern Crossing neighborhood representative requested written minutes and a recording of the meeting as well as the Powerpoint slides presented during the meeting. These items are not required to be provided per BDC 4.1.215.

On April 19, 2023, Notice of Proposed Development signs were posted by the applicant along the property frontages at six locations, visible from adjacent rights of way. These notices were posted for more than 10 days prior to the May 8, 2023 hearing date.

On April 18, 2023, the City of Bend Planning Division mailed notice of the Planning Commission public hearing to surrounding owners of record and addresses of property within 750 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Southern Crossing, Old Bend, River West, Orchard District, Larkspur and Old Farm District Neighborhood Association representatives. The notices for the public hearing were mailed more than 10 days prior to the first evidentiary hearing, in accordance with BDC 4.1.423.

Nine public comments were received in response to these public notices; seven comments were in support of the project and two comments were neutral with concerns about spillover parking to surrounding areas and access during construction.

The Planning Commission conducted a public hearing on May 8, 2023. One individual again expressed concern during the hearing about access during construction and a few others expressed interest in affordable housing. In general, the oral comments were in support of the master plan. Eight individuals provided oral testimony at the Planning Commission public hearing (3 of which also submitted written comments). Representatives of both the Old Bend and Southern Crossing Neighborhood Associations were also supportive of the proposal.

The Planning Commission voted 7-0 in favor of recommending the application to the City Council for approval.

Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On May 10, 2023, notice was mailed by the Planning Division to surrounding residents and owners of record of property within 750 feet of the subject properties, and to the Southern Crossing, Old Bend, River West, Orchard District, Larkspur and Old Farm District Neighborhood Association representatives. On May 12, 2023, Notice of Proposed Development signs were posted by the applicant along the property frontages at six locations, at most 10 feet from adjacent rights of way.

Various agencies were also sent notice; no outside agencies submitted written comments but an ODOT representative did participate in biweekly meetings with the

City and the applicant and reviewed the City's Transportation Analysis Memo. The required notice to the Department of Land Conservation and Development (DLCD) was provided on March 20, 2023, more than the required 35 days prior to the first public hearing.

**7. APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application and associated submittal materials were submitted on January 31, 2023. The application was deemed incomplete on February 23, 2023, pending the submittal of a Transportation Analysis Memo, which was completed and uploaded on April 17, 2023. The application was deemed complete on April 17, 2023. 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**

**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 most prominent use proposed in Timber Yards Master Plan is residential; therefore, the Community Master Plan category is the most appropriate master plan provisions to apply. The standards and criteria for the Community Master Plan are addressed below in Section 4.5.200 of the Bend Development Code.

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

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

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

2. **Uses in the zoning district may be modified and may prohibit uses or include uses not permitted when consistent with the Bend Comprehensive Plan designation's characteristics; and**

**FINDING:** The Comprehensive Plan designation of the subject property is Mixed Use-Urban (MU) which is implemented with MU zoning. The Timber Yards master plan does not propose any code deviations to the permitted uses within the MU zone.

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:** BDC 4.5.200(E)(4) requires a minimum of 10 percent of the gross area as public or private open space. The 32-acre Preliminary Master Plan requires at least 3.2 acres of open space, and approximately 3.4 acres will be provided in open space tracts. Open space is planned to be owned and maintained by a corporation, owners association, or other legal entity in compliance with BDC 4.5.200(E)(4). Further findings of compliance with BDC 4.5.200(E)(4) is described below. The criterion is met.

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

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

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

**FINDING:** BDC 4.5.100(E) provides for the specific contents of the Master Plan. The submitted project narrative and related exhibits, as listed below, address and provide the submittal requirements for the master plan.

Exhibit A: Property Owner Authorization Forms

Exhibit B: Timber Yards Major Community Master Plan

Exhibit C: Preliminary Title Report

Exhibit D: Current Deeds

Exhibit E: Bend Park and Recreation District Letter

Exhibit F: Bend-La Pine School District Letter

Exhibit G: Utility Availability Memo

Exhibit H: Traffic Analysis Memorandum (TAM)

Type III Timber Yards Major Community Master Plan

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Exhibit I: Timber Yards Master Plan Transportation Element

Exhibit J: Will Serve Letters

Exhibit K: Neighborhood Meeting Documentation

Exhibit L: Timber Yards Draft Development Code

The Timber Yards Major Community Master Plan in Exhibit B contains ten sheets:

P01 Cover Sheet

P02 Existing Conditions and Ownership Map

P03 Preliminary Master Plan

P04 Preliminary Open Space Plan

P05 Preliminary Bicycle and Pedestrian Plan

P06 Preliminary Phasing Plan

P07 Preliminary Street Circulation Plan

P08 and P09 Preliminary Street Cross-Sections

P10 Preliminary Utility 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:** The subject property comprises 32 acres, and therefore, a community master plan is required for the property. Because the most prominent use in Timber Yards is residential, a Community Master Plan is proposed.

**C. Review Process.**

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

**the Bend Development Code standards and/or zoning district requirements and/or with changes proposed to the Bend Comprehensive Plan Map designations and/or zoning (major master plan).**

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

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

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

\*\*\*

Timber Yards Master Plan is expected to include approximately 1,600 needed housing units including 250 senior housing units. The applicant elects to use a deviation process in order modify one or more Development Code standards. Therefore, a major master plan is proposed.

3. **Major Community Master Plans.** Major community master plans are processed as follows:
  - a. **Step 1.** The Planning Commission makes a recommendation to the City Council on an application for a major community master plan. The text of a major community master plan must be included in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans, in compliance with BDC Chapter 4.6, Land Use District Map and Text Amendments. The City Council is the final review authority on such applications (Type III process).
  - b. **Step 2.** Upon approval of the major community master plan, and prior to the commencement of Step 3, the applicant must submit a final major community master plan to the City in an electronic format specified by the City. The final major community master plan must depict the proposal

as approved and must incorporate all conditions of approval contained in the decision. The major community master plan denotation for the subject site will be shown on the Zoning Map. The denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the major community master plan.

c. **Step 3. The approval of a land division(s) and/or site plan review application(s) (Type II process).**

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

#### **D. Community Master Plan Approval Criteria.**

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

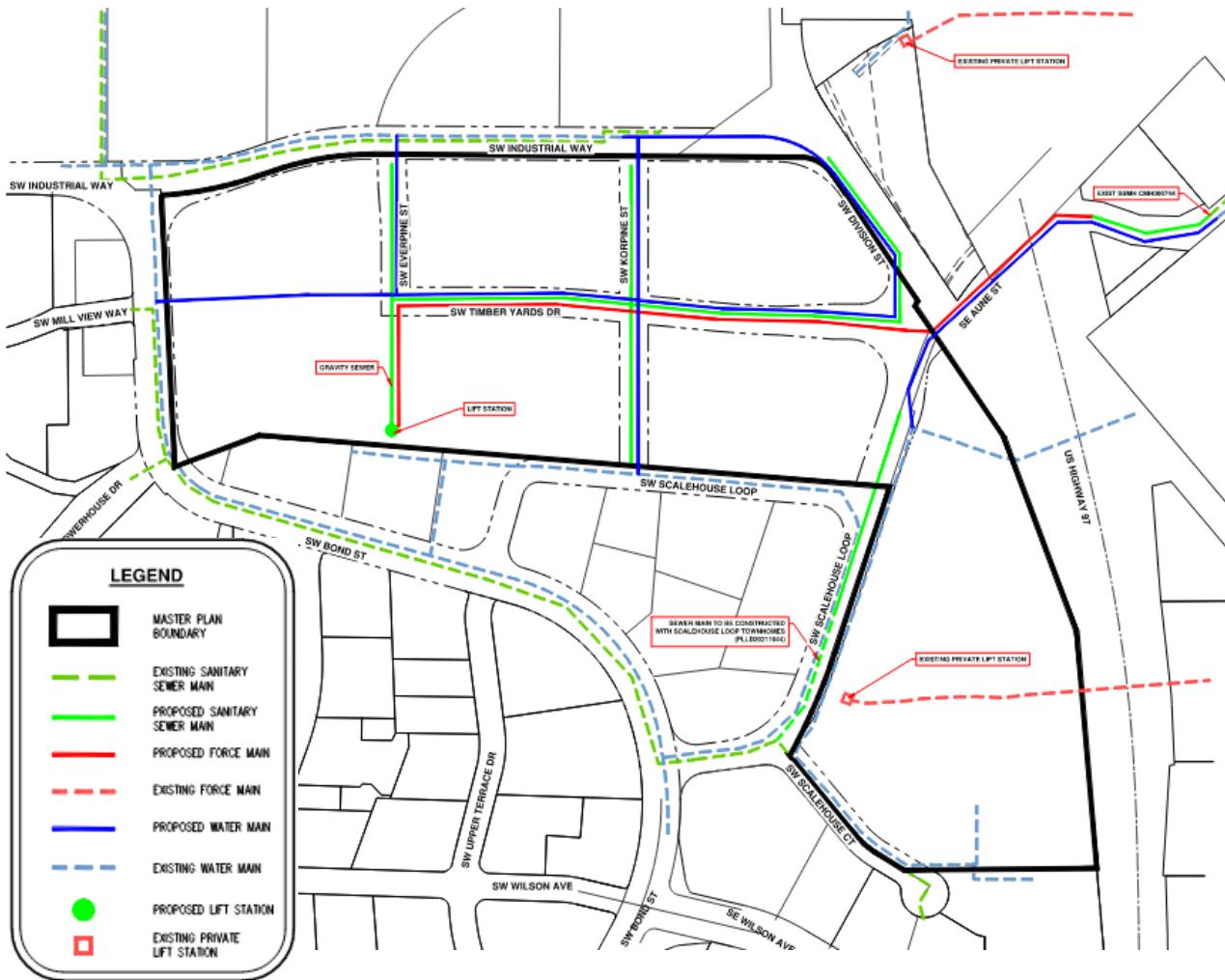
**FINDING:** Subsection (E) is addressed below. The Timber Yards Master Plan is designed to comply with the standards and regulations of subsection (E) below.

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

**FINDING:** The Utility Availability Memo issued by the City of Bend Engineering Division (PRSWA202206668) was submitted as Exhibit G of this application.

The sewer capacity analysis indicates that the proposed development requires the construction of a new lift station and force main that discharges to the SW 2<sup>nd</sup> Street / SW Scott Street gravity main. The existing Hooker Creek private onsite lift station and associated pressure service must be abandoned and connected to the Timber Yards gravity sewer system. The existing 8-inch gravity main in Aune Street must also be upsized to a minimum 10-inch gravity main.

Existing and proposed water and sewer main facilities are shown in the figure below (Plan Sheet P10 of the application).



The water capacity analysis indicates that the development extends over two pressure zones: the subject property west of Scalehouse Loop/Division Street (Tax Lot 500) is in Pressure Zone 5 and the property east of Scalehouse Loop (Tax Lot 800) and Aune Street is in Pressure Zone 4. The mitigation measures for the proposed development require looping the water mains separately within each pressure zone. Within Pressure Zone 5, the development must extend a 10-inch water main within Industrial Way to SE Aune Street. An 8-inch main must be constructed within proposed Timber Yards Drive between the proposed Aune Street roundabout and Bond Street, as well as within the two new north-south local streets. Within Pressure Zone 4, the development must extend a 10-inch main under the Hwy 97 underpass to the existing dead end main within Aune Street.

The Utility Availability Memo and its associated mitigation measures demonstrate that water and sewer facilities will be adequate once facilities are installed with construction and prior to occupancy or use.

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

***Chapter 4.7, Transportation Analysis***

**4.7.600 Significant Impacts and Mitigation Measures.**

**E. Timing of Improvements.**

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

**FINDING:** The *Timber Yards Master Plan, Transportation Element*, dated October 2022 and prepared by traffic engineer, Joe Bessman of Transight Consulting LLC is included as Exhibit I of this application. The City reviewed this report and issued Traffic Analysis Memo PRTFR202205221 which outlined the required transportation mitigation requirements for the Timber Yards Master Plan. These mitigation requirements are incorporated into the Transportation Mitigation Plan as a table in the Timber Yards Master Plan code. Future development proposals within the Timber Yards Master Plan will adhere to the Transportation Mitigation Plan for the extent and timing of improvements.

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

- a. The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the master plan application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section. Any other changes to the plan designations and density/housing numbers, or other changes to the Comprehensive Plan Map designations, require a Comprehensive Plan and Zoning Map amendment to be processed concurrently in accordance with BDC Chapter 4.6, Land Use District Map and Text Amendments.

**FINDING:** The Timber Yards site is currently designated MU on the City's Comprehensive Plan Map and is zoned MU. No changes to plan designation or zoning are necessary or planned. The planned mix and intensity of uses are consistent with the MU zoning implementing the MU Comprehensive Plan Map designation. These uses will be refined by the applicant through additional design and market analysis, and ultimately specified through future Site Plan Review applications.

However, for purposes of infrastructure analysis and mitigation, buildout of the Timber Yards Master Plan area has been analyzed to accommodate 1,600 dwelling units (including 250 senior housing units), a 180-room hotel, 120,000 square feet of office space, and 70,000 square feet of retail. These uses and densities are consistent with the MU designation. The applicable criteria are 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 Timber Yards Master Plan, to be codified in BDC Chapter 2.7, establishes minor deviations to the underlying MU zone and Title 3. Proposed Development Code language creating the Timber Yards Master Planned Development in BDC Chapter 2.7 is included as Exhibit L of the application. Sections of the proposed code applicable to this criterion are discussed below.

### **Chapter 2.3 – Mixed-Use Districts**

Timber Yards Master Plan includes approximately 32 acres of a mix of commercial and residential uses. The planned mix and intensity of uses are consistent with the Bend Comprehensive Plan, will be refined by the applicant through additional design and market analysis, and ultimately specified through future Site Plan Review applications.

However, for purposes of infrastructure analysis and mitigation, Timber Yards has been analyzed to accommodate 1,600 dwelling units (including 250 senior housing units), a 180-room hotel, 120,000 square feet of office space, and 70,000 square feet of retail. These uses and densities are consistent with the MU designation.

Future development within the Timber Yards Master Plan will comply with the development standards in the MU zone at the time of Site Plan Review application submittal, except as noted in the proposed code deviations below.

\* Building height

In the underlying MU zone, buildings can be 65 feet in height with an additional 10 feet in height provided for vertical mixed-use or affordable housing. The applicant is proposing that all buildings in Timber Yards be allowed up to a maximum of 75 feet, whether or not the building is vertical mixed-use or provides affordable housing. While the additional 10 feet, resulting in up to 75-foot-tall buildings, may have a *potential* negative impact on abutting property, the City has deemed it justified due to the public benefit of efficient land use and affordable housing. While no purpose of the building height standard is explicitly stated in BDC 2.3.300, the maximum height limit is generally understood to protect views and community character.

The extent of the MU Zone in this area includes the Timber Yards site and properties to the north, across Industrial Way. Properties west and southwest of the Timber Yards site are zoned MR, which has a building height limit of 45 feet. Properties immediately south of the Timber Yards site (on either side of Wilson Avenue) are zoned ME, which has the same height provisions as the MU Zone.

In 2022, the City approved a 7-story, 75-foot-tall building across SW Industrial Way to the north, which incorporates vertical mixed-use development (PLSPR20220228). The applicant states that due to the construction of this abutting building, *“a 75-foot building height in Timber Yards is unlikely to negatively affect adjacent property or create a visible conflict with the scale of surrounding buildings, and any potential impacts should be balanced against the vision of the KorPine Opportunity Area, which is identified as a uniquely important area to help the City meet its housing and employment needs through some of the most efficient land utilization across the City.”*

The applicant also states the following: *“Within this context, the geography of Timber Yards is also unique. US Highway 97 provides a buffer to the east and higher order streets buffer adjacent properties to the north and west, and buildings on properties to the south are buffered by local streets or parking lots. Mountain views are to the west, and the orientation of Timber Yards in relation to US Highway 97 minimizes the potential disruption of mountain views from adjacent properties.”* The applicant then concludes: *“Therefore, due to the configuration of the Timber Yards site and existing buffering, the deviation will equally or better meet the purpose of the building height standard.”*

The Timber Yards master plan is proposed to accommodate 1,600 dwelling units (including 250 senior housing units), a 180-room hotel, 120,000 square feet of office space, and 70,000 square feet of retail space. The applicant states in the submitted supplemental narrative that *“Additional height is necessary to accommodate this density and maximize the efficiency of the land. Therefore, the deviation is necessary due to both the unique location characteristics of the property and the specific development type proposed by the Timber Yards Master Plan.”*

As noted above, the existing Development Code only allows buildings above 65 feet in the MU zone with incentives such as vertical mixed-use development and affordable housing. In the submitted infrastructure analyses, the applicant has assumed 250 affordable senior housing units, which would allow the additional 10 feet in building height

if the affordable units were equivalent to a floor level of the building (BDC 3.6.200.C). The applicant has verbally indicated that proposed Building A in the first phase of development will comprise 15,000 square feet of retail space with 220 multi-family units above, which would also be eligible for the additional 10 feet of building height for vertical mixed-use development.

The implied purpose of the height bonus for vertical mixed-use development is to incentivize mixed-use buildings in order to increase the efficient use of land and public infrastructure, decrease reliance on vehicles and increase walkability by locating housing in close proximity to services and jobs, as well as build community and a vibrant sense of place. This incentive for mixed-use only applies to individual buildings, and not a mixed-use neighborhood like Timber Yards. In order to utilize this height bonus, every building within Timber Yards would be required to include a mix of commercial and residential uses. This significantly affects the ability to designate buildings for specific uses.

As noted above, Timber Yards proposes a wide spectrum of uses. The applicant states that *“Consequently, as a mixed-use neighborhood, the incentives should apply to the entire neighborhood and not only on a building-by-building basis. Furthermore, the intended benefits underlying the purpose of the regulation are amplified by the greater scale of the neighborhood relative to the scale of a single building. A more dynamic and efficient mix of uses, with the corresponding efficiencies, walkability, and vibrancy can be achieved through community design than through building design, as is evident from Timber Yards’ planned mix and intensity of uses, open space concept, and multi-modal transportation network.”* In addition, the applicant points out *“Technically, the minimum amount of residential necessary to qualify each building within Timber Yards for the 10-foot height bonus is equivalent to only a single floor of residential within each building across the nine planned phases or lots. Instead, 1,600 residential units are contemplated within Timber Yards, far more than the minimum necessary to achieve the height bonus for each building.”*

The 2018 Bend UGB Implementation Return on Investment Analysis estimated the housing and employment capacity estimates for the City’s nine opportunity areas through 2028. Table 3 of that report indicates that the KorPine opportunity area would generate 148 new housing units and 194 net new jobs by 2028. As noted above, the first phase of the Timber Yards development (which is anticipated to occur by 2028) will include 220 housing units, which exceeds the anticipated number of housing units for the KorPine opportunity area within this timeframe. The first phase of development will also include 15,000 square feet of retail space and a 180-room hotel, which is estimated to generate 90 to 97 jobs based on the applicant’s projections, which is approximately half of the anticipated number of jobs for the KorPine opportunity area within this timeframe. These Phase 1 projects are based on a 75-foot building height limit that is requested by the applicant for this master plan, rather than the standard 65-foot height limit in the MU zone.

The State Land Conservation and Development Commission (LCDC) adopted the Climate Friendly and Equitable Communities (CFEC) rules in July of 2022 that regulate how development and transportation infrastructure get built into the future. Compliance

with CFEC requires that cities over 50,000 in population designate one or more “Climate Friendly Areas” where people are able to meet most of their daily needs without relying upon a car. Climate Friendly Areas (CFAs) are urban mixed-use areas that contain, or are planned to contain, a mixture of high-density housing, jobs, businesses, and services and are served, or planned for service, by high quality pedestrian, bicycle, and transit infrastructure. The rules provide some minimum requirements for climate-friendly areas, with a set of clear and objective standards that may be adopted, or a process for local governments to craft their own standards. Cities need to demonstrate that the CFA or CFAs cumulatively provide sufficient zoned residential building capacity to accommodate at least 30% of the current and projected future housing needs.

The City of Bend must identify potential Climate Friendly Areas within the city limits by the end of 2023 and adopt land use and development regulations within those Climate Friendly Areas by the end of 2024. The City has started to identify potential CFAs to evaluate, but has not proposed any for public review yet. The City *may* recommend the KorPine Opportunity Area as a Climate Friendly Area as part of this process, but this work is not far enough along to inform a recommendation. In addition, the regulations within Climate Friendly Areas *may* allow building heights up to 85 feet per the state rules, but alternative development regulations may be adopted rather than additional building height for compliance with the state rules. Therefore, it is too soon to know if the KorPine Opportunity Area will be designated as a CFA and potentially include a Development Code amendment to allow a maximum height of 85 feet.

City staff recommends that the Planning Commission consider the applicable standards to approve the requested height deviation in conjunction with the testimony received from interested parties and determine if the proposed building height limit “equally or better meets the purpose of” the existing maximum building height, or “is necessary due to the unique characteristics of the property or specific development type proposed by the master plan.”

\* Architectural Design Standards

The proposed Timber Yards code removes the architectural design standards in BDC 2.3.500 (Mixed-Use Zoning Districts Architectural Standards), which require compliance with BDC 2.1.900, Residential Architectural Design Standards, and BDC 2.2.600, Commercial Design Review Standards, as well as supplemental design review standards in BDC 2.3.500.A. The proposed Timber Yards code replaces these design review standards with a set of design standards applicable to the Bend Central District (BDC 2.7.3240), which address building and entry orientation, minimum façade height, glazing, and building articulation. The Bend Central District is adjacent to and shares a similar purpose with Timber Yards, namely creating a walkable, vibrant, diverse mixed-use district. Thus, the Bend Central District design standards more closely align with the design intent of Timber Yards, rather than the single-use design standards of BDC 2.1.900 (residential) and BDC 2.2.600 (commercial).

Where the Bend Central District (BCD) requires distinct standards for designated “Main Streets”, the proposed Timber Yards code applies these standards to Bond Street (the Type III Timber Yards Major Community Master Plan  
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western street frontage of the Timber Yards master plan). The purpose of “Main Streets” in the BCD are to 1) provide focal streets for mixed-use and commercial activity; 2) create vibrant pedestrian environments with human-scaled commercial character; and 3) encourage the formation of solid blocks of commercial-ready buildings for a walkable mixed-use district. In the BCD, the designated Main Streets apply to all arterials (no collector street exists fully within the BCD) and to two local streets (2<sup>nd</sup> Street between Greenwood and Franklin Avenues, and Hawthorne Street between 1<sup>st</sup> and 4<sup>th</sup> Street). Bond Street is an arterial, similar to Revere, Olney, Greenwood and Franklin Avenues, which are designated Main Streets in the BCD. Industrial Way, Division Street and a portion of Scalehouse Loop will be collector streets as boundary streets of the Timber Yards master plan, similar to 4<sup>th</sup> Street which is a collector street at the eastern boundary of the BCD that is not designated as a Main Street. Timber Yards Drive, the primary east-west local street proposed to bisect the master plan, will also not be subject to these additional requirements.

The existing site layout and building orientation standards in BDC 2.3.400 will still apply. In addition, the existing code language in BDC 2.2.600.C.2.h. regarding building colors (“low reflectance, subtle, neutral or earth tone”) is incorporated in the proposed Timber Yards code, with a slight variation to allow the color black and add illustrative examples of potential architectural features of development within the master plan.

\* Mobility Hub

A mobility hub is proposed, conceptually shown abutting Bond Street as part of a plaza at the west side of the proposed master plan (Plan Sheet P04). This proposed location is consistent with the conceptual Old Mill District Mobility Hub location identified in Bend Mobility Hub Feasibility Study (October 2022) authored by Cascades East Transit and Figure 5.2 of the Bend Transportation System Plan (TSP). The mobility hub would support on-street parking for buses and regional shuttles as well as bike parking and bike share amenities. Citywide mobility hub standards were added to the Development Code (BDC 3.6.300) in March 2023 and include the minimum requirement of “transit stop or *transit station*”. Future site plan review applications would typically be reviewed for compliance with mobility hub standards in place at the time of submittal; however, the applicant has included a set of mobility hub standards in the proposed master plan code that removes the phrase “or transit station”. The Bend Metropolitan Planning Organization confirmed that a transit building or “station” would not be expected at this minimum level of mobility hub, and City staff anticipates removing “transit station” as a mobility hub minimum requirement in the next code update later this year. If the citywide mobility hub standards are revised to remove “transit station” from BDC 3.6.300.D.1.a, then the Timber Yards mobility hub standards will be deleted at that time as they would be duplicative of the revised citywide standards.

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

As shown in Figure 2.7.4760, Timber Yards Street and Circulation Plan, and stated in 2.7.4760.B of the Timber Yards Master Plan code, the block length and perimeter

maximums in BDC Chapter 3.1 do not apply if the future streets align with that figure. As proposed, the remaining standards of BDC 3.1 can be met and will be reviewed in detail during future land division review.

### **Chapter 3.2 – Landscaping, Street Trees, Fences and Walls**

The proposed Preliminary Master Plan and Open Space Plan (Plan Sheets P03 and P04 of the application) show proposed open space within the master plan. There is no existing significant vegetation internal to the site; the boundary of the Hooker Creek property (southeast portion of the master plan) is lined with trees, which will be required to be identified with future Site Plan review on this portion of the property. Required landscaping will be addressed in future Site Plan Review for commercial and multifamily development. Street tree plantings will be required with future subdivision and site plan review approvals. Any potential fences or walls will also be addressed in future land division and/or Site Plan review. Compliance with this code section can be met.

### **Chapter 3.3 – Vehicle Parking, Loading and Bicycle Parking**

Compliance with this section will be reviewed during future Site Plan review (for multi-family or commercial development). A recent code update removed minimum parking requirements but maximum parking limits are still in place. Bicycle parking will also still be required. The Timber Yards master plan will comply with the standards in this code chapter at the time of Site Plan Review application submittal, except as noted in the proposed code deviations below.

#### **\* Loading Standards**

The proposed Timber Yards code exempts future development within the master plan from onsite loading standards (BDC 3.3.400). The urban nature of the proposed development precludes onsite surface parking areas within which loading areas would typically be located; proposed onsite parking will be located within structured parking at the base of buildings which does not provide the overhead clearance for larger trucks. Alleys, where loading areas are located in the city's downtown core, are not proposed in this master plan, due to the unique layout of the proposed buildings (as shown on Plan Sheets P04 and P05). The applicant states that the master plan will utilize "*the available land more efficiently than anywhere else in the City*" and thus this deviation is necessary due to the specific development type proposed in the Timber Yards master plan.

In other urban communities, commercial loading zones may be located in front of commercial buildings with designated signage for the loading zone. Curbside loading zones may be enforceable during certain periods of the day, corresponding with business hours or off-peak delivery periods. The City is in the process of developing a code update to the Bend Code (Title 3, Rights-of-Way and City Property) to potentially allow loading spaces within the public right-of-way. This master plan may be an area where the City undertakes a curb management pilot project as it develops citywide regulations for various uses of on-street parking areas. In the unlikely event no such program is initiated, the applicant will accommodate commercial loading needs off-street, and will utilize the

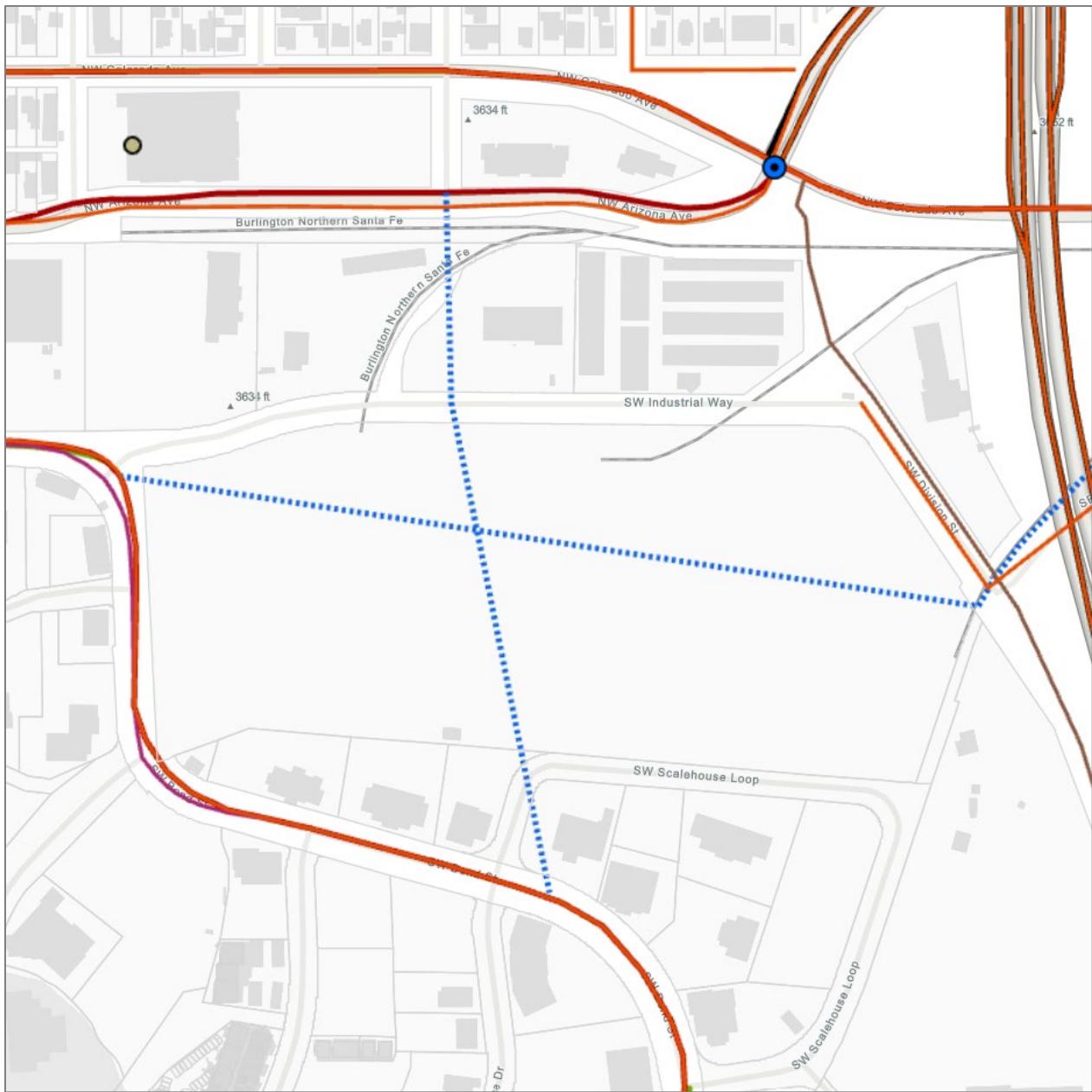
additional flexibility that comes with the planned deviation. Therefore, any impacts resulting from the deviation are mitigated to the extent reasonably practical.

### **Chapter 3.4 – Public Improvement Standards**

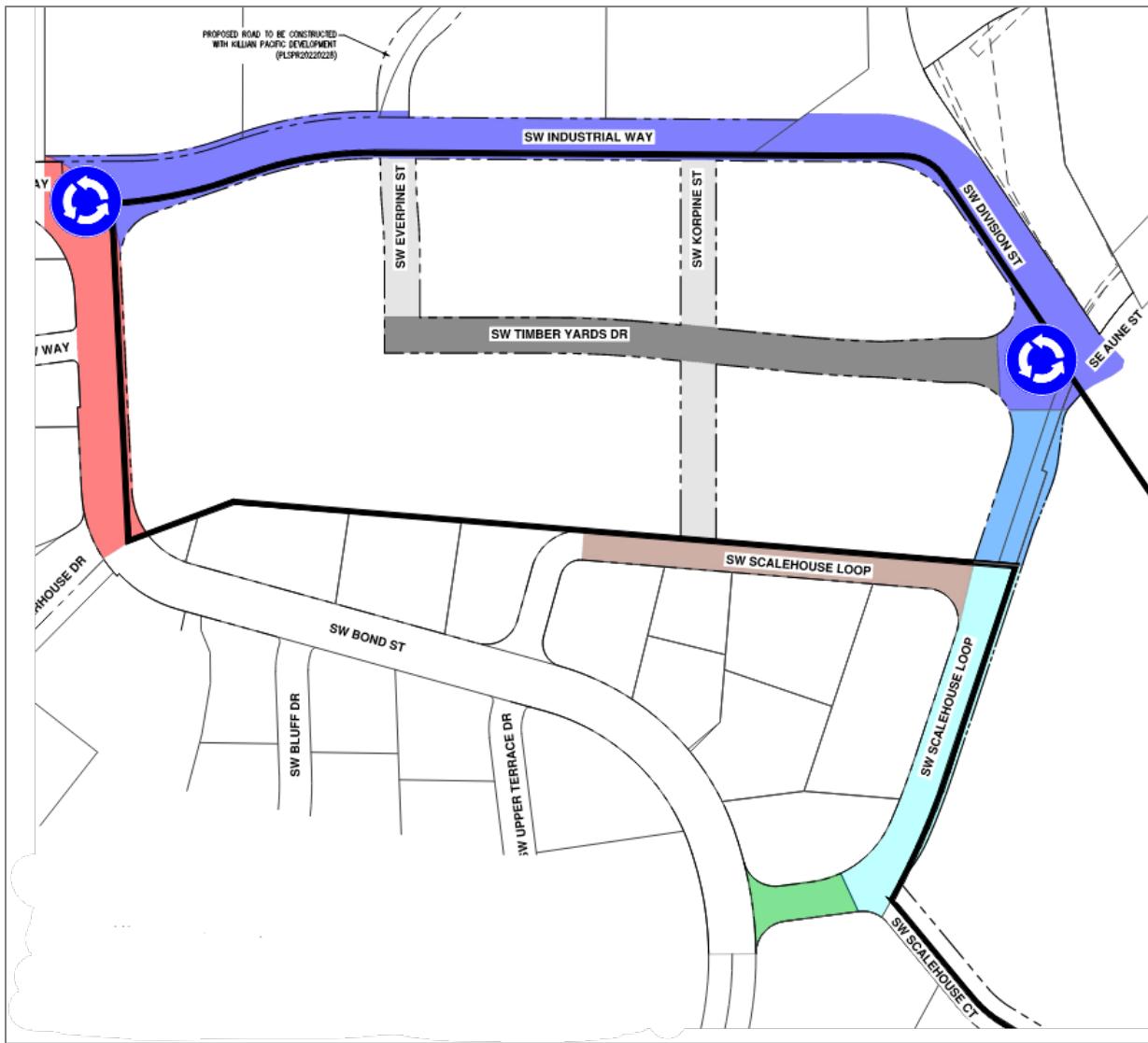
As noted elsewhere in this report, required infrastructure (water, sewer and transportation) will be provided concurrent with each phase of development. The proposed Utility Plan (Plan Sheet P10 of this application) indicate how water and sewer will be provided to the blocks within the Timber Yards master plan. The City-issued Utility Availability Memo (PRSWA202206668) indicates water and sewer capacity will be available for the Timber Yards Master Plan and the associated mitigation for water and sewer improvements. Stormwater will be detained within the boundaries of each phase. Finally, the City-issued Transportation Analysis Memo (PRTFR202205221), based on the applicant's Traffic Impact Analysis, outlines the transportation mitigation necessary for the Timber Yards Master Plan. These mitigation measures will be codified in a transportation mitigation table in the Timber Yards master plan code. Details of compliance with Chapter 3.4 will be reviewed during future land use division, but the applicant has shown that the standards in this code chapter can be met, except as noted in the proposed code deviations below.

\* Special Street Standards

The Transportation System Plan (TSP Figure 4-3) shows two future collectors bisecting the site, as shown below (dashed blue lines). The intent of these TSP collector alignments is to connect Bond Street to Aune Street (west to east) and connect Arizona Avenue with Bond Street (north to south).



As shown below, the Timber Yards master plan proposes a collector street alignment that meets the intent of the collector street alignments in the TSP. Industrial Way is designated and designed as a collector street in the master plan, connecting Bond Street to Aune Street from west to east. The north-south TSP collector alignment from Arizona Avenue to Bond Street is achieved by extending a collector street from Sisemore Street (currently under construction by others between Arizona Avenue and Industrial Way) on Industrial Way to Aune Street, then turning south on Scalehouse Loop to Bond Street, as shown below (Plan Sheet P07, shown in purple, blue and green).



The location of the master plan collector streets meets the purpose and intent of the TSP collector street alignments, and the proposed alignments are allowed as stated on page 66 of the TSP: *"the precise alignment for new streets will be defined as development occurs."* Sisemore Street between Colorado Avenue and Arizona Avenue is also interpreted to be a collector street, as it connects the east/west travel lanes of the separated arterial street. As indicated in Table 2.7.4770, Transportation Mitigation, the applicant is required to widen the off-site portion of Sisemore Street within the existing right-of-way to provide bicycle lanes and widened sidewalk from Colorado Avenue to Arizona Avenue.

The Special Street Standards within the proposed Timber Yards code indicates the various street classifications within the Timber Yards Master Plan.

Minor code deviations from a few street sections are proposed. The minor arterial standards for the portion of Bond Street that abuts the master plan area will require an

80-foot right-of-way (40-feet from centerline) rather than the 100-foot right-of-way (50-feet from centerline). Bond Street was redesignated as an arterial street from a collector street in the recent TSP update, but existing development in the vicinity is based on the original 80-foot right-of-way, limiting the opportunity to widen the right-of-way along the frontage of the subject property. Two approved nearby developments on Bond Street between Bluff Drive and Upper Terrace also recently received a waiver from this additional right-of-way dedication. The cross section continues the existing bike lanes and provides a multi-use path along the frontage of the master plan on Bond Street.

Several different street sections are proposed for the various collector streets in the Timber Yards master plan. Industrial Way is identified as a Collector street with the standard 80-foot right-of-way width (40 feet from centerline). The proposed cross section is consistent with the cross-section approved for the western portion of Industrial Way under construction with the approved development north of Industrial Way and west of Sisemore Street (PLSPR20220228). This right-of-way width allows for 2-foot buffers on either side of the bike lanes (abutting the travel lanes and the on-street parking), rather than the 2.5-foot buffers required in the City's Standards and Specifications, but does propose a 10-foot multi-use path rather than required 9-foot width in the Standards and Specifications.

The portion of the proposed Scalehouse Loop within the subject property is designated as a *Minor Collector* with an 80-foot right-of-way, which meets the required right-of-way width for a collector street. The portion of the existing Scalehouse Loop abutting the Hooker Creek portion of the master plan will also be a Minor Collector within a 70-foot right-of-way. Finally, the portion of the existing Scalehouse Loop extending from Scalehouse Court to Bond Street (currently a private street) will be a Minor Collector within a 60-foot right-of-way. Each of these Minor Collector cross-sections will include the same pavement width and include bike lanes on both sides, as well as a 10-foot multi-use path on one side. On-street parking will not be allowed on these Minor Collector streets. These code deviations from the collector street right-of-way widths are in recognition of the availability and transition of right-of-way due to existing abutting development, while still providing the components of a collector street, namely buffered bike lanes and a multi-use path.

The proposed local streets internal to the Timber Yards master plan include the standard 60-foot right-of-way width, with options for on-street parking based on location.

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

**FINDING:** The Major Community Master Plan application for Timber Yards does not include an amendment to the Bend Comprehensive Plan. Therefore, the criteria below apply.

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

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

**FINDING:** The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The process includes a public meeting to be held by the applicant before submitting the application to the City, followed by a public hearing before the Planning Commission, and ultimately, a hearing before the City Council as the final review authority. As noted above, the applicant mailed notice and held a virtual neighborhood public meeting on December 6, 2022 before submitting the application to the City (see Exhibit K of the application for Neighborhood Meeting documentation).

Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. As noted above, property owners and addresses within 750 feet of the subject property and the Southern Crossing, Old Bend, River West, Orchard District, Larkspur and Old Farm District Neighborhood Association representatives were notified of the Planning Commission hearing and City Council hearing via mail and six public hearing notice signs were posted around the edges of the subject property.

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

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

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

**FINDING:** The City has an adopted development code for Master Planning (BDC 4.5) consistent with the Bend Comprehensive Plan that was acknowledged by the Oregon Department of Land Conservation and Development. The Bend Comprehensive Plan identifies the KorPine Opportunity Area, within which the subject property lies, as "an opportunity to transform an industrial area into a vibrant urban mixed use district" (Figure 11-1, Opportunity Areas). No specific Comprehensive Plan policies address this opportunity area. The proposed community master plan serves to implement this vision and does not alter the administration of the code or the established requirements which ensure a factual base for decisions and actions related to the subject application.

*Goal 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:** Goals 3 and 4 do not apply as the subject property is not comprised of designated agricultural lands or forest lands.

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

**FINDING:** The subject property does not include any inventoried Goal 5 resources. Moreover, the City's 2016 Buildable Land Inventory, identifies the property as buildable employment land, while other elements of the Bend Comprehensive Plan identify the area as an "Opportunity Area". Therefore, Goal 5 is met.

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

**FINDING:** Air and water quality are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. 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 during future land division and site plan reviews. Noise levels will not exceed DEQ noise regulations. Therefore, Goal 6 is met.

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

**FINDINGS:** No 100-year floodplains or mapped landslide areas are located within this master plan area. Like all of Bend, the subject property is located in a wildfire hazard area. The Bend Comprehensive Plan amendments as part of the 2016 UGB expansion were acknowledged by DLCD. These amendments included a policy commitment with Policies 10-18 and 11-5 to adopt strategies to reduce wildfire hazards to land inside the City and included in the Urban Growth Boundary. The Bend Fire Department implements the Fire Code and the Building Official implements the Structural Code, which takes into consideration seismic risk and snow load. The City Engineer implements the Clearing, Grading, and Erosion Control regulations in Title 16 of the Bend Code. Based on this finding, Goal 7 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 (BCP) and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the BCP establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District (BPRD), via Policy 2-2.

As shown on the Timber Yards Master Plan and Preliminary Open Space Plan exhibits (Plan Sheets P03 and P04 of the application), the master plan includes at least 10% of urban open space. A plaza fronting SW Bond Street will provide the pedestrian gateway into the neighborhood, which then flows into a linear open space with a combination of sidewalks and paths connecting the future buildings, smaller pockets of open space, and the larger network of multiuse paths. All paths and public plazas will be located in tracts with an open space easement. Open spaces will utilize natural materials and native plants with seating, amenities, and activities for people of all ages and abilities. The resulting hardscaped and vegetated open space would be flexible and could be used for a variety of community events, including festivals or a farmer's market. Therefore, compliance with Goal 8 is met.

*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 Bend Comprehensive Plan identifies the KorPine Opportunity Area, within which the subject property lies, as “*an opportunity to transform an industrial area into a vibrant urban mixed use district*” (Figure 11-1, Opportunity Areas). The Timber Yards master plan provides a mix of commercial and residential uses. Uses and development density contemplated by the Timber Yards master plan are consistent with the MU zone. Therefore, compliance with Goal 8 is met.

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

**FINDING:** The subject property was included as part of the City's Goal 10 inventory of needed housing when the City of Bend expanded its Urban Growth Boundary in 2016. The Timber Yards Master Plan is anticipated to provide a total of 1,600 residential units, including 250 senior housing units.

Table 18 of the City's Housing Needs Analysis (shown below) indicate the needed types of housing units in the City of Bend. The Timber Yards Master Plan provides 1,600 multi-family housing units, a housing type that has historically been underbuilt in the City of Bend. This housing type is consistent with the urban nature of the mixed-use

neighborhood. The proposed housing units meet the needed housing mix shown in Table 18 of the Housing Needs Analysis.

**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%
<b>Total</b>	<b>16,681</b>	<b>2,912</b>	<b>13,770 100%</b>

Source: ECONorthwest

In addition, the Core Area Project Report, dated May 2020, indicated that *“development of the KorPine site alone, with approximately 1,600 units, can nearly achieve the City’s housing goals for the entire Core Area identified through 2040, allowing the City to easily exceed these housing goals throughout the greater Core Area.”* Therefore, compliance with Goal 10 is met.

**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:** All needed public facilities and services are available to the subject property. Water and sanitary sewer service is available via existing City infrastructure located in the adjacent streets and capacity exists within these two systems with the mitigation measures noted above under BDC 4.5.200.D.1.b. The Timber Yards Preliminary Utility Plan (Plan Sheet P10 of the application) shows how sanitary sewer and potable water are available and planned throughout the project site and can serve the properties within the master plan. An established network of streets surrounds the property. The Timber Yards Traffic Impact Analysis identified traffic mitigation measures to address impacts to the surrounding transportation system. Emergency services are available through the City of Bend Fire and Police Departments. The subject property is also located within the Bend-LaPine School District. No amendments are required to the City’s adopted water, sewer collection, and transportation public facility plans to support the proposal. Goal 11 has been met.

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

**FINDING:** The Transportation Planning Rule (TPR) (OAR 660-012-0000) implements Goal 12 and states the purpose is “to provide and encourage a safe, convenient and economic transportation system.” The TPR also supports mobility and accessibility, the

availability of multimodal choices, efficient flow of freight, protection of existing and planned transportation facilities, and coordination among service providers.

Exhibit I of the application is the *Timber Yards Master Plan, Transportation Element* dated October 2022. The Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, a Transportation Impact Analysis, and a Transportation Funding section.

The Timber Yards master plan is a Post Acknowledgement Plan Amendment, which is an amendment to a land use regulation (the Development Code); therefore, OAR 660-012-0060 applies and a determination must be made if the proposal “significantly affects” a transportation facility.

The proposal does not “significantly affect” any transportation facility within the meaning set forth in OAR 660-012-0060(2) for two reasons. First, the underlying property is already zoned MU. The proposed Timber Yards Development Code to be included in BDC Chapter 2.7 as Article XXVIII, does not permit development intensity (i.e., additional transportation trips) over and above what is already permitted in the MU zone on the subject property. In simple terms, no additional trips are authorized through approval of the Timber Yards Master Plan. Second, under OAR 660-012-0060(9), a local government may find that an amendment to the zoning map (as is the case here by adopting the Timber Yards Master Plan) will not significantly affect a transportation facility because the MU district is (i) consistent with the underlying comprehensive plan designation, (ii) the City’s TSP has been acknowledged and (iii) the City’s TSP accounts for the urbanization of the subject property. Therefore, compliance with the Transportation Planning Rule (TPR) is achieved.

The submitted Transportation Element forecasts traffic on identified major intersections through the year 2040 with and without development of the Timber Yards master plan (Table 6-4). The only intersection that exceeds the performance standard (volume to capacity ratio) due to full buildout of the master plan is the westbound movement at the Bond Street and Industrial Way intersection. This intersection is currently unsignalized. A roundabout is funded through the City’s Transportation General Obligation (GO) Bond, but the roundabout is also required to be constructed as mitigation prior to Certificate of Occupancy of the first building in the master plan. Therefore, the applicant will be required to construct the Bond Street/Industrial Way roundabout.

Therefore, Goal 12 is satisfied.

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

**FINDING:** Goal 13 generally imposes obligations on local governments to develop plans and implementing measures that conserve energy. In 2016, Council found that the 2016 UGB expansion satisfied Goal 13 because it was designed to conserve energy by

directing more growth in housing and employment to opportunity areas inside the existing UGB.

The Timber Yards Master Plan is located within the KorPine Opportunity Area which is intended to “*transform an industrial area into a vibrant urban mixed use district*”. The master plan will accommodate a diverse mix of housing and employment uses within walking distance of schools, parks, and commercial services reducing reliance on the automobile, by making walking, bicycling and using transit more possible with shorter trips. The master plan design also provides for enhanced connectivity to existing mixed-use neighborhoods. Therefore, Goal 13 is satisfied.

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

**FINDING:** The Timber Yards Master Plan is located within the KorPine Opportunity Area in the City limits. The master plan is intended to make the most efficient use of land in the City’s core and accommodate a diverse mix of housing and employment uses within walking distance of schools, parks, and commercial services, providing connectivity to existing neighborhoods. Therefore, Goal 14 is satisfied.

*Goal 15, Willamette River Greenway*

*Goal 16, Estuarine Resources*

*Goal 17, Coastal Shorelands*

*Goal 18, Beaches and Dunes*

*Goal 19, Ocean Resources*

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

#### **4.5.200.D.3.c. Major Community Master Plan (continued)**

- 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 Timber Yards master plan is located within one of the ten designated opportunity areas illustrated in Figure 11-1 of the Comprehensive Plan. Although no policies are specifically directed on the KorPine Opportunity Area, general policies about opportunity areas in the City apply.

#### ***Bend Comprehensive Plan Chapter 11, Growth Management***

##### ***General Growth Management Policies***

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

**FINDING:** The subject property has been identified in the City's Comprehensive Plan as appropriate for a vibrant, mixed-use neighborhood with housing in close proximity to employment and commercial services, which are scaled to serve the frequent needs of neighborhood and area residents. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. The mix of uses will reduce vehicle miles traveled. The submitted Preliminary Bicycle and Pedestrian Plan (Plan Sheet P05) shows a robust and expansive pedestrian and bicycle transportation network can be implemented that facilitates and encourages non-automobile travel throughout the Timber Yards site and with adjacent areas. This policy is met.

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

**FINDING:** The subject properties are located within the KorPine Opportunity Area and have been identified in the City's Comprehensive Plan as appropriate for a vibrant, mixed-use neighborhood with a variety of commercial, residential, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. The policy is met.

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

**FINDING:** The Timber Yards Master Plan consists of 32.0 acres of land zoned MU. The specific mix and intensity of uses will be refined through additional design and market analysis by the applicant and ultimately specified through future Site Plan Review applications. However, for purposes of infrastructure analysis and mitigation, Timber Yards has been analyzed to accommodate 1,600 dwelling units (including 250 senior housing units), a 180-room hotel, 120,000 square feet of office space, and 70,000 square feet of retail space. On a per-acre basis, the mix and density of land uses within Timber Yards would result in it being amongst the most efficiently utilized land in the City, and will help the City meet its housing and employment needs.

The submitted Preliminary Bicycle and Pedestrian Plan (Plan Sheet P05) shows planned multimodal improvements, including a mobility hub, that support transit and encourage a pedestrian-friendly environment. A network of multiuse paths will provide additional pedestrian and bicycle facilities around and through the neighborhood, including a small off-site extension at the southern boundary of the master plan for continuation of the multi-use path corridor to the existing multi-use path system to Wilson Avenue. A robust multimodal network makes the overall transportation network more efficient and enhances the community. The policy is met.

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

**FINDING:** The subject property is located within the KorPine Opportunity Area and has been identified in the City's Comprehensive Plan as appropriate for a vibrant, mixed-use neighborhood with a variety of commercial, residential, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone.

The submitted Preliminary Bicycle and Pedestrian Plan (Plan Sheet P05) shows planned multimodal improvements that support transit and encourage a pedestrian-friendly environment. A mobility hub on SW Bond Street will provide access to transit. A network of multiuse paths will provide additional pedestrian and bicycle facilities around and through the neighborhood, including an off-site extension to connect to the City's Wilson Avenue corridor improvements. A robust multimodal network makes the overall transportation network more efficient and helps ensure safety, access, and mobility for both residents and visitors. The policy is met.

**Policies for Centers and Corridors**

**11-24 The City will encourage vertical mixed use development in commercial and mixed use zones, especially where those occur within the Central Core, Opportunity Areas and along transit corridors.**

**FINDING:** Timber Yards is located within the KorPine Opportunity Area, which has been identified in the City's Comprehensive Plan as appropriate for a vibrant, mixed-use neighborhood with a variety of commercial and residential uses. Timber Yards is planned to contain a mix of uses, consistent with the MU zone, including 1,600 dwelling units (including 250 senior housing units), a 180-room hotel, 120,000 square feet of office space, and 70,000 square feet of retail space. The applicant has verbally indicated the building in the first phase (at Industrial Way and Bond Street), already in design, will incorporate vertical mixed-use development. The policy is met.

**4.5.200.D.3. Major Community Master Plan. (Continued)**

- 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:** The proposal does not include a zone change. This criterion does not apply and the application is not subject to BDC 4.6.300(C).

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

**FINDING:** The proposal does not contain an amendment to the Bend Comprehensive Plan Map or text amendment. Therefore, the approval criteria of BDC 4.6.300(B) do not apply.

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

- 1. **Access to Commercial Goods and Services.** Access to commercial goods and services must be provided in compliance with the following standards:

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

**FINDING:** The subject property is zoned MU, which allows commercial uses. Therefore, the entirety of the master plan boundary is within 0.5 miles of land planned or zoned for commercial goods and services. This standard is met.

- 2. **Multimodal Connections.** Multimodal connections must be provided on site in compliance with the City of Bend 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 submitted Preliminary Bicycle and Pedestrian Plan (Plan Sheet P05) shows planned multimodal improvements that support transit and encourage a pedestrian-friendly environment. A mobility hub on SW Bond Street will provide direct access to transit. A network of multiuse paths will provide additional pedestrian and

bicycle facilities around and through the neighborhood, including a small off-site extension at the southern boundary of the master plan for continuation of the multi-use path corridor to the existing multi-use path system to Wilson Avenue. A robust multimodal network makes the overall transportation network more efficient and helps ensure safety, access, and mobility for both residents and visitors.

The TSP identifies the US Highway 97 pathway system, the SW Bond Street frontage, the SE Aune Street undercrossing, and the southern leg of SW Scalehouse Loop as part of the City's "low stress" cycling system (shown in green below). The submitted Preliminary Street Circulation Plan and the Preliminary Street Cross-Sections (Plan Sheets P07 and P08) show how Timber Yards complies with the low-stress network in the TSP, primarily with wide, separated multi-use paths. The SW Industrial Way Collector is not an identified low-stress route but is expected to provide a supplemental role in the east-west cycling system as shown in the specific cross-section for that street. The 2018 BPRD Comprehensive Plan does not show planned facilities through the site. The applicable standards 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**

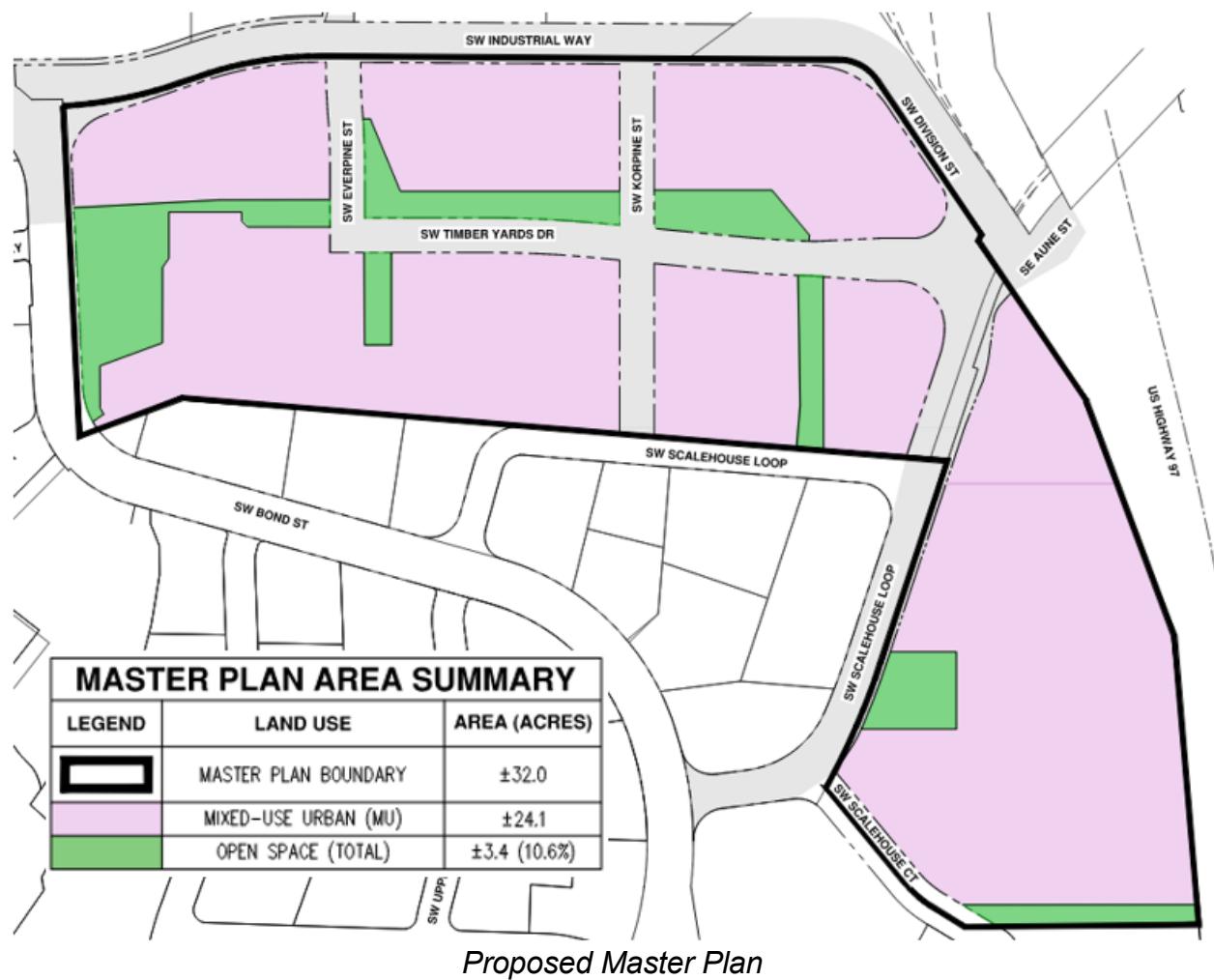
**section. To the extent that the Bend Comprehensive Plan Chapter 11, Growth Management, proposes a different mix of housing and/or density standards in the specific expansion area policies, then those policies apply.**

**FINDING:** The subject property is zoned MU. The housing density and mix standards in BDC 4.5.200(E)(3)(a) and (b) apply explicitly to residential zones but do not apply to the MU zone. BDC 2.3.300 establishes density standards for the MU zone, where there is no maximum density and the minimum density standards of the RM zone apply. There is no minimum density for vertical mixed-use. Based on a buildout of 1,600 housing units over the 32-acre master plan area, an overall density of 50 housing units per acre will be achieved. Detached single-unit homes are not permitted in the MU zone, so all permitted residential uses provide “mixed” housing, as contemplated by BCP Chapter 11 and BDC 4.5.200(E)(3). The applicable residential density standards are, or can be, 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 submitted Preliminary Master Plan shows 3.4 acres of open space (10.6 percent), as shown on Plan Sheet P03. The applicant has also provided a conceptual open

space plan (Plan Sheet P04) to show how these open spaces will be developed and vegetated. A plaza fronting SW Bond Street will provide the pedestrian gateway into the neighborhood, which then flows into a linear open space with paths and trails connecting the future buildings, smaller pockets of open space, and the larger network of multiuse paths. All paths and trails will be located in tracts with an open space easement. Open spaces will utilize natural materials and native plants with seating, amenities, and activities for people of all ages and abilities. The resulting hardscaped and vegetated open space would be flexible and could be used for a variety of community events, including festivals or a farmer's market. Open space is planned to be owned and maintained by a corporation, owners association, or other legal entity in compliance with BDC 4.5.200(E)(4). The standards are met.





*Proposed Open Space 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.**

**FINDING:** The timeframe studied in the transportation analysis extended to 2040; and the Water and Sewer Analysis Application assumed an open-ended timeline to achieve full build out. The phasing plan will be in accordance with the time frame studied in the infrastructure analysis. Thus, the duration of approval is 15 years from the date of adoption of the master plan.

**PLANNING COMMISSION RECOMMENDATION:** Based on the application materials submitted by the applicant, and the findings in this report which are based on the applicant's narrative addressing the relevant criteria for approval, the Planning Commission recommends that the Bend City Council adopts an ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans to create the Timber Yards Master Planned Development as proposed.