

RESOLUTION NO. 3411

A RESOLUTION OF THE CITY COUNCIL SELECTING CALDERA RANCH AS THE SITE THAT QUALIFIES FOR A ONE-TIME URBAN GROWTH BOUNDARY (UGB) EXPANSION UNDER SENATE BILL 1537 AND SPECIFYING REQUIRED ELEMENTS FOR THE CONCEPT PLAN TO BE SUBMITTED AS AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

Findings

A. In 2024, the state legislature passed Senate Bill 1537 ("SB 1537" or "2024 Act"), which provides qualifying local governments a one-time option to add up to 100 acres of net residential land to their urban growth boundary ("UGB"). This process is intended to bring housing, including affordable housing, online more quickly than would otherwise occur under a typical UGB expansion.

B. The City is experiencing an acute housing crisis and a need for affordable and workforce housing, including housing for teachers, childcare providers, tradespeople, emergency and medical workers, police officers, and fire personnel. Based on the Draft 2024 Oregon Housing Needs Analysis estimates, the City will need 31,833 additional housing units over the next 20 years. Of those units, 19,975 will need to be affordable to households earning 120% of the Area Median Income (AMI) or less.

C. The City qualifies to include a site to its UGB under SB 1537 by demonstrating a need for additional land based on compliance with section 52 of the 2024 Act. Of the urban growth boundary expansion areas for residential use adopted by the City over the previous 20 years, 82.9% (1468.9 of the 1770.9 acres), of the lands are developed or have an acknowledged comprehensive plan with land use designations in preparation for annexation and a public facilities plan and associated financing plan.

D. The City qualifies to include a site to its UGB under SB 1537 section 52 by demonstrating a need for additional affordable housing based on compliance with Section 52. Of the 40,160 households in the City of Bend, 6,010, or 14.96%, are severely cost-burdened compared to the state average of 14.49% (240,420 of Oregon's 1,658,090 households), based on the most recent (2017-2021 ACS) Comprehensive Housing Affordability Strategy ("CHAS") data from the United States Department of Housing and Urban Development ("HUD").

E. On June 20, 2024, the Bend City Council directed staff to proceed with requesting site applications, including draft concept plans, from interested and eligible landowners. The Council emphasized that adding land for this expansion now would create additional capacity in the near term and result in a smaller UGB expansion in the future. That is, this UGB expansion will create near-term capacity for approximately 700 units and therefore a future UGB expansion will be smaller and not need to account for the capacity of approximately 700 units added through this process.

F. Since 2016, the City has pursued extensive initiatives and efforts to facilitate and encourage infill development within the City's existing UGB, including but not limited to

the creation of Opportunity Areas and new mixed-use zoning designations, the establishment of new middle housing types, and changes to development standards including the removal of minimum parking requirements for all uses including housing. These initiatives have resulted in new infill development and additional units in the City. The City will continue to pursue opportunities to encourage and facilitate infill development, but infill alone is not adequate to meet the City's current and future housing needs and additional land is and will be needed to meet our future housing needs. Furthermore, this UGB expansion provides a unique opportunity to require affordable housing that does not exist for most infill development.

G. The City of Bend issued a notice of solicitation of site applications including an accompanying concept plan, for inclusion within the City's Urban Growth Boundary under SB 1537 in accordance with SB 1537 section 53 in the Bend Bulletin, on August 8, 2024. The City received two complete site applications meeting the minimum requirements of the 2024 Act.

H. On October 17, 2024, the City provided notice to urban service providers, special districts, and the County of the opportunity to consult with and provide written comment to the City as required by the 2024 Act. Staff coordinated and/or met with ODOT, Deschutes County, Bend Parks and Recreation District, and Avion Water to receive feedback on the proposals included in the City View application materials.

I. The City provided opportunities for public participation in selecting a site, including a public comment period and a public meeting of the Bend City Council on December 4, 2024 at which public testimony was considered consistent with SB 1537, Section 54(1)(c). Opportunity for public comment was noticed on the city's website and published in the Bend Bulletin on Nov. 10, 2024 and Nov. 17, 2024, consistent with SB 1537 requirements. Additionally, the City conducted a public online open house and survey beginning on November 1, 2024. Staff provided a summary of public comments received at the Dec. 4, 2024 public hearing. The opportunities for input and public comment exceeded the minimum requirements for public participation in SB 1537.

J. The City Council received a presentation at the public work session on November 20, 2024, to review the requirements of the 2024 Act, receive an overview of the two site proposals received by the City and learn how to access information on those applications before the noticed public hearing on December 4, 2024. At the public work session, staff provided instructions on how to view the applications through the City's online permit center, Cityview, using the application numbers, PLCITY20240560 (Jasper Ridge) and PLCITY20240575 (Caldera Ranch), or through the project webpage on the City's Growth Management website.

K. SB 1537 also provides that the City shall consult with, request information from, and provide the opportunity for written comment from the owners of each lot or parcel within a site. The applicants were allowed ten minutes each to present their application at the public meeting on December 4, in addition to more time to reply to the Council's questions and the staff presentation. Staff also provided equal opportunities for applicants and owners to provide supplemental information, including additional

information on water serviceability as requested by staff. Additionally, applicants and owners were provided with the opportunity to meet and consult with staff in person, virtually, by phone, and email.

L. At the December 4, 2024 City Council meeting, Council considered public testimony and written comments and, after deliberation, passed a motion selecting the Caldera Ranch Site (the "Site"), proposed by applicant Joey Shearer, AKS Engineering and accompanying draft concept plan as the site that qualifies for a one-time UGB expansion under SB 1537, with further direction to come back to Council for adoption of this Resolution further specifying the required elements for the concept plan identified by Council as the basis for its selection, and the timing of the future submission of the application for amendments to the City's Urban Growth Boundary and Comprehensive Plan Map and Text. The Site, comprised of Tax Lots 200 and 300 on Deschutes County Assessor's Map 18-12-2100 is approximately 91.4 acres, and is located south of Knott Rd and west of Tekampe Rd.

M. The Site is adjacent to the City's existing UGB and is comprised of two tax lots that are zoned Multiple Use Agricultural (MUA-10) and designated Rural Residential Exception Area (RREA) by Deschutes County. The zoning and designation apply to the entire Site and it is not subject to Statewide Planning Goal 3 (Agricultural Lands) or Goal 4 (Forest Lands). It is therefore nonresource land, meeting the eligibility requirements in SB 1537 Section 50. Map and Taxlot 1812210000200 was designated RREA and zoned MUA-10 in 2023 by Deschutes County per Deschutes County file numbers 247-23-000547-PA and 247-23-000548-ZC. Map and Taxlot 1812210000300 has had a residential zoning designation since 1978.

N. The Site and accompanying concept plan meet the minimum concept plan requirements of SB 1537 section 55(3)(c), including but not limited to:

- i. A total of 55.9 net residential acres within the site which is less than 100 net residential acres;
- ii. A diversity of needed and accessible housing types and sizes, including multi-unit attached units, single-unit attached units, and single-unit detached units in varying sizes;
- iii. Residential zoning designations for the proposed units including Residential Standard Density (RS), Residential Medium Density (RM) and Residential High Density (RH);
- iv. A net residential density of 12.8 units per net residential acre which is greater than ten units per net residential acre;
- v. Area designated within the Site for:
 1. Recreation and open space lands, including 9.2 total acres of open space with 4.5 acres identified for a centrally located neighborhood park; and

2. One and a half acres of land for commercial use zoned as Commercial Limited (CL) that is sized and located to primarily serve the immediate surrounding housing, intended to provide goods and services at a smaller scale than provided on typical lands zoned for commercial uses and is the minimum amount necessary to support and integrate viable commercial and residential uses; and
- vi. Requirements to ensure that at least 30 percent of the residential units are subject to affordability restrictions, including affordable housing covenants as described in ORS 456.270-456.290, that require that the units are affordable as set forth in SB 1537 section 55(3)(f)(A) for a period of not less than 60 years, recorded before the building permits are issued for any property within the site. In addition, all common areas and amenities must be equally available to residents of affordable units and of market rate units and properties designated for affordable units must be dispersed throughout the site as shown in the draft concept and phasing plan.

O. Consistent with the requirements in SB 1537 section 55(3)(d), the proposed transportation network provides diverse transportation options, including walking, bicycling and transit use as well as sufficient connectivity to existing and planned transportation network facilities as shown in the City's transportation system plan. Proposed improvements include enhanced multi-modal connectivity and a well-connected Low-Stress Network (LSN) of multi-use paths as shown in the concept plan. Transportation network improvements include:

- i. A north-south LSN route on Brosterhous Rd with 10' wide, separated multi-use paths on both sides of the street and minimal vehicular crossing attributed to the street configuration and alley-loaded units. These LSN improvements will greatly facilitate non-motorized access between the Arnold Canal Trail and the proposed park site. While these trails will not be owned or maintained by Bend Parks and Recreation District (BPRD), the District is very supportive of the proposed trail connections identified in the concept plan.
- ii. Knott Rd frontage improvements with the provision of on-street bicycle lanes and extensions of the planned, off-street multi-use paths on the north and south sides of Knott Rd. The 12' multi-use path on the north side of Knott Rd is an identified BPRD trail segment known as the Bend Lava Trail (formerly the Arnold Canal Trail). These improvements will enhance connectivity to the existing and planned LSN routes adopted in the City's Transportation Systems Plan (SE 15th St Key Route/LSN) and BPRD's Bend Lava Trail.
- iii. Access to transit, including Cascade East Transit (CET) Route 9, which runs along the Knott Road frontage and has a stop directly across Knott Rd from the Site.

P. Protective measures will be applied to the Site consistent with SB 1537 section 55(3)(d) and the statewide land use planning goals for open spaces, scenic and historic areas or natural resources (Goal 5); air, water and land resources quality (Goal 6); and Resolution No. 3411

areas subject to natural hazards (Goal 7). Future UGB expansion and development will be subject to review under the applicable provisions of the BDC and protective measures will be applied, if needed, to the Site consistent with the applicable statewide land use planning goals.

Q. The City Council also considered testimony related to concerns in the area over wildfire risk. Recognizing that fire risk is best determined on a site-by-site basis, the recent Oregon Department of Forestry Wildfire Risk Explorer-Draft Risk Map from the State of Oregon presented by staff shows that this area (as much of the surrounding areas around Bend) is a moderate hazard zone. Based on this classification, the state does not require any additional wildfire protection measures. According to testimony from the Bend Fire Chief, the Fire Department will use the Fire Code as its guide for access and egress routes, as it does for all development, and emphasized proactively using the Deschutes County alert system as the response to fire incidents are highly coordinated efforts and depend on fire conditions. There will be additional egress routes due to the transportation system being proposed for this development. That being said, Council directed that staff review the requirements considered during the approval of the Westside Transect Zone from the Urban Area Reserve in 2018.

R. The Site and accompanying concept plan were selected based on the proposed elements including:

- 254 deed-restricted affordable housing meeting the requirements of the bill, including:
 - ±38 units affordable to families making 30% AMI or below
 - ±192 units affordable to families making up to 80% AMI
 - ±24 for sale units affordable to families making up to 130% AMI
- 716 total housing units including with the following housing mix:
 - 230 multi-unit attached (32%)
 - 120 single unit attached (townhomes) attached (17%)
 - 366 single-unit detached (51%)
- Proposed timing and phasing for affordable housing, as outlined in the concept plan, including the affordable housing units for households earning 80% AMI or less being built in the first phases of development.
- Proposed land use approval and pre-development timing, with an estimated vertical construction date in mid-2027.
- Proposed types and general arrangements of land uses/zoning designations and multi-modal connections, as shown in the draft concept plan, including:
 - A minimum of 10% (9.2 acres) of total open space
 - A 4.5 acre centrally located neighborhood park, accessible to all residents
 - Accessible open space adjacent to the commercial area and proposed north-south low-stress network multi-use path
 - For-sale affordable housing at or below the 130% AMI level dispersed throughout mid- and low- density zones
 - A well-connected low-stress network of multi-use paths as shown in the concept plan, including minimal vehicular crossing and alley-loaded units for the north-south multi-use paths.

Now, therefore, based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. The concept plan selected by Council is based on the attached preliminary draft plan (Attached A) submitted by the applicant and presented to Council on December 4, 2024. The final binding concept plan must be substantially consistent with the draft concept plan submitted with the application (Attachment A) and described above, including but not limited to the number, affordability levels, and timing of delivery of the proposed affordable housing units.
2. Consistent with the Council direction and decision on December 4, 2024 and SB 1537, future implementing comprehensive plan text amendments and the future master plan for the Site must include enhanced wildfire mitigation measures, including but not limited to:
 - a. A new comprehensive plan policy accompanying the UGB amendment requiring wildfire risks be mitigated through one or more of the following methods, as required by the City in consultation with the applicant: creation of defensible space, landscaping and hardscaping, arrangement of land uses, construction and building materials, and/or development pattern; and
 - b. The future master plan and any future special planned district code proposed for regulating development of the land uses within the concept plan area and master plan area, must incorporate wildfire risk mitigation actions, which may include a Wildfire Mitigation Plan prepared by a professional forester, emergency management consultant, or similar professional, if required by the City.

Changes to the proposed concept plan lot and/or land use configuration are not required but may be allowed to satisfy this requirement. Wildfire mitigation may be achieved through one or more of the mitigation measures above.

3. The concept plan includes some but not all of the required transportation improvements. Required transportation improvements, including a roundabout at Brosterhous Rd and Knott Rd and an enhanced safe pedestrian crossing at Knott Rd, may be the responsibility of the applicant depending on the timing of School District responsibility for these improvements and will be determined upon future master planning, annexation, and subsequent land use approvals. Other transportation improvements may be required including those identified by the Traffic Impact Analysis and as set forth in Bend Development Code Section 3.4.200.
4. Prior to inclusion within the City's UGB, the applicant will be required to adopt a binding conceptual plan as an amendment to its comprehensive plan. The concept plan must include a binding agreement among the city, each owner

within the Site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, that the Site will be served with all necessary urban services as defined in ORS 195.065 (an urban services provider agreement), or an equivalent assurance per SB 1537 section (3)(e).

5. In order to be included in the City's UGB, the applicant of the Site will be required to submit a complete application for a UGB Amendment and Comprehensive Plan Text and Map Amendment within one year of this Resolution, including the concept plan as required under SB 1537 section 55(2) and this Resolution. If the application is not submitted within one year of the date of this Resolution, this Site selection approval becomes void unless extended for additional time as specified by the City Council, by motion, at a public meeting.
6. Before adopting an urban growth boundary amendment, the City shall adopt the final binding concept plan as an amendment to its comprehensive plan per SB 1537 Section 55. These applications will be processed as set forth in SB 1537, which includes future Council review and approval, as well as opportunities for public comment. Under SB 1537, Section 50, notwithstanding ORS 197.626, this action by the City under the 2024 Act is not a land use decision as defined in ORS 197.015. The UGB Amendment and Comprehensive Plan Text and Map Amendment are submitted to the Department of Land Conservation and Development (DLCD) for review and issuance of a final order if DLCD finds that the submittal complies with the 2024 Act. Judicial review of their final order may only be initiated by the City or an owner of a proposed site per SB 1537 section 57.
7. Following DLCD review, the applicant will be required to apply for annexation, master plan, and other related land use approvals per the Bend Development Code prior to development.
8. It is anticipated that the process for amending the comprehensive plan and adoption of the concept plan will require the applicant to submit its application for annexation of the project site into the City and Master Plan application within two years of the final DLCD Order, unless Council determines otherwise at the time.

Adopted by the Bend City Council on December 18, 2024.

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

NO: Councilor Barb Campbell



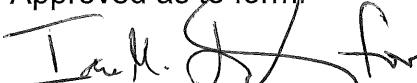
Melanie Kebler, Mayor

Attest:



Morgen Fry, City Recorder

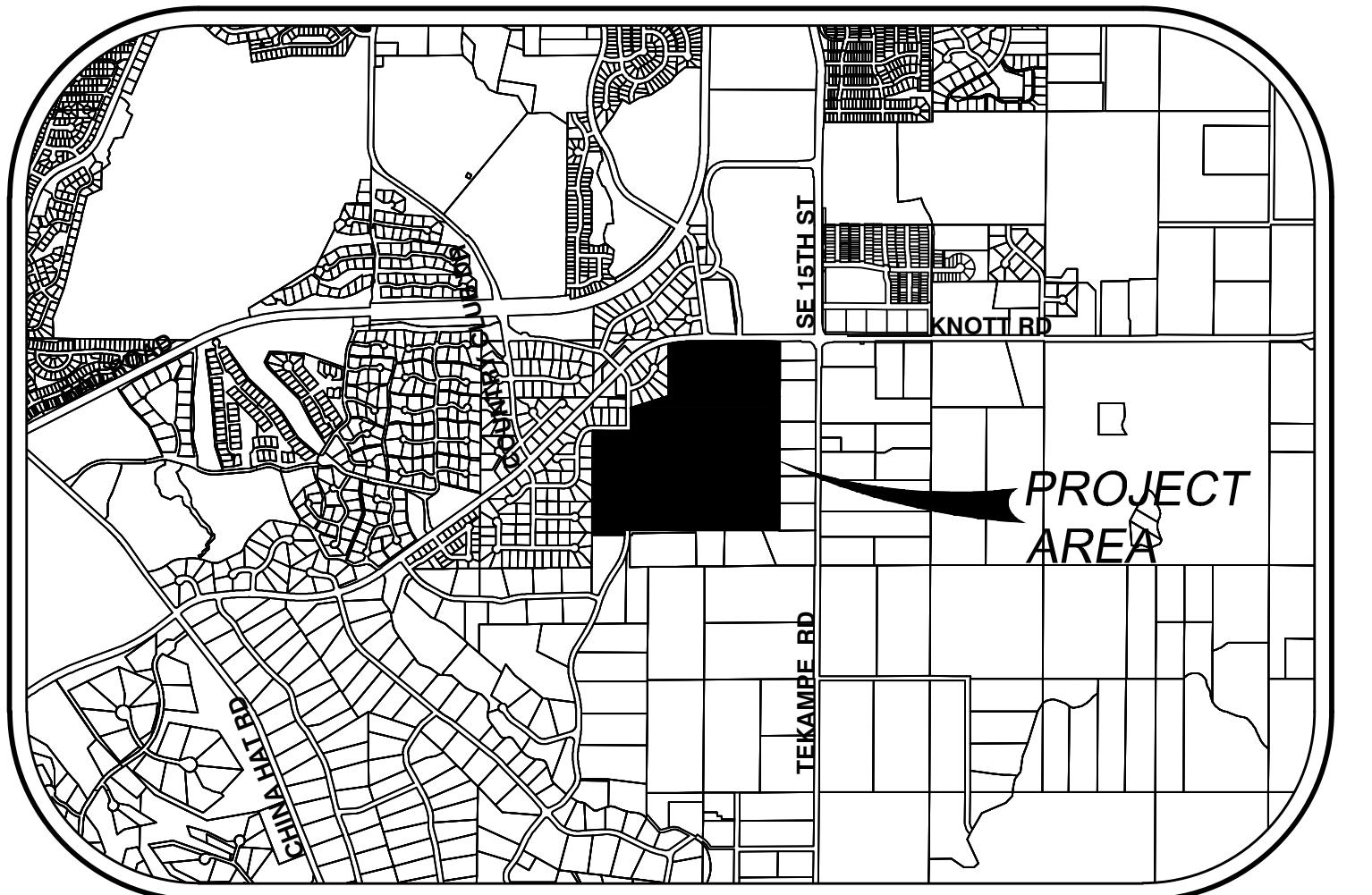
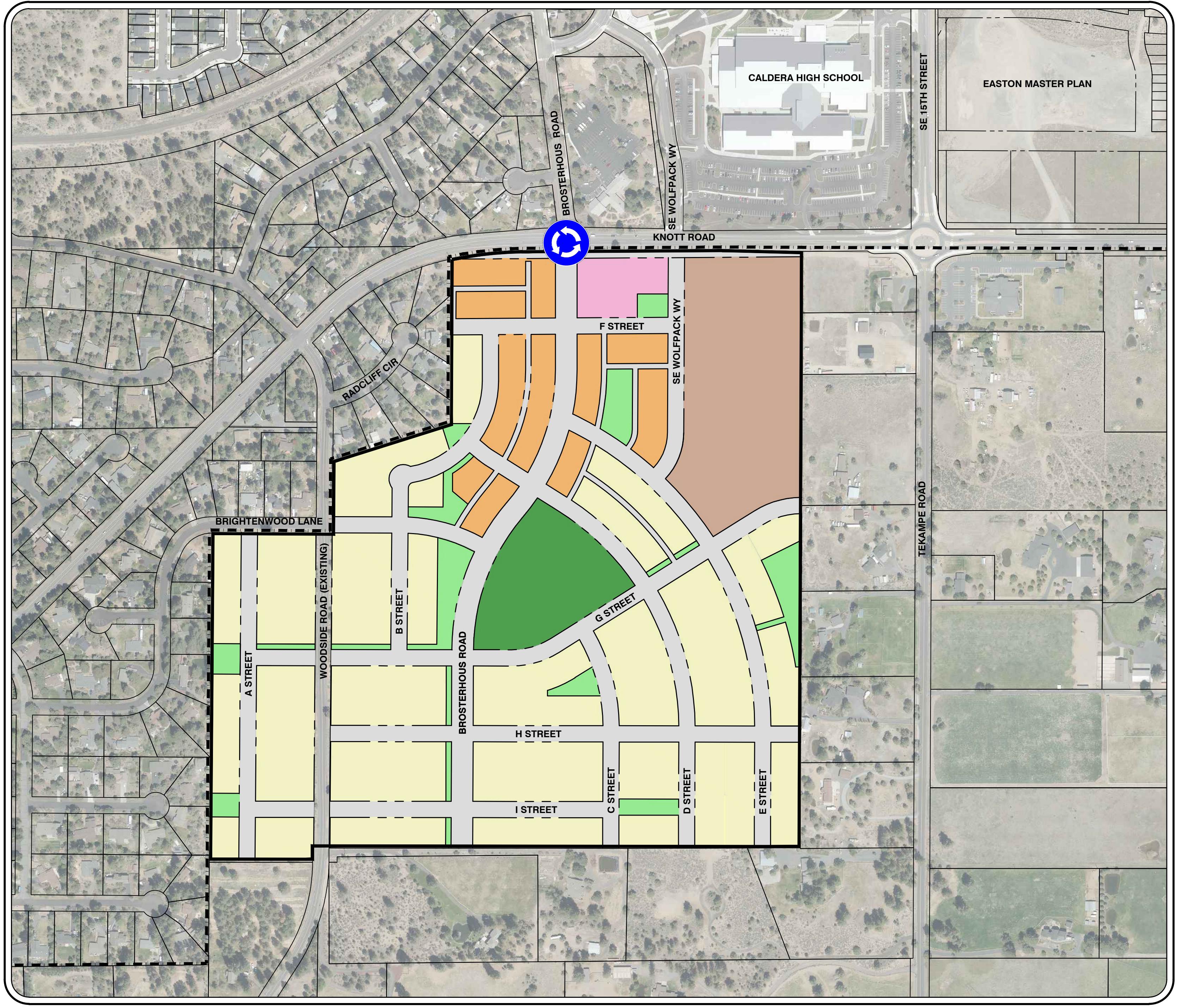
Approved as to form:



Mary A. Winters, City Attorney

CALDERA RANCH

SB 1537 CONCEPTUAL PLAN



APPLICANT/OWNER

1812210000200
CALDERA HOLDINGS, LLC
PO BOX 7695
BEND, OR 97708

1812210000300
WOODSIDE VENTURES, LLC
PO BOX 7695
BEND, OR 97708

PLANNING/CIVIL ENGINEERING/SURVEYING LANDSCAPE ARCHITECTURE FIRM

AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, SUITE 150
BEND, OR 97703
PH: 541-317-8429

PROJECT LOCATION:

LOCATED SOUTH OF THE KNOTT ROAD AND BROSTERHous ROAD INTERSECTION.

VERTICAL DATUM:

ELEVATIONS ARE NGVD 29 AS DERIVED FROM OREGON REAL TIME GEODETIC NETWORK (ORGN) (GEOD12B) AND PROJECTED TO THE CENTRAL OREGON COORDINATE SYSTEM (COCS).

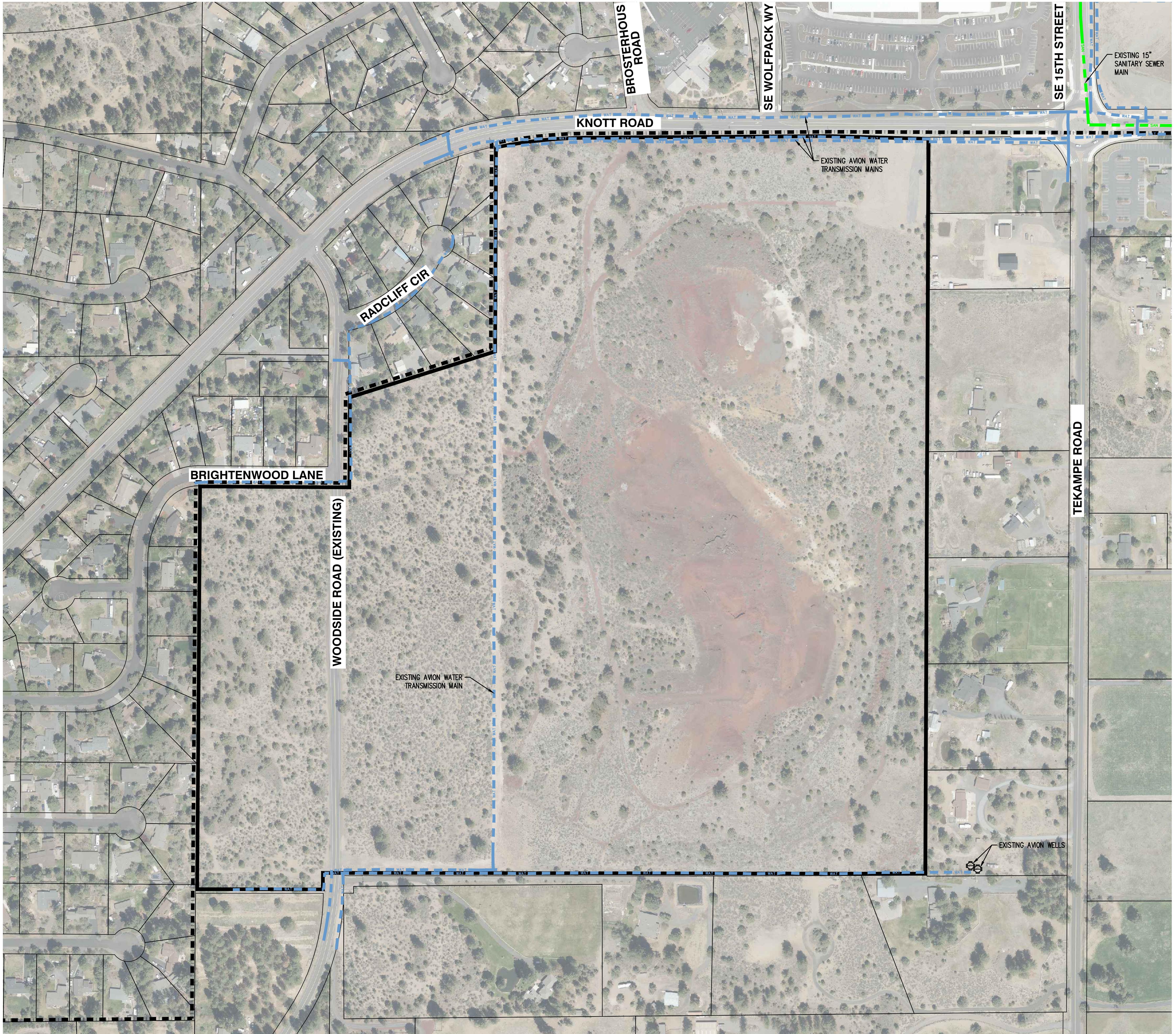
SHEET INDEX

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- P08 PRELIMINARY UTILITY PLAN

COVER SHEET
CALDERA RANCH SB 1537 CONCEPTUAL PLAN
BEND, OREGON

**PRELIMINARY
NOT FOR
CONSTRUCTION**

JOB NUMBER: 9013
DATE: 10/14/2024
DESIGNED BY: JS
DRAWN BY: PE
CHECKED BY: BW



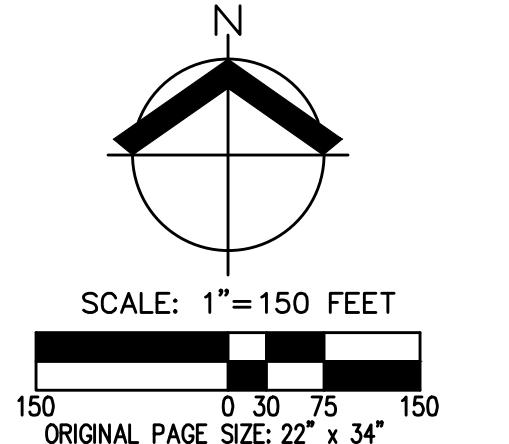
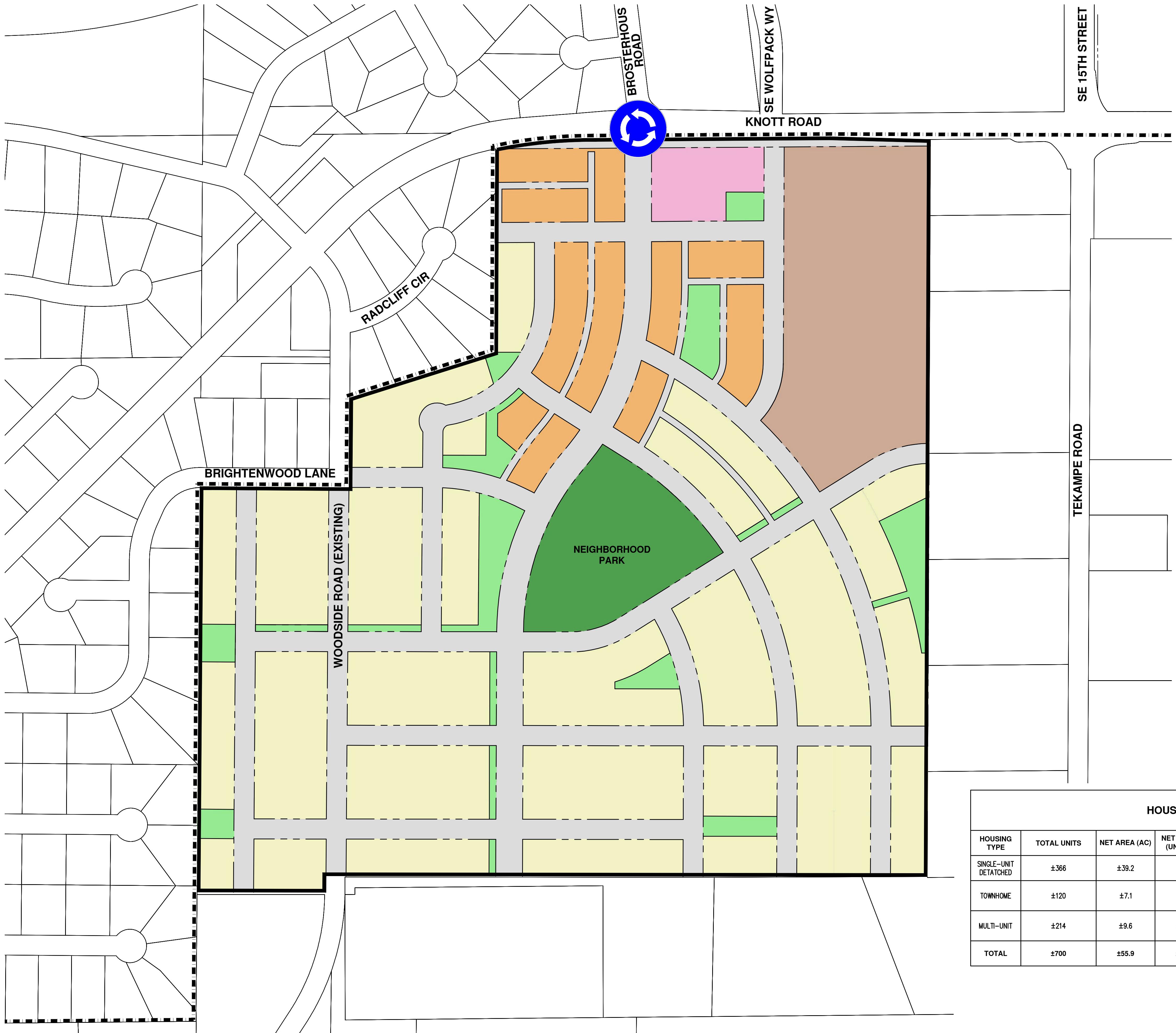
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FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

EXISTING CONDITIONS CALDERA RANCH SB 1537 CONCEPTUAL PLAN BEND, OREGON

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CONCEPT PLAN AREA SUMMARY			
LEGEND	LAND USE	AREA (ACRES)	UNITS
[Dashed Line]	URBAN GROWTH BOUNDARY	N/A	N/A
[Solid Black Line]	PROJECT BOUNDARY	±91.4*	N/A
[Light Yellow]	RESIDENTIAL STANDARD DENSITY (RS)	±39.2	±366
[Orange]	RESIDENTIAL MEDIUM DENSITY (RM)	±7.1	±120
[Brown]	RESIDENTIAL HIGH DENSITY (RH)	±9.6	±214
[Pink]	COMMERCIAL LIMITED (CL)	±1.5	N/A
[Green]	NEIGHBORHOOD PARK	±4.5	N/A
[Green Diagonal Hatched]	OPEN SPACE (TOTAL)	±9.2	N/A

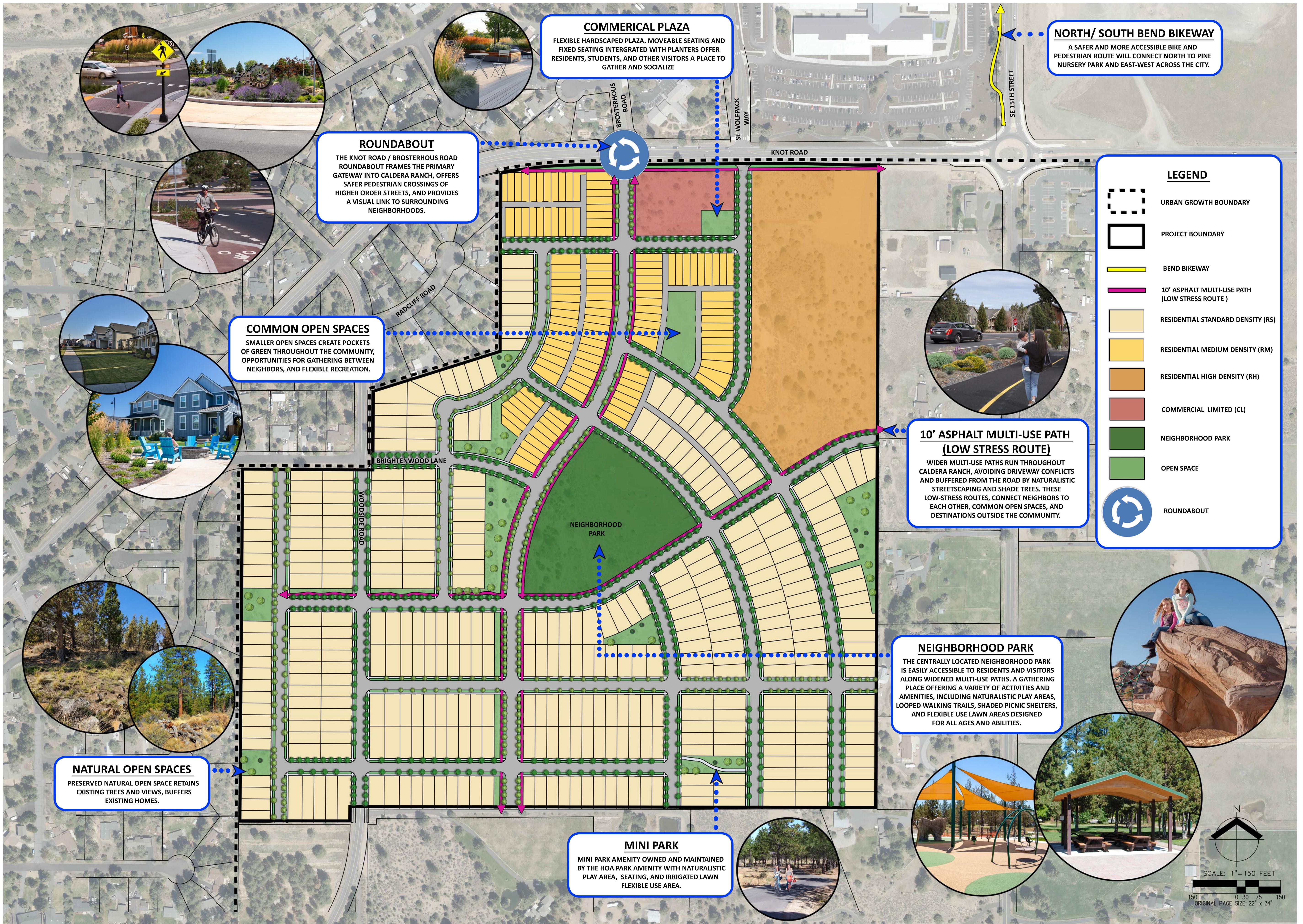
* AREA EXCLUDES ±1.6 ACRES OF EXISTING WOODSIDE ROAD RIGHT-OF-WAY.

HOUSING MIX SUMMARY							
HOUSING TYPE	TOTAL UNITS	NET AREA (AC)	NET DENSITY (UNITS/AC)	30% AMI	80% AMI	130% AMI	TOTAL AFFORDABLE
SINGLE-UNIT DETACHED	±366	±39.2	±9.3			±10	10
TOWNHOME	±120	±7.1	±16.9			±14	14
MULTI-UNIT	±214	±9.6	±22.3	±22	±192		214
TOTAL	±700	±55.9	±12.5	±22	±192	±24	238

CONCEPTUAL PLAN CALDERA RANCH SB 1537 CONCEPTUAL PLAN BEND, OREGON

PRELIMINARY
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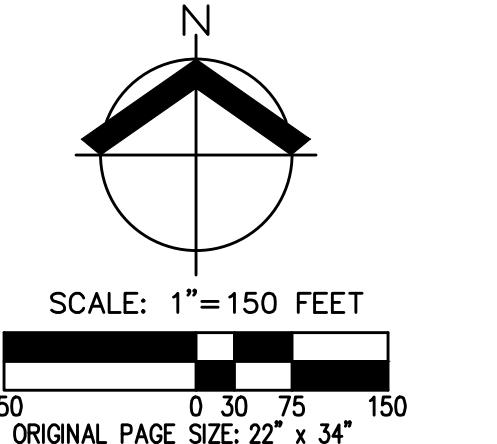
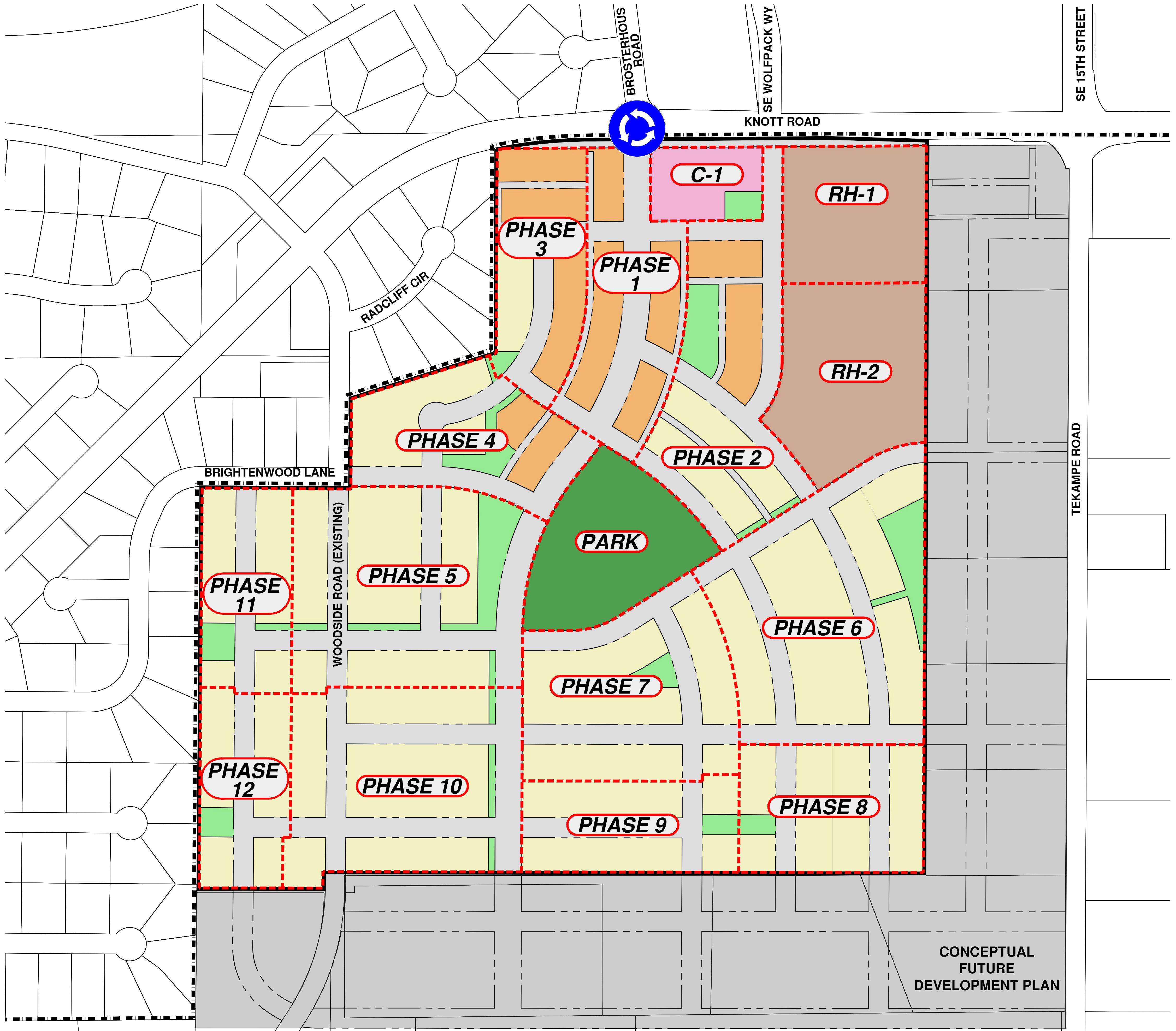
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PRELIMINARY OPEN SPACE AND TRAILS PLAN
CALDERA RANCH SB 1537 CONCEPTUAL PLAN
BEND, OREGON

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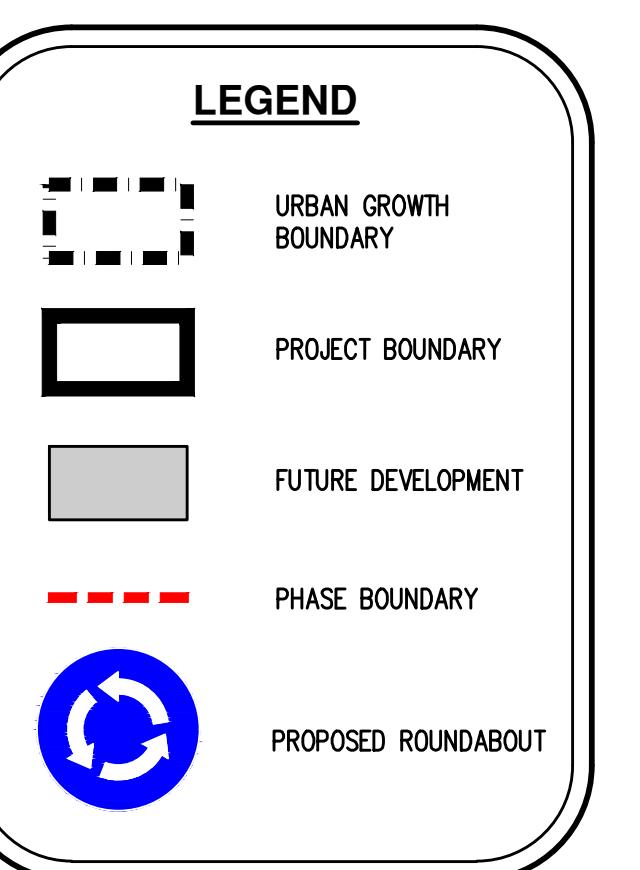
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DATE: 10/11/2024
DESIGNED BY: CLM
DRAWN BY: CLM
CHECKED BY: KAH

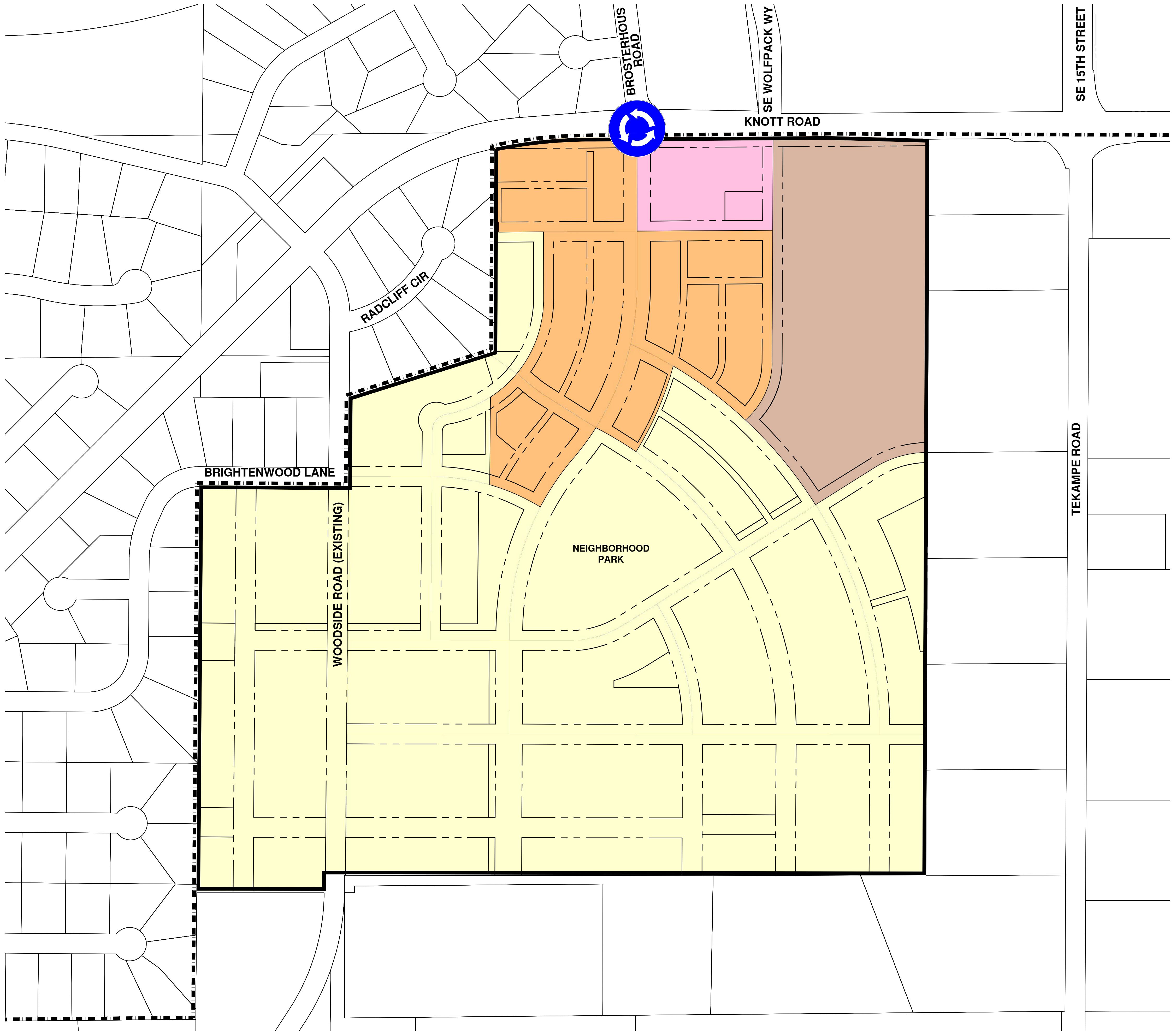


**PRELIMINARY PHASING PLAN
CALDERA RANCH SB 1537 CONCEPTUAL PLAN
BEND, OREGON**

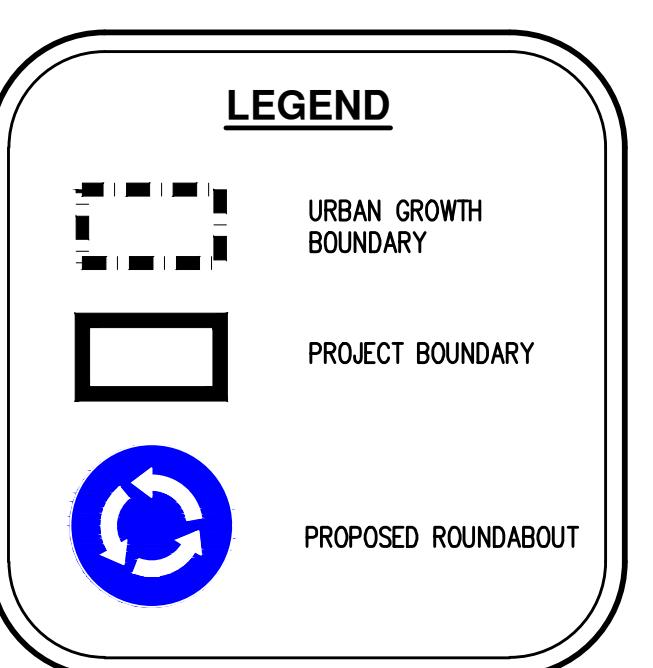
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ZONING SUMMARY	
ZONE	GROSS AREA (AC)
RS	±66.5
RM	±13.0
RH	±10.9
CL	±2.6
GROSS AREA	±93.0



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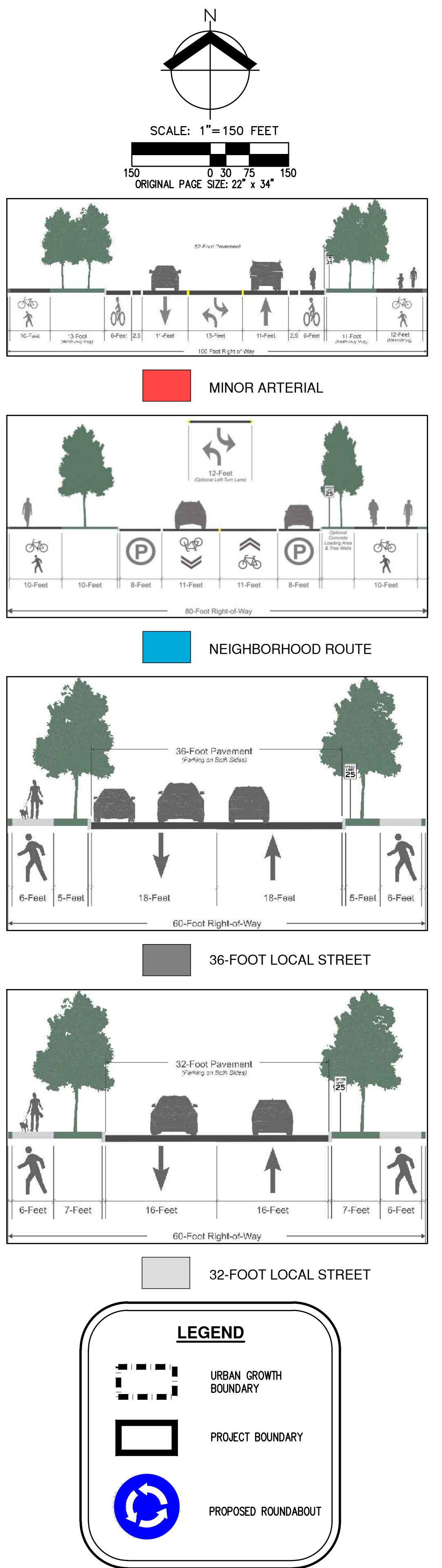
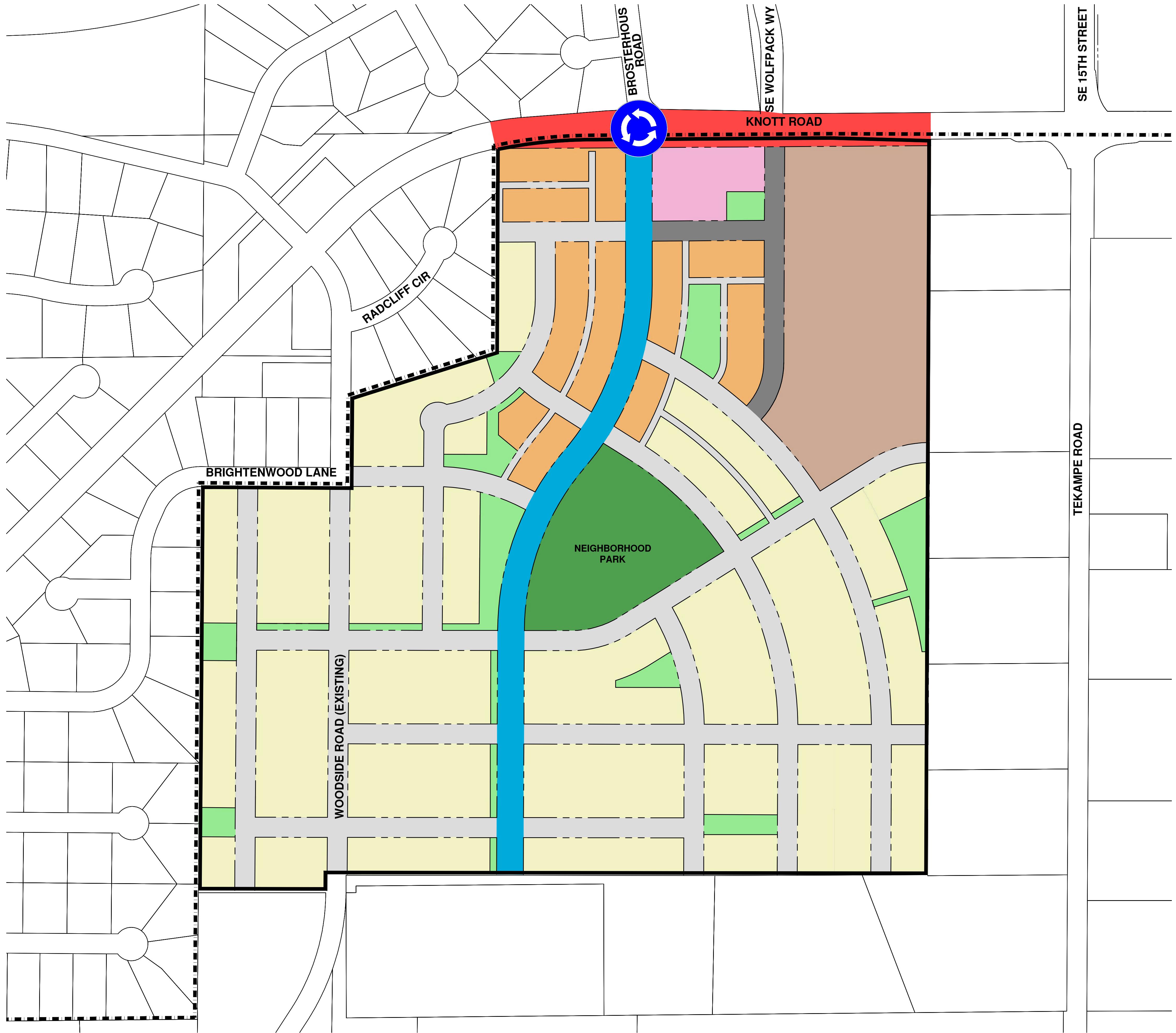
P06

PRELIMINARY ZONING PLAN CALDERA RANCH SB 1537 CONCEPTUAL PLAN BEND, OREGON

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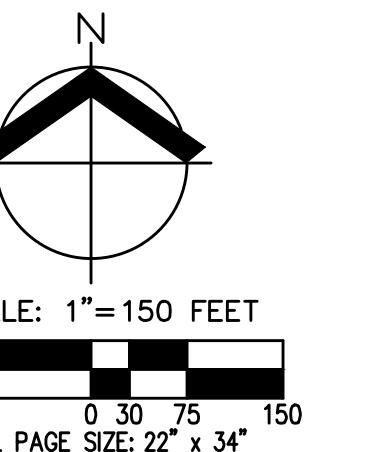
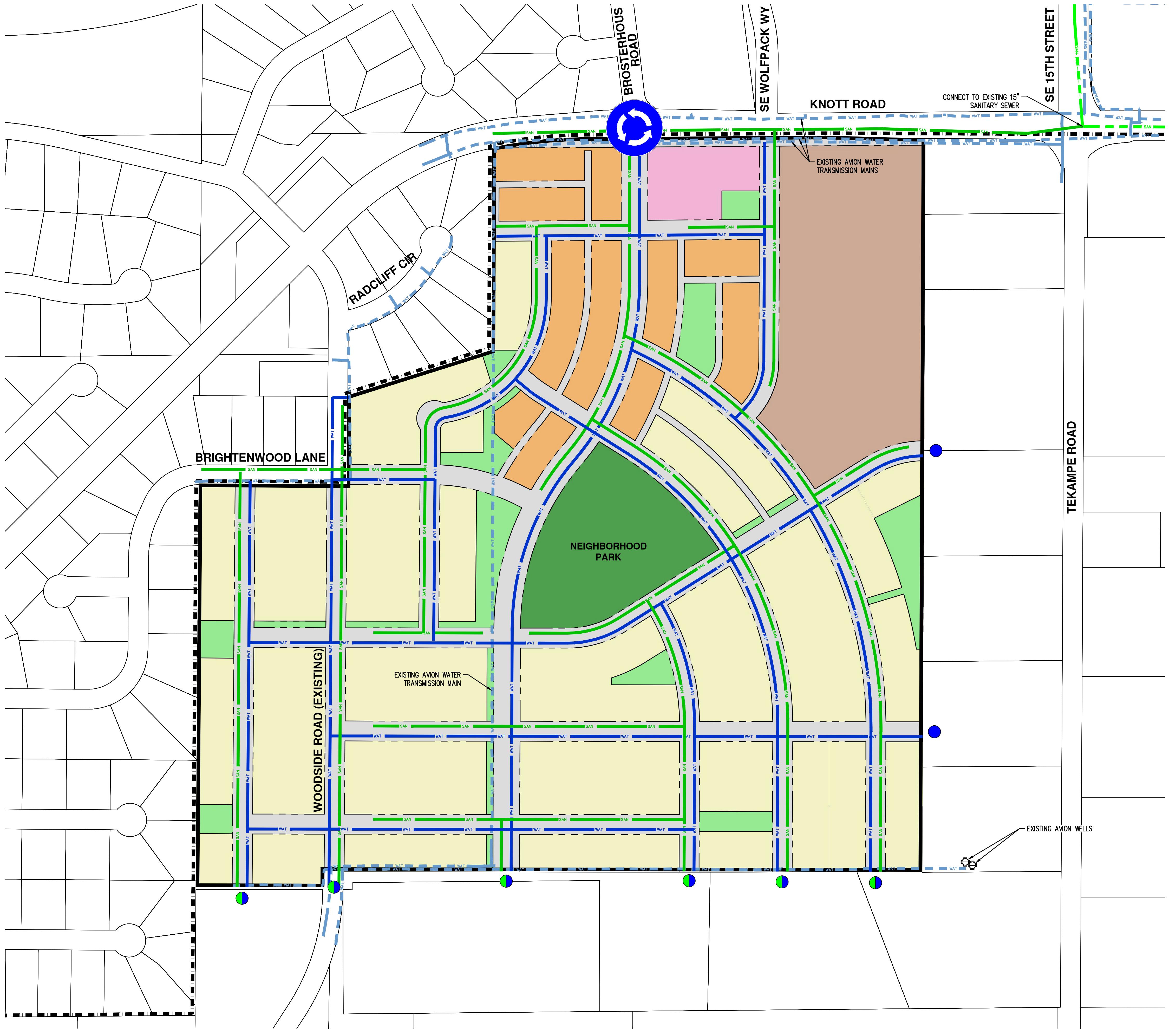
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PRELIMINARY STREET CIRCULATION PLAN CALDERA RANCH SB 1537 CONCEPTUAL PLAN BEND, OREGON

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PRELIMINARY UTILITY PLAN CALDERA RANCH SB 1537 CONCEPTUAL PLAN BEND, OREGON

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CALDERA RANCH

Site Application – SB 1537 UGB Expansion

City Council Meeting

December 4, 2024

City File# PLCITY20240575

CONCEPTUAL PLAN



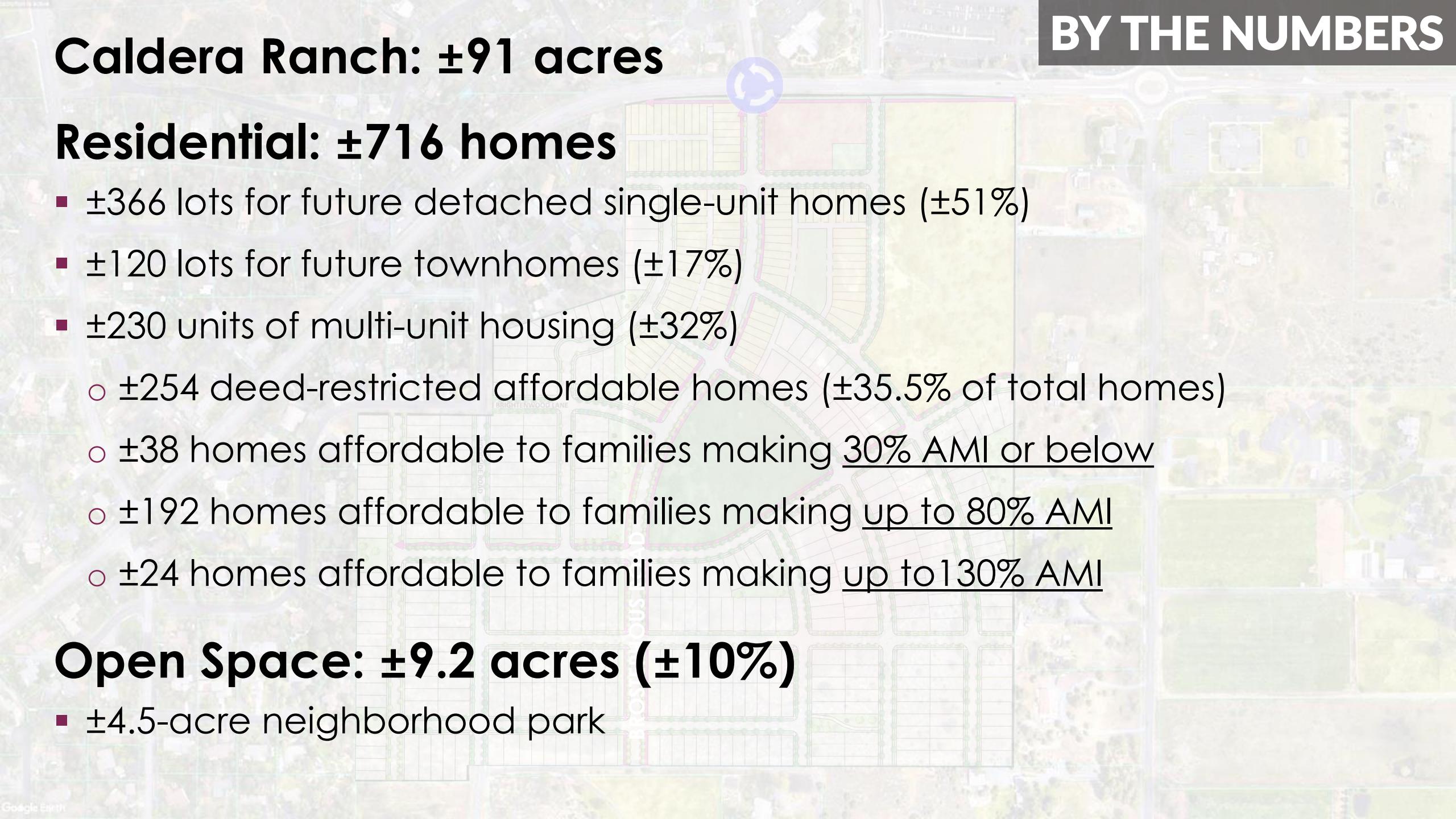
Caldera Ranch: ± 91 acres

Residential: ± 716 homes

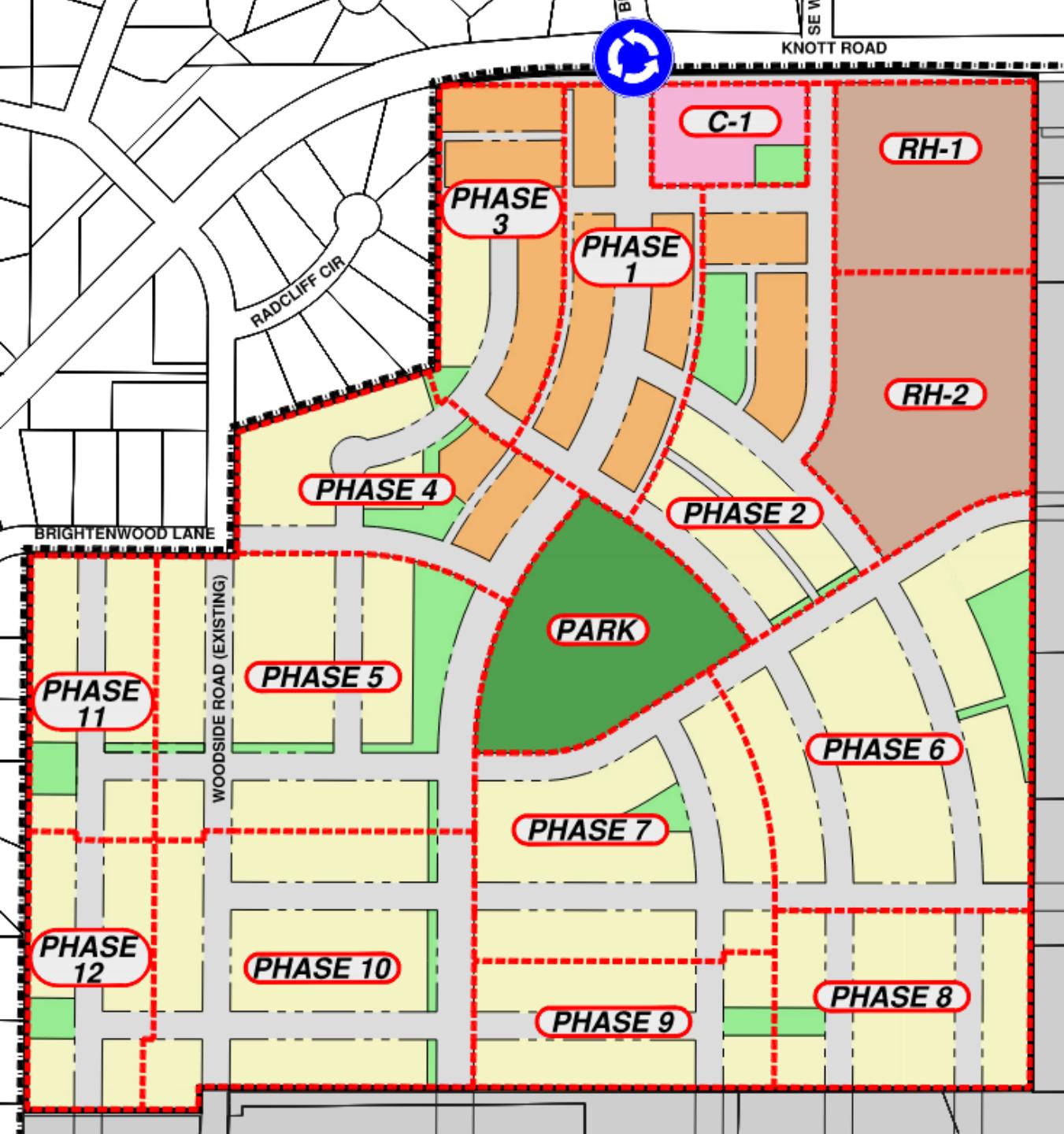
- ± 366 lots for future detached single-unit homes ($\pm 51\%$)
- ± 120 lots for future townhomes ($\pm 17\%$)
- ± 230 units of multi-unit housing ($\pm 32\%$)
 - ± 254 deed-restricted affordable homes ($\pm 35.5\%$ of total homes)
 - ± 38 homes affordable to families making 30% AMI or below
 - ± 192 homes affordable to families making up to 80% AMI
 - ± 24 homes affordable to families making up to 130% AMI

Open Space: ± 9.2 acres ($\pm 10\%$)

- ± 4.5 -acre neighborhood park



DETAILED PHASING



PHASE	SINGLE-UNIT DETACHED HOMES	TOWNHOMES	MULTI-UNIT HOMES	TOTAL HOMES	30% AMI	80% AMI	130% AMI	TOTAL AFFORDABLE HOMES
RH-1				106	106	10	96	106
RH-2				108	108	12	96	108
C-1								
1		47		47			4	4
2	20	21		41			4	4
3	8	37		45			4	4
4	18	15		33			2	2
PARK								
5	52			52			2	2
6	58			58			2	2
7	44			44			2	2
8	35			35			1	1
9	30			30			1	1
10	52			52			2	2
11	25			25				
12	24			24				
TOTAL	366	120	214	700	22	192	24	238

- **Sewer and Water Capacity Guaranteed for the Entire Project**
- **Sewer available 300' to the east**
- **Water available through site and in Knott Road frontage**