

## ORDINANCE NO. NS-2244

AN ORDINANCE AMENDING BEND DEVELOPMENT CODE ARTICLE IX, 2.7.970 ASPEN RESERVE MASTER PLANNED DEVELOPMENT TO INCREASE THE NUMBER OF ALLOWED DWELLING UNITS FROM 285 TO 293 AND TO CHANGE THE NAME TO FARMINGTON RESERVE MASTER PLANNED DEVELOPMENT. THE PROPERTY IS LOCATED SOUTH OF THE COID CANAL AND EAST OF ALSTRUP ROAD.

### Findings

1. On April 15, 2015, BDC Seasons initiated amendments to BDC Article IX. *Aspen Reserve Master Planned Development*, to allow an additional 8 multifamily dwelling units, for a total of 293 dwelling units (228 multifamily units and 65 single-family dwellings), and to change the name to Farmington Reserve Master Planned Development, City Planning File PZ 15-0419.
2. The application was submitted in accordance with BDC 4.1.400. Timely and sufficient notice of the public hearing was provided pursuant to BDC 4.1.423.
3. On May 11, 2015, the Planning Commission held a public hearing on the proposed amendments. The Planning Commission completed its deliberations and voted to recommend that the City Council adopt an ordinance amending the Aspen Reserve Master Planned Development code text as contained in Exhibit A. The Planning Division staff report and recommendation together with written public comments and the testimony of the persons at the hearing were considered and are part of the record of this proceeding.
- C. The Bend City Council held a public hearing on June 3, 2015, to consider the Planning Commission recommendation, with public notice provided in accordance with BDC 4.1.400.
- D. The requested amendments to the Bend Development Code approved by this Ordinance meet all applicable Bend Development Code criteria, policies of the Bend Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.
- E. The conditions of approval for PZ 14-0511, PZ 14-0498, PZ 15-0003, and Ordinance NS-2227 remain in effect and are unchanged.

### THE CITY OF BEND ORDAINS AS FOLLOWS:

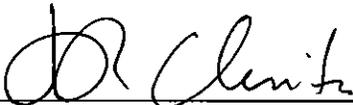
- Section 1. Bend Development Code Article IX, 2.7.970 Aspen Reserve Master Planned Development is amended as contained in Exhibit A.
- Section 2. The City Council adopts the Findings in support of this ordinance as contained in Exhibit B.

First reading: June 3, 2015.

Second reading and adoption by roll call vote: June 17, 2015.

Yes: Jim Clinton, Mayor  
Victor Chudowsky  
Doug Knight  
Sally Russell  
Nathan Boddie  
Casey Roats  
Barb Campbell

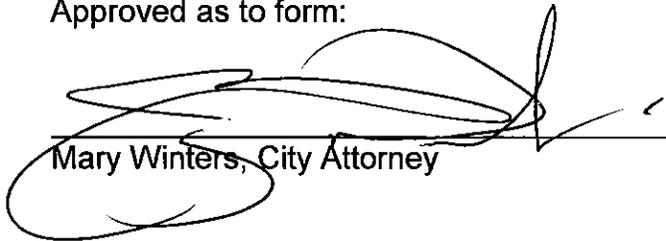
No: None

  
\_\_\_\_\_  
Jim Clinton, Mayor

Attest:

  
\_\_\_\_\_  
Robyn Christie, City of Bend Recorder

Approved as to form:

  
\_\_\_\_\_  
Mary Winters, City Attorney

**EXHIBIT A**

**Article IX. Aspen Farmington Reserve Master Planned Development**

**2.7.0950 Aspen Farmington Reserve Master Planned Development.**

**2.7.0955 Applicability.** The area regulated by the Aspen Farmington Reserve Master Plan is approximately 20 acres of land east of Alstrup Road and north of Brosterhus Road. It is bounded on the north by the Central Oregon Irrigation District main lateral, to the east by the Stone Creek Master Planned Development, to the south by the Island Park residential subdivision, and to the west by Alstrup Road. Conditions of approval pertaining to the timing of required public infrastructure improvements are contained in Ordinance NS-2227.

**2.7.0960 Purpose.** The purpose of this section is to create the Aspen Farmington Reserve Master Development Plan. In addition, the Master Planned Development creates overlay development standards that will supersede the development standards of the underlying RM, Medium Density Residential District within the plan boundaries. The Master Plan Development objectives are to:

- Provide a variety and mixture of housing types and densities in a coordinated neighborhood.
- Identify and coordinate street locations.
- Designate neighborhood open space.
- Establish design standards for street, sidewalks and building locations to create streetscapes that are safe and accessible for all modes.
- Create safe and convenient pedestrian and bicycle circulation and trail connections.

**2.7.0965 Permitted Uses.** Only detached single-family dwellings, with or without accessory dwelling units, shall be permitted in the Single Family Overlay District. Only multifamily housing shall be permitted in the Multi Family Overlay District. The overlay districts are shown on the Aspen Farmington Reserve Master Plan Overlay Map, Figure 2.7.980.

**2.7.0970 Development Standards.** The special standards of the Aspen Farmington Reserve Master Plan area shall supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable standards of the underlying zone shall apply.

A. **Setbacks Standards.** Setback standards are as listed in Table 2.7.0970. All single-family lots (except lots 11 through 16) shall be exempt from solar setback standards.

**Table 2.7.0970 – Setbacks**

Use	Front	Side	Rear
Single Family Detached	10 feet, except garages shall be 20 feet	5 feet	5 feet
Multifamily	10 feet, except garages shall be 20 feet	5 feet	5 feet

B. **Building Height.** Building height requirements are based on use as follows:

1. Single family dwellings – 35 feet
2. Multifamily (more than three attached units) – 45 feet

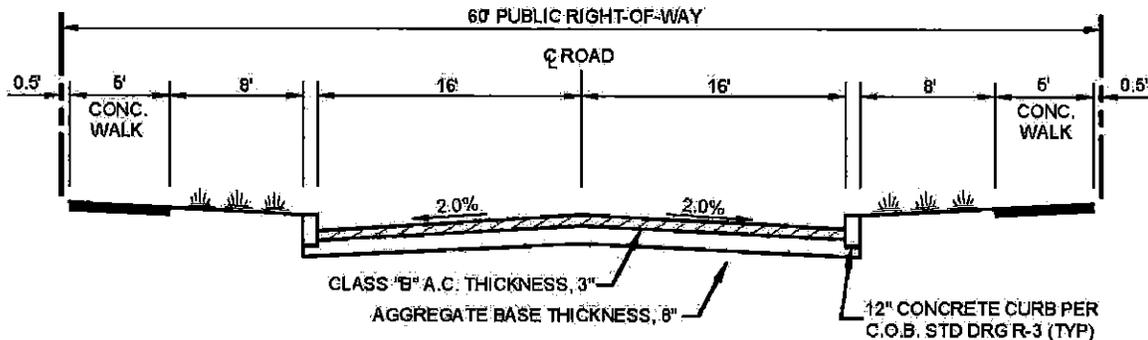
C. **Density.** The maximum number of dwelling units shall be ~~285~~ **293** (65 single family and ~~220~~ **228** multifamily). Density may be averaged across the residential districts provided that the

overall density for the entire master plan development area meets the RM zone density requirement of 7.3 to 21.7 units per acre.

**2.7.0975 Street Improvement Standards.** Street improvement standards shall be consistent with the requirements of this Code, except as set forth below:

**A. Street Section 1 – Public Local Streets.**

This section shall be used for all public streets within the development. These streets will consist of 60 feet of public right-of-way with 8 foot vehicle travel lanes, 8 foot wide on-street parking, 8 foot landscape strips, and 5 foot wide sidewalks.

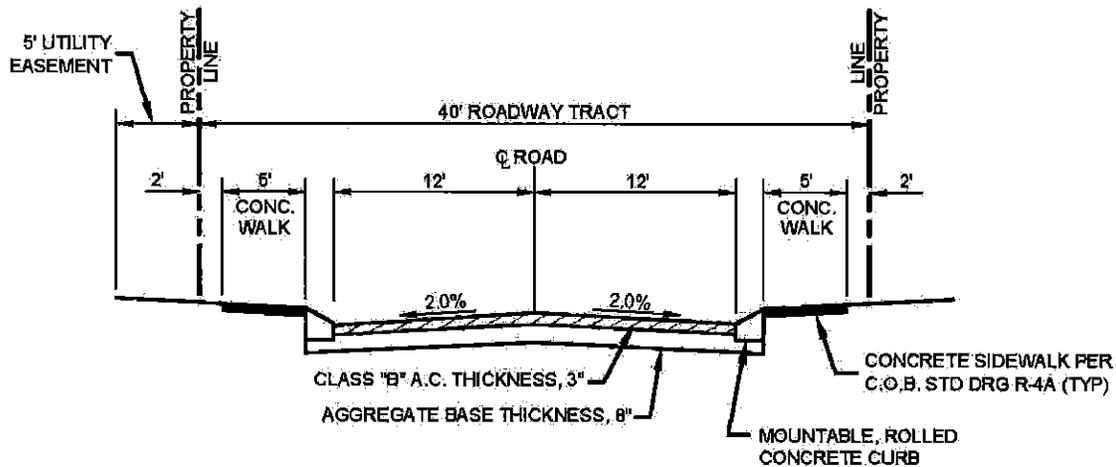


**STREET SECTION 1 - PUBLIC LOCAL STREET**

NOT TO SCALE

**B. Street Section 2 – Private Local Street.**

This street will consist of a 40 foot roadway tract, 12 foot vehicle travel lanes, no on-street parking, mountable rolled curbs, and 5 foot wide sidewalks.

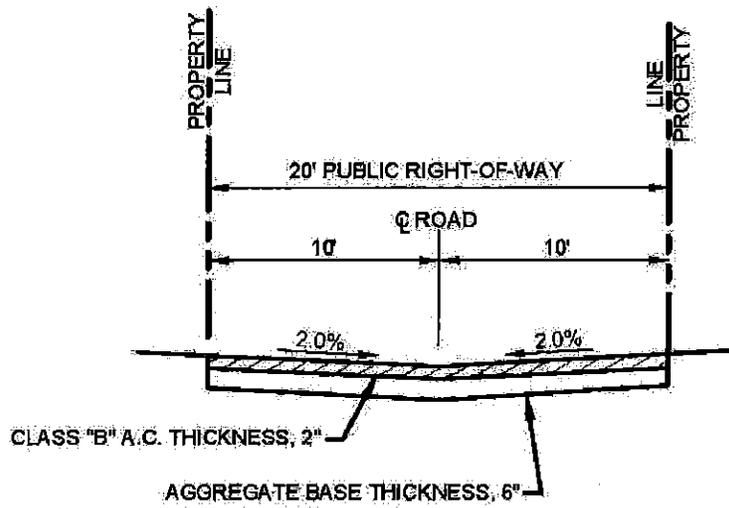


**STREET SECTION 2 - PRIVATE LOCAL STREET**

NOT TO SCALE

**C. Street Section 3 – Public Alleys.**

The public alleys shall consist of 20 feet of public right-of-way with 10 foot vehicle travel lanes, no on-street parking, and no sidewalks.



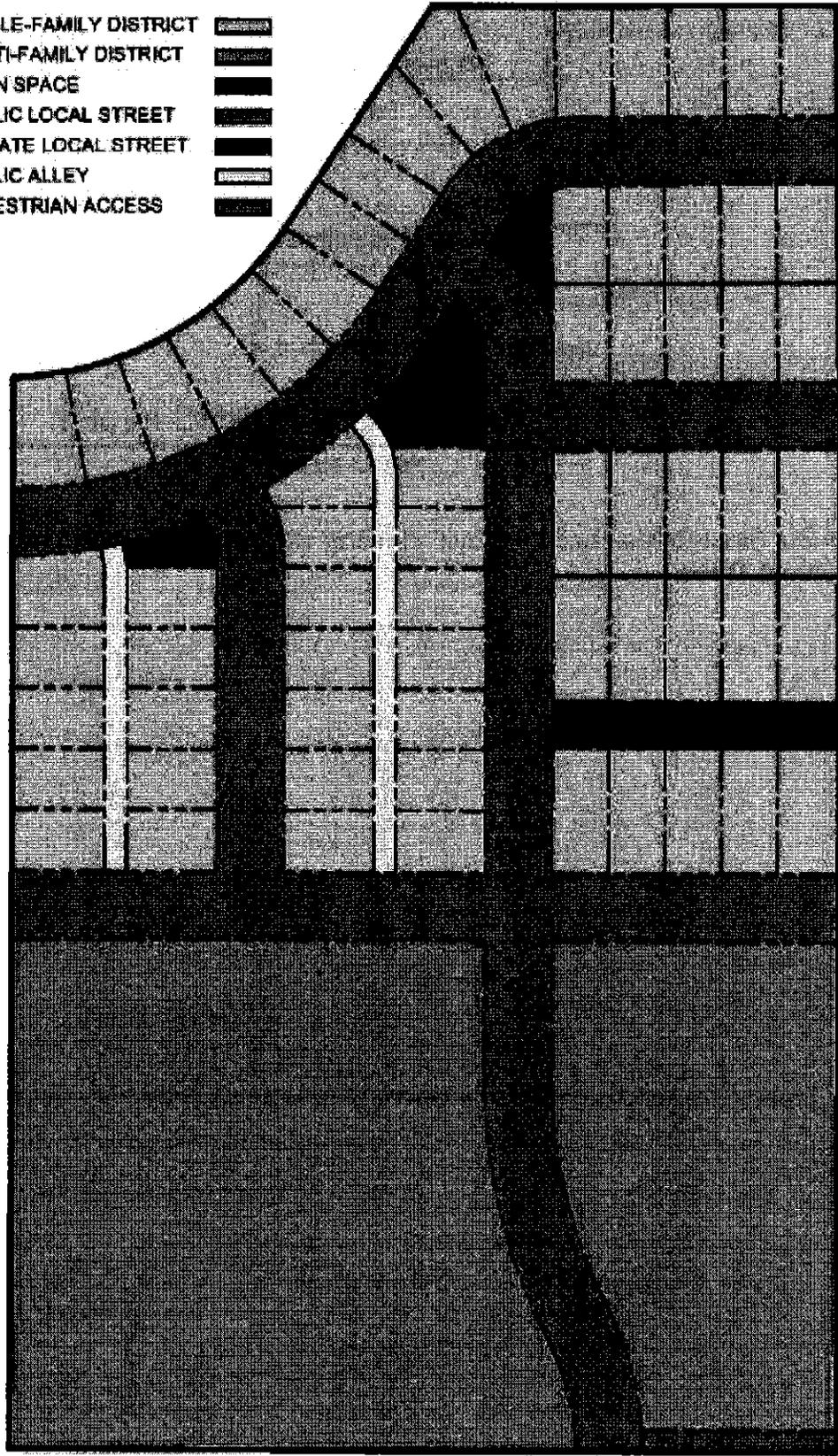
### STREET SECTION 3 - PUBLIC ALLEY

NOT TO SCALE

- D. Street Trees. Street trees shall be provided along all streets in conformance with the BDC 3.2.400 *Street Trees*.

Figure 2.7.0980  
Aspen Farmington Reserve Master Plan Overlay Map

- SINGLE-FAMILY DISTRICT 
- MULTI-FAMILY DISTRICT 
- OPEN SPACE 
- PUBLIC LOCAL STREET 
- PRIVATE LOCAL STREET 
- PUBLIC ALLEY 
- PEDESTRIAN ACCESS 



**EXHIBIT B  
FINDINGS IN SUPPORT OF  
ASPEN RESERVE MASTER PLANNED DEVELOPMENT  
AMENDMENT PZ 15-0419**

**I. APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:**

City of Bend Development Code

Chapter 2.1, Residential Districts (RM)

Chapter 2.7, Special Planned Districts

Chapter 4.1, Land Use Review and Procedures

Chapter 4.5, Master Planning and Development Alternatives

Chapter 4.6, Land Use District Map and Text Amendments

The Bend Area General Plan

Oregon Administrative Rules

Chapter 660-012-060, Plan and Land Use Regulation Amendments

Chapter 660-015, Division 15, Statewide Planning Goals and Guidelines

**II. PROCEDURAL FINDINGS:**

**PUBLIC NOTICE AND COMMENTS:** Notice of the Planning Commission hearing for the proposed amendments was mailed on April 20, 2015.

On May 11, 2015, the Planning Commission held a public hearing on the proposed amendments to the Aspen Reserve Master Planned Development. Other than the applicant's development team, only one member of the public was present at the hearing to testify on behalf of the Old Farm District Neighborhood Association, primarily with concerns over the additional trips generated with the increase in density, the higher percentage of studio and one-bedroom units proposed, and the lack of pedestrian and bicycle system infrastructure along Brosterhous Road for connectivity with the surrounding neighborhood.

**III. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA AND PROCEDURES**

**Bend Development Code**

**Chapter 4.1, Development Review and Procedures**

**4.1.1325 Modification of Approval.**

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

**FINDING:** The proposed amendment to BDC Article IX, *Aspen Reserve Master Planned Development* is a modification of the ARMPD approved under City file PZ 14-0511, and Ordinance NS-2227, adopted by the City Council on October 15, 2014.

**B. Modification Review Procedures.**

- 1. A modification that does not have significant additional impacts on surrounding properties shall be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.**

**FINDING:** The proposed modification will have very limited, if any, impact on surrounding properties. Accordingly, this application addresses only the relevant criteria.

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

**FINDING:** The original approval of the ARMPD was processed as a Type III application. Therefore, this request to modify the approval is also being processed as a Type III application.

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

**FINDING:** The modification request does not include changes to the time limitations set with the original approvals. Since the adoption of the ordinance in October 2014, the applicant has received approval for the Subdivision Tentative Plan (PZ 14-0498) and Site Plan and Design Review approval for the proposed multifamily development (PZ 15-0003). Public infrastructure for the development is currently under construction.

**F. Modifications of development approvals other than those described in subsection (E) of this section approved prior to August 6, 2006, shall meet the approval criteria contained in the appropriate corresponding section of this code.**

## **Chapter 4.5 Land Use District Map and Text Amendments**

### **4.5.300 Master Planned Developments.**

#### **B. Review and Approval Process.**

##### **2. Approval Process.**

- b. No application for a Master Planned Development shall be approved unless the applicant can explain in a written narrative how the following requirements are met:**
  - i. The MPD contributes to orderly development and land use patterns in the area, will be compatible with adjacent developments and will not adversely affect the character of the area.**
  - ii. The MPD will not create excessive demand on public facilities and services required to serve the development.**
  - iii. The MPD contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities, and does not conflict with existing public access easements within or adjacent to the development.**
  - iv. The MPD provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, designated areas of special interest, and other natural resources to the maximum degree practicable. Preservation shall be considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term prevent in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection shall not in itself be considered to prevent development.**

- v. **The MPD conforms to the Bend Area General Plan Map, or amendments to the General Plan Map, text or policies shall be proposed and approved as part of the Master Planned Development plan in conformance with BDC Chapter 4.6.**

**FINDING:** The above criteria were found to be met with the original approval. The proposed name change will have no impact on surrounding development. The proposed change to the maximum number of multifamily dwelling units would allow an increase in density by 8 units; less than a three percent (3%) increase. With the increased units, the overall density of the master plan area would be 14.65 units per acre, still well within the maximum 21.7 units per acre allowed in the RM zone.

With the original proposal for 220 multifamily dwelling units, the applicant anticipated that a greater number of the units would be two-bedroom or three-bedroom units. The applicant states that the requested change is in response to current market conditions, and a lack of studio and one-bedroom apartments in Bend. Therefore, although the proposal will increase the number of units, the impact will be negligible as the number of bedrooms and occupancy levels would likely be about the same.

As addressed in the supplemental transportation memo from Ferguson & Associates, Inc., the increase in the number of proposed multifamily units results in an increase of only 3 pm peak hour trips over the 203 pm peak hour trips assumed under the original transportation impact analysis (TIA) submitted with the master plan. The impact on intersection operations for the three additional trips is negligible and does not change the results of the initial TIA, and no additional transportation system mitigation is warranted.

The memo from Hickman, Williams & Associates, Inc., confirms that the sewer and water system improvements required with the original approvals for the ARMPD provide adequate capacity to serve the additional units.

**C. Applicability of BDC Title 3, Design Standards. The development standards of BDC Title 3 apply to all Master Planned Developments, unless otherwise specified as part of a MPD concept proposal.**

**2. Concept Development Plan Approval Criteria.**

- a. **Bend Area General Plan. All relevant provisions of the Bend Area General Plan are met except as proposed to be modified by the applicant in conformance with subsection (B)(2) of this section.**

**FINDING:** The ARMPD is designated RM on the Bend Area General Plan Map. With the proposed modification, the overall density for the ARMPD will be 14.65 units per acre, well within the maximum 21.7 units per acre allowed in the RM zone. All other relevant provisions of the Bend Area General Plan were addressed and found to be met with the original ARMPD approval under PZ 14-0511 and Ordinance NS-2227.

- b. **Land Division Chapter. All of the requirements for land divisions, as applicable, shall be in conformance with BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments; except as proposed to be modified by the applicant in conformance with subsection (B)(2) of this section.**

**FINDING:** BDC Chapter 4.3 was addressed and found to be met with the Subdivision Tentative Plan approval under PZ 14-0498.

- c. Applicability of BDC Chapters 2.0 and 3.0. All of the land use and design standards contained in BDC Chapters 2.0, Land Use District Administration, and 3.0, Development Standards Administration, are met, except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.**

**FINDING:** BDC Chapters 2.0 and 3.0 were addressed and found to be met with the Subdivision Tentative Plan approval (PZ 14-0498) and Site Plan and Design Review approval (PZ 15-0003). The proposed modification will not impact those approvals. Site Plan approval was granted for 228 multifamily dwelling units, with 8 of the units conditioned upon approval of this proposed modification.

- d. Requirements for Open Space.**
- e. Standards for Open Space Designation.**

**FINDING:** The requirements for open space were found to be met under the previous approvals (MPD PZ 14-0511, Subdivision PZ 14-0498, and Site Plan PZ 15-0003). The proposed amendment does not impact or modify the open space requirements.

- f. Standards for Approval. In granting approval for a Master Planned Development concept development plan the applicant must demonstrate that the proposal is consistent with the criteria for land division approval in BDC 4.3.300, Tentative Plan.**

**FINDING:** The approval criteria of Section 4.3.300 were addressed and found to be met with the Subdivision Tentative Plan approval (PZ 14-0498).

#### **Chapter 4.6, Land Use District Map and Text Amendments**

##### **4.6.300 Quasi-Judicial Amendments.**

##### **B. Criteria for Quasi-Judicial Amendments.**

- 1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;**
- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;**

**FINDING:** The above criteria were found to be met with the original approval of the ARMPD under PZ 14-0511 and Ord. NS-2227. The proposed modification does not impact the findings of the original decision with respect to the relevant Statewide Planning Goals and policies of the Comprehensive Plan (Bend Area General Plan). The proposed density of 14.65 units per acre is well within the maximum 21.7 units per acre allowed under the RM plan designation and zoning, and will allow additional affordable rental housing units which are in demand and under served in the current housing market.

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

**FINDING:** The transportation, sewer, and water system improvements required with the original approvals for the ARMPD provide adequate capacity to serve the additional units.

- 4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use District Map regarding the property that is the subject of the application; and the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.**

**FINDING:** The proposed modification does not include a Comprehensive Plan or Land Use District Map amendment. Compliance with the TPR was addressed with the original approval, and the proposed increase in density does not result in significant additional impacts to the surrounding transportation system beyond those identified in the original TIA. Therefore, this criterion is not applicable.

**CONCLUSION:** The proposed amendment to BDC Article IX, *Aspen Reserve Master Planned Development*, as contained in Exhibit A, meets all applicable BDC criteria, policies of the Bend Urban Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

