

ORDINANCE NO. NS - 2289

AN ORDINANCE AMENDING BEND DEVELOPMENT CODE CHAPTER 4.5, MASTER PLANNING AND DEVELOPMENT ALTERNATIVES, CREATING A COMMUNITY MASTER PLAN, INSTITUTIONAL MASTER PLAN AND EMPLOYMENT MASTER PLAN PROCESS, ADDING A NEW CHAPTER 4.8, TRANSPORTATION AND PARKING DEMAND MANAGEMENT (TPDM) PLAN, AND MAKING MINOR CLEAN UP AND CONSISTENCY AMENDMENTS TO CHAPTERS 1.1, 1.2, 2.1, 2.2, 2.3, 2.4, 2.6, 2.7, 3.3, 4.1, 4.2, 4.3, 4.5 & 4.7.

Findings:

- A. The application was submitted in accordance with BDC 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- B. On October 12, 2015, the Planning Commission endorsed an advisory committee to help update BDC Chapter 4.5, Master Planning and Development Alternatives. The advisory committee was purposely made up of knowledgeable members who have experience with master planning including developers, attorneys, a representative for OSU, an engineer, a citizen at large, representatives from the UGB Technical Advisory Committees including the Residential Lands Technical Advisory Committee and the Boundary Technical Advisory Committee, two members each from City Council and Planning Commission, and staff from Long Range Planning. The committee held 11 meetings starting in December, 2015 to review and draft proposed amendments primarily for master planning.
- C. The City Council reviewed proposed concepts during a work session on June 1, 2016. The Council discussed remote campuses, the duration of approvals, the review authority for each type of master plan and the size requirements for a master plan. The Council identified two matters including the size of master plans and requirements for remote campuses for the Planning Commission to further discuss and revise if necessary.
- D. Notice of the Planning Commission public hearing was published in the Bend Bulletin on September 4, 2016 and sent to the neighborhood associations on August 30, 2016.
- E. The Planning Commission reviewed the proposed amendments during work sessions on June 27, 2016, August 8, 2016, and August 22, 2016, and held a public hearing on September 26, 2016 to accept testimony on the request. At the conclusion of the hearing, the Planning Commission voted to recommend the proposed text amendments as amended be approved by the City Council.
- F. Notice of the City Council public hearing was published in the Bend Bulletin on September 25, 2016 and sent to the neighborhood associations on September 19, 2016.
- G. The Bend City Council reviewed the proposed amendments during a work session on October 5, 2016. The City Council particularly considered and discussed proposed provisions related to remote campuses and managing and measuring transportation trips and parking between an Institutional or Employment Master Plan and a remote campus, and the size restrictions for institutional master plans.

- H. The Bend City Council held a public hearing on October 19, 2016 to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council closed the public hearing and held the written public record open for written comments until 4 p.m. on November 9, 2016 and continued the hearing to November 16, 2016.
- I. Council gave planning staff direction on the proposed code, with a majority indicating support for: (1) deleting all references to remote campuses since the BDC has in place processes to review parking and transportation between an Institutional or Employment Master Plan and a remote campus, (2) allowing density transfers for Major Community Master Plans that are 20 acres or larger, (3) updating BDC 4.5.100.D Consistency with ORS 227.178, (4) revising the duration of approval, and (5) processing Minor Institutional Master Plans administratively.
- J. On November 16, 2016, the City Council held the continued hearing, deliberated and voted on the amendments to the Bend Development Code.
- K. On November 14, 2016 the Oregon Department of Land Conservation and Development approved the Urban Growth Boundary (UGB) expansion plan for the City of Bend, and the amended Bend Comprehensive Plan went into effect on December 6, 2016 which included new policies for master planning.
- L. On December 21, 2016 and January 18, 2017, the City Council held work sessions and discussed the new Bend Comprehensive Plan policies, including policies 5-12 and 11-33, which need to better align with the proposed Master Plan code update. The City Council directed staff to prepare amendments for Planning Commission review which would create better alignment between these policies and the Master Plan code update while still providing some flexibility. The Council direction included amendments which would require large non-residential land users to do a master plan and to consider residential density in the residential designations. Although this review required that the entire code be back before the Planning Commission for its recommendation, Planning Commission's review was limited to these issues.
- M. Notice of the Planning Commission and City Council public hearing was published in the Bend Bulletin on January 22, 2017 and sent to the neighborhood associations on September 19, 2016.
- N. On February 13, 2017, the Planning Commission reopened the public hearing to consider the proposed changes to the Master Plan code as directed by the City Council, as part of the proposed amendments to Chapter 4.5, Master Planning and Development Alternatives. The Planning Commission deliberated and voted to reaffirm its approval of the Development Code amendments before them on September 26, 2016, and found the Development Code as amended on February 13, 2017 meets all applicable criteria for adoption and recommend that the City Council approve the proposed text amendments in Exhibit A. The recommended amendments include: (A) requiring schools and parks that are 20 acres or larger to do a master plan, (B) allowing a property that is 40 acres or larger to do a land division or property line adjustment to create lots or parcels smaller than 20 acres if they are intended for schools and/or parks that will be part of a Community Master Plan, (C) allowing a maximum of 20 acres of residential designated land in an Opportunity Area proposed for Public and Institutional Uses and Miscellaneous Uses to be excluded from the density and housing mix calculations and require the density for the 20 acres to be taken from the residential designation with the lowest maximum density standard in

the Opportunity Area and no more than 20 acres may be exempted from the housing and density mix in an Opportunity Area, (D) allowing the density and housing mix in an Opportunity Area to be transferred within the Opportunity Area or within a walking or biking distance not greater than 1 mile from the boundary of the Opportunity Area on existing travel routes (multimodal street or designated multi-use pathway) or any planned travel route shown within the Transportation System Plan and if the density and housing mix for the RS plan designation is transferred to a property not contemplated for residential development under the Comprehensive Plan (i.e., publicly owned properties with a residential plan designation that were not considered available for residential development under the Buildable Lands Inventory), then the receiving property need only provide the number of housing units transferred or the minimum RS density standards, whichever is greater, (E) requiring an agreement to be recorded to ensure that a receiving property of a density and housing mix transfer from an Opportunity Area fulfils the requirement, (F) eliminating the conditional use permit for schools in residential districts when they are part of a master plan application, and (G) requiring Institutional and Employment Master Plans to comply with the density and housing mix transfers requirements if they are located in an Opportunity Area and include residential designated lands.

- O. The Bend City Council held a public hearing on March 1, 2017 to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council closed the public hearing, deliberated and voted on the amendments to the Bend Development Code.
- P. The City Council finds that a Major Master Plan is an amendment to an acknowledged Comprehensive Plan and/or land use regulation and is subject to the post acknowledgment plan procedures of ORS 197.601 et. seq. The City has adopted a code provision specifying that it will use all reasonable resources to render a final decision on all Major Master Plans within 180 days of receiving a complete application.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Development Code is amended as depicted in Exhibit A.

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

First Reading: March 1, 2017

Second reading and adoption by roll call vote: March 15, 2017

YES: Casey Roats, Mayor
Sally Russell
Bill Moseley
Bruce Abernethy
Justin Livingston
Barb Campbell

NO: Nathan Boddie

ABSTAIN:



Casey Roats, Mayor

3-17-17

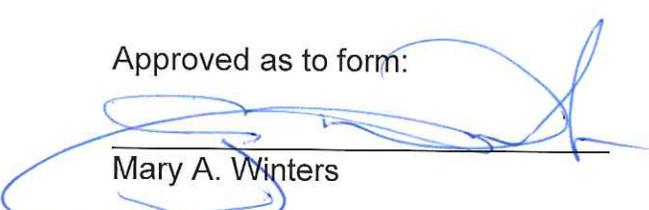
Date

Attest:



April 0th for Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

EXHIBIT A

Development Code Update

March 15, 2017

Prepared by:

Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strikerough~~ typeface is proposed to be deleted.

***Indicates where text from the existing code has been omitted because it will remain unchanged.

Staff comments are ***bold and italicized***

**Chapter 1.1
GENERAL ADMINISTRATION**

1.1.900 Miscellaneous Provisions.

B. Purpose statements for each chapter are descriptive of the chapter's characteristics and intent, and are drawn from the Bend Comprehensive Plan and/or the Bend Development Code. Purpose statements are informational and not standards or approval criteria.

**Chapter 1.2
DEFINITIONS**

Common ownership means ownership of two or more properties by the same owner or the same combination of owners.

Cottage means a detached single-family dwelling in a cottage housing development. See BDC 4.5.600 4.5.500, Cottage Housing Development.

Cottage cluster relates to the configuration of cottages. A cluster is a grouping of four to 12 cottage dwellings arranged on a development site around or adjacent to usable open space. A cottage housing development may contain more than one cluster. See BDC 4.5.600 4.5.500, Cottage Housing Development.

Cottage housing development means a type of site development or subdivision where individual lots are created, both built in conjunction with shared open space and other common tracts of land that are intended to serve small-scale single-family dwellings that interact together as a small community. See BDC 4.5.600 4.5.500, Cottage Housing Development.

Day Care Facility. See "Child care facility" and "Preschool".

Institution means a building or group of buildings or structures that are under common or related ownership that provide services including but not limited to public, educational, correctional and medical.

Institution of higher education means public or private vocational and trade schools, academies, colleges, and universities.

Master Plan means a development processed under Chapter 4.5, Master Planning and Development Alternatives and includes both Minor and Major Master Plans.

Master Plan, Employment means a Master Plan designed and intended primarily for employment uses.

Master Plan, Institutional means a Master Plan designed and intended primarily for an institution, such as a medical campus or an institution of higher education.

Master Plan, Minor means a Master Plan with no deviations to development standards, zoning district requirements, Bend Comprehensive Plan map designations and zoning according to BDC Chapter 4.5, Master Planning and Development Alternatives.

Master Plan, Major means a Master Plan with deviations to development standards and/or zoning district requirements and/or includes amendments to the Bend Comprehensive Plan map designation(s) and/or zoning according to BDC Chapter 4.5, Master Planning and Development Alternatives.

Master Plan, Community means a Master Plan designed and intended primarily for residential uses.

Needed Housing means housing types and minimum densities determined in the Bend Comprehensive Plan to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least 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; and

(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.

Neighborhood means a geographic residential-district or area usually having distinguishing character or boundaries, not necessarily coinciding with the acknowledged neighborhood association boundaries.

Owner means the owner(s) of the title to real property on the most ~~recently recorded~~ recent deed recorded with the County Clerk or the authorized agent ~~thereof having who has~~ written notarized authorization, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or County Clerk's records. Owner does not include an interest created for security purposes.

Preschool. See "Registered or certified family child care home", "Day care" and "Child care facility."

Receiving property means a property to which density and housing mixes are transferred pursuant to the provisions of a Major Master Plan.

School means a public or private facility that provides teaching or learning. Typical uses include ~~preschool, elementary, junior and senior high schools and related uses~~ building where individuals gather to receive educational instruction, either public or private, except as otherwise specifically defined in this code. "School" does not include a child care facility, preschool, daycare, or an institution of higher education as defined in this chapter.

Special Planned Districts means detailed plans such as master plans, master planned developments, overlay districts and refinement plans. Special Planned Districts are located in BDC Chapter 2.7, Special Planned Districts.

Street or road means a public or private thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords access to two or more parcels of abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

The eight types of streets are:

7. Mid-block lane means a narrow, limited use roadway facility usually used to access a limited number of dwelling units, similar to an alley in design. See BDC 4.5.200 ~~4.3.700~~, Infill Development Options.

Unbundling parking means that parking is sold, leased, or rented separately from the building or main use of the lot or parcel.

**Chapter 2.1
RESIDENTIAL DISTRICTS**

2.1.200 Permitted Land Use.

Land Use	SR 2 1/2	RL	RS	RM-10	RM	RH	UAR
*Public and Institutional							
Recreational facilities (public)	C	C	C	C	C	C	C
Schools (public and private)	C/P**	C/P**	C/P**	C/P**	C/P**	C/P**	C/P**

** Permitted as part of a Neighborhood Master Plan subject to BDC Chapter 4.5.

2.1.300 Building Setbacks.

B. **Setback Standards.** The setback is measured from the building facade or structure, to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following pages, apply to both primary and accessory structures as well as accessory structures. A variance is required in accordance with BDC Chapter 5.1, Variances, to modify any setback standard, unless different setbacks are approved through the master plan process in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives. Where streets with insufficient right-of-way about the site, special setbacks may apply in conformance with BDC 3.4.200(J), Special Setbacks.

C. **Front Yard Setbacks.**

2. RS, RM-10, RM, and RH Districts.

- a. A minimum front yard setback of 10 feet is required; provided, that the garage is set back a minimum of 20 feet from the front property line.

- b. Garages and carports shall must be accessed from alleys where practical, otherwise garages with street access shall must be set back a minimum of 20 feet from the front property line. In this instance, the term **practical** shall means that there is an existing or platted alley that could be used "as is" or improved to provide access.
- c. Exceptions.
 - i. An uncovered deck or unenclosed, covered porch not exceeding 18 inches in height may be ~~within~~ set back a minimum of six feet from of the front property line, as long as it does not encroach into a public utility easement.
 - ii. ~~When For~~ garages on corner lots that are accessed from an alley, and side entry garages where the side wall of the garage faces the street, the front setback for the garage side wall may be a minimum of 10 feet from the front property line. In this case, the garage must have at least two windows in the side wall facing the street that are a minimum of two feet by three feet each. The garage structure must comply with the clear vision standards in BDC 3.1.500. Side entry garages that access from a street must have a driveway with a minimum length of 20 feet.
 - iii. ~~Lots with Double Frontage. The front yards abutting an arterial or collector street shall be a minimum of 20 feet for all structures.~~

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. Exceptions to these standards may be approved subject to Master Planned Development approval (see BDC Chapter 4.5). For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development shall must be in conformance with BDC 2.1.600, Residential Density.

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts By Housing Type and Zone

Residential Use	Zone	Lot Area	Lot Width/Depth
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Replace all references to BDC 4.5.200 with BDC 4.3.700.

Chapter 2.2
COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

2.2.300 Permitted and Conditional Uses.

Table 2.2.300 – Permitted and Conditional Uses

Land Use	CB	*CC	CL	CG
Public and Institutional				
School				
– *pre-school, and primary, secondary <u>Schools</u>	P	P	P	P
– colleges and vocational schools <u>Institution of higher education</u>	P	N	P	P

Chapter 2.3
MIXED-USE ZONING DISTRICTS (ME, MR AND PO)

2.3.200 Permitted and Conditional Uses.

Table 2.3.200

Permitted and Conditional Uses

Land Use	ME	MR	PO	MU	MN
Public and Institutional					
– Institution for <u>of higher education</u>	P	P	P	P	C

Chapter 2.4
INDUSTRIAL ZONING DISTRICTS (IG, IL)

2.4.300 Permitted and Conditional Uses.

Table 2.4.300 – Permitted and Conditional Uses

Land Use	IG	IL
Public and Institutional		
Vocational and trade schools	C	C

Chapter 2.6
PUBLIC FACILITIES ZONING DISTRICT (PF)

2.6.200 Permitted and Conditional Uses.

Table 2.6.200 – Permitted and Conditional Uses

Land Use	PF
Elementary and middle schools operated by the Bend-La Pine School District	P
Magnet schools or other special schools operated by the Bend-La Pine School District	C
Public college or university Institution of higher education	P
High schools operated by the Bend-La Pine School District	C
Schools (<i>Don't need to state "public". The purpose statement covers this</i>)	P

Chapter 2.7
SPECIAL PLANNED DISTRICTS

Sections:

2.7.100 Purpose ~~Special Planned Districts.~~

2.7.100 Purpose, Special Planned Districts.

- A. Special Planned Districts describe in more detail the type of development planned for a specific area than is typically found in a Comprehensive Plan, zone map, or public facilities plan. A Special Planned District may be initiated by the City Council at its own initiative in compliance with BDC Chapter 4.1, Development Review and Procedures and BDC Chapter 4.6, Land Use District Map and Text Amendments (Type IV process) or at the request of property owners in compliance with BDC Chapter 4.5, Master Plans and BDC Chapter 4.6, Land Use District Map and Text Amendments (TYPE III process).

~~Special Planned Areas describe in more detail the type of development planned for a specific area than is typically found in a Comprehensive Plan, zone map, or public facilities plan. The area covered by a plan can include multiple parcels and land owners, or a single large parcel. Some of the characteristics of Special Planned Areas are:~~

- ~~• Designation of site-specific land uses (e.g., for individual parcels);~~
- ~~• Design standards specific to a geographic area;~~
- ~~• Detailed description of public facilities needed to serve development;~~
- ~~• A plan adopted through a consensus-based process involving the property owners;~~
- ~~• Streamlined development review for projects that are part of the plan; and~~
- ~~• May include intergovernmental agreements and complementary zoning for sites that cross jurisdictional boundaries (e.g., between City and County).~~

~~Special Planned Areas usually focus on some unique feature of the site, such as natural resources, economic activity, or desired neighborhood character. Special Planned Areas may be used for large undeveloped areas, or partially developed areas with potential for infill and redevelopment.~~

~~Special Planned Areas differ from Master Planned Developments (BDC Chapter 4.5) in that there is no required phasing or time frame for development, and an application for future development (i.e., subdivision and/or site plan) need not accompany the application for Special Planned Areas approval. However, all land-use applications~~

for property within the Plan are required to comply with the planned area policies and regulations as well as the development standards for the underlying zone.

Article XIII. Wildflower Master Planned Development

2.7.3100 Wildflower Master Planned Development.

2.7.3145 Site Plan and Design Review.

Type II site plan and design review is required for most development as specified under BDC Chapter 4.2, except as specified in this section. Type I minimum development standards review is required for ADUs, duplexes, triplexes, or townhomes in the Wildflower Master Planned Development. Type II site plan review is required for cottage housing if a Type II tentative plan for individual cottage lots is not proposed or required.

- A. Accessory Dwelling Units. Accessory dwelling units shall must meet the standards contained in BDC 3.6.200(B).
- B. Duplexes and Triplexes. Duplexes and triplexes shall must meet the standards contained in BDC 3.6.200(H).
- C. Townhomes. Townhomes shall must meet the standards contained in BDC 3.6.200(D).
- D. Cottage Housing. Cottage housing shall must meet the standards contained in BDC ~~4.5.600~~ 4.5.500.

Chapter 3.3

VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

Table 3.3.300

Required Off-Street Vehicle Parking Spaces

Use	Minimum Requirement
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Table 3.3.300

Required Off-Street Vehicle Parking Spaces

<p>Schools (public and private) — college and university campuses and trade schools <u>Institutions of higher education</u></p>	<p>1 space per 5 off-campus students 1 space per 10 on-campus students 1 space per 2.1 employees Parking needs based on a Parking Management Plan for all uses contemplated for the entire campus</p>
<p><u>Miscellaneous</u></p>	
<p>Unspecified uses</p>	<p>For uses not specified in Table 3.3.300, the Review Authority shall <u>must</u> determine the minimum number of required parking spaces as part of the development review process accompanying the proposed use, based upon similar uses listed in this table.</p>
<p><u>Transportation and Parking Demand Management (TPDM) Plan</u></p>	<p>Institutional and Employment Master Plans must provide a Transportation and Parking Demand Management (TPDM) Plan in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives and BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan. All other development applications may choose to develop a TPDM Plan in compliance with BDC Chapter 4.8 Transportation and Parking Demand Management (TPDM) Plan. The Review Authority may approve a Parking Management TPDM Plan for developments with multiple uses.</p>

D. Exceptions and Special Standards for Parking.

1. Exceptions for Required Parking.

- a. Seasonal outdoor seating where the seating area is less than 500 square feet is exempt from the required parking standards.

- b. The total number of required motor vehicle parking spaces for an industrial, commercial, or office use that are not part of a Transportation and Parking Demand Management (TPDM) Plan in compliance with BDC Chapter 4.8, may be reduced by five percent for each of the listed activities which are provided by the owners or operators, up to a maximum 10 percent reduction in the total number of motor-vehicle parking spaces per development.
- Designating at least 10 percent of the employee motor-vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;
 - Providing showers and lockers for employees who commute by bicycle bike;
 - Providing twice as many covered, secured bicycle bike parking racks or facilities as required by this code;
 - Providing a transit facility (e.g., bus stop) that is approved by the local transit authority, with related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, shelter, and additional landscaping.
 - Other incentives provided in an approved Employee TDM Plan.

Chapter 4.1

DEVELOPMENT REVIEW AND PROCEDURES

Sections:

- 4.1.100 Purpose.
- 4.1.200 General Provisions.
- 4.1.300 Type I Ministerial Procedures.
- 4.1.400 Type II and Type III Applications.
- 4.1.500 Type IV Legislative Procedures.
- 4.1.600 Deschutes River Design Review Procedures.
- ~~4.1.700 Refinement Plan Review Procedures.~~ *(Repeal this section and rely on ORS 197.200 for refinement plan requirements.)*
- 4.1.800 Quasi-Judicial Hearings.
- 4.1.900 Type II and III Decisions.
- 4.1.1000 Reconsideration.
- 4.1.1100 Appeals.

- 4.1.1200 Proceedings on Remand.
- 4.1.1300 Limitations on Approvals.
- 4.1.1400 Declaratory Ruling.
- 4.1.1500 Development Agreements.
- 4.1.1600 Summary of Development Application Types.

4.1.215 Public Meeting.

A. The applicant for a Bend Comprehensive Plan Map amendment, Zoning Map amendment, Conditional Use Permit, Master Plan, Subdivision or Site Plan Review for new development or an alteration/addition to one or more buildings containing a total of 10,000 square feet or more shall must present the proposal at a public meeting prior to submitting the respective application to the City Planning Division. The presentation shall must be made at either a regular or special meeting with a neighborhood association recognized by the City of Bend whose boundaries the subject property lies within, or a public meeting arranged and conducted by the applicant. The presentation at the public meeting shall must include the following:

1. A map depicting the location of the subject property proposed for development.
2. A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any structures if applicable.
3. A description of the nature of the use including, but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
4. The expected or anticipated impacts from the development.
5. Any mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
6. An opportunity for the public to provide comments. Applicants are encouraged to reconcile as many public concerns as possible prior to submittal of their application.

4.1.400 Type II and Type III Applications.

Sections:

- 4.1.410 Effect of Determinations Made Outside of Established Processes.

- 4.1.412 Completeness Check.
- 4.1.415 Type II Application Procedures.
- 4.1.420 Mailed Notice of Type II Applications.
- 4.1.423 Mailed Notice of Type III Applications.
- 4.1.424 Contents of Mailed Notices.
- 4.1.425 Posted Notice of Type II or Type III Applications.
- 4.1.426 Type III – Quasi-Judicial Procedures.
- 4.1.427 Site-Specific Plan Amendments and Zone Changes.
- 4.1.429 ~~Hearings Officer as Review Authority for Site Specific Zone Change.~~
- 4.1.430 Final Action in Type II or III Actions.
- 4.1.435 Temporary Approval.
- 4.1.445 Modification of Application.

4.1.415 Type II Application Procedures.

- A. Type II decisions are made by the Development Services Director following public notice and an opportunity for parties to comment but without a public hearing unless. ~~¶~~The Development Services Director may elevate a Type II Master Plan application to the Planning Commission for hearing as a Type III and all other Type II the applications to the Hearings Body for hearing as a Type III.

- B. The Development Services Director's choice between or among administrative or hearing procedures to apply to a particular application or determination shall is not be an appealable decision.

4.1.429 ~~Hearings Officer as Review Authority for Site-Specific Zone Change.~~

- A. The following is the review authority for site specific zone change requests (Type III process) that bring the zoning into conformance with the Bend Comprehensive Plan:
 - 1. The Planning Commission is the review authority for site-specific zone change requests processed concurrently with a Minor Master Plan.
 - 2. The City Council is the review authority for site specific zone change requests processed concurrently with a Major Master Plan.
 - 3. ~~The Hearings Officer shall be~~ is the Review Authority for all other site-specific zone change requests, which bring the zoning into conformance with the Bend Area General Plan designation.

Approvals of site-specific zone changes that are not accompanied by applications for a specific development proposal shall be based on evaluation of the highest impact uses authorized in the proposed zone.

4.1.430 Final Actions in Type II or III Actions.

A. Where provided by this code or State statute, the City shall take final action, including consideration of appeals to the Council, in Type II or III actions within 120 days after the application is deemed complete.

B. The periods set forth in this section during which a final decision on an application must be made may be extended for a reasonable period of time to a date certain at the written request of the applicant. The total of all extensions cannot exceed 245 days.

C. Applications for the following determinations or approvals are exempt from the 120-day time limit established by this section:

1. Quasi-judicial Comprehensive Plan amendments;
2. Revocation proceedings;
3. Declaratory rulings;
4. Consideration of remanded applications; and
5. Legislative actions; and
6. Major Master Plans.

~~4.1.700 Refinement Plan Review Procedures. (Repealed this section and will process refinement plans according to ORS 197.200 Refinement Plan.)~~

~~A. Refinement Plan Development and Approval Process.~~

- ~~1. Initiation. The process to establish a refinement plan shall be initiated by the City Council. The Planning Commission or interested property owners may submit requests to the City Council to initiate the~~

refinement plan process. If owners request initiation of a refinement plan process, it will be subject to the established application fee.

2. ~~Public Involvement Plan.~~ The Planning Commission shall approve a public involvement plan which may include the appointment of a Steering Committee to guide development of the plan. The Steering Committee may include persons representing affected property owners, neighbors, City staff, agencies, special districts and the community at large. The role of the Steering Committee is advisory to the Planning Commission and the City Council.

B. ~~Refinement Plan Content.~~ At a minimum, a refinement plan shall include the following text and diagrams:

1. ~~Plan Objectives.~~ A narrative shall set forth the goals and objectives of the plan.

2. ~~Site and Context.~~ A map of the site and context shall identify the project area.

3. ~~Land Use Diagram.~~ The land use diagram shall indicate the distribution and location of planned land uses, including open space and parks, within the area covered by the refinement plan.

4. ~~Density.~~ If residential uses are proposed, a narrative shall describe planned residential densities.

5. ~~Facilities Plan.~~ The facilities plan shall depict the general location and extent of major components of sanitary sewer, water, and other essential facilities proposed to be located within the area covered by the refinement plan and needed to support the land uses described in the plan.

6. ~~Circulation/Transportation Plan.~~ The circulation plan shall indicate the proposed street pattern for the refinement plan area, including pedestrian pathways and bikeways. Design standards and street cross-sections shall be included, if different than normal City standards.

7. ~~Design and Development Standards.~~ If standards differ from normal City standards, design and development standards shall be included in the plan.

C. ~~Criteria.~~ In order to approve a refinement plan, the City Council shall adopt findings demonstrating conformance with the criteria set forth in BDC 4.6.200.

D. ~~Review.~~ Except as set forth below, the review procedures outlined in BDC 4.1.500, Type IV Legislative Procedures, shall apply to the adoption of a Refinement Plan.

1. ~~Administrative Review.~~ After adoption of a refinement plan, the following activities shall be reviewed administratively.

a. ~~Type I applications.~~

b. ~~Type II applications conforming to the standards of the refinement plan.~~

c. ~~Administrative amendments to the refinement plan.~~

d. ~~Minor amendments to the refinement plan.~~

e. ~~Property line adjustments consistent with the refinement plan.~~

f. ~~Variances.~~

~~2.— Planning Commission Review. The Planning Commission shall review the following activities:~~

- ~~a.— Property line adjustments that are not consistent with the refinement plan.~~
- ~~b.— Type III applications conforming to the standards of the refinement plan.~~

~~3.— City Council Review. The following activities shall be reviewed by the City Council as either a quasi-judicial or legislative amendment.~~

- ~~a.— Major amendments to the refinement plan.~~
- ~~b.— Appeals of land use decisions.~~

~~E.— Amendments and Adjustments to the Refinement Plan. Amendments to an approved refinement plan are classified as administrative, minor, or major amendments.~~

~~1.— Administrative Amendments. Administrative amendments shall be reviewed by the Development Services Director following the Type I procedure, unless elevated to a Type II procedure. Public notice of administrative amendments is not required. Administrative amendments include:~~

- ~~a.— Street, easement, sidewalk, and trail relocations that result in a location change of less than 50 feet from what is depicted on refinement plan diagrams.~~
- ~~b.— Public park relocations that result in a location change of less than 100 feet from what is depicted on refinement plan diagrams.~~
- ~~c.— Increases in the size of public neighborhood parks; provided, that transportation connections remain consistent with the refinement plan.~~
- ~~d.— Reductions in the size of public neighborhood parks, provided the reductions are less than 10 percent of park area depicted on refinement plan diagrams and that the reductions do not result in a park that is less than 20,000 square feet in size.~~
- ~~e.— Changes related to street trees, street furniture, fencing, or signage that was approved as part of the refinement plan.~~
- ~~f.— A change in the facilities plan other than what would be necessary for other authorized adjustments.~~

~~2.— Minor Amendments. A minor amendment to a refinement plan shall be processed as a Type II application. Notice of the pending decision shall be provided to all owners of land within or abutting the Refinement Plan District(s) in question. The Development Services Director's decision shall include findings demonstrating that the change will not affect adversely:~~

- ~~• The purpose and objectives of the refinement plan;~~
- ~~• The functioning of the refinement plan; or~~
- ~~• The coordination of transportation and infrastructure provision to properties within the refinement plan area.~~

Minor amendments are those that result in any of the following:

- a. ~~A change in the circulation/transportation plan that requires an identified transportation element to be moved 50 to 100 feet from the location depicted on the refinement plan circulation/transportation diagram.~~
- b. ~~A change in the circulation/transportation plan that requires a required transportation element including local street, easement, sidewalk or trail to be shifted 50 to 100 feet in any direction from what is depicted on the refinement plan circulation/transportation diagram.~~
- c. ~~A change in the land use diagram that reduces the size of a public park or facility more than 10 percent, or moves the location more than 100 feet from the location depicted on the land use diagram.~~

3. ~~Major Amendment. A major amendment to a refinement plan shall be processed as a Comprehensive Plan amendment affecting the existing refinement plan. The amendment shall follow either quasi-judicial or legislative procedures and meet plan amendment and zone change criteria. Findings must additionally demonstrate that the change will not affect adversely:~~

- ~~• The purpose and objectives of the refinement plan;~~
- ~~• The functioning of the refinement plan; or~~
- ~~• The coordination of transportation and infrastructure provision to properties within the refinement plan area.~~

Major amendments are those that result in any of the following:

- a. ~~A change in General Plan designation boundary or density, unless as part of the original approvals an alternative design was approved outlining acceptable plan designation options (for example, a residential designation may be approved as an alternative use for a park site).~~
- b. ~~A change in the circulation/transportation plan that causes a required transportation element, including a trail, to be added, eliminated or moved more than 100 feet from the location depicted on the refinement plan circulation/transportation diagram.~~
- c. ~~A change in the land use diagram that adds or eliminates a designated public park or facility.~~
- d. ~~A change in development standards, except those set forth as minor or administrative amendments.~~

4.1.1140 Scope of Review.

A. Before Hearings Officer or Planning Commission. The review of a Type II decision on appeal before the Hearings Officer or Planning Commission shall be is de novo.

B. Before the Council.

1. Review of land use decisions by the City Council on appeal ~~shall be~~ is discretionary. A decision by the City Council to not grant discretionary review of the appeal ~~shall be~~ is the final determination of the City and will be considered to be an adoption by the Council of the decision being appealed, including any interpretations of this code or of the Bend Comprehensive Plan included in the decision. ~~and the~~ The final appeal of the decision application shall ~~may be~~ appealed to the Land Use Board of Appeals as provided by law. The City Council's decision whether to grant discretionary review shall will be made without testimony or argument from persons interested in the appeal.

4.1.1310 Expiration of Approval

A. Scope.

1. Except as otherwise provided herein, this section ~~shall~~ must apply to and describe the duration of all development approvals provided for under this code.
2. This section does not apply to:
 - a. Those determinations made by declaratory ruling, such as verifications of nonconforming uses, lot of record determinations and expiration determinations that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of the zoning ordinance. Such determinations, whether favorable or not to the applicant or land owner, ~~shall~~ must be final unless appealed and ~~shall~~ must not be subject to any time limits;
 - b. Temporary use permits of all kinds, which ~~shall be~~ are governed by applicable ordinance provisions specifying the duration of such permits; ~~or~~
 - c. Quasi-judicial and legislative plan and map amendments; or
 - d. Master Plans approved after April 14, 2017, which are governed by Chapter 4.5 Master Planning and Development Alternatives.

4.1.1325 Modification of Approval.

- A. An approval may be modified at any time after a decision becomes final.
- B. Modification Review Procedures.
1. A modification that does not have significant additional impacts on surrounding properties shall must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.
 2. A modification that has significant additional impacts on surrounding properties shall must be reviewed under all criteria applicable to the entire approval and may, at the discretion of the City, require the filing of a new application.
 3. A modification shall must not be considered to have significant additional impacts on surrounding properties if the identified impacts could be addressed under the applicable provisions of this Code at the time of future development (e.g., a future Site Plan Review or Conditional Use Permit application).
 4. A modification that is a new proposal shall must be filed as a new application.
- C. An application for a modification of a Type I approval shall must be processed as a Type I application. All other modifications shall must be processed as a Type II application unless elevated to a Type III process by the Development Services Director.
- D. The original approval time limitation is governed by BDC 4.1.1310.
- E. ~~Modification of a PUD or Special Area Plan approved under land use regulations in place prior to August 6, 2006, shall be~~ are subject to the following approval criteria in BDC 4.5.300(C)(2)(a) through (f): Modifications of development approvals must meet the approval criteria required in BDC 4.1.1325 in the appropriate corresponding section of this code (e.g. modification of a Site Plan Review approval is subject to BDC Chapter 4.2; modification of a Conditional Use Permit is subject to BDC Chapter 4.4, modification of a Master Plan or PUD or Special Planned District is subject to the applicable sections in BDC Chapter 4.5.)
- 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 (e.g., modification of a Site Plan Review approval is subject to BDC Chapter 4.2; modification of a Conditional Use Permit is subject to BDC Chapter 4.4, etc.).~~

4.1.1600 Summary of Development Application Types. There are four types of procedures: Type I, II, III, and IV. Table 4.1.1600 lists the City's development applications and their required types of procedure(s).

Table 4.1.1600

Summary of Development Application Types

Development Application	Type I*	Type II*	Type III	Type IV
Master Development-Plan or Special-Planned District		<u>X</u>	X	
Special Planned District			<u>X</u>	<u>X</u>

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.500 Site Plan Review.

D. Site Plan Review Approval Criteria. The City shall approve, approve with conditions, or deny the proposed Site Plan Review application based on the following criteria:

9. The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, and/or special planned district.

Chapter 4.3

SUBDIVISIONS, PARTITIONS, REPLATS AND PROPERTY LINE ADJUSTMENTS

Sections:

4.3.100 Purpose and Applicability.

4.3.200 General Requirements.

4.3.300 Tentative Plan.

4.3.400 Final Plat.

4.3.500 Replats.

4.3.600 Property Line Adjustments.

4.3.700 Infill Development Options. (Relocated from BDC 4.5.200)

4.3.300 Tentative Plan.

D. Development Options. If the subject property and the surrounding area are eligible for Mid-block Development, the proposed development plan design shall must enable the future development of Mid-block Development, as allowed by BDC 4.5.200 4.3.700 Infill Development Options, for the adjoining properties.

E. Criteria for Subdivision, Partition or Replat Approval. The Review Authority shall not approve a tentative plan for a proposed subdivision, partition or replat unless the Review Authority finds that the subdivision, partition or replat will satisfy the following criteria of approval:

9. The proposal is in substantial conformance with any applicable approved master development plan, master facilities plan, refinement plan, and/or ~~special area plan~~ special planned district.

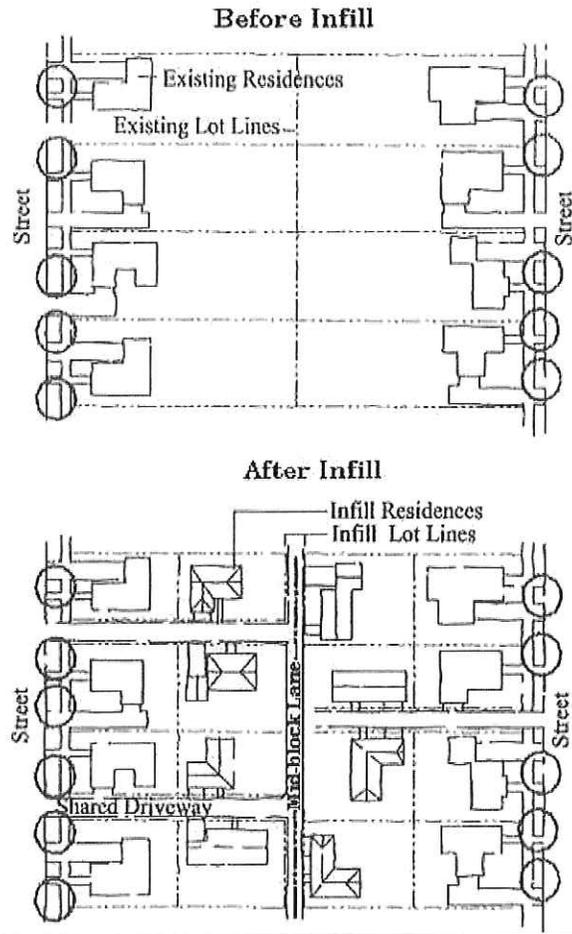
4.3.700 Infill Development Options. (Relocated from BDC 5.4.200)

Small vacant or underdeveloped properties overlooked by traditional development patterns can become economically viable development. Some lots in existing residential areas may have standard widths but may be unusually deep compared to other properties in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as "flag lots," "mid-block developments," or "T-courts," as defined below:

A. Mid-Block Development. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown in Figure 4.3.700.A. Mid-block lanes are public right of way or private access ways and utility easements that provide an opportunity for the redevelopment of underutilized and oversized residential lots. Mid-block lanes must be required when existing lot depths are 150 feet or greater and the surrounding pattern of development will facilitate mid-block lane development. Lots with a depth less than 150 feet may develop using flag lots.

Figure 4.3.700.A

Mid-Block Infill

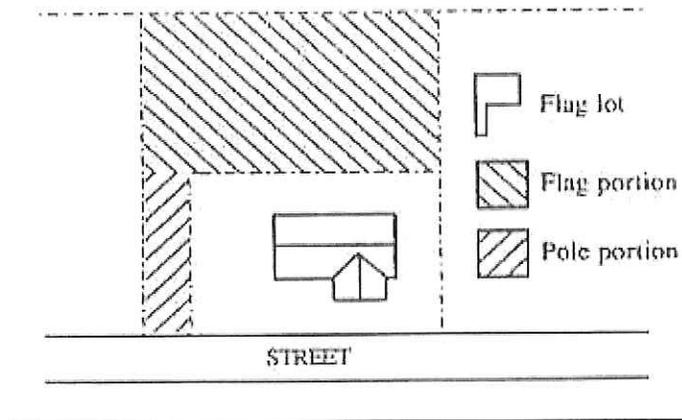


1. Eligibility for Mid-Block Lanes. To determine if an existing area is eligible for mid-block lane development, the following criteria must be met before applying the mid-block lane standards:
 - a. Minimum lot area: twice that required by the underlying zone
 - b. Minimum lot width: 20 feet wider than the width required by the underlying zone
 - c. Minimum lot depth: 150 feet
 - d. Maximum lot size: 0.5 acres
2. Driveway and Lane Width. For the purpose of this code, a **shared driveway** is defined as an access driveway providing access from a local public street to no more than four dwelling units including accessory dwellings. The minimum width of all shared driveways must be 20 feet. For the purpose of

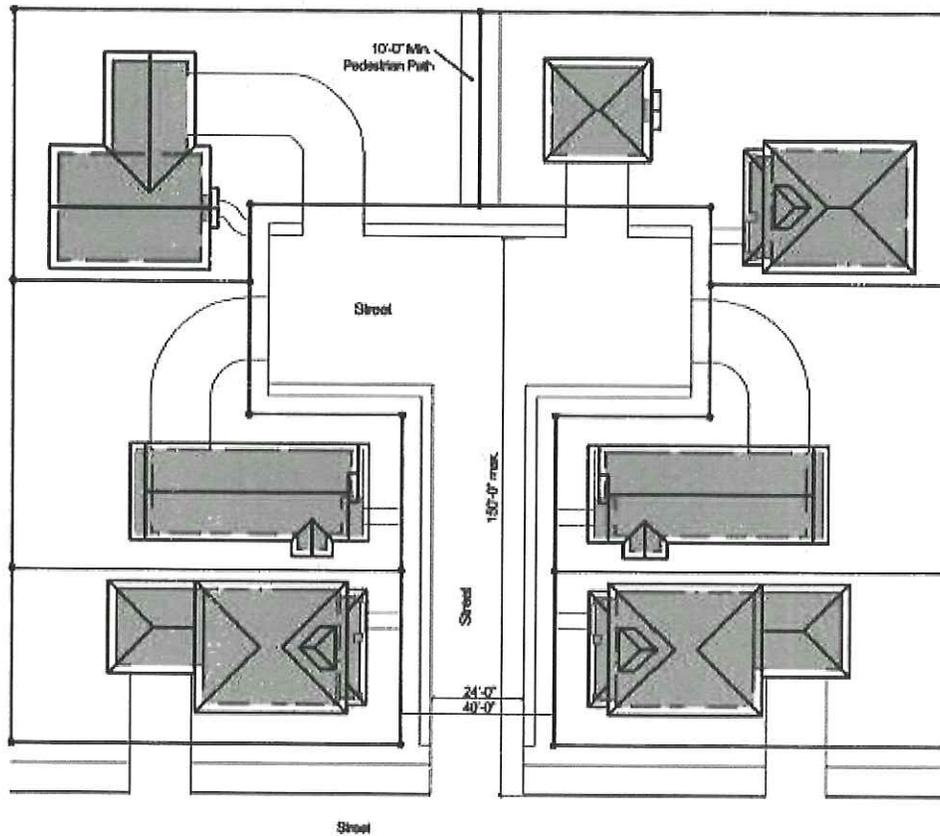
this code the definition of a **shared lane** or **mid-block lane** is a narrow private or public street providing lot frontage and access for rear lot development. The minimum improved width of a mid-block lane must be 28 feet. The minimum shared driveway and lane widths must be observed except as required by the Uniform Fire Code or by the City Standards and Specifications when public utilities are present.

3. Dedication of Shared Driveways and Mid-Block Lanes. The shared driveways and mid-block lanes must meet the standards for private streets, per BDC Chapter 3.4, Public Improvement Standards. The property owner must record a public access easement, a minimum of 20 feet in width for a shared driveway and 28 feet in width for a mid-block lane. Where the shared driveway or mid-block lane is shared across a property line, a portion of the easement (i.e., 10 to 14 feet) from each property sharing a shared driveway or mid-block lane for vehicle access similar to an alley must be granted. Dedication, as applicable, must be so indicated on the face of the subdivision or partition plat.
 4. Maximum Shared Driveway and Mid-Block Lane Length. The maximum shared driveway length is subject to requirements of the Uniform Fire Code, but must not exceed 150 feet, without connecting to a mid-block lane. The length of a mid-block lane must not exceed 300 feet between intersections of a public street. The mid-block lane and shared driveway access must be constructed to meet the Fire Department emergency access standards and required turning radius for emergency vehicles.
 5. Future Street Plans. Building placement and alignment of shared driveways and lanes must be designed so that future street connections can be made as surrounding properties develop.
 6. Lot Development. Residential lots created by mid-block lane development must be subject to floor area ratio (FAR) in conformance with BDC 2.1.400.
- B. Flag Lots.
1. Eligibility for Flag Lots. Flag lots may be created only when mid-block lanes cannot be extended to serve future redevelopment. To determine if an existing lot is eligible for flag lot development, the following criteria must be met:
 - a. Minimum lot area: twice that required by the underlying zone
 - b. Minimum lot width: 20 feet wider than the width required by the underlying zone
 2. Development Standards. Flag lots must comply with the following standards.
 - a. The minimum lot frontage for a flag lot must be 20 feet. A 20-foot-wide flag lot driveway may serve no more than two parcels or lots (the front parent parcel and the flag lot) and no more than four dwelling units, including accessory dwelling units. A shared drive serving more than one lot must have a reciprocal access and maintenance easement recorded for all lots.

- i. Exception: A 30-foot-wide shared flag lot driveway may be developed between two adjoining properties and can serve a maximum of four lots and no more than (2) dwelling units per lot, including accessory dwelling units.
- b. No fence, structure or other obstacle may be placed within the shared drive alignment.
- c. Residential lots created as flag lots are subject to floor area ratio (FAR) in conformance with BDC 2.1.400. For the purpose of calculating FAR the flag pole area of the lot is not counted.
- d. Flag lot development is not permitted on collector or arterial streets.



- C. T-Courts. T-courts are short private streets intended to facilitate **infill development** and redevelopment of properties when no other development alternative exists. Residential lots created by "T-court" development are subject to floor area ratio (FAR) in conformance with BDC 2.1.400. In addition, T-court development must comply with the following development standards.
 - 1. Minimum access way width must be 40 feet and must be recorded as an easement or a tract. The access width must include private utility easements as needed.
 - 2. Minimum pavement width must be 24 feet.
 - 3. Maximum length of the T-court must be 150 feet from the centerline of the intersecting street to the centerline of the T-court.
 - 4. No parking is allowed within the T-court. "No Parking" signs are required and must be maintained.
 - 5. A pedestrian pathway must be provided at the "T" where appropriate to connect to adjoining development.
 - 6. The "T" Court must only provide access to parcels that have frontage on the "T" Court.



Chapter 4.5 MASTER PLANNING AND DEVELOPMENT ALTERNATIVES

Sections:

- 4.5.100— Purpose, Applicability and Location.
- 4.5.200— Infill Development Options. *(Relocated to Chapter 4.3 since it has to with land divisions)*
- 4.5.300— Master Planned Developments.
- 4.5.400— Master Planned Neighborhoods.
- 4.5.500— Repealed.
- 4.5.100 Master Plan General Provisions.
- 4.5.200 Community Master Plan.
- 4.5.300 Institutional Master Plan.
- 4.5.400 Employment Master Plan.

4.5.600 4.5.500 Cottage Housing Development.

4.5.100 Purpose, Applicability and Location.

A. Purpose. The purpose of this section is to:

1. Encourage innovative planning that results in complete neighborhoods, more mixed-use development, improved protection of open spaces, transportation options, and site phasing of development;
2. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
3. Facilitate the efficient use of land;
4. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
5. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
6. Encourage energy conservation and improved air and water quality; and
7. Assist the City in planning infrastructure improvements. [Ord. NS-2016, 2006]

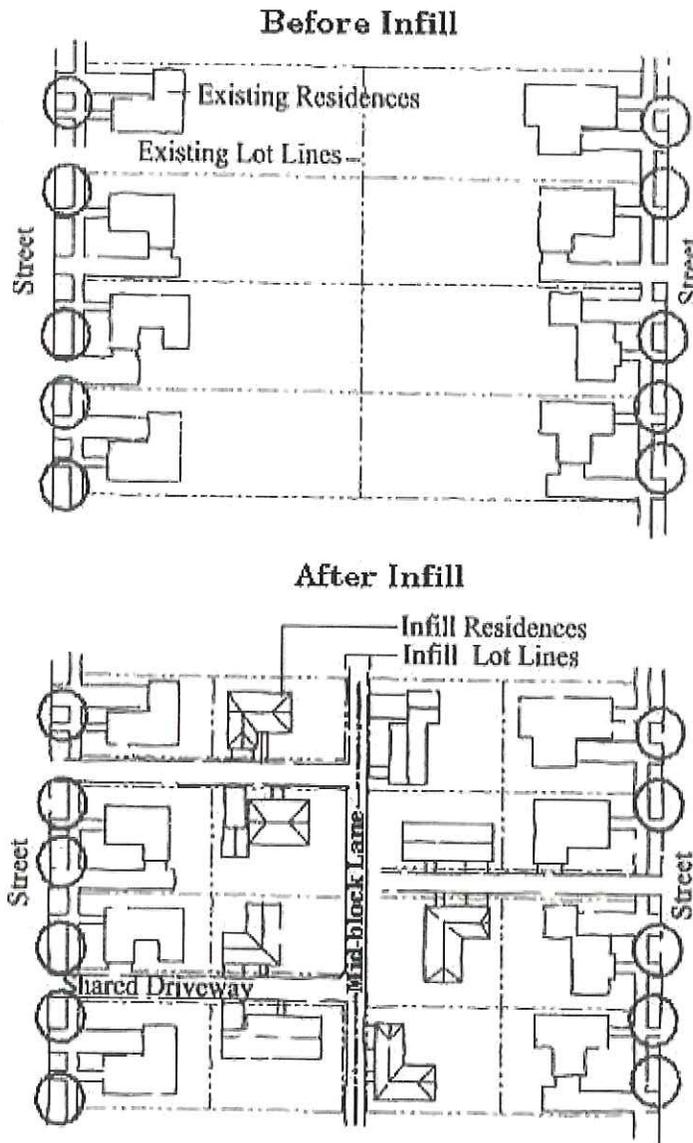
4.5.200 Infill Development Options.

Small vacant or underdeveloped properties overlooked by traditional development patterns can become economically viable development. Some lots in existing residential areas may have standard widths but may be unusually deep compared to other properties in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as "flag lots," "mid-block developments," or "T-courts," as defined below:

A. Mid-Block Development. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown in Figure 4.5.200.A. Mid-block lanes are public or private access ways that provide an opportunity for the redevelopment of underutilized and oversized residential lots that are served or can be served by a community sewer and water system. Mid-block lanes shall be required when existing lot

depths are 150 feet or greater and the surrounding pattern of development will facilitate mid-block lane development. Lots with a depth less than 150 feet may develop using flag lots.

Figure 4.5.200.A



Mid-Block Infill

1. Eligibility for Mid-Block Lanes. To determine if an existing area is eligible for mid-block lane development, the following criteria shall be met and be approved through a Conditional Use Permit before applying the mid-block lane standard:

Minimum lot area: twice that required by the underlying zone

Minimum lot width: 20 feet wider than the width required by the underlying zone

Minimum lot depth: 150 feet

Maximum lot size: 0.5 acre

2.— ~~Driveway and Lane Width.~~ For the purpose of this code, a **shared driveway** is defined as an access driveway providing access from a local public street to no more than four dwelling units including accessory dwellings. The minimum width of all shared driveways shall be 20 feet. For the purpose of this code the definition of a **shared lane** or **mid-block lane** is a narrow private or public street providing lot frontage and access for rear lot development. The minimum improved width of a mid-block lane shall be 28 feet. The minimum shared driveway and lane widths shall be observed except as required by the Uniform Fire Code or by the City Standards and Specifications when public utilities are present.

3.— ~~Dedication of Shared Driveways and Mid-Block Lanes.~~ The shared driveways and mid-block lanes shall meet the standards for private streets, per BDC Chapter 3.4, Public Improvement Standards. The property owner shall record a public access easement, a minimum of 20 feet in width for a shared driveway and 28 feet in width for a mid-block lane. Where the shared driveway or mid-block lane is shared across a property line, a portion of the easement (i.e., 10 to 14 feet) from each property sharing a shared driveway or mid-block lane for vehicle access similar to an alley shall be granted. Dedication, as applicable, shall be so indicated on the face of the subdivision or partition plat.

4.— ~~Maximum Shared Driveway and Mid-Block Lane Length.~~ The maximum shared driveway length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet, without connecting to a mid-block lane. The length of a mid-block lane shall not exceed 300 feet between intersections of a public street. The mid-block lane and shared driveway access shall be constructed to meet the Fire Department emergency access standards and required turning radius for emergency vehicles.

5.— ~~Future Street Plans.~~ Building placement and alignment of shared driveways and lanes shall be designed so that future street connections can be made as surrounding properties develop.

6.— ~~Lot Development.~~ Residential lots created by mid-block lane development shall be subject to floor area ratio (FAR) in conformance with BDC 2.1.400.

B.— Flag Lots. Flag lots may be created only when mid-block lanes cannot be extended to serve future redevelopment. To determine if an existing lot is eligible for flag lot development, the following criteria shall be met:

Minimum lot area: twice that required by the underlying zone

Minimum lot width: 20 feet wider than the width required by the underlying zone

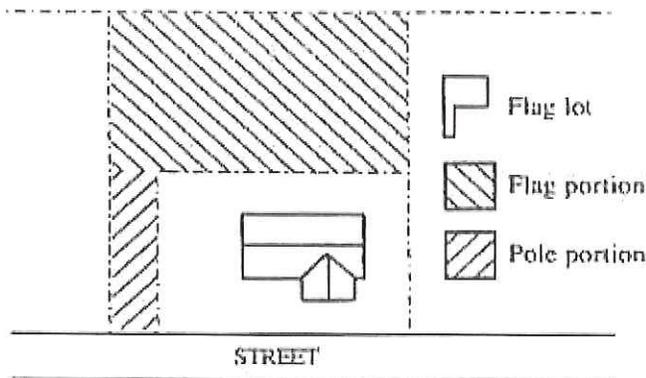
1.— Development Standards.

a.— The minimum lot frontage for a flag lot shall be 20 feet. A 20-foot-wide flag lot driveway may serve no more than two parcels or lots (the front parent parcel and the flag lot) and no more than four dwelling units, including accessory dwellings. A shared drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots.

b.— No fence, structure or other obstacle shall be placed within the shared drive alignment.

c.— Residential lots created as flag lots shall be subject to floor area ratio (FAR) in conformance with BDC 2.1.400. For the purpose of calculating FAR the flag pole area of the lot shall not be counted.

d.— Flag lot development shall not be permitted on collector or arterial streets.



Exception:

1.— A 30-foot-wide shared flag lot driveway may be developed between two adjoining properties and can serve a maximum of four lots and no more than (2) dwelling units per lot, including accessory dwellings.

~~C. T-Courts. T-courts are short private streets intended to facilitate residential infill and redevelopment of properties when no other development alternative exists. Residential lots created by "T-court" development shall be subject to floor area ratio (FAR) in conformance with BDC 2.1.400. In addition, T-court development shall comply with the following development standards.~~

~~1. Minimum access way width shall be 40 feet and shall be recorded as an easement or a tract. The access width shall include private utility easements as needed.~~

~~2. Minimum pavement width shall be 24 feet.~~

~~3. Maximum length of the T-court shall be 150 feet from the centerline of the intersecting street to the centerline of the T-court.~~

~~4. No parking is allowed within the T-court. "No Parking" signs shall be required and maintained.~~

~~5. A pedestrian pathway shall be provided at the "T" where appropriate to connect to adjoining development.~~

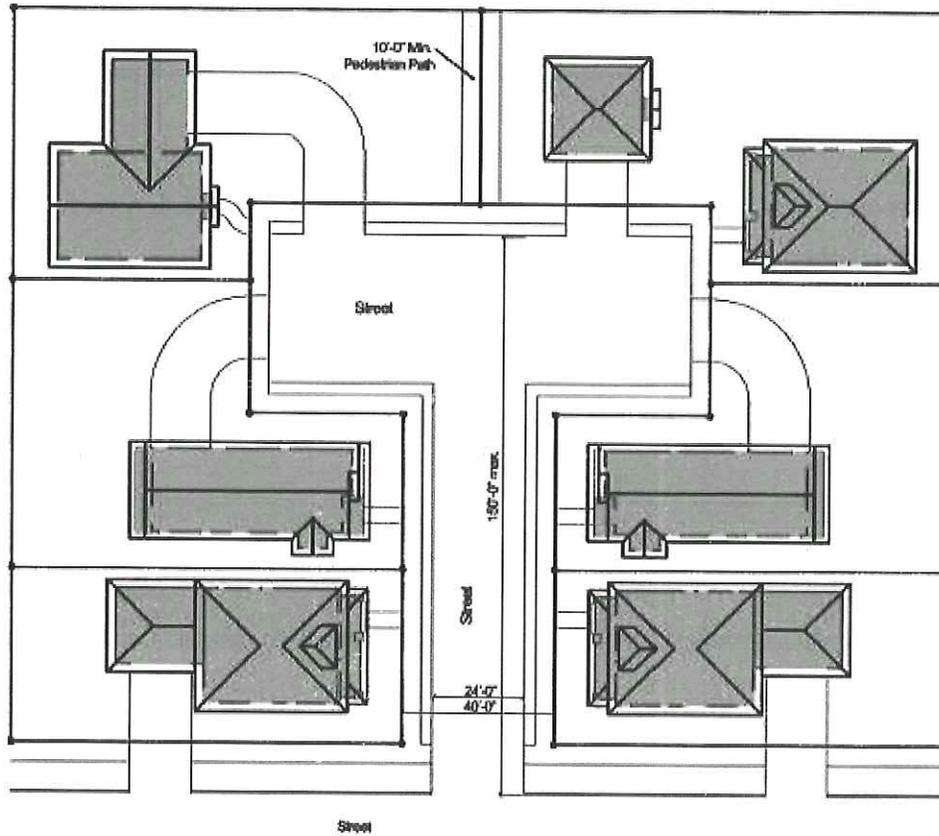
~~6. The "T" Court shall only provide access to parcels that have frontage on the "T" Court.~~

Figure

4.5.200.B

"T"

Courts



[Ord. NS-2016, 2006]

4.5.300 Master Planned Developments.

A.—Applicability.

1.— A master planned development in conformance with this section may be approved in any of the City's land use districts for any property or combination of properties three acres or greater in size.

2.— For projects consisting of one or more properties under common ownership totaling 20 acres or larger at the date of adoption of this code, a master planned development is required in conformance with this section.

B.—Review and Approval Process.

1.— Review Steps. There are three required steps for master planned development approval:

a. ~~Step 1 – the approval of a concept development plan. The concept development plan shall include an area plan that depicts the development site concept including the surrounding area within 500 feet, and a facilities plan for sewer, water and transportation, and park facilities;~~

b. ~~Step 2 – the approval of a tentative development plan. A tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes, zoning designations and other features; and~~

c. ~~Step 3 – the approval of preliminary subdivision plat(s) and/or site development review application(s).~~

2. ~~Approval Process.~~

a. ~~Concept Development Plan Approval. There are two “tracks” for concept development plan approval, depending on whether the master-planned development seeks to change one or more of the development standards contained in this code and/or the Bend Comprehensive Plan designations.~~

i. ~~A master-planned development concept plan application in compliance with the development standards in this code and the Bend Comprehensive Plan designations may be reviewed under the Type II procedure in accordance with BDC Chapter 4.1, Development Review and Procedures.~~

ii. ~~A master-planned development that seeks to change one or more of the development standards contained in this code is required to be reviewed under the Type III procedure in accordance with BDC Chapter 4.1, Development Review and Procedures. Modifications to the location and arrangement of zoning and/or Bend Comprehensive Plan designations on the master-planned development site or sites that retain the same total acreage of each zone and Bend Comprehensive Plan designation in order to achieve the planning objectives described in the general submission requirements may be processed through a master-planned development concept plan application. All other changes to plan designations and/or zones require a plan amendment and/or zone change in conformance with BDC Chapter 4.6, which may be processed prior to, or concurrently with, the master-planned development.~~

b. ~~Tentative Development Plan Approval. The tentative development plan may be reviewed using the Type II procedure in accordance with BDC Chapter 4.1, Development Review and Procedures,~~

and shall ensure substantial compliance with the approved/proposed MPD concept development plan. In order to expedite the process, the review steps, notification and hearings may be combined.

3.—~~Submittal Requirements.~~ The applicant shall submit an application in conformance with the following provisions:

a.—~~The master planned development shall include, but not be limited to, the informational requirements of BDC 4.3.200, General Requirements, as well as the following elements:~~

i.—~~Existing and planned major street network plans, including proposed arterial, collector and local street alignments within the master planned area and where the streets will connect with the existing street system.~~

ii.—~~Existing and planned water and sewer facilities to serve the master planned area, including line sizes, general location or routes and how the lines will tie into adjacent areas and facilities.~~

iii.—~~Existing and planned pedestrian, trail, and bicycle corridors within the master planned area and where these facilities will connect with existing facilities.~~

iv.—~~Public and/or private parks, open space or common areas.~~

v.—~~Planned densities and types of uses within the affected area.~~

vi.—~~A written narrative that explains or describes:~~

(A)—~~How the proposed water, sewer and street system will be adequate to serve the size and type of development and uses planned for the area;~~

(B)—~~How the location and sizing of water and sewer facilities on site will be consistent with the existing and planned facilities;~~

(C)—~~How adequate water flow volumes will be provided to meet fire flow and domestic demands; and~~

(D)—~~The function and location of any private utility system.~~

vii.—Draft development code text in a format prescribed by the City, which provides special development standards intended to implement the proposed MPD.

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 as required by the Transportation Systems Plan, 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 Comprehensive Plan Map, the amendments to the Comprehensive Plan Map retain the same total area of all Bend Comprehensive Plan designations on the subject site, or amendments to the Comprehensive 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.

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.

1. ~~Concept Development Plan Submission.~~

a. ~~General Submission Requirements.~~ The applicant shall submit an application containing all of the general information required for a Type II or III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures. In addition, the applicant shall submit the following information:

i. ~~A statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.~~

ii. ~~A concept schedule indicating the approximate dates when construction of the master planned development and its various phases are expected to be initiated and completed.~~

iii. ~~Narrative report or letter documenting compliance with the applicable approval criteria contained in this code.~~

iv. ~~Special studies or reports prepared by qualified professionals may be required by this code, the City Planning Director, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.~~

b. ~~Additional Information.~~ In addition to the general information described above, the concept development plan application shall include the following exhibits and information:

i. ~~Site analysis map, as defined in BDC 4.2.300, Submittal Requirements;~~

ii. ~~Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);~~

iii. ~~Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);~~

iv. ~~Landscape concept plan and tree preservation plan in accordance with BDC Chapter 3.2;~~

v.— Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials);

vi.— Sign concept plan (e.g., locations, general size, style and materials of signs);

vii.— Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.);

viii.— Facilities plan showing how the planned development will be served by streets, sewer and water.

ix.— Comprehensive Plan Map compliance analysis which explains how plan designation acreages in the Comprehensive Plan Map which exist on the subject site or sites prior to the Master Plan Development with their minimum and maximum residential density ranges are implemented through the concept development plan, unless a plan amendment and zone change are being processed concurrently with the concept development plan.

2.— Concept Development Plan Approval Criteria. The applicant shall submit a narrative and plans detailing how the following criteria are satisfied. The City shall make findings demonstrating that all of the following criteria are satisfied when approving, or approving with conditions, the concept plan. The City shall make findings demonstrating that one or all of the criteria are not satisfied when denying an application:

a.— Bend Comprehensive Plan. All relevant provisions of the Bend Comprehensive Plan and Comprehensive Plan Map designations are met except as proposed to be modified by the applicant in conformance with the submittal requirements and criteria of subsection (B)(2) of this section.

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.

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.

d.—Requirements for Open Space. Public and private open space within a development is highly encouraged as a public benefit. Open space in addition to that required under other sections of this code, consistent with the purpose of this chapter, shall be designated within a master planned development when:

i.—The master planned development area is 40 acres or greater; or

ii.—The applicant is seeking exceptions to Bend Comprehensive Plan, zoning designations or the standard Development Code provisions and/or density.

e.—Standards for Open Space Designation. The following standards shall apply:

i.—The open space area shall be shown on the concept development plan and recorded with the final plat or separate instrument; and

ii.—The open space shall be conveyed in accordance with one of the following methods:

(A)—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;

(B)—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.) suitable to the City.

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.

g.—Applicability of Master Planned Neighborhood Standards. For master planned developments that include residential Comprehensive Plan designations, the standards of BDC 4.5.400 are met.

h.— ~~Additional Approval Criteria for Master Planned Development Applications. A recommendation or a decision to approve, approve with conditions or to deny an application for a MPD application shall be based on the criteria listed in BDC 4.6.300(B), Criteria for Quasi-Judicial Amendments.~~

D.— ~~Administrative Procedures.~~

1.— ~~Land Use District Map Designation. After a master-planned development concept development plan and tentative development plan have been approved, the approved master-planned development designation for the subject development site shall be shown on a map maintained by the City that illustrates the location of approved master-planned developments and the approved MPD overlay text will be added to BDC Chapter 2.7 as a new planned district.~~

~~As a condition of approval, the applicant shall record a deed restriction on the subject properties and all future lots and parcels created, noting inclusion in the approved master-planned development area.~~

2.— ~~Time Limit for Filing a Tentative Development Plan. Within three years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a tentative development plan, in conformance with the requirements of this chapter. If the tentative development plan is not submitted within three years, the master-planned development concept plan shall expire.~~

3.— ~~Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year; provided, that all of the following are satisfied:~~

a.— ~~No changes have been made on the original conceptual development plan as approved;~~

b.— ~~There have been no changes to the applicable Bend Comprehensive Plan policies and ordinance provisions on which the approval was based.~~

4.— ~~Tentative Development Plan Submission Requirements. The applicant shall submit an application for a tentative development plan. The contents of the application information shall be determined by the conditions of approval for the concept development plan. At a minimum, the tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., Land Division, Development Review, Site Development Review, etc.). The tentative development plan shall be~~

reviewed using a Type II procedure in conformance with BDC Chapter 4.1, Development Review and Procedures.

5. ~~Tentative Development Plan Approval. The City shall approve the tentative development plan upon finding that the final plan conforms to the concept plan and all required conditions of approval. Minor changes to the approved concept development plan may be approved with the tentative development plan, if consistent with all of the site development review standards set forth in this code and the following criteria:~~

a. ~~Increase or decrease of residential densities or lot coverage relative to that approved in the concept development plan by no more than 15 percent, when such change conforms to the Bend Comprehensive Plan and its density ranges and the minimum density standards of BDC 4.5.400(C);~~

b. ~~A reduction to the amount of open space or landscaping relative to that approved in the concept development plan by no more than 10 percent, when such change conforms to the standards of this section and BDC 4.5.400(C);~~

c. ~~An increase in lot coverage by buildings or changes in the amount of parking relative to that approved in the concept development plan by no more than 15 percent. Greater changes require approval of a modification in conformance with BDC Chapter 4.1, Development Review and Procedures;~~

d. ~~No change in land use shall be permitted without approving a modification to an approved concept development plan in conformance with BDC Chapter 4.1, Development Review and Procedures;~~

e. ~~No change that places development within environmentally sensitive areas including ASIs or areas subject to a potential hazard shall be approved without approving a modification to an approved concept development plan in conformance with BDC Chapter 4.1, Development Review and Procedures;~~

f. ~~The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept development plan, or as modified through conditions of approval. Changes in the location or alignment of these features~~

by more than 50 feet shall require approval of a modification, in conformance with BDC Chapter 4.1, Development Review and Procedures; and

g.— Other changes made to the approved concept development plan shall require approval of a modification, in conformance with BDC Chapter 4.1, Development Review and Procedures.

6.— Development Review and Building Permit Approvals. Upon receiving tentative development plan approval, the applicant may apply for one or more development reviews (e.g., Land Division, Development Review, Site Development Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

a.— Development Review. BDC Chapter 4.2, Site Plan Review and Design Review, applies to developments requiring Site Development Review or Architectural Design Review. BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments, applies to land divisions (partitions and subdivisions). [Ord. NS-2271, 2016; Ord. NS-2263, 2016; Ord. NS-2229, 2014; Ord. NS-2016, 2006]

4.5.400 Master Planned Neighborhoods.

The purpose of this section is to ensure the development of fully integrated, mixed-use, pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.

A.— Applicability. This section applies to all properties comprised of one or more lots, parcels, and/or tracts under common ownership that total 20 acres or larger in any Residential Zoning District or Comprehensive Plan designation or any Mixed-Use Zoning District or Comprehensive Plan designation when residential uses are proposed.

B.— Master Plan Required. Prior to land division approval, a master plan shall be prepared for all properties, lots, parcels and/or sites meeting the criteria in subsection (A) of this section. Master plans shall follow the procedures in BDC 4.5.300, Master Planned Developments. A master plan may not be required if a Special Planned District has been adopted for the subject area.

C.— Land Use and Design Standards. Master Planned Neighborhoods shall include the following design elements:

1.— Access to recreation. All lots have access to active or passive recreational areas or uses by walking or bicycling a distance not greater than one-half mile as measured along an existing or proposed trail or

sidewalk route. Such areas or uses may include natural open space and developed and maintained park land located within adjacent neighborhoods. Trails or trail corridors are not to be considered as a recreational use/open space for the purpose of meeting this requirement.

2.— Access to Commercial Services. All lots have access to neighborhood commercial services by walking or bicycling a distance not greater than one-half mile as measured along an existing or proposed sidewalk or pedestrian route. Such neighborhood commercial uses may be provided outside the boundaries of the proposed master-planned neighborhood within adjacent neighborhoods or Commercial Districts.

3.— Housing Density and Mix. The neighborhood shall provide a diverse mix of housing types and achieve efficient minimum housing densities in conformance with the standards of subsections (C)(3)(a) through (d) of this section, as applicable. Minimum and maximum densities shall be calculated in conformance with BDC 2.1.600(C).

a.— RL Comprehensive Plan Designation/Zone: at least 50 percent of the maximum gross density of the RL Comprehensive Plan designation/zone (2.0 units per gross acre), with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 10 percent of total housing units.

b.— RS Comprehensive Plan Designation/Zone: at least 70 percent of the maximum gross density of the RS Comprehensive Plan designation/zone (5.11 units per gross acre), with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 10 percent of total housing units.

c.— RM Comprehensive Plan Designation/Zone: at least 60 percent of the maximum gross density of the RM Plan designation/zone (13.02 units per gross acre), with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 67 percent of total housing units. This standard supersedes the housing mix standard for the RM Zone in BDC 2.1.1000(C).

d.— RH Comprehensive Plan Designation/Zone: the minimum density of the RH Comprehensive Plan designation/zone applies. Single-family detached housing is not permitted in the RH Zone.

4.—Public Facilities. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the master plan, in accordance with the City of Bend, Bend Metro Parks and Recreation District, Bend La Pine School District Sites and Facility Plans.

5.—Open Space. The neighborhood shall contain at least 10 percent of the gross area as public space such as parks, pavilions, squares and plazas to encourage public gatherings.

6.—Multi-Modal Connections. The neighborhood shall provide convenient multi-modal connections to regional employment, shopping and service located outside of the proposed neighborhood by providing opportunities for multi-modal transportation (e.g., transit nodes, multi-use pathways and trails). Existing and planned trail systems adjoining the Master Planned Neighborhood shall be continued through the entire master planned development based on the most recent adopted Bend Parks and Recreation District trails master plan and Bend Transportation System Plan.

7.—The required neighborhood design elements shall be included in all Master Planned Neighborhoods unless it can be proven that the abutting and/or adjacent developed lands include the elements necessary to meet the intent of this section. Adequate proof shall include studies, demographics, and other suitable information in order to provide the City with factual data to support findings for approval. The expense for supplying the proof shall be borne solely by the property owner or applicant. The proof shall provide reliable evidence that the adjacent and/or abutting properties contain the elements necessary to create or complement the proposed neighborhood.

D.—Implementation. Upon approval of a Master Planned Neighborhood, the development shall follow the land division procedures in BDC Chapter 4.3, and the Site Design Review procedures in BDC Chapter 4.2, as applicable. Any modifications to the approved master plan shall be subject to the standards and procedures in BDC Chapter 4.1, Development Review and Procedures.

4.5.100 Master Plan General Provisions

A. **Purpose.** The purpose of the Community Master Plan, Institutional Master Plan and Employment Master Plan is to promote and facilitate coordinated development. Master Plans provide a process to consider future development on larger sites and to analyze future demand on public facilities. Master Plans provide an opportunity for innovative and creative development while providing long-term predictability for the applicants, surrounding neighborhoods, and the entire community.

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.

- 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 4.5.200.E.3;
 2. Uses not permitted in the zoning district may be allowed when consistent with the Bend Comprehensive Plan Designation's Characteristics; and
 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.
- 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.
- E. **Submittal Requirements.** The following information must be submitted as deemed applicable by the Development Services Director based on the size, scale, and complexity of the Master Plan.
1. **Existing Conditions Submittal Requirements.**
 - a. Narrative statement that describes the following:
 - i. Current uses.
 - ii. Site description, including the following items. May also reference submitted maps, diagrams or photographs.
 - (A) Physical characteristics;
 - (B) Building inventory including size and height;
 - (C) Vehicle/bicycle parking, and loading areas;
 - (D) Landscaping/usable open space; and
 - (E) Lot coverage.
 - iii. Infrastructure facilities and capacity, including the following items.
 - (A) Water;
 - (B) Sanitary sewer;
 - (C) Stormwater management; and
 - (D) Easements.

b. Existing Site Conditions Map.

- i. The existing site conditions map must include the following information on-site and within 150 feet of the proposed Master Plan (as applicable):
 - (A) The applicant's entire property and the surrounding property. The property boundaries, dimensions and gross area must be identified. Existing aerial photos may be used;
 - (B) Ownership of Master Plan area and ownership of all property within 150 feet of the proposed Master Plan;
 - (C) Topographic contour lines shown at one-foot intervals for slopes of 10 percent or less. For slopes greater than 10 percent, contour lines must be shown at two-foot intervals. Slopes greater than 25 percent must be identified;
 - (D) The location, names, and widths of existing public and private streets, alleys, drives, sidewalks, bike lanes, multi-use paths, transit routes and facilities, rights-of-way, and easements. Existing aerial photos may be used;
 - (E) The location of existing irrigation canals and ditches, pipelines, drainage ways, waterways, railroads, and any natural features such as rock outcroppings, wooded areas, and natural hazards. Existing aerial photos may be used;
 - (F) The location of existing sanitary and storm sewer lines, water mains, septic facilities, culverts, and other underground and overhead utilities;
 - (G) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
 - (H) Resource areas, including wetlands on the City's Local Wetlands Inventory, streams, surface mines, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection; and
 - (I) Locally or federally designated historic and cultural resources on the site and the adjacent parcels.
- ii. The existing site conditions map must include the following information on-site:
 - (A) The location of existing structures, parking, loading and service areas, and pavement. Existing aerial photos may be used; and
 - (B) The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade.
- iii. Date, north arrow, scale, names, and addresses of all persons listed as owners on the most recently recorded deed.

- iv. Name, address, email address, and telephone number of project designer, engineer, surveyor, and/or planner, if applicable.

2. **Proposed Master Plan Submittal Requirements.**

a. Narrative that describes the following:

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

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

- i. Development boundary;
- ii. Phasing plan;
- iii. Conceptual site plan including the following:
 - (A) General land uses;
 - (B) Approximate building envelopes and square footage;

- (C) Vehicle, biking, and walking circulation system, including cross sections, and where these facilities will connect with the existing and planned system;
- (D) General location and size of areas to be conveyed for public use (e.g., schools, recreational areas, parks, fire stations, and other public uses) in accordance with the City of Bend, the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, and the School Facility Plan, latest editions, and other open space areas as required by this Chapter;
- (E) Transit routes and facilities;
- (F) Parking, loading, and service areas including loading and service areas for waste disposal;
- (G) North arrow and scale; and
- (H) Other information necessary to show how the conceptual site plan meets applicable criteria.
- iv. Water and sewer facilities to serve the Master Plan area, including line sizes, general location of routes, and how the lines will tie into adjacent areas and facilities;
- v. General location of streets and water and sewer lines illustrated on abutting vacant land and developable land and all contiguous property under common ownership. This illustration is not binding on the abutting properties;
- vi. Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);
- vii. Landscape concept plan and tree preservation plan in accordance with BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls;
- viii. Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials); and
- ix. Sign concept plan (e.g., locations, general size, style, and materials of signs).
- c. Draft Development Code text, figures, and tables in a format prescribed by the City, which proposes changes to the development standards and zoning district requirements intended to implement the Major Master Plan. The draft text, figures, and tables must also include any proposed districts, street layouts, and cross-sections that vary from standards.
- d. A letter or other written documentation from the Bend Metro Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity to review the design for options to enhance existing parks and trails, and develop new parks and trails.

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

F. Modifications to Approved Master Plans.

- 1. The following modifications to a Master Plan may be approved with a land division or with an application in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review, and Design Review unless the Development Services Director elevates the application to the Planning Commission for hearing as a Type III application.
 - a. Increase or decrease of residential densities relative to that approved in the Master Plan by no more than 15 percent, when such change conforms to the Bend Comprehensive Plan and its density ranges. In no case shall the density fall below the minimum density established in BDC 4.5.200.E.3.b. Master Plans 20 acres or larger must comply with the density standards of BDC 4.5.200.E.3;
 - b. A reduction to the amount of open space or landscaping relative to that approved in the Master Plan by no more than 10 percent, when such change complies with the Master Plan's minimum open space requirements;
 - c. An increase in lot coverage by buildings relative to that approved in the Master Plan by no more than 15 percent of the approved lot coverage (e.g., approved lot coverage of 40% may increase to 46%);

- d. Any changes in the amount of parking relative to that approved in the Master Plan by no more than 15 percent. A proposed modification that is part of an approved TPDM Plan must comply with Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan;
 - e. A change in the location or alignment for proposed streets, parking lot configuration, utility easements, landscaping or other site improvements as long as the change is in substantial conformance with the approved Master Plan; and
 - f. Increase or decrease in the size and/or height of a building relative to that approved in the Master Plan by no more than 10 percent.
2. In no case will a modification under subsections (a) through (f) be approved that causes a Minor Master Plan that was approved without any deviations to this code to fail to meet a minimum or maximum standard as set in this code.
 3. All other changes for a Minor Master Plan require a modification of Master Plan approval, in conformance with BDC Chapter 4.1, Development Review and Procedures. All other changes for a Major Master Plan require a modification of Master Plan approval, in conformance with BDC Chapter 4.6 Land Use District Map and Text Amendments.

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.
 - a. **Exemptions.**
 - i. When a property is 40 acres or larger and is part of a proposed land division or property line adjustment application where all the proposed lots/parcels will be 20 acres or larger, a Community Master Plan will not be required until further development is proposed for the newly created lots/parcels; however, lots or parcels smaller than 20 acres may be created and developed prior to an approved Community Master Plan application if they are intended for schools and/or parks.

- ii. When a property is 20 acres or larger and a majority of it includes an existing development (e.g. golf course), a Community Master Plan will not be required unless there are two land division applications submitted of the parent property within a five year period. A Community Master Plan will be required to be processed prior to submitting the second land division application during the five year period.
- iii. The City determines that the Master Plan category is an Institutional Master Plan or Employment Master Plan.
- iv. The property is part of a Special Planned District in BDC Chapter 2.7, Special Planned Districts.
- v. The property is part of a Master Plan or Planned Unit Development approved prior to April 14, 2017 and remains in effect or has initiated the use according to BDC 4.1.1315.

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).
2. **Minor Community Master Plans.** Minor Community Master Plans are processed as follows:
 - a. Step 1. The approval of a Minor Community Master Plan (TYPE II process).
 - b. Step 2. Upon approval of the Minor Community Master Plan, and prior to the commencement of Step 3, the applicant must submit a Final Minor Community Master Plan to the City in an electronic format specified by the City. The Final Minor Community Master Plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The Minor 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 Minor Community Master Plan.
 - c. Step 3. The approval of a land division(s) and/or Site Plan Review application(s) (TYPE II process).
3. **Major Community Master Plans.** Major Community Master Plans are processed as follows:
 - a. Step 1. The Planning Commission makes a recommendation to the City Council on an application for a Major Community Master Plan. The text of a Major Community Master Plan must be included in BDC Chapter 2.7, Special Planned Districts in compliance with BDC Chapter 4.6 Land Use District Map and Text Amendments. The City Council is the final review authority on such applications (TYPE III Process).

- b. Step 2. Upon approval of the Major Community Master Plan, and prior to the commencement of Step 3, the applicant must submit a Final Major Community Master Plan to the City in an electronic format specified by the City. The Final Major Community Master Plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The Major Community Master Plan denotation for the subject site will be shown on the Zoning Map. The denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the Major Community Master Plan.
- c. Step 3. The approval of a land division(s) and/or Site Plan Review application(s) (TYPE II process).

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 BDC 4.5.200.E Standards and Regulations.
 - 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.
 - c. The Community Master Plan complies with BDC Chapter 4.7, Transportation Analysis.
- 2. **Minor Community Master Plan.** In addition to the approval criteria in BDC 4.5.200.D.1. the City may approve, approve with conditions, or deny a proposed Minor Community Master Plan application based on meeting all of the following criteria:
 - a. The Community Master Plan land uses and densities are consistent with the Bend Comprehensive Plan Map designations.
 - b. The applicant has demonstrated how the standards and regulations contained in BDC Chapters 2.0, Land Use District Administration, and 3.0, Development Standards Administration can be met through future Site Plan Review or Land Division applications.
- 3. **Major Community Master Plan.** In addition to the approval criteria in BDC 4.5.200.D.1. 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 are 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 4.5.200.E.3.

- b. The applicant has demonstrated that the standards and zoning district requirements contained in BDC Titles 2.0, Land Use District Administration, and 3.0, 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.
- c. In lieu of the approval criteria in BDC 4.6.300 Quasi-Judicial Amendments, Major Community Master Plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:
 - i. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee; and
 - ii. Approval of the request is consistent with only the relevant policies of the Bend Comprehensive Plan Chapter 11, Growth Management that are designated by the Planning Director or designee.
- 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.
- 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.

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 ½ mile but the purpose and intent of providing reasonable access to the commercial uses has been met.

2. Multi-modal connections. Multi-modal connections must be provided on-site in compliance with the Bend Urban Area Transportation System Plan (TSP) and the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, latest editions, and the existing and planned trail systems adjacent to the Community Master Plan must be continued through the entire Community Master Plan.
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 (a) and (b) below. To the extent that the Bend Comprehensive Plan Chapter 11 *Growth Management* proposes a different mix of housing and/or density standards in the specific expansion area policies, then those policies apply.
 - a. Density Calculations and Exceptions. Minimum and maximum densities must be calculated in conformance with BDC 2.1.600(C), except as follows:
 - i. Public and Institutional Uses and Miscellaneous Uses in Opportunity Areas. In Opportunity Areas as shown in the Bend Comprehensive Plan Figure 11-1, a maximum of 20 acres of residential designated land proposed for Public and Institutional Uses and Miscellaneous Uses (BDC Table 2.1.200) may be excluded from the density calculation and housing mix. The density for the 20 acres must be taken from the residential designation with the lowest maximum density standard in the Opportunity Area. The Master Plan must provide the density and housing mix for the residential designated property in excess of 20 acres. No more than 20 acres may be exempted from the density and housing mix in an Opportunity Area;
 - ii. Open Space. Open space in compliance with BDC 4.5.200.E.4 may be excluded from the applicable density calculation; and

- iii. Comprehensive Plan Designations. Land designated as Commercial, Mixed-Use, Industrial and Public Facilities may be excluded from the applicable density calculation.
- b. Minimum standards are as follows:
 - i. RL Comprehensive Plan Designation: at least 50 percent of the maximum gross density of the RL Comprehensive Plan designation, with two- and three-family housing, attached single-family townhomes and/or multifamily residential housing units comprising at least 10 percent of total housing units.
 - ii. RS Comprehensive Plan Designation: at least 70 percent of the maximum gross density of the RS Comprehensive Plan designation, with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 10 percent of total housing units.
 - iii. RM Comprehensive Plan Designation: at least 60 percent of the maximum gross density of the RM Comprehensive Plan designation, with two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units comprising at least 67 percent of total housing units.
 - iv. RH Comprehensive Plan Designation: the minimum density of the RH Comprehensive Plan designation applies. Single family detached housing is not permitted in the RH Zone.
 - v. Density and housing mix transfers.
 - (A) Density and housing mix transfers are permitted within the Major Community Master Plan boundary when the Major Master Plan is 20 acres or larger; however, the density and housing mix standards of this section shall not be reduced through the Major Community Master Plan process.
 - (B) Density and housing mix transfers are permitted for Major Master Plans that are 20 acres or larger in an Opportunity Area as follows:
 - 1. The density and housing mix required for RS, RM and RH plan designated areas may be transferred within the Opportunity Area; and
 - 2. The density and housing mix required for RS plan designated areas may be transferred within a walking or biking distance not greater than one mile from the boundary of the Opportunity Area on existing travel routes (multimodal street or designated multi-use pathway) or any planned travel route shown within the Transportation System Plan. If the density and housing mix for the RS plan designation is transferred to a property not contemplated for residential development under the Comprehensive Plan (i.e., publicly owned properties with a residential plan designation that were not considered available

for residential development under the Buildable Lands Inventory), then the receiving property need only provide the number of housing units transferred or the minimum RS density standards, whichever is greater.

a. As a condition to approval of any density and housing mix transfer to one or more receiving properties pursuant to this section, the owner(s) of the receiving property(ies) must enter into a written agreement in a form acceptable to the City that will be binding upon the parties to the agreement and all successors in interest and that will run with the land. The agreement must: (i) specify the number of dwelling units and housing mix for the RS plan designated areas to be transferred (the stated density may not exceed the maximum permitted density of the Comprehensive Plan designation of the receiving property(ies)); and (ii) provide that a development application for the receiving property(ies) will be submitted on or before the end of the Comprehensive Plan's planning period which is December 31, 2028. After endorsement of the agreement by the City, the fully executed agreement must be recorded in the Deschutes County Official Records. The agreement's execution and recordation must take place prior to final master plan approval for the transferring property.

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.

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 subsection (F) of this section 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.

4.5.300 Institutional Master Plan

A. **Purpose.** The Institutional Master Plan is intended to facilitate an efficient and flexible review process for development of institutions which control large areas of land within the City, contain a greater intensity of development than surrounding areas, are a source of substantial employment, and are usually located adjacent to residential neighborhoods. An Institutional Master Plan is intended to permit flexibility, while providing a level of understanding by the community and neighboring properties about the future growth of the institution.

B. **Applicability.**

1. Institutional Master Plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.
2. Unless exempted below, Institutional Master Plans in conformance with this section are required for any property or combination of adjacent properties under common ownership at the date of adoption of this code for the following:

- a. Institutions of Higher Education: 10 acres or larger.
- b. All other Institutions: 20 acres or larger.
3. Exemptions. Unless the applicant elects to apply for an Institutional Master Plan, the following are exempt:
 - a. The property is part of a Special Planned District in BDC Chapter 2.7, Special Planned Districts.
 - b. Cemeteries and public maintenance facilities in existence prior to 2016.
 - c. The City determines that the Master Plan category is a Community Master Plan or Employment Master Plan.

C. Review Process.

1. Minor Institutional Master Plans. Minor Institutional Master Plans are processed as follows:
 - a. Step 1. The approval of a Minor Institutional Master Plan (TYPE II process).
 - b. Step 2. Upon approval of the Minor Institutional Master Plan, and prior to the commencement of Step 3, the applicant must submit a Final Minor Institutional Master Plan to the City in an electronic format specified by the City. The Final Minor Institutional Master Plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The Minor Institutional 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 Minor Institutional Master Plan.
 - c. Step 3. The approval of a land division(s) and/or Site Plan Review application(s) (TYPE II process).
2. Major Institutional Master Plans. Major Institutional 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 Institutional Master Plan. The text of a Major Institutional Master Plan must be included in BDC Chapter 2.7, Special Planned Districts in compliance with BDC Chapter 4.6 Land Use District Map and Text Amendments. The City Council is the final review authority on such applications (TYPE III Process).
 - b. Step 2. Upon approval of the Major Institutional Master Plan, and prior to the commencement of Step 3, the applicant must submit a Final Major Institutional Master Plan to the City in an electronic format specified by the City. The Final Major Institutional Master Plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The Major Institutional 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 Institutional Master Plan.
 - c. Step 3. The approval of a land division(s) and/or Site Plan Review application(s) (TYPE II process).

D. **Submittal Requirements.** In addition to the submittal requirements of BDC 4.5.100.E, the following information must be submitted as deemed applicable by the Development Services Director based on the size, scale, and complexity of the development:

1. Narrative that defines and summarizes the organizational mission and objectives. The statement must describe the projective population that will be served by the institution including size and distinctive cohorts (e.g., faculty, staff, clients, patients, and students) and any anticipated changes in the size or composition of that population associated with different phases of development. It must also specify any services or facilities available to the general public.
2. Summary of the facilities related to the proposed Institutional Master Plan.
3. Description of the following:
 - a. General location of all existing and proposed uses and onsite circulation plans;
 - b. Approximate floor area of proposed structures;
 - c. Approximate height of proposed structures;
 - d. Approximate number and general location of parking spaces on-site and those off-site in compliance with BDC Chapter 3.3.Vehicle Parking, Loading and Bicycle Parking and BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan;
 - e. A description of on-site housing and any dedicated off-site housing facilities to be developed as part of the Institutional Master Plan, including the total number of users that may be accommodated in such facilities; and
 - f. Public safety.
4. Design Guidelines for new and renovated buildings and structures including materials, height, bulk, massing, and colors.
5. Open space must be shown on the conceptual site plan and may include parks, pavilions, multi-use paths within a minimum 20-foot wide corridor, squares and plazas, areas of special interest, tree preservation areas, and recreational facilities.

E. **Approval Criteria.** The City may approve, approve with conditions, or deny the proposed Institutional Master Plan application based on meeting all of the following criteria:

1. The proposed land uses within the Institutional Master Plan must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and or zoning are proposed as part of the Major Institutional Master Plan application, the Major Institutional 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 consistent with the allocations prescribed by the existing plan designations.

2. The applicant has demonstrated that the standards and zoning district requirements contained in BDC Titles 2.0, Land Use District Administration, and 3.0, 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 Institutional Master Plan. Where the applicant has proposed deviations to the above standards and/or zoning district requirements as part of a Major Institutional Master Plan, the applicant has demonstrated:
 - a. 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
 - b. 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
 - c. That any impacts resulting from the deviation are mitigated to the extent reasonably practical.
3. The Institutional Master Plan complies with BDC Chapter 4.7, Transportation Analysis and meets all the approval criteria in BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.
4. 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.
5. The Institutional Master plan provides multi-modal connections on-site in compliance with the Bend Urban Area Transportation System Plan (TSP) and the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, latest editions, and existing and planned trail systems adjacent to the Institutional Master Plan are continued through the entire Institutional Master Plan.
6. The Institutional Master plan must provide and maintain a minimum of 10 percent of the gross area as open space in compliance with BDC 4.5.300.D.5.
7. The Institutional Master Plan, when located in an Opportunity Area and includes residential designated land, complies with the density and housing mix in BDC 4.5.200.E.3.
8. In lieu of the approval criteria in BDC 4.6.300 Quasi-Judicial Amendments, Major Institutional Master Plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:
 - a. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee; and
 - b. 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.

9. If the Major Institutional 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).

10. If the Major Institutional 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).

F. **Periodic Institutional Master Plan Status Report.** Every five years or sooner from the date of the Institutional Master Plan approval, the Institution must submit an update to the Planning Division. This update must provide a description of all projects that: (1) have been completed since the most recent update; (2) are ongoing, including a description of the status and estimated timetables for completion of such projects; (3) are scheduled to begin in the upcoming 24 months, including estimated timetables for the commencement, progress, and completion of such projects; and, (4) are no longer being considered by the Institution. In addition, the Institution must submit an updated site plan.

The update will be presented to the Planning Commission, but will not require a public hearing. The status report will no longer be required if the Institutional Master Plan is built out and additional development is not contemplated.

G. **Duration of Approval.**

1. An approved Institutional Master Plan will remain valid indefinitely unless withdrawn by all owner(s) of property within the Institutional 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 Institutional Master Plan. Standards and regulations identified in the approved Institutional Master Plan will control all subsequent site development as long as the approved Institutional Master Plan is valid. If alternative standards and regulations are not specifically identified in the approved Institutional Master Plan, the applicable city standard at the time any development application is submitted will apply.

2. The duration of approval for an Institutional 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 Institutional 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 Institutional Master Plan site for up to 15 years or as specified in an approved phasing plan.

3. The time period set forth in subsection (G) of this section 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.

4.5.400 Employment Master Plans

A. **Purpose.** The Employment Master Plan is intended to provide a method by which the City may permit a variety of commercial and/or industrial development types, designs or arrangements that may not be permissible under traditional zoning regulations yet still provide for the ability to plan for full build-out of large employment centers. The Employment Master Plan will provide a mechanism to achieve development which will contribute to the diversification of the City's economic base.

B. **Applicability.**

1. Employment Master Plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.
2. Employment Master Plans in conformance with this section 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.
3. Exemptions. Unless the applicant elects to apply for an Employment Master Plan, the following are exempt:
 - a. The property is part of a Special Planned District in BDC Chapter 2.7, Special Planned Districts.
 - b. The City determines that the Master Plan category is a Community Master Plan or Institutional Master Plan.

C. **Review Process.**

1. **Minor Employment Master Plans.** Minor Employment Master Plans are processed as follows:
 - a. Step 1. The approval of a Minor Employment Master Plan (TYPE II process).
 - b. Step 2. Upon approval of the Minor Employment Master Plan, and prior to the commencement of Step 3, the applicant must submit a Final Minor Employment Master Plan to the City in an electronic format specified by the City. The Final Minor Employment Master Plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The Minor Employment 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 Minor Employment Master Plan.
 - c. Step 3. The approval of a land division(s) and/or Site Plan Review application(s) (TYPE II process).
2. **Major Employment Master Plans.** Major Employment Master Plans are processed as follows:
 - a. Step 1. The Planning Commission makes a recommendation to the City Council on an application for Major Employment Master Plan. The text of a Major Employment Master Plan must be included in BDC Chapter 2.7, Special Planned Districts in compliance with BDC Chapter 4.6 Land Use District Map and Text Amendments. The City Council is the final review authority on such applications (TYPE III Process).

- b. Step 2. Upon approval of the Major Employment Master Plan, and prior to the commencement of Step 3, the applicant must submit a Final Major Employment Master Plan to the City in an electronic format specified by the City. The Final Major Employment Master Plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The Major Employment 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 Employment Master Plan.
 - c. Step 3. The approval of a land division(s) and/or Site Plan Review application(s) (TYPE II process).
- D. **Approval Criteria.** The City may approve, approve with conditions, or deny the proposed Employment Master Plan application based on meeting all of the following criteria:
- 1. The proposed land uses within the Employment Master Plan must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and or zoning are proposed as part of a Major Employment Master Plan application, the Major Employment 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 consistent with the allocations prescribed by the existing plan designations.
 - 2. The applicant has demonstrated that the standards and zoning district requirements contained in BDC Titles 2.0, Land Use District Administration, and 3.0, 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 Employment Master Plan. Where the applicant has proposed deviations to the above standards and/or zoning district requirements as part of a Major Employment Master Plan, the applicant has demonstrated:
 - a. 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
 - b. 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
 - c. That any impacts resulting from the deviation are mitigated to the extent reasonably practical.
 - 3. 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.
 - 4. The proposal complies with BDC Chapter 4.7, Transportation Analysis and meets all the approval criteria in BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.

5. The Employment Master plan provides multi-modal connections on-site in compliance with the Bend Urban Area Transportation System Plan (TSP) and the Bend Parks and Recreation District Park Recreation, and Green Spaces Comprehensive Plan, latest editions, and existing and planned trail systems adjacent to the Employment Master Plan are continued through the entire Employment Master Plan.
6. The Employment Master Plan, when located in an Opportunity Area and includes residential designated land, complies with the density and housing mix in BDC 4.5.200.E.3.
7. In lieu of the approval criteria in BDC 4.6.300 Quasi-Judicial Amendments, Major Employment Master Plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:
 - a. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee; and
 - b. 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.
8. If the Major Employment 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).
9. If the Major Employment 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).

E. Duration of Approval.

1. An approved Employment Master Plan will remain valid indefinitely unless withdrawn by all owner(s) of property within the Employment 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 Employment Master Plan. Standards and regulations identified in the approved Employment Master Plan will control all subsequent site development as long as the approved Employment Master Plan is valid. If alternative standards and regulations are not specifically identified in the approved Employment Master Plan, the applicable city standard at the time any development application is submitted will apply.
2. The duration of approval for an Employment 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 Employment 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 Employment Master Plan site for up to 15 years or as specified in an approved phasing plan.

3. The time period set forth in subsection (E) of this section 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.

~~4.5.600~~ 4.5.500 ~~Master Plan Development within the Urban Holding Districts.~~ **Cottage Housing Development.**

Chapter 4.7

TRANSPORTATION ANALYSIS

4.7.300 Process.

- A. The following steps describe the process for assessing the transportation system:

Step 1. The applicant must prepare and submit a Transportation Facilities Report in accordance to BDC 4.7.400 containing the following information organized as follows:

- a. Description of the development;
- b. Trip generation;
- c. Transportation and Parking Demand Management (TPDM) Plan;
- d. Major intersections;
- e. Trip distribution;
- f. Transportation facilities evaluation.

4.7.400 Transportation Facilities Report.

C. Contents of Transportation Facilities Report.

3. Transportation and Parking Demand Management (TPDM) Plan. In compliance with BDC Chapter 4.5, Master Planning and Development Alternatives, Institutional and Employment Master Plans must develop a TPDM Plan. All other development applications may choose to develop a TPDM Plan. The proposed measures of the TPDM Plan will be evaluated to determine trip generation reduction rates. See BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan. The applicant may choose to develop a detailed TDM program to reduce net new trip generation for a proposed development. The TDM program

must show that the proposed trip reductions will reduce the proposed development's trips. The applicant must demonstrate that there are adequate resources to manage and maintain the proposed TDM program. The proposed elements of the TDM program will be evaluated to determine trip reduction rates. The trip reduction rates will be applied if the detailed TDM program is approved by the City. A maximum trip reduction of 25 percent will be considered for combined TDM program elements. The City will review the TDM program to ensure ongoing program support. The following TDM Trip Reductions table identifies basic trip reductions allowed to be taken to the trip generation:

TDM Trip Reductions	
Facility Provisions	Trip Generation Reduction
Provide employee showers, lockers, and secure indoor bike parking according to requirements of this code	5%
Project provides no more than the minimum required parking and achieves that by providing the maximum on-street parking that is permitted and/or using shared parking agreements	5%
Project provides a minimum of 5% of the overall required parking for free priority parking for carpools/vanpools designated by signs	5%
Project provides twice as many covered, secured bike parking racks or facilities as required by BDC Chapter 3.3	5%
On-going Incentives	Trip Generation Reduction
Project is located within 1/4 mile of a transit facility and employer participates in GET's Group Bus Program	10%
Project charges the actual cost to provide on-site parking on an annual basis for employee parking and provides free priority parking for carpools/vanpools	10%
Participation in a TDM incentive program recognized by the City	5%

TDM Trip Reductions-	
Other TDM elements as approved by the City	Up to 20%

4.7.600 Significant Impacts and Mitigation Measures.

F. Mitigation Measures. Mitigation measures must consider all users and include all or a combination of the following mitigation measures as approved at the discretion of the City Engineer, to mitigate the impacts of the proposed development.

3. Transportation and Parking Demand Management (TPDM) Plan. Implement an approved TPDM Plan in compliance with program as described in BDC 4.7.400(C) (3), Transportation and Parking Demand Management (TPDM) Plan and BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.

Chapter 4.8

TRANSPORTATION AND PARKING DEMAND MANAGEMENT (TPDM) PLAN

Sections:

4.8.100 Purpose.

4.8.200 Applicability.

4.8.300 Preparation.

4.8.400 Review Process.

4.8.500 Submittal Requirements.

4.8.600 Approval Criteria.

4.8.700 Ongoing Participation.

4.8.800 Modifications.

4.8.900 Reporting.

4.8.100 Purpose.

A Transportation and Parking Demand Management (TPDM) Plan includes a wide range of strategies intended to increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand.

4.8.200 Applicability.

In compliance with BDC Chapter 4.5, Master Planning and Development Alternatives, Institutional and Employment Master Plans must develop a TPDM Plan. All other development applications may choose to develop a TPDM Plan.

4.8.300 Preparation.

The TPDM Plan must be prepared by a transportation planner, or licensed professional engineer especially qualified in civil or traffic engineering by the State of Oregon.

4.8.400 Review Process.

The TPDM Plan must be reviewed concurrently with an associated development application using the review procedures required for the development application.

4.8.500 Submittal Requirements.

In addition to the submittal requirements of Chapter 4.7, Transportation Analysis the proposed TPDM Plan must include the following information as deemed applicable by the Development Services Director:

- A. TPDM goals, objectives and policies.
- B. Proposed types and approximate number of users (e.g., residents, employees, students, customers, patients, visitors, clients, and deliveries).
- C. Anticipated mode of travel by users (vehicle, biking, walking and transit).
- D. Anticipated parking demand by time of day and/or demand by user.
- E. Anticipated parking utilizing shared spaces.
- F. Proposed number of on and offsite parking spaces, including carpool, vanpool, car share and bike parking.
- G. Parking and trip demand analysis.
- H. Estimated daily trip generation and peak hour of trips for the proposed use based on the ITE trip generation rates (note: this may not be the PM Peak of 4:00-6:00 p.m.; e.g., an institution of higher education may have a peak hour of use that is different than the PM peak hour).
- I. Proposed trip and parking reduction measures in BDC Table 4.8.500 according to the following requirements:
 1. A maximum trip generation reduction rate of 25 percent for the peak hour of use will be considered for combined Trip Reduction Measures. If the TPDM Plan including the applicant's proposed trip reduction measures and rates are approved by the City, the approved trip generation reduction rates will be applied to the applicant's Transportation Facilities Report in BDC Chapter 4.7 Transportation Analysis.
 2. A minimum of three parking reduction measures must be proposed.
 3. The number of vehicle parking spaces may be reduced up to 20 percent of the minimum requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces.

Table 4.8.500 – Trip and Parking Reduction Measures

<u>Facility Provision Measures</u>	<u>Trip Generation Reduction Rate</u>	<u>Parking Reduction</u>
<u>Project provides no more than the minimum required parking and achieves that by providing the maximum on-street parking that is permitted and/or using shared parking agreements.</u>	<u>5%</u>	
<u>Project reserves a minimum of 10% of vehicle parking spaces with designated signage for carpool, vanpool and car share vehicles, with a minimum of one space required. The carpool, vanpool and car share parking spaces must be provided free of charge and located at the most desirable on-site location.</u>	<u>5%</u>	<u>5%</u>
<u>Provide on-site showers and lockers free of charge.</u>	<u>5%</u>	<u>5%</u>
<u>Provide enclosed bike lockers and/or fenced, covered bike storage areas and/or a designated bike storage area inside a building.</u>	<u>5%</u>	<u>5%</u>
<u>Project provides twice as many covered, secured bike parking racks or facilities as required by BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.</u>	<u>5%</u>	<u>5%</u>
<u>On-going Incentive Measures</u>	<u>Trip Generation Reduction Rates</u>	<u>Parking Reduction</u>
<u>Project is located within 1/4 mile of a transit facility and employer participates in CET's Group Bus Program.</u>	<u>5%</u>	<u>5%</u>
<u>Implement a carpool, vanpool and/or car share program (e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car share vehicles). The carpool, vanpool and car share parking spaces must be provided free of charge and located at the most desirable on-site location.</u>	<u>5%</u>	<u>5%</u>
<u>Project charges the actual cost to provide on-site parking on an annual basis for employee/student parking and provides free parking for carpool, vanpool and car share vehicles. The carpool, vanpool and car share parking spaces must be located at the most desirable on-site location.</u>	<u>5%</u>	<u>5%</u>

<u>Implement parking cash-out program for employees (non-driving employees receive transportation allowance equivalent to the value of subsidized parking).</u>	<u>5%</u>	<u>5%</u>
<u>Provide a shuttle program or participation in an existing recognized shuttle program subject to any fees for the existing program.</u>	<u>5%</u>	<u>5%</u>
<u>Flexible Scheduling – Allow employees to reduce their number of weekly commute trips and shift work trips to nonpeak hour times of day. Examples include:</u> <ul style="list-style-type: none"> • <u>Teleworking – Allow employees to work from home or a non-office location one or more days a week.</u> • <u>Compressed Workweek – Enable employees to compress regularly scheduled hours into fewer work days per week.</u> • <u>Flexible Schedule – Allow employees to offset work hours from the typical 9-5 standard and shift commute travel to off peak hours.</u> 	<u>5%</u>	<u>5%</u>
<u>Provide unbundled parking.</u>	<u>5%</u>	<u>5%</u>
<u>Provide a bike-share program or free use of bikes on-site that is available to all tenants/employees of the site.</u>	<u>5%</u>	
<u>Provide a guaranteed ride home program.</u>	<u>5%</u>	<u>5%</u>
<u>Participation in a Transportation Demand Management (TDM) incentive program recognized by the City (e.g., Commute Options Partner Program).</u>	<u>5%</u>	
<u>Other TPDM elements as approved by the City.</u>	<u>Up to 25 %</u>	<u>Up to 20 %</u>

J. A description of how the proposed measures will reduce the development's trips and parking demands.

K. A description of how the proposed measures will be achieved and maintained over the life of the project.

L. Site plan that designates the following TPDM measures, if applicable:

1. External: Carpool, vanpool and car share parking areas, paid parking areas, bike parking areas, and land dedicated, planned or for existing transit facilities and bus shelters.
2. Internal: Showers/lockers, bike storage areas, information boards/kiosks and on-site support services.

M. TPDM Plan Designated Contact. The contact is responsible for administering carpool and vanpool ride-matching services and promotional programs and updating information (e.g., transit routes and schedules;

carpool, vanpool and car share information; bike lanes, routes and paths and facility information; and alternative commute subsidy information) on a board/kiosk that is located in a prominent location. The City must be provided with a current name and phone number of the designated contact.

N. Enforcement and monitoring program.

4.8.600 Approval Criteria.

A. In addition to the approval criteria for the development application, the review authority of the development application will approve, approve with conditions or deny the TPDM Plan based on all of the following criteria:

1. The TPDM Plan demonstrates that the measures provide transportation options and reduce the demand for parking; and
2. The TPDM measures are feasible and appropriate for the project, considering the proposed use or mix of uses and the project's location, size, and hours of operation.

4.8.700 Ongoing Participation.

The applicant is required to commit to ongoing participation in the TPDM Plan in its deeds, Codes, Covenants and Restrictions and is subject to on-going monitoring and tracking of the activities undertaken to implement the approved measures and their results.

4.8.800 Modifications.

- A. Modifications to an approved TPDM Plan may be processed concurrently with a Type II or Type III development application. The applicant may request to reduce the number of vehicle parking spaces more than 20 percent of the minimum requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces if it can be demonstrated that actual demand for parking spaces during the peak period is less than 85%.
- B. A modification to an approved TPDM Plan that is not processed concurrently with a Type II or Type III development application, will be processed as an individual Type II application.
- C. The Development Services Director may elevate a Type II application for a modification to the Planning Commission for hearing as a Type III application.
- D. Modifications must meet the approval criteria in BDC 4.8.600.

4.8.900 Reporting.

At the request of the City, a report documenting the TPDM Plan's activities undertaken to implement the approved measures and their results must be submitted to the Development Services Director at the responsibility of the applicant.

**EXHIBIT B
FINDINGS OF FACT
DEVELOPMENT CODE UPDATE
AMENDMENT PZ 15-1062**

Procedural Findings

The application was initiated by the city in accordance with BDC 4.1.500. Timely and sufficient notice of the public hearings was provided pursuant to BDC 4.1.515. Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on May 20, 2016 and revised notices were provided on July 12, 2016, October 20, 2016, and January 19, 2017.

A notice of the Planning Commission's public hearing was printed in the Bend Bulletin on September 4, 2016 and sent to the neighborhood associations on August 30, 2016. A notice of the City Council's public hearing was printed in the Bend Bulletin on September 25, 2016 and sent to the neighborhood associations on September 19, 2016. Staff also emailed the changes to the Development Code Update Committee on May 25, 2016 and to the Master Plan committee on August 8, 2016 for their review.

On June 1, 2016 the City Council held a work session to review the proposed Master Plan amendments. The Planning Commission held work sessions on June 27, 2016, August 8, 2016, and August 22, 2016 and a public hearing on September 26, 2016 and recommended approval of the proposed text amendments as amended to the City Council. On October 5, 2016, the City Council held a work session and on October 19, 2016 they held a public hearing to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council closed the public hearing and held the written public record open for written comments until November 9, 2016 and continued the hearing to November 16, 2016. On November 16, 2016 the City Council conducted the first reading.

On November 14, 2016 the Oregon Department of Land Conservation and Development approved the Urban Growth Boundary (UGB) expansion plan for the City of Bend, and the amended Bend Comprehensive Plan went into effect on December 6, 2016 which included new policies for master planning. On December 21, 2016 and January 18, 2017, the City Council held work sessions and discussed the new policies which address complete neighborhoods and adequate land supplies for housing & employment. The City Council reviewed the issues and several options and provided policy direction to the Planning Commission to create alignment between the new policies and the Master Plan code.

A notice of the February 13, 2017 Planning Commission public hearing and of the March 1, 2017 City Council public hearing was printed in the Bend Bulletin on January 22, 2017 and sent to the neighborhood associations on January 19, 2017. Staff also emailed the proposed draft and the dates and times of the hearings to the Master Plan Committee on January 27, 2017.

On February 13, 2017, the Planning Commission reopened the public hearing to consider the proposed changes to the Master Plan code as directed by the City Council, as part of the proposed amendments to Ch. 4.5 Master Planning and Development Alternatives. The Planning Commission deliberated and voted to reaffirm its approval of the Development Code amendments before them on September 26, 2016, and found the Development Code as amended on February 13, 2017 meets all applicable criteria for adoption and recommend that the City Council approve the proposed text amendments in Exhibit A. The recommended amendments include: (A) requiring schools and parks that are 20 acres or larger to do a master plan, (B) allowing a property that is 40 acres or larger to do a land division or property line adjustment to create lots or parcels smaller than 20 acres if they are intended for schools and/or parks that will be part of a Community Master Plan, (C) allowing a maximum of 20 acres of residential designated land in an Opportunity Area proposed for Public and Institutional Uses and Miscellaneous Uses to be excluded from the density and housing mix calculations and require the density for the 20 acres to be taken from the residential designation with the lowest maximum density standard in the Opportunity Area and no more than 20 acres may be exempted from the housing and density mix in an Opportunity Area, (D) allowing the density and housing mix in an Opportunity Area to be transferred within the Opportunity Area or within a walking or biking distance not greater than 1 mile from the boundary of the Opportunity Area on existing travel routes (multimodal street or designated multi-use pathway) or any planned travel route shown within the Transportation System Plan and if the density and housing mix for the RS plan designation is transferred to a property not contemplated for residential development under the Comprehensive Plan (i.e., publicly owned properties with a residential plan designation that were not considered available for residential development under the Buildable Lands Inventory), then the receiving property need only provide the number of housing units transferred or the minimum RS density standards, whichever is greater, (E) requiring an agreement to be recorded to ensure that the receiving property of the density and housing mix transfer from an Opportunity Area fulfils the requirement, (F) eliminating the conditional use permit for schools in residential districts when they are part of a master plan application, and (G) requiring Institutional and Employment Master Plans to comply with the density and housing mix requirements if they are located in an Opportunity Area and include residential designated lands.

On March 1, 2017, the City Council held a public hearing to accept evidence, receive public testimony and consider the Planning Commission's recommendation and conducted the first reading and on March 15, 2017 the City Council conducted the second reading.

Criteria of Approval

- (1) The Bend Area General Plan
- (2) Bend Development Code

(a) Chapter 4.6, Land Use District Map and Text Amendments;
Section 4.6.200(B), Criteria for Legislative Amendments

Applicable Procedures

(1) Bend Development Code

(a) Chapter 4.1, Land Use Review and Procedures

Findings Regarding Compliance with Applicable Criteria:

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended amendments to the text of the BDC involve broad public policy rather than an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

B. Criteria for Legislative Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

1. The request is consistent with the applicable State land use law;

FINDING: The proposed amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 6: Air, Water and Land Resources Quality, Goal 8: Recreational Needs, Goal 9: Economic Development, Goal 10: Housing, Goal 11: Public Facilities and Services, Goal 12: Transportation, Goal 13: Energy Conservation, and Goal 14: Urbanization.

Goal 1, Citizen Involvement, is satisfied by following the City's acknowledged text amendment process that included a Planning Commission public hearing, followed by a

City Council public hearing, and then going back to the Planning Commission to reopen the public hearing to create alignment between the new Comprehensive Plan policies as directed by the City Council. On February 13, 2017, the Planning Commission considered requiring large non-residential land users to do a master plan and considered residential density as part of the proposed amendments to Chapter 4.5 Master Planning and Development Alternatives and recommended approval of the proposed text amendments to the City Council

In addition, on October 12, 2015 the Planning Commission endorsed an advisory committee to help update BDC Chapter 4.5 Master Planning and Development Alternatives. The advisory committee included developers, attorneys, a representative for OSU, an engineer, a citizen at large, representatives from the UGB Technical Advisory Committees including the Residential Lands Technical Advisory Committee and the Boundary Technical Advisory Committee, two members each from City Council and Planning Commission, and staff from Long Range Planning. The committee met 11 times starting in December, 2015 to discuss and draft proposed amendments primarily for master plans. Therefore, compliance with Goal 1 has been maintained throughout the drafting and updating of the Master Plan code.

Goal 2, Land Use Planning, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The proposed amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. BDC Chapter 4.5 Master Planning and Development Alternatives was adopted in 2006 and has been utilized for developments since that time. During the review of these developments, city staff, developers and community members identified a need to update and clarify the processes, criteria and standards of the chapter, and to differentiate the processes for the various types of master plans.

The New Urbanization Report, Appendix L of the Bend Comprehensive Plan, serves as the factual basis for requiring higher densities and a needed housing mix in master plans. The report analyzed where and how Bend's future growth will be accommodated, both inside the existing Urban Growth Boundary (UGB) and in expansion areas. This Urbanization Report estimated the capacity of the existing UGB under current policies and with land use efficiency measures applied. Efficiency measures for master planning

include higher minimum density standards and minimum percentages of housing units that must be townhomes, duplex/triplex, or multifamily. The updated master plan code will implement these efficiency measures to ensure the needed housing mix and densities can be met.

When concerns were raised related to Opportunity Areas, which are key to achieving infill development, complete neighborhoods and needed housing identified in the acknowledged Comprehensive Plan, the City Council directed the Planning Commission to further refine the Master Plan code so that it would more effectively enable the anticipated types and mixes of land uses and require large non-residential land users to do a master plan. On February 13, 2017, the Planning Commission reopened the public hearing to consider proposed changes to the Master Plan code as directed by the City Council. The Planning Commission recommended that the City Council approve the proposed text amendments including: (A) requiring schools and parks that are 20 acres or larger to do a master plan, (B) allowing a property that is 40 acres or larger to do a land division or property line adjustment to create lots or parcels smaller than 20 acres if they are intended for schools and/or parks that will be part of a Community Master Plan, (C) allowing a maximum of 20 acres of residential designated land in an Opportunity Area proposed for Public and Institutional Uses and Miscellaneous Uses to be excluded from the density and housing mix calculations and require the density for the 20 acres to be taken from the residential designation with the lowest maximum density standard in the Opportunity Area and no more than 20 acres may be exempted from the housing and density mix in an Opportunity Area, (D) allowing the density and housing mix in an Opportunity Area to be transferred within the Opportunity Area or within a walking or biking distance not greater than 1 mile from the boundary of the Opportunity Area on existing travel routes (multimodal street or designated multi-use pathway) or any planned travel route shown within the Transportation System Plan and if the density and housing mix for the RS plan designation is transferred to a property not contemplated for residential development under the Comprehensive Plan (i.e., publicly owned properties with a residential plan designation that were not considered available for residential development under the Buildable Lands Inventory), then the receiving property need only provide the number of housing units transferred or the minimum RS density standards, whichever is greater, (E) requiring an agreement to be recorded to ensure that the receiving property of the density and housing mix transfer from an Opportunity Area fulfills the requirement, (F) eliminating the conditional use permit for schools in residential districts when they are part of a master plan application, and (G) requiring Institutional and Employment Master Plans to comply with the density and housing mix transfers requirements if they are located in an Opportunity Area and include residential designated lands.

Therefore, the proposed amendments are justified and needed and compliance with Goal 2 is maintained.

Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. Goals 3 and 4 are not applicable

because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

Goal 6, Air, Water and Land Resources Quality requires the City to maintain and improve the quality of the air, water and land resources of the state. The proposed amendments to Chapter 4.5, Master Planning and Development Alternatives will require a housing mix that shifts from single-family detached, to more attached housing types, which studies have shown typically consume less energy than single-family dwellings. Also, Institutional and Employment Master Plans are required to do a Transportation and Parking Demand Management (TPDM) Plan which will help increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand. Therefore, compliance with Goal 6 is maintained.

Goal 7, Areas Subject to Natural Hazards is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

Goal 8, Recreational Needs requires provisions to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. The proposed Community Master Plan must provide 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, areas of special interest, tree preservation areas, or public and private recreational facilities. The proposed Institutional Master Plan must also provide a minimum of 10 percent open space which may include parks, pavilions, multi-use paths, squares and plazas, areas of special interest, tree preservation areas, and recreational facilities. In addition, proposed parks that are 20 acres or larger will be required to do a master plan. Goal 8 is satisfied since open space will be required and it will provide recreational opportunities to the citizens of the state.

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9 which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. The proposed Employment Master Plan is intended to provide a method by which the City may permit a variety of commercial and/or industrial development types, designs or arrangements that may not be permissible under traditional zoning regulations yet still provide for the ability to plan for full build-out of large employment centers. The Employment Master Plan will provide a mechanism to achieve development which will contribute to the diversification of the City's economic base. Therefore, compliance with Goal 9 is maintained.

Goal 10, Housing, requires provisions to be provide for the housing needs of citizens of the state. The Bend Comprehensive Plan Policy 11-33 states "Residentially designated

land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.”

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

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

Goal 10 is satisfied since the proposed Community Master Plan requires an increase in minimum densities relative to the underlying zone minimums and a required mix of housing on sites 20 acres or larger. In addition, when a master plan is in an Opportunity Area and includes Public and Institutional Uses and Miscellaneous Uses on residential designated land, the master plan will be required to provide the density and housing mix for the residential designated property in excess of 20 acres.

Goal 11, Public Facilities and Services, requires the City 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. The proposed amendments require master plans to be served by existing public facilities that have adequate capacity in compliance with the Collection Systems Master Plan and the Water System Master Plan, or adequate public facilities will need to be installed prior to occupancy or use. Therefore, compliance with Goal 11 is maintained.

Goal 12, Transportation, requires the City to provide and encourage a safe and convenient and economic transportation system. The proposed amendments require master plans to comply with BDC Chapter 4.7, Transportation Analysis. This will provide a process for the City to evaluate the development's impacts and to ensure the transportation system provides for orderly construction of the Bend Urban Area Transportation System Plan network of streets and walking, biking and transit facilities. Therefore, compliance with Goal 12 is maintained.

Goal 13, Energy Conservation, requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. The proposed amendments will help reduce the reliance on the automobile by creating complete communities which encourage walking and biking by creating shorter trips. The proposed amendments also require Master Plans to provide multi-modal connections on-site and to continue existing and planned trail systems adjacent to the master plan through the entire master plan site. Therefore, compliance with Goal 13 is maintained.

Goal 14, Urbanization, requires the City 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. The proposed amendments create three types of master plans that will provide coordinated development for housing, employment and institutional uses. The proposed amendments will provide a process to consider development on larger sites, to analyze future demand on public facilities, and to provide an opportunity for innovative and creative development. The proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these proposed amendments and therefore the City's long standing acknowledgment of compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the proposed Development Code amendment.

Because the proposed code amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

Based on the above discussion, the proposed text amendments to the Development Code are consistent with the statewide planning goals and therefore comply with the requirement that the amendment be consistent with state land use planning law.

2. The request is consistent with the applicable Bend Comprehensive Plan

goals and policies;

FINDING: The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

Chapter 1: Plan Management and Citizen Involvement

Goals:

- **Create and preserve Great Neighborhoods.** Bend has a variety of great neighborhoods that promote a sense of community and are well-designed, safe, walkable, and include local schools and parks. Small neighborhood centers provide local shops, a mix of housing types, and community gathering places. The character of historic neighborhoods is protected and infill development is compatible.
- **Plan and Sustain a Strong Diverse Economy.** Bend has a good supply of serviced land planned for employment growth that supports the City's economic development goals, provides a range of diverse jobs and industries, and supports innovation. Employment areas, large and small, have excellent transportation access. Opportunities are created for a stable, vital and diverse economy while sustaining Bend's environment/ecological support systems.
- **Create Housing Options and Affordability.** Bend residents have access to a variety of high quality housing options, including housing affordable to people with a range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.
- **Fosters a Balanced Transportation System.** Bend's balanced transportation system incorporates an improved, well-connected system of facilities for walking, bicycling, and public transit, while also providing a reliable system for drivers. Bend's transportation system emphasizes safety and convenience for users of all types and ages. Transportation and land use are integrated to foster livability.
- **Promote Public and Civic Involvement.** Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan and “evolving vision”.
- **Create Clear and Consistent Implementing Ordinances.** Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

FINDING: The proposed update deletes the existing Master Plan sections and creates three new types of Master Plans: Community Master Plan, Institutional Master Plan and Employment Master Plan. The proposed amendments will help create attractive neighborhoods, diversify the City's economic base, provide a housing mix comprised of single-family detached, two- and three-family housing, attached single-family townhomes and multifamily residential housing units, and provide multi-modal connections and open space. Therefore, compliance with Chapter 1 Goals is satisfied.

Policies

Citizen Involvement

1-15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

1-16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

FINDING: On October 12, 2015, the Planning Commission endorsed an advisory committee to help update BDC Chapter 4.5, Master Planning and Development Alternatives. The advisory committee included developers, attorneys, a representative for OSU, an engineer, a citizen at large, representatives from the UGB Technical Advisory Committees including the Residential Lands Technical Advisory Committee and the Boundary Technical Advisory Committee, two members each from City Council and Planning Commission, and staff from Long Range Planning. The committee met 11 times starting in December, 2015 to discuss and draft the proposed code amendments.

A notice of the Planning Commission's public hearing was printed in the Bend Bulletin on September 4, 2016 and sent to the neighborhood associations on August 30, 2016. Staff also emailed the changes to the Development Code Update Committee on May 25, 2016 and to the Master Plan committee on August 8, 2016 for their review.

On June 1, 2016 the City Council held a work session to review the proposed master plan amendments. The Council discussed remote campuses, the duration of approvals, the review authority for each type of master plan and the size requirements for a master plan. The Council identified two matters including the size of master plans and requirements for remote campuses for the Planning Commission to further discuss and revise if necessary. The Planning Commission held work sessions on June 27, 2016, August 8, 2016, and August 22, 2016 and a hearing on September 26, 2016. The City Council held a work session on October 5, 2016 and a public hearing on October 19, 2016 regarding the proposed amendments. The City Council closed the public hearing and held the written public record open for written comments until November 9, 2016 and continued the hearing to November 16, 2016. On November 16, 2016 the City Council conducted the first reading.

On November 14, 2016 the Oregon Department of Land Conservation and Development approved the Urban Growth Boundary (UGB) expansion plan for the City of Bend, and the amended Bend Comprehensive Plan went into effect on December 6, 2016 which included new policies for master planning. On December 21, 2016 and January 18, 2017, the City Council held work sessions and discussed the new policies which address complete neighborhoods and adequate land supplies for housing & employment. The City Council reviewed the issues and several options and provided

policy direction to the Planning Commission to create alignment between the new policies and the Master Plan code.

A notice of the February 13, 2017 Planning Commission public hearing and of the March 1, 2017 City Council public hearing was printed in the Bend Bulletin on January 22, 2017 and sent to the neighborhood associations on January 19, 2017. Staff also emailed the proposed draft and the dates and times of the hearings to the Master Plan Committee on January 27, 2017. On February 13, 2017, the Planning Commission reopened the public hearing to consider requiring large land users to do a master plan and to consider residential density as part of the proposed amendments to Chapter 4.5 Master Planning and Development Alternatives. The Planning Commission deliberated and voted to reaffirm its approval of the Development Code amendments before them on September 26, 2016, and found the Development Code as amended on February 13, 2017 meets all applicable criteria for adoption and recommend that the City Council approve the proposed text amendments. On March 1, 2017, the City Council held a public hearing to accept evidence, receive public testimony and consider the Planning Commission's recommendation and conducted the first reading and on March 15, 2017 the City Council conducted the second reading.

Therefore, compliance with Chapter 1 has been met.

Chapter 2: Natural Features and Open Space

Goals:

- ***To preserve interesting and distinct geologic formations and areas of natural vegetation;***
- ***To provide land for recreational uses such as hiking, photography, bicycling, jogging, or fishing;***
- ***To preserve water resources, riparian areas, and wildlife habitats;***
- ***To establish a system of trails, greenways and wildlife corridors that are interconnected;***
- ***To shape the urban development and provide visual relief from developed land; and***
- ***To support the coordinated efforts of public agencies, private organizations and individuals to preserve and enhance the area's natural features and open space.***

Policies

Natural Features and Open Space

2-11. The city shall develop flexible subdivision and development standards that make it easier for developers to provide open space within a neighborhood.

FINDING: As previously discussed, the proposed master plans are required to provide multi-modal connections and open space areas. The proposed Community Master Plan also allows the applicant to deduct open space, sensitive lands, fire breaks, canals from

the calculation of minimum density requirements. This will make it easier for developers to provide open space within the neighborhoods. Therefore, compliance with Chapter 2 has been met.

Chapter 3: Community Connections

Goals:

- To provide quality green spaces, natural areas, and recreation sites through public and private park land throughout the community; and
- To coordinate the development of future park and school sites to serve the expanding urban area population.

Policies

Parks and Recreation Facilities

3-7. Sites for small neighborhood parks are not shown on the Land Use Plan Map, but the city shall encourage private or public parties to develop small neighborhood parks.

3-8. The city shall refer to the park district, for its review and recommendations, all development proposals that include or are adjacent to existing or proposed parks or trails.

Urban Trails

3-10. The trails designated on the Bicycle and Trail System map shall be the basis for developing a trail system that serves the recreational and transportation needs of the community.

3-11. The city, when practical, shall require connecting links to the urban trail system from all adjacent new developments.

Schools

3-12. The City will plan for safe streets, pedestrian, and bike facilities adjacent to the school sites as new schools are erected.

3-13. The City will coordinate with the Bend La-Pine School District to increase pedestrian and bicycle accessibility to schools.

3-14. When legally allowed, the City may require major new developments to reserve land for school purposes in conjunction with the Bend-La Pine School District's adopted plan for the type and location of future facilities.

FINDING: The proposed code amendments for master planning require the applicant to submit documentation from the Bend Metro Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided the District an opportunity to review the design for options to enhance existing parks and trails, and develop new parks and trails. In addition, the applicant must also submit documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed Master Plan, and provided

the District an opportunity to review the Master Plan area for compliance with the School Facility Plan, latest edition.

The proposed amendments also require Community and Institutional Master Plans to provide a minimum of 10 percent of the gross site as open space. In addition, all three types of master plans are required to provide multi-modal connections on-site and any existing and planned trail systems adjacent to the master plan must be continued through the entire master plan site.

Therefore, compliance with Chapter 3 has been met.

Chapter 5: Housing and Residential Lands

Goals:

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.
- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Recognize the importance of transportation linkages (streets, bikeways, side-walks and paths) in connecting neighborhoods and building and maintaining a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.
- Zone adequate land in specific designations to allow for production of needed housing units.

Housing Mix, Density, and Affordability

5-4. The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

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

5-12. To promote complete neighborhoods and the integration of other supporting uses, the City will employ a master planning process for large development sites which are 20 acres or greater. The master plan process will offer two options for approval: 1) applying clear and objective standards or 2) applying discretionary standards for more flexibility.

FINDING: The Master Plan update offers two options for approval: 1) applying clear and objective standards known as a "Minor Master Plan" and 2) applying discretionary standards for more flexibility known as a "Major Master Plan".

The proposed code update requires Master Plans with residential designated land that are 20 acres or larger to achieve the following minimum housing densities:

- RL: 50% of maximum
- RS: 70% of maximum (5.11 units per gross acre)
- RM: 60% of maximum (13.02 units per gross acre)
- RH: base zone minimum (21.7 units per gross acre)

The proposed update allows certain land uses to be deducted from the density requirements including open space, sensitive lands, fire breaks and canals.

In addition, the proposed Community Master Plan (20 acres or larger) includes the following housing mix standards for each zone:

- RL and RS: at least 10% single family attached, duplex/triplex, or multifamily housing
- RM: at least 67% single family attached, duplex/triplex, or multifamily housing

To provide flexibility in the Opportunity Areas, the Master Plan update will allow a maximum of 20 acres of residential designated land proposed for public and institutional uses and miscellaneous uses to be excluded from the density and housing mix calculations; however, it will be required to provide the density and housing mix for the residential designated property in excess of 20 acres.

Residential Compatibility

5-28 Neighborhood commercial shopping areas may be located within residential districts and have development standards that appropriately limit their scale and recognize their residential setting.

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

FINDING:

Community Master Plans are required to provide commercial goods and services that are accessible by walking and biking no more than ½ mile. Community Master Plans are also required to provide higher minimum densities and a housing mix as stated above.

Transportation Connectivity

5-47. Efforts will be made to extend trails, pedestrian ways, and bikeways through existing residential areas. Existing trails, pedestrian ways, and bikeways will be extended through new developments to allow further extension and promote alternative modes of travel.

FINDING:

The proposed master plan amendments require multi-modal connections on-site and any existing and planned trail systems adjacent to the master plan to be continued through the entire master plan site.

Public Utilities and Services

5-52. All residential areas will be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.

5-53. Residential development shall be coordinated with other land use elements and community facilities which are consistent with projected housing densities.

FINDING:

The proposed amendments require master plans to be served by existing public facilities that have adequate capacity in compliance with the Collection Systems Master Plan and the Water System Master Plan, or adequate public facilities must be installed prior to occupancy or use.

The proposed amendments satisfy Chapter 5 since they will provide the needed density and housing mix, transportation connectivity and public utilities and services.

Chapter 6: The Economy and Lands for Economic Growth

Goals

- Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.
- Encourage more small neighborhood commercial developments and convenience commercial centers to reduce the number and length of single occupancy vehicle (SOV) trips.

Policies.

General Policies

6-1 Bend's economic lands (commercial, industrial and mixed use) serve Bend residents and the needs of a larger region.

Commercial Development

6-33 The City will encourage the development of Neighborhood Commercial centers. Such centers should be scaled to serve the frequent needs of the residents of the neighborhood.

6-37 The City will provide a process through the development code to review and approve exceptions to height limits where it supports City goals and policies.

6-41 The City will write parking requirements to encourage walkable commercial development while providing for adequate parking.

FINDING: The proposed Employment Master Plan is intended to provide a method by which the City may permit a variety of commercial and/or industrial development types, designs or arrangements that may not be permissible under traditional zoning regulations yet still provide for the ability to plan for full build-out of large employment centers. The Employment Master Plan will provide a mechanism to achieve development which will contribute to the diversification of the City's economic base. In addition, developed Institutional Master Plans will provide a source of substantial employment.

The proposed code update also encourages the development of neighborhood commercial centers by requiring Community Master Plans to provide commercial goods and services that are accessible by walking and biking no more than ½ mile.

The proposed code update also creates BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan which includes a wide range of strategies intended to increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand.

Therefore, compliance with Chapter 6 has been met.

Chapter 7: Transportation Systems

Plan Goals

Mobility and Balance:

- Develop a transportation system that serves all modes of travel and reduces the reliance on the automobile.

Efficiency:

- Address traffic congestion and problem areas by evaluating the broadest range of transportation solutions.

Environmental:

- Design transportation improvements to preserve air and water quality, minimize noise impacts, and encourage energy conservation.

Transportation System Plan Objectives and Policies

Transportation and Land Use

Objectives:

- To promote land use patterns that support fewer vehicle trips and shorter trip lengths
- To ensure that future development, including re-development, will not interfere with the completion of Bend's transportation system

Policies:

7-2 The City shall continue to use and develop performance standards and guidelines that can reduce vehicle trip lengths and/or promote non-vehicle transportation modes.

7-6 The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.

Transportation Demand Management

Objectives:

- To reduce peak hour traffic loading on the roadway system
- To reduce single occupant vehicle travel
- Implementation of a Transportation Demand Management (TDM) Plan for the city of Bend.

Policies:

7-21 The City shall work with businesses, especially those with more than 25 employees, to develop and implement a transportation demand management plan. These plans shall be designed to reduce peak hour traffic volumes by establishing trip reduction targets over five years.

7-22 The City and County shall work with business groups, schools, the Park District and other governmental agencies to develop and implement transportation demand management programs.

7-23 The City shall manage and regulate parking by:

- a) Establishing programs to lower parking demand in commercial and business districts citywide by providing preferential parking for carpoolers, encouraging mass transit use, encouraging shuttle systems from external parking lots, and maintaining an adequate supply of strategically placed bike parking facilities.
- b) Requiring business groups and employers to develop parking management strategies that support reduced roadway system demand during the peak motor vehicle travel times.

7-26 The City shall adopt TDM supportive ordinances as appropriate.

FINDING: The proposed code amendments require Institutional and Employment Master Plans to have a Transportation and Parking Demand Management (TPDM) Plan in compliance with the proposed BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan. BDC Chapter 4.8 includes a wide range of strategies intended to increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand. Therefore, compliance with Chapter 7 has been met.

Chapter 11: Growth Management

Goals

The following goal statements describe the future urban form and growth aspirations of the community and serve as the foundation for policy statements in this chapter. The citizens and elected officials of Bend wish to:

- Encourage the city's evolution from small town to livable city, with urban scale development, amenities, and services in appropriate locations, while preserving and enhancing the natural environment and history of the community;
- Use Bend's existing urban land wisely, making efficient use of land inside the boundary, with infill and redevelopment focused in appropriate areas within the Central Core, along transit corridors, and in key opportunity areas (see Figure 11-1);
- Create new walkable, mixed use and complete communities by leveraging and complementing land use patterns inside the existing boundary and using expansion to create more complete communities;
- Locate jobs in suitable locations, where there is access to transportation corridors, larger parcels, and good visibility for commercial uses;
- Plan Bend's infrastructure investments for the long term;
- Meet state requirements for growth management and the UGB while achieving local goals;
- Lay the groundwork for the future growth of Bend by taking into consideration the context of lands beyond the UGB;
- Utilize best practices (e.g. cluster development, transect planning) in appropriate locations to reinforce the City's urban form, reduce risk of wildfire, and recognize natural features that present "hard edges" for urbanization; and
- Implement an overall strategy to "*Wisely grow up and out*".

Policies:

General Growth Management Policies

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 proposed amendments will require master planning for a property or combination of adjacent properties under common ownership that are 20 acres or larger, except Institutions of Higher Education will require a master plan if they are 10 acres or larger. Master planning will help meet the employment and housing needs as identified in the Bend Comprehensive Plan, particularly in the Opportunity and Expansions Areas. Without master planning larger blocks of vacant properties could potentially develop without implementing the new Comprehensive Plan policies in Chapter 11, Growth Management.

Master Planning Policies

11-29 The City will provide a mechanism in the development code for property owner-initiated master plans. The development code shall specify approval criteria and procedures for such master plans.

11-30 Master plans in expansion areas are subject to policies 11-56 to 11-131 of this chapter.

11-31 The purposes of master plans are to:

- promote and facilitate coordinated development and efficient use of land;
- provide a process to consider future development on larger sites and to analyze future demand on public facilities; and
- provide an opportunity for innovative and creative development while providing long-term predictability for the applicants, surrounding neighborhoods, and the entire community.

11-32 The City will provide the opportunity for master plans to proceed under clear and objective standards where the applicant does not seek to deviate from the standards of the development code, the adopted zoning map, or Comprehensive Plan map.

FINDING: The Master Plan update offers two options for approval: 1) applying clear and objective standards known as a "Minor Master Plan" and 2) applying discretionary standards for more flexibility known as a "Major Master Plan". Master Plan approval criteria includes compliance with the applicable policies in the Comprehensive Plan, Chapter 11, Growth Management.

11-33 Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in

each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.

FINDING: As previously stated the proposed Community Master Plan requires an increase in minimum densities relative to the underlying zone minimums and a required mix of housing on sites 20 acres or larger. In addition, when a master plan is in an Opportunity Area and includes public and institutional uses and/or miscellaneous uses on residential designated land, the master plan will be required to provide the density and housing mix for the residential designated property in excess of 20 acres. The master plan code update is necessary to implement the Comprehensive Plan policies because it requires the development of density and a mix of housing as shown in Table 11-1.

11-34 Where a specific expansion area policy specifies a required overall housing mix for a given area, the total housing mix specified in policy shall apply in addition to the mix by plan designation listed in Table 11-1.

11-35 Master plans are required for developments over 20 acres unless otherwise specified in the Development Code. Properties in UGB expansion areas where a master plan is required are shown on Figure 11-4.

FINDING: The proposed amendments will require master planning for a property or combination of adjacent properties under common ownership that are 20 acres or larger, except Institutions of Higher Education will require a master plan if they are 10 acres or larger. As directed by the City Council, the Community Master Plan provides flexibility for schools and parks in the following exemption;

When a property is 40 acres or larger and is part of a proposed land division or property line adjustment application where all the proposed lots/parcels will be 20 acres or larger, a Community Master Plan will not be required until further development is proposed for the newly created lots/parcels; however, lots or parcels less than 20 acres may be created and developed prior to an approved Community Master Plan application if they are intended for schools and/or parks.

This exemption allows schools and parks that are less than 20 acres to develop prior to the approval of a Community Master Plan.

11-36 Where an approved City-initiated Area Plan exists, the City may find that some or all elements of a required master plan have been addressed and satisfied if they are already addressed by the Area Plan.

11-37 Approval of a City-initiated Area Plan that encompasses one or more properties over 20 acres (including abutting land in common ownership) does not exempt such properties from master plan requirements.

Based on the findings stated above, staff concludes that the proposed text amendments are consistent with the applicable Bend Comprehensive Plan Goals and Policies.

3. The applicant can demonstrate a public need or benefit for the proposed amendment.

FINDING:

The City of Bend recognizes the public need and benefit for the proposed amendments for master planning since the amendments promote and facilitate coordinated development and efficient use of land; they provide a process to consider future development on larger sites and to analyze future demand on public facilities; they effectively implement newly adopted Comprehensive Plan policies, and, they provide an opportunity for needed housing and innovative and creative development while providing long-term predictability for the applicants, surrounding neighborhoods, and the entire community.

The City of Bend also recognizes the need for the proposed BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan chapter since it is intended to increase walking, biking and transit use and reduce single occupancy vehicles and parking demands.

Therefore, the proposed amendments to the BDC meet this criterion.

4.6.500 Record of Amendments.

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

FINDING: In the event the Development Code text amendment is adopted by ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the Bend Development Code available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The new text amends the Bend Development Code, a functional component of the Bend Comprehensive Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

Based on the above Findings, the proposed Development Code text amendments meet all applicable criteria for adoption.

VI. RECOMMENDATION:

The Planning Commission reaffirmed its approval of the Development Code before them on September 26, 2016, and finds the Development Code as amended on February 13, 2017 meets all applicable criteria for adoption and recommended approval of the proposed text amendments as amended to the City Council.