

## ORDINANCE NO. NS-2290

AN ORDINANCE AMENDING THE BEND AREA COMPREHENSIVE PLAN MAP, ZONING MAP, AND DEVELOPMENT CODE TO CREATE THE 48 ACRE SHILO MASTER PLANNED DEVELOPMENT INCLUDING COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS OF 15 ACRES FROM PUBLIC FACILITIES (PF) TO RESIDENTIAL STANDARD DENSITY (RS), AND 0.12 ACRES FROM PF TO CONVENIENCE COMMERCIAL (CC). THE PROPERTY IS LOCATED ON THE EAST SIDE OF COUNTRY CLUB ROAD NORTH OF THE BURLINGTON NORTHERN RAILROAD TRACKS.

### Findings

- A. On October 12, 2016, JL Ward Company submitted a Type III Quasi-judicial application for Comprehensive Plan, Zoning Map, and Development Code Amendments to create the 48 acre Shilo Master Planned Development (Shilo MPD). The master plan includes a mix of single-family detached housing, as well as commercial development, open space, Areas of Special Interest (ASI) and multi-modal trails. The request includes a Comprehensive Plan Amendment and Zone Change of 48 acres from Public Facilities (PF) to Residential Standard Density (RS), and 0.12 acres from PF to Convenience Commercial (CC).
- B. On March 13, 2017, the Planning Commission held a public hearing on the proposed Shilo MPD. The Planning Commission voted to recommend approval of the Comprehensive Plan and Zoning Amendments and the Development Code Text Amendments for the Shilo Master Plan.
- C. The Bend City Council held a public hearing on April 19, 2017, to take testimony and consider the Planning Commission recommendation.
- D. The requested amendments to the Bend Area Comprehensive Plan Map, Zoning Map, and Bend Development Code meet all applicable Development Code criteria, policies of the Bend Area General Plan as of October 12, 2016, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

### THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend Area Comprehensive Plan Map, Zoning Map, and Bend Development Code are amended to create the 48 acre Shilo Master Planned Development as contained in Exhibits B, C, and D.
- Section 2. The conditions of approval in Exhibit A shall be met with subsequent development within the Shilo Master Planned Development area.
- Section 3. The City Council adopts the Findings in support of this ordinance as contained in Exhibit A.

First reading: April 19, 2017.

Second reading and adoption by roll call vote: May 3, 2017.

YES: Casey Roats, Mayor  
Sally Russell  
Bill Moseley  
Bruce Abernethy  
Justin Livingston  
Nathan Boddie

  
\_\_\_\_\_  
Casey Roats, Mayor

Attest:

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

Approved as to form:

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

**EXHIBIT A  
FINDINGS AND CONDITIONS FOR  
SHILO MASTER PLANNED DEVELOPMENT  
AMENDMENTS PZ 16-0822  
AND VARIANCE PZ 16-0823**



COMMUNITY  
DEVELOPMENT

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

City of Bend Development Code

- Chapter 2.1, Residential Districts (RS)
- Chapter 2.2, Commercial Zoning Districts (CC)
- Chapter 2.7, Special Planned Districts
- Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
- Chapter 3.4, Public Improvement Standards
- Chapter 4.1, Land Use Review and Procedures
- Chapter 4.5, Master Planning and Development Alternatives
- Chapter 4.6, Land Use District Map and Text Amendments
- Chapter 4.7, Transportation Analysis

The Bend Area General Plan (in effect October 12, 2016)

Oregon Administrative Rules

- Chapter 660-012-060, Plan and Land Use Regulation Amendments
- Chapter 660-015, Division 15, Statewide Planning Goals and Guidelines

**II. PROCEDURAL FINDINGS:**

- 1. PUBLIC NOTICE AND COMMENTS:** The applicant held a neighborhood meeting on June 7, 2016 at the Old Back Nine Club House at 60650 China Hat Road in accordance with the requirements of BDC 4.1.215. Two neighbors and two members of the neighborhood association attended that meeting; these individuals expressed concern regarding traffic at nearby intersections and speeding in the region, and the desire for sidewalks and a bike path. Notice of the proposed amendments was sent to the state Department of Land Conservation and Development (DLCD) on February 2, 2017. Notice for the Public Hearing was mailed on February 13, 2017 to property owners within 250 feet and the Southeast Bend Neighborhood Association Land Use Representative. Notices were sent to City Departments and other affected agencies for comment. Various agency comments and recommendations are contained in the project file and were considered in this staff report. Prior to the Planning Commission public hearing, no public comments were received. The Chairman and Land Use Chair from Southeast Bend Neighborhood Association met with City staff on March 3, 2017 to discuss questions regarding transportation and the list of their initial questions is included in the record in ePlans. One individual submitted written comments the day after the Planning Commission public hearing, expressing concern about traffic and speed on Country Club Road, and the need for roundabouts at the intersections at Knott Road and Murphy Road with Country Club Road.

At the Planning Commission public hearing, four individuals (including the SE Bend Neighborhood Association Land Use Chair) spoke asking questions and voicing concerns about the proposed project. The Neighborhood Association Land Use Chair voiced concerns about the transportation analysis, speed limits, safe pathways to the Jewell Elementary school north of Murphy Road, and needed transportation improvements. A

neighbor in the new Cascade Heights subdivision to the east expressed concern about cross-traffic through his neighborhood. Two other individuals asked questions about the project that were answered by the applicant.

2. **APPLICATION SUBMITTAL:** The Shilo Master Plan application was submitted and application fees were paid on October 12, 2016. Additional required submittal materials were requested on November 3, 2016 and were submitted on January 19, 2017. The application was deemed complete on January 25, 2017. Because the application includes a request for a Post Acknowledgement Plan Amendment (PAPA), it is not subject to the 120-day statutory time limitation for review.

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

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

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

- A. **Applicability.** The Master Planned Development designation may be applied over any of the City's land use districts for any property or combination of properties three acres or greater in size. For projects consisting of one or more properties totaling 20 acres or larger at the date of adoption of this code, a Master Neighborhood Development Plan shall be required in conformance with BDC 4.5.400, Master Planned Neighborhood Development.

**FINDING:** The subject properties total 48.1 acres. BDC 4.5.400 is addressed further on in this report.

##### **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 Master Planned Development seeks to change one or more of the development standards contained in this code, the underlying zoning and/or Bend Area General Plan designation. Therefore, a Master Planned Development concept plan application shall be reviewed using the Type III procedure in accordance with BDC Chapter 4.1, Development Review and Procedures.  
The tentative development plan may be reviewed using the Type II procedure in accordance with BDC Chapter 4.1, Development Review and Procedures, and



- 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:**

**FINDING:** The requirements below are addressed in the applicant's narrative and analyses submitted with the application and are addressed below and also in detail further on in this report.

- 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.**

**FINDING:** The applicant's narrative notes that the proposal contributes to orderly development and land use patterns in the area by proposing development at densities and uses contemplated in the Bend Area General Plan and implemented through the Bend Development Code.

- ii. The MPD will not create excessive demand on public facilities and services required to serve the development.**

**FINDING:** The applicant proposes to construct sewer and water system improvements to provide adequate capacity to serve the proposed development. A utility availability memo was completed by the City on August 11, 2016 (SWA 15-3106) with the findings and conditions for water and sewer facilities below.

**Water:** The property currently has no water services extended to the property. There is an existing 8-inch ductile iron main extended to the east property line at SE Blue Stem Lane from the Cascade Ridge subdivision. An existing 16-inch water main is located north of the property at the SE High Lead Drive and SE Country Club intersection. A future 8-inch ductile iron main will be constructed to the east property line with the future phase of Cascade Heights subdivision. There is an existing Murphy Water Pump Station on SE Murphy Road adjacent to the Sewer Pump Station.

Sections of the existing Juniper Utilities water system were sold off and distributed to the City of Bend, Roats Water and Avion Water Districts. Through this sale, some of the City's critical water piping was eliminated, affecting the system's ability to provide sufficient fire flows and pressures in the south east region of Bend. Murray, Smith & Associates, Inc (MSA), the City's water and sewer consultant, prepared an analysis that illustrates the systems deficiencies and necessary improvements required to provide sufficient pressures and flows to meet the fire needs of the area during near-term and full area buildout. Deficiencies in the existing pressure booster station on Murphy Road to the intersection of Murphy Road and Brosterhous were noted. In order to overcome these deficiencies and ensure that adequate water service is provided to the development, the following conditions of approval are necessary:

**Condition of Approval:** A pressure reducing/pressure sustaining control valve shall be installed downstream of the Murphy Water Pump Station. The location of the control valve will be determined during infrastructure design through collaboration between the City of Bend and the developer.

**Condition of Approval:** A 16-inch ductile iron water main shall be constructed from the Murphy Water Pump Station within Murphy Road east to SE Brosterhous Road. The 16-inch waterline in Murphy Road is considered a needed improvement based on 2007 Water Master Plan and would be considered a Qualified Public Improvement included in the SDC Methodology Project List. Since the 16-inch waterline improvement is considered the needed improvement, the total Qualified Cost available for SDC Credits would be 80% of the total project costs.

**Condition of Approval:** A 12-inch ductile iron water main shall be extended in SE Country Club Drive from the existing 16-inch ductile iron water main to the development's ingress/egress roads. Extension of the water main to the south boundary of the subdivision (to the Burlington Northern railroad) will not be required.

**Condition of Approval:** The development will construct a minimum 8-inch ductile iron water main throughout the subdivision in conformance to City of Bend Standards and Specifications. The development's water main shall connect to the Cascade Heights water mains to provide a looped system.

**Condition of Approval:** The City of Bend Code allows only one domestic water service lateral per property. Water and fire services shall be sized by the Engineer of Record; one-inch minimum water service lateral per tax lot. Separate taps are required to the City mains for fire lines and services. New fire service lines are required to be designed as part of a Tier III right of way (Infrastructure) plan submittal. Any unused service is required to be abandoned and capped at the main per City Standards and Specifications.

**Condition of Approval:** The developer must install fire hydrants at adequate spacing per City of Bend and Fire Code Standards and Specifications. The location of the fire hydrants will be determined during the public infrastructure plan review process.

**Condition of Approval:** Show all easements, existing and proposed, on the final plat and construction plans.

**Sewer:** The property currently has no sewer services extended to the property. There is an existing 8-inch PVC gravity sewer main that abuts the east property line at SE Blue Stem Lane in the Cascade Ridge subdivision. A future 8-inch PVC gravity sewer main will be constructed to the east property line with the future phase of Cascade Heights subdivision. All sewer east of the property flows to SE Brosterhous Road which currently discharges to the Murphy Sewer Pump Station. The existing Murphy Sewer Pump Station is at capacity and additional sewer flows will not be permitted to this sewer basin. Sewer capacity will be available when the Southeast Interceptor's (SEI) construction is complete and operational, which is expected to be by late 2017/early 2018. Construction plans will be prepared with each phase of development to be reviewed and approved for compliance to City of Bend standards and specifications. Because the capacity created by the SE Interceptor will create sufficient capacity to serve the development area, sanitary sewer capacity will be available; however, the following conditions

of approval are necessary to ensure the timing of the provision of sewer is sufficiently coordinated with when the demand is needed.

**Condition of Approval:** The plat will not be recorded until the SEI main is installed and considered substantially complete (operational with 3 months).

**Condition of Approval:** Three options exist for providing sewer to the property.

*Option 1:* Sewer will be provided to the property from the 8-inch sewer mains at the east property line within Cascade Heights subdivision. The sewer main in SE Brosterhaus Road shall be realigned to connect into the SE Interceptor. The developer will work with the City of Bend for connection requirements during the Tier III right of way (Infrastructure) permit review.

*Option 2:* Sewer will be provided via a connection within private property through the Area of Special Intersect (ASI) at the north property line. A minimum 20 foot public utility easement shall be extended over the sewer main in private property and an approved all weather road, approved by the City during the Tier III right of way (Infrastructure) permit review, constructed for access to the manholes.

*Option 3:* Sewer installation down Country Club Drive.

Sewer shall be constructed to the City of Bend standards and specifications. The sewer alignment shall not exceed 90 degrees within the manholes.

All sewer options will be reviewed and approved under the Tier III right of way (Infrastructure) permit review.

**Condition of Approval:** The sewer main with the subdivision shall be constructed per City of Bend standards and specifications. 4-inch PVC sewer laterals shall be installed to each residential lot.

**Condition of Approval:** The commercial property shall have a minimum 4-inch PVC sewer lateral, service upsized as determined by the Engineer of Record. A sampling manhole will be required.

**Condition of Approval:** The City of Bend Code allows only one sewer lateral per tax lot. More than one sewer lateral per tax lot will require approval by the City Engineer.

**Condition of Approval:** All sewer and water improvements are conceptual at this time. Final alignments of the sewer mains and locations of manholes, laterals, and sampling manholes will be finalized with the Tier III right of way (Infrastructure) plans based on final review by City Engineering.

**Stormwater:** Proposed storm drainage systems include a combination of catch basins, drywells and surface drainage basins. Runoff will be accommodated in the appropriately sized discharge areas, designed per City of Bend Grading, Excavation and Stormwater Management

procedures and appropriate calculations. The submitted Shilo Grading Concept Plan identifies the proposed methods to handle stormwater produced by site development. Drainage facilities will be designed and constructed meeting City of Bend standards to prevent runoff from leaving the site.

**Condition of Approval:** With each subdivision phase, upon completion of improvements, Engineer of Record shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements. Documentation of site inspections may be required as supporting information.

**Condition of Approval:** With each subdivision phase, a final drainage report shall be submitted with the Tier III right of way (Infrastructure) permit. The report shall include basin delineation, stormwater runoff calculations, proposed retention facilities and design volume, and storm water facility maintenance - see COSM requirements.

- iii. The MPD contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities, and does not conflict with existing public access easements within or adjacent to the development.**

**FINDING:** An orderly extension of the existing street network is proposed to create continuous through streets meeting block length and block perimeter requirements to the maximum extent practical given existing residential development patterns to the east, the ASI to the north, and the railroad tracks to the south. Bicycle, pedestrian and sidewalk connections are proposed through the site consistent with the Bend Urban Area Bicycle and Pedestrian System Plan.

The Traffic Impact Analysis, developed by Kittelson & Associates, Inc. dated October 5, 2016, was submitted under a TFR application, BP16-5531-TRFA, for the development of a Type III Masterplan application, PZ16-1822. Per the TIA, peak hour trips were determined based on the Institute of Transportation Engineer (ITE) trip generation manual. The proposed subdivision is estimated to produce 220 PM peak hour trips (ITE 210) or 2,094 Daily Trips for the proposed 220 single-family homes. In addition, the shopping center is estimated to produce 11 PM peak hour trips (ITE 820) or 128 Daily Trips. The site is therefore anticipated to add 2,178 new daily trips, including 227 PM peak hour trips (142 in, 85 out movements).

The intersections reviewed in the TIA are as follows: Country Club Drive at Murphy Road, Country Club Drive at Knott Road and Brosterhous Road at Murphy Road. The 5 year crash history at these intersections are below mitigation parameters, with the majority of the crashes caused by substance abuse, icy roads, or minor rear end collisions. The TIA lists the intersection of Country Club Drive and Murphy Road as being a safety hotspot location by ODOT. This intersection is listed on the System Development Charges (SDC) list to be a single lane roundabout constructed in the future. The development directly contributes to the functionality of this intersection, with all traffic either going to SE Knott Road or SE Murphy Road. The SE Country Club Drive and SE Knott Road intersection is on the SDC list as being 100% funded to become a single lane roundabout in the future. Because it is located offsite, dedication of right of way cannot be required. The intersection of SE Brosterhous Road and Murphy Road will be mitigated with the extension of SE Murphy to SE 15th Street in the future. This Brosterhous/Murphy project is on the City's transportation masterplan. The following

conditions apply to the master plan:

**Condition of Approval:** Right of way dedications are as required within each phase of development, except as noted as below:

- 60' right of way dedication for all proposed streets within the subdivision required with the subdivision plat at time of lot phasing.
- Right of way along SE Country Club Drive varies from 20' to 30' width, measured from right of way centerline. SE Country Club Drive is classified as a Major Collector, therefore requiring 80 feet of right of way, or 40' from right of way centerline. 10' / 20' dedication shall be provided with the subdivision plat during Phase 1 to provide the required 40' right of way from centerline along the property frontage.
- A 20' dedication, or tract of land with public access easement, shall be provided with the abutting phase of the subdivision plat for the construction of a path adjacent to the rail road tracks along the property frontage to the eastern abutting property and connection to Street H.
- Minimum 10' wide connections from the park shall be made to the adjacent streets as shown on the tentative plan. The connection shall be dedicated with a public access easement on the plat or under a separate recorded document.
- If alleys are proposed within a phase of a subdivision, a minimum 20' dedication is required.

**Condition of Approval:** Only one local street connection is permitted onto SE Country Club Drive. The access shall be located near the frontage midpoint, as shown in the TIA report and masterplan drawings. No residential or commercial driveway access to SE Country Club Drive will be permitted unless approved by the City Engineer.

**Condition of Approval:** A raised pedestrian refuge island in SE Country Club Drive shall be constructed at the proposed subdivision intersection. There shall be only one pedestrian crossing constructed across SE Country Club Drive. The crossing shall have approved cross walk markings, pedestrian crossing warning signs and accessible curb ramp connections. The island shall be reviewed under the Tier III right of way (Infrastructure) permit for approval. A luminaire shall be constructed at the intersection to provide lighting at the crossing. Street lights shall be installed only at this location.

**Condition of Approval:** Sidewalks shall be constructed to City of Bend standards and PROWAG guidelines. Within the master planned development, sidewalks shall be constructed on both sides of the right of way. All sidewalks shall be constructed property tight, except to meander around barriers, such as trees or utilities. A sidewalk shall be extended along the east side of the property frontage of SE Country Club Drive. An alternative 10' wide asphalt trail is acceptable in this location. Accessible ramps and sidewalk design to be reviewed under the Infrastructure permit for acceptance. Sidewalks/paths shall be installed in the following locations:

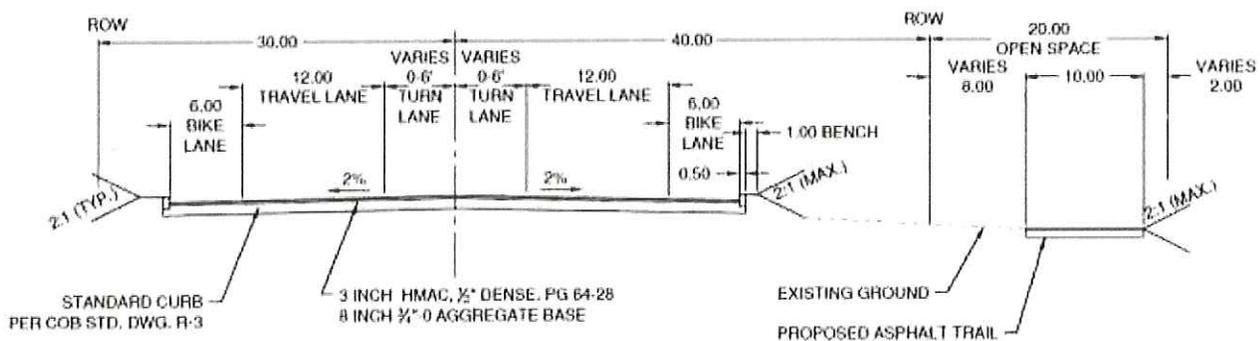
- All interior streets within the proposed subdivision.
- City standards require a 6' wide concrete sidewalk to be constructed along the property frontage of Country Club Drive. The City is amenable to allowing the 10' wide path instead of the standard 6' wide sidewalk. If the applicant pathway is to be placed on private

property outside the right of way, a public access easement must be provided with Phase 1 of the plat.

- A sidewalk transition shall be constructed to road grade at the railroad crossing on SE Country Club Drive
- At the pedestrian crossing on SE Country Club Drive, sidewalk shall be constructed on the west side of SE Country Club Drive south to make a connection to the existing sidewalk.
- The Transportation System Plan (TSP) for bikes and pedestrians lists a requirement for a "Rails with Trails Opportunity Corridor" along Burlington Railroad. The 10' wide public use path shall be extended to and through the property with a minimum of one path connection made to the internal sidewalks installed within the subdivision right of way. A public access easement must be provided with the abutting phase of development.
- Sidewalk connection shall be constructed to the Cascade Heights subdivision (formally Deer Ridge Subdivision).

**Condition of Approval:** All streets are to be constructed in compliance to City of Bend standards and specifications, to widths as required under the street classification, including paving, curbs, sidewalks, and ADA ramps. Street striping, signage and design to be reviewed during Infrastructure permit review by the City.

- SE Country Club Drive is classified as a Major Collector. The road shall be widened along the property frontage to provide a 6' bike lane, 12' travel lane, and a 12' varying width center lane with curbs on both sides and a sidewalk/path along the full property frontage. The cross section from the TIA is acceptable to the City and meets Development code requirements, except the asphalt and base depth requirements (collectors currently requiring a minimum 6 inch pavement thickness with 8 inch base rock). Construction specifications, striping and sign placement will be reviewed under the infrastructure permit.



- Interior streets are shown to be a combination 28' & 32' wide roadways. Parking will be permitted on one side of a 28' wide roadway, with no parking signs installed. A 32' wide roadway permits parking on both sides of the roadway. All roads will require 12" curb and property tight sidewalk on to be installed on both sides.
- Alleys shall be constructed to 20' pavement width.

**Condition of Approval:** Cascade East Transit has indicated the desire to have a future southeast Bend route within the area. They do not need a bus pad constructed yet, but during

design and construction, grades must be considered to provide for an accessible pad from curb to the path/sidewalk. If the path is placed on private property, an easement must be provided in a way to provide the future bus pad access to the path/sidewalk.

**Condition of Approval:** Signage shall be applied to the intersection of SE Country Club Drive and SE Murphy Road to improve safety. Stop ahead signs (W3-1) shall be placed on SE Country Club Drive and the installation of intersection warning signs (W2-1) on SE Murphy Road. Tree removal within the right of way may be required as determined by sign placement. Improvements to be reviewed and approved under a Tier III right of way (Infrastructure) permit and construction in Phase 1.

- 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.**

**FINDING:** The site has no streams, lakes or significant natural features other than the identified as an Area of Special Interest. Significant vegetation throughout the area will be preserved to the extent practical considering the development plans and the installation of the necessary infrastructure to serve the development.

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

**FINDING:** The proposed amendment to the General Plan and Zoning Maps and conformance with the applicable General Plan policies are addressed further on in this report.

**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.**

**FINDING:** The Shilo Master Plan includes a street system plan with specific standards for different types of streets proposed to serve the development. This street plan meets the requirements of Chapter 3.1 Lot, Parcel and Block Design, Access and Circulation to the maximum extent practical. The proposed street plan and block layouts in the master plan will supersede the requirements in Chapter 3.1 for lot, parcel and block design, although the access standards will continue to apply. The proposed street standards generally comply with the street standards in Chapter 3.4. Conformance with Title 3 will be reviewed with step 3 tentative plan review and all requirements of Title 3 will be required to be met, except as otherwise specified in the Shilo Master Plan code text.

**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.**

**FINDING:** The planning objectives to be achieved by the Master Planned Development are detailed in the proposed code text and in the Shilo Master Plan building form and massing examples submitted with the application.

- 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.**

**FINDING:** The applicant anticipates submitting a Tentative Plan application within a few months after receiving approval of the Master Plan. The applicant anticipates beginning the first phase within one year of obtaining Master Plan approval, and subsequent phases as buildout of each prior occurs. A conceptual phasing plan was submitted by the applicant indicating 8 individual phases. The timing of the subdivision phasing will be included in the future subdivision decision. However, the applicant will adjust the timing of phases as absorption and market forces dictate.

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

**FINDING:** The applicant's narrative addresses compliance with the applicable approval criteria.

- 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.**

**FINDING:** The applicant submitted a Transportation Impact Analyses prepared by Kittleson and Associates, as well as City sewer and water analyses.

**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, Design Review;**
- 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.**

**FINDING:** All of the above requirements were submitted with the application.

- 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 Area General Plan.** All relevant provisions of the Bend Area General Plan are met except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.

**FINDING:** The relevant provisions of the Bend Area General Plan are met and are addressed further on in this report under BDC 4.6.300.

- 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 (C)(1) of this section.

**FINDING:** BDC Chapter 4.3 will be addressed when the applicant completes step 3 of the Master Plan approval process, with a phased subdivision application.

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

**FINDING:** In general, the proposed master plan conforms to the uses and development code standards for the RS and CC zones in Chapter 2.0.

**BDC Title 2 Land Use Districts**

**2.1, Residential Districts (RS)**

**2.2, Commercial Zoning Districts (CC)**

**FINDING:** The standards of the Shilo Master Plan area are proposed to supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable standards of the underlying zone shall apply. The Shilo Master Plan development standards are proposed to deviate from the requirements of BDC 2.1 as follows.

**2.1.200 Permitted Land Use. (RS)**

**2.2.300 Permitted and Conditional Uses. (CC)**

**FINDING:** The Shilo Master Plan text allows the uses described in 2.1.200 for the RS zone for all residential development within the master plan area. Although parks require conditional use permit approval under 2.1.200, the proposed park will be permitted outright in the area designated on the Shilo Master Plan overlay map. The uses listed in the table in 2.1.100 for Commercial Convenience districts will be permitted in the Commercial area.

**2.1.300 Building Setbacks.**

Table 2.1.300 - Typical Residential District Setbacks

	<b>*Front</b>	<b>*Rear</b>	<b>*Side</b>
<b>RS</b>	10 feet, except garages shall be set back 20 feet	5 foot minimum	*3 foot/5 foot minimum

Table 2.2.400 Commercial Zoning District Development Standards

	<b>CC</b>
<b>Minimum Front Yard Setback</b>	None
<b>Maximum Front Yard Setback</b> From street with on-street parking From street without on-street parking	10 feet 80 feet
<b>Minimum Rear Yard Setback</b>	None
<b>Minimum Side Yard Setback</b>	None

**FINDING:** The Shilo Master Plan does not modify these RS standards.

**2.1.300.G. Residential Compatibility Standards.**

- 1. Purpose.** The residential compatibility standards in this section are intended to provide transitional buffers between existing neighborhoods and new lots and new parcels.
- 2. Applicability.** The residential compatibility standards apply to new lots and new parcels, unless exempted, that were created by a land division application submitted after September 16, 2015, that are zoned RS and abut existing residential properties zoned RS, RL or SR 2-1/2 which are 20,000 square feet or greater (“protected property”). For purposes of these standards only, the term “abut” also includes new lots and new parcels that are separated from a

protected property by a lot or parcel, right-of-way, easement or open space that is less than the required minimum setback width. In such cases, the required minimum setback is measured from the protected property line across the intervening lot or parcel, right-of-way, easement or open space area.

3. **Development Standards.** The following development standards shall apply to the new lots and new parcels that abut the protected property described in subsection (G)(2) of this section;
  - a. **Lot Area and Setbacks.**
    - i. **Minimum lot area of 5,000 square feet to 5,999 square feet with a minimum 35-foot setback abutting the protected property; or**
    - ii. **Minimum lot area of 6,000 square feet or greater with a minimum 30-foot setback abutting the protected property.**
4. **Exemptions.** New lots or new parcels are exempt from the residential compatibility standards when one or more of the following conditions exist at the time the land division application is submitted;
  - a. **The existing primary dwelling unit on the abutting protected property is located more than 100 feet from the protected property line.**
  - b. **When the abutting protected property is developed with a nonresidential use or the abutting residential use is a higher density than that of the proposed development. For example: a manufactured home park.**
  - c. **When the abutting protected property is vacant. For the purpose of this code section, "vacant" shall mean a property without a dwelling unit.**
  - d. **Where the abutting protected property has submitted for land division approval.**
  - e. **When the abutting protected property was created by a land division application submitted after September 16, 2015.**

**FINDING:** The lots in Cascade Ridge to the east are less than 8,000 square feet in size. However, the northern lots abut two large properties. The residential compatibility standards apply to the proposed 27 lots along the northern boundary of the Shilo Master Plan as the abutting large lots are larger than 8,000 square feet in size. However, the property to the northwest, currently owned by the Bend-LaPine School district, is vacant and therefore, the lots abutting this abutting property are exempt from the residential compatibility standards per 4.c. above. Likewise, the property abutting the northern ten lots is developed as a manufactured home park as Crown Villa RV Park, which is a higher density than the proposed development and the closest RV space is more than 100 feet from the subject property. Therefore, these northern 10 lots are exempt from the residential compatibility standards per 4.a. and 4.b. above.

#### **2.1.400 Building Mass and Scale.**

##### **A. Floor Area Ratio. Floor area ratio shall apply to the following:**

1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;
2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;
3. The perimeter lots of all new single-family residential subdivisions that are 6,000 square feet or less in size and are adjacent to a subdivision platted prior to December 1998 where the adjoining lot development has a 0.5 FAR or less.

**Table 2.2.400 Commercial Zoning District Development Standards for CC.**

**No maximum lot coverage or Floor Area Ratio**

**Maximum Building Footprint 15,000 sq ft for single tenant, 50,000 sq ft for multi-tenant, 35,000 sq ft for grocery store**

**FINDING:** As with the residential compatibility, the floor area ratio (FAR) requirements of 2.1.400 will not apply to the residential land within the Shilo Master Plan area as the adjacent Cascade Ridge residential subdivision was platted after 1998. Therefore, there will not be any FAR limitations for the Shilo Master Plan. The CC zoned area within the master plan will meet all CC zone requirements of BDC 2.2.

**2.1.500 Lot Area and Dimensions.**

Residential Use	Lot Area	Lot Width/Depth
Single-Family Detached Housing	RS 4,000 sq ft	40 ft width, 80 ft depth

**FINDING:** The proposed residential lots within the Shilo Master Plan appear to meet the lot area and dimension requirements for the RS zone, which will be confirmed in the tentative plan review. There are no minimum lot size requirements for the CC zone in Chapter 2.2. The applicant proposes to follow the lot area and dimension requirements for the RS zone throughout the development.

**2.1.600 Residential Density**

**FINDING:** The permitted residential densities will be averaged across the developable residential acreage. As stated in previous findings, subtracting the park and commercial land, there are 30.27 acres of RS land. A minimum of 212 dwelling units are required in order to meet the requirement of at least 60 percent of the maximum density for the master plan area (see findings under BDC 4.5.400.C.3). The proposed Master Plan contains single family residential lots. The proposed master plan provides for at least 216 single-family lots, exceeding the minimum density requirement, but well under the maximum density requirement for the RS zone.

### 2.1.700 Maximum Lot Coverage

Residential Zone	Lot Coverage
RS	50% for single-story homes 35% for all other uses

**FINDING:** There is no maximum lot coverage limitation for the CC zone in Table 2.2.400. The applicant proposes to follow the maximum lot coverage requirements for the RS zone.

### 2.1.800 Building Height.

**A. Standard.** The following building heights shall be observed unless a greater height is approved through a variance in conformance with BDC Chapter 5.1, *Variances*, or approved as part of a Master Planned Development in conformance with BDC Chapter 4.5.

1. Buildings within the UAR, RL, RS, RM-10 and RM Districts shall be no more than 30 feet in height.

**Table 2.2.400**

**Maximum Building Height CC Zone – 35 ft**

**FINDING:** The applicant proposes to follow the maximum building height requirements of the RS and CC zones.

### 2.1.900 Architectural Design Standards. (RS)

### 2.2.500 Site Layout and Building Orientation. (CC)

### 2.2.600 Commercial Design Review Standards. (CC)

### 2.2.700 Pedestrian Amenities. (CC)

**FINDING:** The applicable design standards of the RS and CC zones shall apply based on the underlying zoning of the Shilo Master Plan area in accordance with BDC Chapter 4.2 *Site Plan and Design Review*.

## Chapter 2.7 Special Planned Districts

### 2.7.700 Upland Areas of Special Interest Overlay Zone.

#### B. Applicability.

1. **Affected Property.** The procedures and requirements of the Upland Areas of Special Interest Overlay Zone apply to any real property designated as having an ASI as mapped on the Bend Area General Plan Map and the City Zoning Map. These standards shall be in addition to the standards of the underlying zone.
2. **Activities Subject to Review.** Unless specifically exempted from review as described in subsection (B)(3) of this section, activities subject to review and which require a permit shall include all development on properties described below:
  - a. Partitioning and subdividing of land.
  - b. New structural development.

- c. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.
- d. Site modifications including grading, excavation or fill, installation of new utilities, construction of roads, driveways, or paths.
- e. Removal of trees or cutting or clearing of any native vegetation within the Upland Area of Special Interest.

**FINDING:** There is a mapped ASI located in the northwest corner of the property. Therefore, the provisions of this chapter are applicable.

As a part of the Shilo Master Planned Development, the applicant proposes to protect the ASI through a passive open space tract of approximately 0.54 acres. Any part of the area currently mapped ASI will not be used for private development and designed with the intent and purpose of protecting the remaining ASI area.

**D. Development Standards.** The ASI Boundary is delineated by the outside edge of the boundary line shown on the Bend Area General Plan Map and the City Zoning Map. No development as defined in this chapter shall occur within an Upland Area of Special Interest boundary unless expressly permitted by the provisions of this chapter.

The development standards shall apply to structures, fences, impervious surfaces including streets and driveways except where provided for in this section and landscaping as described in subsection (D)( ) of this section. In addition, no stock piling of fill materials, parking or storage of equipment or personal property shall be placed within an Upland Area of Special Interest.

1. **Setbacks.** There shall be a 25-foot setback from the ASI boundary for all structures requiring a building permit to provide adequate fire fuel break and to reduce the visual impact to the Area of Special Interest. This additional setback area may be used in addition to the ASI area to calculate any density credit. The permanent alteration of an Upland Area of Special Interest by grading, excavation or fill, the placement of impervious surfaces, or by the removal of existing vegetation is only permitted in association with the following enumerated uses and subject to the requirements.

**FINDING:** No structures are proposed within 25 feet of the ASI.

2. **Streets and Driveways.** Public or private streets and driveways may be placed within an Upland Area of Special Interest to access development activities if it is shown that no other practicable method of access exists.

**FINDING:** No roads are proposed within the ASI tract within the Shilo Master Plan.

3. **Utilities and Drainage Facilities.** Public and private utilities or drainage facilities may be placed underground within an Upland Area of Special Interest when it is shown that no other practicable alternative location exists. If allowed, the applicant shall demonstrate that:
  - a. No other practicable access exists or access from an off-site location through the use of easements is not possible;

- b. The corridor necessary to construct utilities shall be the minimum width practicable;
- c. Removal of existing trees and native vegetation shall be avoided unless absolutely necessary.

Any permanent alteration of an Upland Area of Special Interest by the construction of public or private streets, driveways, utilities or drainage facilities is subject to the mitigation requirements under subsection (F) of this section.

**FINDING:** There are no utilities or drainage facilities planned within the ASI tract.

- 4. **Removal of Vegetation.** Removal of existing vegetation from an Upland Area of Special Interest is prohibited, except as indicated below:
  - a. A tree in danger of falling and thereby posing a hazard to life or property may be removed, following an assessment evaluation from a Qualified Professional. If no hazard will be created, the tree or snag may be required to be left in place within the Upland Area of Special Interest to provide wildlife habitat.
  - b. Diseased or dying trees that may pose a threat to the health of surrounding vegetation as determined by a Qualified Professional.
  - c. The removal of noxious weeds and nonnative grasses (e.g., knap weed, toad flax or cheat grass) is encouraged when practicable with minimal disturbance to the ASI.

**FINDING:** No disturbance to the ASI is proposed. The ASI will be located within the ASI tract.

- 5. **Enhancement of an Upland Area of Special Interest.** Planting of additional vegetation within an Upland Area of Special Interest is permitted as indicated below:
  - a. Plant materials shall be native to Central Oregon and similar to the existing plant species in the vicinity of the ASI.
  - b. No permanent irrigation shall be installed.

**FINDING:** No non-native plant material or irrigation is proposed in the ASI tract.

- 6. **Development Credit.** When an applicant preserves an Upland Area of Special Interest, the development potential for the preserved area may be transferred to the balance of the parcel for development or applied to the subject property as indicated below:

**FINDING:** The applicant plans the ASI preservation as a part of the Shilo Master Planned Development. No density transfer is requested.

- F. **Areas of Special Interest Mitigation Standards.** The development activities listed in subsections (B) and (D) of this section may trigger a requirement for mitigation. When a proposed development impacts an Upland Area of Special Interest by grading, excavation, or fill, the placement of impervious surfaces, or by the removal of vegetation, a mitigation plan prepared by a qualified professional shall be submitted to the Review Authority. The mitigation plan shall include the following:

1. The location of the impact, the existing conditions and area size of the resource prior to impact, the location and size of the proposed mitigation area, and a proposed mitigation plan that represents a 1:1 replacement value;
2. All proposed vegetation planted within the mitigation area shall be native to the region and similar to the vegetation removed. Species to be planted in the mitigation area shall replace those impacted by the development activity at a 2:1 ratio;
3. Additional mitigation measures may be required based on the nature of the impact such as:
  - Site reclamation.
  - Screening of structures, cuts or fills.
  - Increased vegetative quantities and/or sizes.

**FINDING:** No development activities are proposed within the protected ASI tract.

#### **G. Standards for Designating New Upland Areas of Special Interest.**

**FINDING:** This application is not for a new ASI. The master plan does not propose to change the boundary of the existing ASI. Therefore, the above standards and criteria do not apply.

#### **BDC Title 3 Design Standards**

**FINDING:** As noted above, the proposed Shilo Master Plan Development Code text will supersede some of the requirements of BDC Chapter 3.0. In general, the proposed master plan conforms to the Development Code standards of Chapter 3.0. Conformance with Title 3 will be reviewed with step 3 tentative plan review and all requirements of Title 3 will be required to be met, except as otherwise specified in the Shilo Master Plan code text.

#### **4.5.300 Master Planned Developments, Concept Development Plan Approval Criteria (continued)**

- d. Requirements for Open Space. Public and private open space within a development is highly encouraged as a public benefit. Open space, 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 Area General 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;**

**FINDING:** The Shilo Master Plan is greater than 40 acres in size and open space area is shown on the submitted concept development plan in separate tracts. A 2.3 acre neighborhood park is proposed as depicted on Figure 2.7.3330 of the Master Plan. The developer is working with the Bend Metro Park and Recreation District (BPRD) on park design to comply with district standards. Upon construction of the park to district standards, the designated park land is intended to be transferred to Park District ownership. The Park District will then be responsible for ongoing park maintenance.

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

**FINDING:** Conformance with the approval criteria of Section 4.3.300 will be specifically addressed at the time of submittal of a Tentative Plan. In general, the proposed MPD concept plan appears to meet the requirements of BDC 4.3.300.

- g. 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 Comprehensive Plan Map Amendments.**

**FINDING:** BCD 4.6.300(B) is addressed further on in this report.

**4.5.400 Master Planned Neighborhood Development.**

- A. Applicability. This section applies to all properties comprised of one or more lots, parcels, and/or tracts, in any zoning district which totals 40 acres or larger at the date of this code adoption.**

**FINDING:** This section is applicable as the Shilo Master Plan encompasses 48.1 acres of land.

- 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.**

**FINDING:** The procedures and criteria of BDC 4.5.300 are addressed in this report. The applicant proposes a Master Plan for this area. The subject site is not within an adopted special plan district.

**C. Land Use and Design Standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in BDC 4.5.300, Master Planned Developments, and shall include the following design elements:**

- 1. All lots have access to active or passive recreational areas or uses by walking or bicycling a distance not greater than one-fourth 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.**

**RESPONSE:** The applicant proposes a 2.3 acre neighborhood park centrally located within the development near the entrance to the neighborhood from Country Club Drive. This location was chosen to create a neighborhood park as an asset for the community with the ultimate goal of developing the area with a neighborhood park and transfer of ownership to the Bend Parks and Recreation District (BPRD).

The park will be within  $\frac{1}{4}$  mile of all of the lots within the Shilo Master Plan area. Sidewalks and/or trails will be provided connecting all lots with the park.

- 2. All lots have easy access to neighborhood commercial services by walking or bicycling a distance not greater than one-fourth 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.**

**FINDING:** The proposed commercial area is centrally located near the entrance to the neighborhood near Country Club Drive. All lots will have easy access to this area with the planned network of streets, sidewalks and trail connections. Most lots will be within  $\frac{1}{4}$  of a mile from the neighborhood commercial uses, although the lots in the farthest northern corner may exceed  $\frac{1}{4}$  mile as measured along pedestrian routes, due to the shape of the master plan area. The lots in the far north section will also have pedestrian routes to existing commercial development at Brosterhouse Road and Murphy Road which is within  $\frac{1}{4}$  of a mile from the north boundary of the Shilo Master Plan area. Therefore, this requirement will be met to the maximum extent practical.

- 3. The neighborhood shall consist of a mix of housing types to achieve at least 60 percent of the maximum gross density designated within the underlying zone regardless of the total number of actual acres developed with housing. Density shall be calculated by multiplying the maximum density allowed in the underlying zones by the gross area of the property. (Example: RS Zone has a maximum density of 7.3 units per acre x 40 gross acres = 292 dwelling units.) In addition, the area developed with housing shall not exceed 110 percent of the allowable density for the developed acreage. In the example above, if only 36 acres of the 40 acres were developed in housing, the total housing allowed on the 36 acres would be 289 dwelling units instead of the entire 292 units.**

**FINDING:** The Shilo neighborhood is proposed to be standard single family residential housing. The allowable number of lots for the 48.1-acre project, calculated at the maximum density of 7.3 units per acre, is 352 units. Sixty percent of 352 units is 212 units. The proposed 216 dwelling units exceeds the minimum 60 percent of the maximum density.

The land proposed developed with residential uses is 30.27 acres. The proposed 216 units on the residentially developed land result in a density of 7.13 units per net acre which does not exceed 110 percent of the allowable density for the developed acreage. Therefore, this standard is met.

***Condition of Approval:*** *The tentative plan for the Shilo Master Plan shall include a minimum of 212 single-family residential lots or the equivalent number of lots to accommodate 212 residential units.*

- 4. 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.**

**FINDING:** Lands nearby the proposed Shilo Master Development include those in ownership by the Bend La Pine School District, immediately northwest, and the City of Bend, for the fire station on Country Club Drive, approximately one-half mile away. Additionally, the applicant has consulted with the BPRD and agreed upon designating a 2.3 acre neighborhood park within the development area. BPRD has confirmed the size of the park as appropriate for this parcel of land in this location. The School District has indicated there is no need for any schools on this property.

- 5. 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.**

**FINDING:** The gross area of the site is 48.1 acres, requiring 4.8 acres to be utilized as public space. The neighborhood park measures 2.30 acres and the ASI consists of 0.54 acres. The total area of the trails is 0.77 acres. The trail adjacent to Country Club Drive is a widened paved path to accommodate bi-directional bicycle and pedestrian traffic, and a connector aggregate walking trail is also proposed along the south perimeter adjacent to the BSNF railroad property. The total of these three components, the neighborhood park, the ASI and the trails, is 3.61 acres. This acreage is 75 percent of the 4.81 acres of the required 10 percent public space. The applicant has requested a variance to provide less open space than required in this subsection. The findings for this variance request is outlined below.

**Note:** The findings in the following subsection apply only to the request to reduce the size of the required open space.

#### **5.1.200 Class A Variances**

- A. Purpose. A Class A variance is a variance from the standards of this code relating to on-site development requirements. The Review Authority may grant**

***variances to the following on-site requirements using the approval criteria in subsection (B) of this section, Class A Variance Criteria, provided the request does not exceed 25 percent of the requirement.***

**FINDING:** The applicant is requesting a variance to the public space standards in BDC 4.5.400.C.5. The standard reads as follows: "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." The request for reduction to the standard does not exceed 25 percent of the requirement. The total project area is 48.1 acres, and ten percent of the total area is 4.81 acres. The proposed public space area is 3.61 acres, which is 75% of the required open space area, consistent with Class A Variance Criteria to not exceed 25% of the requirement.

***B. Class A Variance Criteria. A Class A variance shall be granted if the applicant can demonstrate compliance with all of the following criteria:***

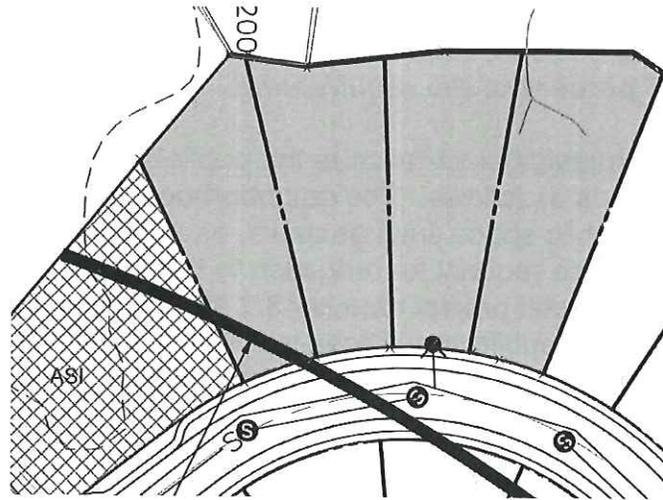
- 1. The variance requested is required due to the lot configuration, or other physical conditions of the site;***

**FINDING:** The applicant stated that the variance is required due to its location, constricted by an ASI to the north, connection to three road stubs to the east and the railroad tracks to the south. In addition, the Bend Parks and Recreation District (BPRD) has stated that District does "not technically have a need for additional neighborhood park amenities" in this service area, but notes "it is a very large service area with poor geographical distribution of current and planned park land." BPRD states they are "satisfied with the size and location of the future park" identified on the Conceptual Master Plan.

The applicant has stated that since BPRD does not desire a larger park within the master plan, the ability to provide public space to meet the requirement set forth in BDC 4.5.400.C.5 is limited. Instead, the applicant has chosen to meet the *intent* of the public space requirement with the proposed park, trails and preservation of the ASI, but has provided only 75 percent of the required public space area.

The Planning Commission finds that the variance is not *required* due to the lot configuration or other physical conditions of the site. The Planning Commission finds that master plan can be reconfigured to provide 1.2 acres of additional public space while still providing the minimum number of units required by this master plan. City staff determined that the four lots east of the ASI at the northern boundary of the master plan could be converted from residential lots to an open space tract, providing an additional 1.2 acres of public space while still meeting the minimum 212 residential unit requirement.

The Commission rejected the assumption that open space be in the form of a public park. Open space within a development may be in the form of private open space owned by the Homeowners Association.

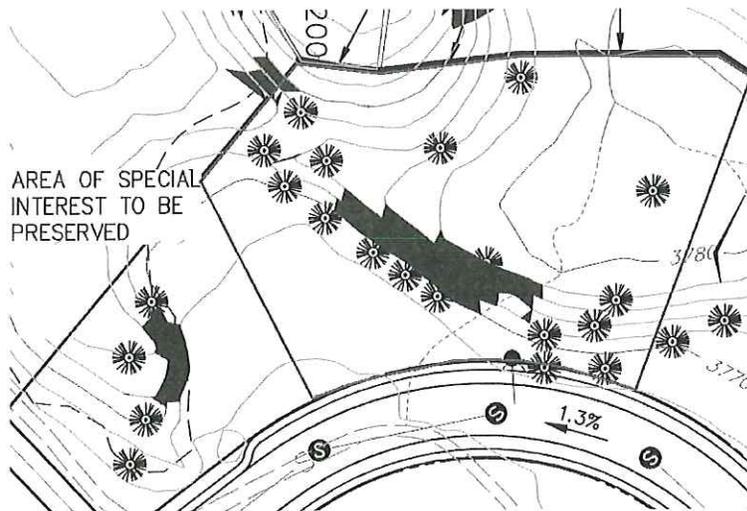


While this scenario created by City staff is only one way the site may be redesigned, there may be other methods that the developer may choose to accommodate additional open space. In any event, this scenario shows that the master plan can continue to meet the requirements of the code with 10 percent open space.

**2. The variance does not result in the removal of significant trees as defined by this code;**

**FINDING:** As noted previously, the subject property is generally devoid of vegetation except for a cluster of trees in the southeastern and northern portions of the property as well as some trees near the proposed entrance from Country Club Drive. The trees within the proposed park near the entrance can be preserved with the appropriate park design. The trees in the southeast corner could be preserved within an open space tract, however the alignment of the proposed road to connect with Cascade Ridge (Street H) bisects this area. Where feasible, the applicant will preserve natural tree cover along the streets being developed. Additionally, the Covenants, Conditions and Restrictions (CC&Rs) for the project will outline tree preservation criteria for future homeowners.

If an additional 1.2 acres of public space is provided in an area where significant trees exist, then these trees could be retained. If the four lots east of the ASI are converted to public space, approximately 16 trees would be retained. It cannot be determined if these trees are significant, as tree size was not submitted by the applicant.



Note: 1.2 acre tract outlined in green. The red areas above denote existing grades exceeding 25%.

3. ***The variance is consistent with the design standards provided in BDC Chapters 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2, Landscaping, Street Trees, Fences and Walls, 3.3, Vehicle Parking, Loading and Bicycle Parking, and 3.4, Public Improvement Standards.***

**FINDING:** No design standards noted in these subsections of BDC Chapter 3 are impacted by the variance request.

**SUMMARY FINDING:** The Planning Commission finds that the proposal does not meet the three Class A Variance approval criteria, therefore the request to reduce the minimum public space area to below the prescribed 10% of the gross development area is recommended for denial. The Planning Commission recommends that the master plan be reconfigured to provide 10 percent of the gross area as public space.

**Condition of Approval:** The master plan must be configured to provide 10 percent of the gross area of the master plan as public space in accordance with BDC 4.5.400.C.5, while still providing a minimum of 212 units.

#### ***4.5.400 Master Planned Neighborhood Development. (cont.)***

#### **C. Land Use and Design Standards.**

6. **The neighborhood shall provide easy access 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).**

**FINDING:** Streets, sidewalks, and multi-use paths are planned within the development which cater to multi-modal transportation opportunities both within and outside of the development. The closest transit stop is 1.5 miles away on South 3<sup>rd</sup> Street/Hwy 97 north of Murphy Road.

7. **The required neighborhood design elements shall be included in all Neighborhood Development Master Plans unless it can be proven that the abutting and/or adjacent developed lands include the elements necessary to meet the intent of this section.**

**FINDING:** The proposed development of a Master plan encourages internal pedestrian and bicycle circulation on the provided low volume streets, adjacent sidewalks and additional trail system. The applicant has carefully designed the trails and transportation system to provide for future extensions to schools and ASI areas where currently no paths exist. Future development may require connections to the Shilo Master Development, in which case, necessary to and through access is provided.

Access to regional employment, shopping and services is provided by existing Country Club Drive and Murphy Road beyond. The regional opportunities are as close as one mile by these existing routes.

Traffic congestion is minimized through logical street connectivity, including bike lanes on Country Club Drive, as well as the planned multi-use trail system along Country Club Drive and along the railroad tracks. Additionally, the neighborhood park and commercial uses reduce impacts on transportation facilities as residents can walk or bike to these amenities as opposed to driving outside of the development.

**Note: The findings in the following section apply only to the request to change the plan designation of approximately 15 acres of the site from Public Facilities (PF) to Residential Standard (RS) and 0.12 acres to Convenience Commercial (CC).**

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

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

- A. **Applicability, Procedure and Authority.** Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) of this section, Criteria for Quasi-Judicial Amendments. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.
- B. **Criteria for Quasi-Judicial Amendments.** The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

**Criterion #1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;**

**OAR 660-009-0010**

**(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:**

**FINDING:** OAR 660-009-0010 is not applicable to the General Plan Amendment of approximately 15 acres from Public Facilities (PF) to RS, as this area is not considered 'employment use' in the 2016 Bend Economic Opportunities Analysis or the 2016 Buildable Lands Analysis.

***Applicable Statewide Planning Goals:***

**FINDING:** *Goal 1, Citizen Involvement*, is "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The City of Bend has developed a comprehensive public involvement process to ensure that citizens may be involved in land use issues and policies that affect their community. Specifically, the City has adopted a citizen involvement program in compliance with this Goal, codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC Section 4.1.215, which the applicant conducted on June 7, 2015. Notice of the public meeting was provided to owners of record of property located within 500 feet of the boundary of the overlay zone as well as the designated representative of the Southeast Neighborhood Associations. Public Notice for the public hearing was conducted in conformance with the notice requirements of Section 4.1.423-4.1.425 for Type III land use applications, which ensures that citizens are informed in three different ways about the public hearing: posted notice, individual mailed notice, and notice to the neighborhood association representative.

*Goal 2, Land Use Planning*, is "To establish 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." As required by Goal 2, the City of Bend has adopted criteria and procedures to evaluate and make decisions regarding land use applications. The City reviews Zone Change/Plan Amendment requests based on established regulations and policies and then prepares detailed findings. Such findings will allow a decision based on factual data, ultimately for City Council adoption. The City of Bend has adopted a land use procedure to render decisions as required by this Goal. Therefore, this goal is met.

*Goals 3, and 4* are not applicable because the properties do not include any agricultural or forest land.

*Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces* is "To protect natural resources and conserve scenic and historic areas and open spaces." The applicant's narrative notes that there are no Goal 5 resources identified on the subject property. However, the Master Plan area contains a mapped area of special interest (ASI). As such, the applicable Bend Area General Plan policies and applicable criteria and standards of the Bend Development Code pertaining to impacts to an ASI are addressed further on in this report.

*Goal 6, Air, Water and Land Resources Quality* is not applicable because the proposed changes will not have any impacts to air, water and land resources quality. Approval of the Plan Map Amendment and Zone Change will not adversely affect air and water resources in applicable air sheds and river basins. This property was fully anticipated to be developed for residential use as indicated in the 2016 Buildable Lands Inventory and existing zoning. Future development will comply with city, state and federal environmental quality statutes, rules and standards.

*Goals 7, Areas Subject to Natural Disasters and Hazards* is not applicable because the subject property is not within an identified natural hazard area.

*Goal 8, Recreational Needs* is "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 Bend Urban Area Bicycle and Pedestrian System Plan identifies a Primary Multi-Use Path along the southern property boundary aligning with the BNSF railroad property. The applicant is proposing a pathway in this location. In addition, a neighborhood park is planned for the development near the west boundary that will fulfill recreational needs for the purposes of the Master Planned Development. Therefore, this goal is met.

*Goal 9, Economic Development* is "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." As noted above, the General Plan Amendment of approximately 15 acres from Public Facilities (PF) to RS, as this area is not considered 'employment use' in the 2016 Bend Economic Opportunities Analysis or the 2016 Buildable Lands Analysis. The proposed change in designation of 0.12 acres of land from Public Facilities (PF) to Convenience Commercial (CC) will allow for a variety of commercial and retail uses that will serve residents of the Shilo Development and surrounding area.

*Goal 10, Housing*, is to "Provide for the Housing Needs of the citizens of the State". The City's housing inventory will remain the same under the proposed General Plan Amendment from PF to RS. In the 2016 Buildable Lands Inventory, the subject property was considered residential, as dictated by the current RS zoning. Therefore, the housing inventory will remain the same as that projected under the Buildable Lands Inventory.

However, the proposed amendment does change 0.12 acres of land designated for public facilities to commercial land. The Bend Area General Plan encourages small scale commercial uses within residential neighborhoods and the Development Code actually requires commercial services in Master Plan Neighborhoods. The Development Code also requires Master Plan Neighborhoods to develop at a minimum of 60 percent of the required density for the zone. Therefore, the proposed change of 0.12 acres of residential land to commercial is negligible and will not negatively impact the residential buildable lands inventory for the City. The applicable Bend Area General Plan Polices and Development Code criteria area addressed in detail further on in this report.

*Goal 11, Public Facilities and Services*, is "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 Bend Area General Plan and a Development Code include provisions

requiring efficient planning for public services. Per the sewer, water and transportation analyses submitted with the application, and based on the infrastructure proposed to be constructed with development as well as the conditions imposed in this decision, the master plan will not create excessive demand on public facilities and services required to serve the development. All necessary public facilities and services will be provided at the time of development.

*Goal 12 Transportation*, is "To provide and encourage a safe, convenient and economic transportation system." This goal is implemented through the transportation element of the City's General Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a Plan Map Amendment or Zone Change to demonstrate that the proposed change will not significantly affect a transportation facility. The Transportation Impact Analysis submitted by the applicant addresses compliance with City transportation standards and the TPR. The applicant proposes on-site development of the transportation system and off-site transportation safety signage to comply with City standards. As shown later in this report under BDC 4.6.600, Transportation Planning Rule Compliance, there is no finding of a significant effect on the transportation system.

*Goal 13 Energy*, is "To conserve energy." The proposed amendments will not impact use of energy, although the inclusion of a public park and commercial uses within the neighborhood will encourage more bicycling and walking in the neighborhood, reducing the reliance on automobile use which will help conserve energy.

*Goal 14 Urbanization*, is "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 amendment will not impact Goal 14 as the Shilo Master Plan area is located within the current City Limits and Urban Growth Boundary.

*Goals 15 through 19* are not applicable because they only pertain to areas in western Oregon.

## ***B. Criteria for Quasi-Judicial Amendments. (Continued)***

**Criterion #2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;**

**FINDING:** The Shilo Master Plan is consistent with the relevant policies of the Bend Area General Plan as addressed below.

### ***Bend Area General Plan***

#### ***Chapter 1: Plan Management and Citizen Involvement***

##### ***Development within the Urban Growth Boundary***

4. *New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the capital improvement plan.*

**FINDING:** The applicant proposes to extend sewer, water and transportation facilities to and through the property to serve the proposed development per the submitted transportation and water/sewer analyses for the development.

5. *The city and county will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.*
6. *The city and county will encourage infill and redevelopment of the core area of the city.*

**FINDING:** The site's location in an existing urban area encourages alternate forms of transportation. The site's location facilitates pedestrian use, bicycle transportation, and eventually mass transit. Providing a mix of uses including a park and commercial services may reduce the number of vehicle trips and/or vehicle trip length and reduce the need to drive outside the area.

#### *Refinement Plans*

9. *A refinement plan, including detailed maps, policies, and text, when adopted by the city, shall become part of the Zoning Ordinance.*
10. *Refinement plans shall, at a minimum, provide plans for the development of sanitary sewer, water, and transportation systems and criteria by which to evaluate proposed amendments to an adopted refinement plan.*
11. *Refinement plans may evaluate the need for, and designate the location of, schools and park facilities, public and private open space, future neighborhood commercial or convenience commercial uses, residential, and mixed use areas.*
12. *Refinement plans may include site and building design regulations and alternative street standards.*

**FINDING:** The materials submitted with the Master Plan Development application include proposed texts and maps to be adopted into the Bend Development Code similar to a City-initiated refinement plan. The proposed master plan includes sewer, water and transportation system improvements required to support the development as well as a public park and open space, convenience commercial uses, and residential housing. The Master Plan does not include design guidelines for building design but provides some potential building form/housing examples. No alternative street standards specific to the master plan area have been requested.

#### *Citizen Involvement*

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:** As previously stated, the City of Bend has developed a comprehensive public involvement process to ensure that citizens may be involved in land use issues and policies that affect their community. The applicant has fulfilled every measure necessary to ensure compliance with this policy.

## **Chapter 2: Natural Features and Open Space**

### **POLICIES**

#### *Natural features and open space*

- 6. The city and county shall review proposed developments that include Areas of Special Interest and natural features identified on the Plan Map to ensure they follow the policies of this Plan.*
- 7. Major rock outcrops, stands of trees, or other prominent natural features identified in the General Plan shall be preserved as a means of retaining the visual character and quality of the community.*
- 8. Natural tree cover should be retained along streets in new developments to retain the natural character of Central Oregon within the urban area as the community grows.*
- 9. All residential development should respect the natural ground cover of the area, and the city and county shall work with developers to preserve mature trees within the subdivision.*
- 12. The city shall develop flexible subdivision and development standards that make it easier for developers to provide open space within a neighborhood.*
- 15. The Bend Metro Park and Recreation District shall designate areas in parks with significant natural values as undeveloped, managed open spaces for natural habitat, educational, aesthetic and passive recreational use, and provide opportunities for trails, observation platforms, boardwalks, and interpretive signage.*
- 17. The Bend Metro Park and Recreation District shall acquire park sites and open space lands where possible to establish pedestrian, bikeway and greenway linkages between parks, open spaces, neighborhoods, and schools.*

**FINDING:** There is a mapped ASI located in the northern corner of the property. The currently mapped ASI will not be used for private development but instead will be protected through a separate passive open space tract.

The Existing Conditions map submitted by the applicant identifies trees of 10-inch DBH and greater. To the extent reasonable and possible, the applicant will preserve these larger trees where they are not located within proposed road sections or utility corridors. Trees identified as to be saved will be retained until further site specific development occurs. Similarly, trees that

fall within the park area or perimeter trails will be given a higher priority for preservation and further evaluated at the time of development of those amenities. Therefore, the proposed Master Plan helps to implement the above General Plan policies.

### **Chapter 3: Community Connections**

#### *Parks and recreation facilities*

6. *The Bend Metro Park and Recreation District shall identify "park deficient" areas of the community and shall acquire park and open space property in these areas.*
7. *The Bend Metro Park and Recreation District shall design parks and facilities that: excel in performance, function, image and affordability; facilitate social gathering opportunities and provide a balance of active and passive recreational opportunities, with an emphasis on multiple use and park "basics," including picnic areas, play areas, and multi-use turf and courts; and are good neighbors to adjacent properties.*
12. *When it is consistent with the needs identified in the Park and Recreation District's Comprehensive Management and Development Plan, park land may be acquired from a willing developer during the land subdivision process.*
15. *The Park and Recreation District shall strive to develop neighborhood parks or community parks within a convenient distance of every residence in the community.*

**FINDING:** The applicant is working with BPRD to develop plans for an approximate 2-acre neighborhood park that will fulfill the above policies. The proposed neighborhood park is centrally located so that it is within a convenient distance of every residence in the Master Plan area as well as surrounding neighborhoods.

#### *Urban Trails*

20. *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.*
21. *The city, when practical, shall require connecting links to the urban trail system from all adjacent new developments.*

**FINDING:** The applicant proposes sidewalks, bike lanes, and trail connections in the locations and widths shown on the proposed street cross sections in accordance with the Bend Urban Area Bicycle and Pedestrian System Plan. A bi-directional trail is proposed along Country Club Drive and a Primary Multi-Use Path is required along the BNSF railroad tracks. The Multi-Use Path located along the BNSF railroad tracks is listed on the Transportation System Masterplan. The design of the proposed trail system will sufficiently serve the recreational and transportation needs of the community.

## Schools

22. *The Bend-La Pine School District shall participate in providing necessary street, pedestrian, and bike facilities adjacent to the school sites as new schools are erected.*
24. *The city shall 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 Bend-La Pine School District currently owns the property abutting the subject property to the north. The school district has provided documentation that no additional land is necessary for schools within the subject property.

## **Chapter 5: Housing and Residential Lands**

### *Residential compatibility*

1. *Future development and local development standards shall recognize and respect the character of existing areas.*
2. *In areas where existing urban level development has an established lot size pattern, new infill subdivision or PUD developments shall have a compatible lot transition that respects the number of adjoining lots, lot size and building setbacks of the existing development while developing residential densities within the range for the underlying zone. New developments may have smaller lots or varying housing types internal to the development.*
3. *The development of infill areas may, as an alternative to the standard subdivision review process, proceed through a public involvement process that would allow the maximum flexibility of design and provide for neighborhood participation.*
4. *Private and public nonresidential uses are necessary and should be permitted within residential areas for the convenience and safety of the people. Such facilities shall be compatible with surrounding developments, and their appearance should enhance the area.*
5. *Of necessity, nonresidential uses will have to abut residential areas in different parts of the community. In these instances, any nonresidential use shall be subject to special development standards in terms of setbacks, landscaping, sign regulations, and building design.*
8. *Neighborhood commercial shopping areas may be located within residential districts and shall have development standards that recognize the residential area.*
11. *Residential areas shall offer a wide variety of housing types in locations best suited to each housing type.*

**FINDING:** The proposed Convenience Commercial Zoning will be in harmony with both existing and proposed uses within and surrounding the development. In accordance with policy 5 above, development of the proposed Convenience Commercial lots will need to comply with

all applicable development requirements for that zone. The proposed Convenience Commercial Zoning is centrally located within the development and is sited near the entrance of the development adjacent to a collector street, Country Club Drive, and the proposed park. This location and small size (0.12 acres) of commercial development is compatible with the proposed surrounding residential development.

The proposed residential lots along the eastern boundary of the development adjacent to the Cascade Ridge development area similar in size to the existing and platted residential neighborhood to the east. The railroad tracks provide a visual and physical buffer from the master plan area and the undeveloped area to the south.

#### *Neighborhood appearance*

- 13. Above-ground installations, such as water and sewer pumping stations, power transformer substations or natural gas pumping stations, shall be screened and designed to blend with the character of the area in which they are located.*
- 14. All new developments shall include trees, as practical, in the planter strip between the curb and sidewalk. Such trees shall be consistent with the city's Urban Forestry Plan.*
- 15. Walls and fences along arterial or collector streets shall be subject to special design standards. The fence or wall, and the area between the fence or wall and the curb or pavement, shall be landscaped and maintained by abutting property owner(s) or homeowners association.*
- 16. Walls and fences in the setback area between the front of the house and the adjacent street shall not exceed 3½ feet in height.*
- 17. All residential development should respect the natural ground cover of the area insofar as possible, and existing and mature trees within the community should be preserved.*
- 18. The city encourages flexibility in design to promote safety, livability and preservation of natural features. Lot sizes as small as 4,000 square feet may be applied for in the RS zone to meet these objectives.*

**FINDING:** The proposed plan designation amendment will respect the character of the surrounding areas because it will result in a zone that is consistent with the balance of the site and consistent and compatible with the surrounding areas, which are generally single-family housing, open space or residentially-zoned land that has yet to be developed. The resulting density is similar to surrounding areas. While being compatible with the surrounding area, the site will also contribute to the variety of housing available in that area of the City. As shown in the submitted housing types exhibit, there are both higher density (apartments and more than 300 mobile home sites) and lower density (including the +/-85 large lots in Timber Ridge) housing options available within a mile of the site.

Proposed lot sizes appear to meet the lot size requirements for the RS zone and will be developed with uses permitted in the RS zone at densities in the mid-range of the RS zone. The applicant will establish a homeowner's association and CC&Rs to include provisions

consistent with the above policies related to fences, walls and landscape maintenance responsibilities. Trees will be intentionally preserved, where feasible. The tract encompassing the ASI designation will respect and protect the significant rocks and trees in the area surrounding the ASI.

#### *Housing density and affordability*

21. *Densities recommended on the Plan shall be recognized in order to maintain proper relationships between proposed public facilities and services and population distribution.*
22. *In developing a subdivision, Planned Unit Development, or multifamily housing project the following uses and natural conditions may be deducted from the gross acreage of the property for the purpose of density calculations:*
  - *areas dedicated for public park use or public open space;*
  - *areas developed for active recreational uses such as golf courses, tennis courts, swimming pools, and similar uses;*
  - *land in excess of 25 percent slope that is not developed;*
  - *natural wetlands and riparian areas that remain in a natural condition; and,*
  - *“Areas of Special Interest” designated on the General Plan Land Use Map.*
23. *The city shall rezone residential lands to the designated General Plan densities when sewer service is available to the area.*
24. *Accessory dwellings to a single family home may be allowed in new subdivisions or Planned Unit Developments, provided that the maximum General Plan density is not exceeded. The city will calculate accessory dwelling density using the same fraction of a full dwelling unit provided in the Systems Development Charges resolution.*

**FINDING:** Densities proposed by the Tentative Plan provide for proper relationships between proposed public facilities and services and population distribution. The proposed Master Plan contains 212-250 single family residential lots, along with a 0.12 acre node of convenience commercial uses. Per policy #22 above, the park and school sites were deducted from the gross acreage of the property for the purpose of density calculations. With the proposed Master Plan in place, the design provides for approximately 216 single-family lots, exceeding the minimum density requirements.

#### *Transportation connectivity*

32. *Street widths on public residential local streets may vary depending on topography, anticipated traffic volumes, natural features that warrant protection, and existing street patterns in the neighborhood. Narrower streets may have limited on-street parking to ensure emergency vehicle access.*
33. *The city may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed traffic on local residential streets.*
34. *In all residential areas the city shall encourage the use of open space amenities such as landscaped traffic islands or extra-width planting strips.*

35. *Schools and parks may be distributed throughout the residential sections of the community, and every dwelling unit in the area should be within convenient distance of a school or a park.*
36. *Sidewalks shall be required in all new residential developments. Separated sidewalks shall be required, as practical, on streets that provide or will provide access to schools, parks, or commercial areas. However, an alternative system of walkways and trails that provide adequate pedestrian circulation may be approved.*
37. *Efforts shall continue to complete or connect existing walks along routes to schools, parks, or commercial areas.*
38. *Bikeways shall be considered as both a circulation and recreation element in the Plan, and adequate facilities should be obtained for this purpose in all new development.*
39. *Efforts shall be made to extend trails, pedestrian ways, and bikeways through existing residential areas.*
40. *To encourage connectivity and pedestrian access, residential block length shall not exceed 600 feet except for topographic constraints. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.*
41. *Residential local streets shall be developed whenever practicable to increase connectivity within and between neighborhoods.*
42. *Cul-de-sac and "hammer-head" residential streets may be allowed only where existing development, steep slopes, open space, or natural features prevent connections, or when the objectives of connectivity are met within the neighborhood.*
43. *Emergency equipment access shall be considered during any new residential development.*

**FINDING:** The proposed Master Planned Development accesses a collector street (Country Club Drive) that will provide adequate access to both major and minor arterial streets. Commercial services and employment will be provided with the proposed Convenience Commercial zone, as well as public open space in the proposed neighborhood park and ASI tract. This will achieve the goal of providing the maximum convenience to the highest concentrations of population.

Street widths on the proposed public residential local streets are of a consistent width and only vary where parking will be provided on one side versus both sides. Sidewalks within the development are 5 feet and are separated from vehicle travel by landscape strips. A bi-directional paved trail for bicycles and pedestrians is proposed along Country Club Drive and a Primary Multi-Use Path is required and provided along the BSNF railroad tracks along the southern boundary of the property. The Multi-Use Path along the BSNF railroad and the path along Country Club Drive shall have public access easements recorded over them with the plat or under a separate recorded document.

Residential block lengths within the subdivision do not exceed 600 feet, except where for the block formed by SE Blue Stem Lane and Street 3, which exceeds 600 feet due to the shape of the subject property. A pedestrian access easement is proposed mid-block extended from the park south of Street 3 to reduce the block length for pedestrian travel. The proposed residential local streets are designed to increase connectivity within and between neighborhoods. No cul-de-sac or dead end streets are proposed. Adequate emergency equipment access will be provided with each phase of development.

#### *Public utilities and services*

- 44. All residential areas shall be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.*
- 45. Residential development shall be coordinated with other land use elements and community facilities which are consistent with projected housing densities.*
- 46. Electric power, telephone, and cable TV distribution and service lines shall be located underground in new developments. Efforts shall be made to place existing utility lines underground in established residential areas.*
- 47. Street lighting shall be provided in all new subdivisions at the time of development. Street light fixtures shall be shielded to direct light down.*

**FINDING:** All residential, commercial, and public areas will be provided with City water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development. The proposed park and bi-directional trail along Country Club Drive will be provided in the first phase of the development. The applicant proposes underground utilities including electric power, telephone, and cable TV distribution, as well as service lines. A luminaire will be provided within the subdivision at the time of development and will be shielded to direct light downwards.

#### *Refinement Plan Areas*

- 56. A refinement plan that includes residential areas may prescribe residential density limits on specific properties which differ from the density range provided for in the General Plan. However, the average density of residential development allowed within a refinement plan area shall comply with the density limitations of the General Plan.*

**FINDING:** The allowable number of lots for the 48.1-acre project, calculated at the maximum density of 7.3 units per acre, is 352 units. The proposed 216 dwelling units exceeds the minimum 60 percent of the maximum density. The land proposed to be developed with residential uses is 30.05 net acres. The proposed 216 units on the residentially developed land result in a density of 7.19 units per acre which does not exceed the allowable density for the developed acreage. Therefore, this standard is met.

## **Chapter 6: The Economy and Lands for Economic Growth**

### **GOALS**

*Encourage more small neighborhood commercial developments and convenience commercial centers to reduce vehicle trips and trip lengths.*

#### Commercial Center Areas

*Part of the land needed for commercial development will be met by new small commercial centers or stores as generally designated on the Plan Map. These centers are intended to support residential neighborhoods and reduce vehicle trips or trip lengths by providing commercial uses near or within developing residential areas. These new centers could be on one parcel, or several parcels within a limited geographic area like the commercial area on Newport Avenue, and should have several of the characteristics listed below that avoid the problems and appearance of "strip commercial" developments:*

*buildings closer to the sidewalk  
limited vehicle access points  
shared parking facilities  
parking distributed around  
buildings*

*walkways for pedestrian access  
uses that serve the neighborhood  
smaller monument signs  
buildings on site in scale with each other*

*The main Plan designation for neighborhood oriented development is Convenience Commercial. ...*

*Neighborhood Commercial areas are intended to provide locations for small businesses and services that fit into the residential development pattern and provide a convenience to residents in the immediate neighborhood. Specific Neighborhood Commercial sites are not shown on the Plan Map, but are permitted outright in residential zones. They are intended to serve residential areas within a five or ten minute walk. Such uses are appropriate in residential areas if the following conditions are met: the building design and site landscaping shall be similar to the residential pattern in the area; the site size is one-quarter to one-half acre; the site is at least one-quarter to three-quarters of a mile from another commercial zone or neighborhood commercial node; and there is a market study or other analysis that shows there is an adequate residential base or other conditions in the area that can support the use.*

*Convenience Commercial areas are intended to provide for the frequent shopping or service needs of nearby residential areas. They will consist principally of a relatively wide range of small retail and service uses, the largest of which would be a grocery store. Uses such as a grocery store, drugstore, small bakery, specialty shops, and offices would be typical of these areas.*

*It is expected that new convenience commercial areas will develop to serve the emerging and future residential areas, and will particularly benefit the rapidly growing portions of the urban area. New convenience commercial areas reduce the need for residents to drive to the existing strip commercial areas for all their shopping or service needs.*

Convenience Commercial areas should occur as centers on one or more properties together in a block or across the street from each other, rather than as commercial strips. Convenience centers should be located on arterial or collector streets, preferably at or near an intersection with another similar street, and have a site size up to five acres. In order that convenience centers remain oriented toward serving nearby residential areas and do not expand to serve much larger parts of the community, commercial building floor areas should be limited to 35,000 to 55,000 square feet. The building design and site design should be compatible with the surrounding neighborhood. They should be spaced from one to one and one-half miles apart, and new locations should be based on a market study or other analysis that shows there is an adequate residential base or other conditions to support the uses.

## **POLICIES**

### Commercial Development

23. Zoning for commercial centers other than those shown on the Plan Map shall meet the location and size standards in the Plan text in addition to the Plan amendment and/or zone change criteria.
24. All commercial developments shall be subject to special development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.
25. The city shall encourage the development of Neighborhood Commercial centers. Such centers shall be small, one-quarter to one-half acre developments which serve the frequent needs of the people within a one-fourth to one-half mile radius of the site. A zone change request shall meet the standards in the Plan text.
26. Convenience Commercial centers should be up to five acres in area and be from one to one and one-half miles from another commercial use.
27. Commercial developments that abut residential zones or residential uses shall be subject to special setback and screening provisions.
31. It is the intent of the Plan to allow commercial development adjacent to arterial streets and highways in areas designated for commercial development, provided that the developments access onto frontage roads or interior roads, and that access onto the highway or arterial will be limited. Points of access will be encouraged that provide for adequate and safe entrances and exits, and that favor right turns and merging over the use of traffic signals.

**FINDING:** As depicted on the Master Plan, approximately one-eighth of an acre will be designated and zoned Commercial Convenience (CC). Although the proposed commercial area location is less than a mile from existing commercial properties at the intersection of Murphy Road and Brosterhaus Road, some of the properties in the neighborhood could be more than a mile away from any existing commercial services as there are no other neighborhood commercial centers in this area. While the commercial area is less than ½ acre,

it is appropriate to develop it as Commercial Convenience as proposed, rather than Neighborhood Commercial.

In addition to the proposed location being central to the Master Plan area, it is located in close proximity to the park planned near Country Club Drive, which is a collector street. This location will encourage residents of the surrounding neighborhood to walk or bike to this central mixed use area, while also minimizing vehicle trips through the local residential neighborhood streets. Additionally, BDC 4.5.400 requires all lots in Master Plan Neighborhoods to have easy access to neighborhood commercial services by walking or bicycling a distance not greater than one-fourth mile as measured along an existing or proposed sidewalk or pedestrian route.

Development of the commercial site will be subject to Site Plan and Design Review, which will ensure compatibility with the surrounding neighborhood. Only one residential lot will be abut to the proposed commercial lot.

## **Chapter 7: Transportation Systems**

### **6.9.1 TRANSPORTATION AND LAND USE**

#### **Policies:**

3. *The City shall consider potential land needs for long-range transportation system corridor improvements and related facilities including transit during the review of subdivisions, partitions, and individual site applications.*
7. *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.*

**FINDING:** The proposed street network for the Master Planned Development was designed to balance efficient vehicular access with safe, pleasant and convenient travel by pedestrians and cyclists. Commercial convenience development is proposed near the entrance of the development at Country Club Drive, which is a collector street connecting to Murphy Road, another major collector, and Knott Road, a minor arterial. The City's Transportation Review Memo outlines the off-site mitigation measures relating to transportation safety signage and pedestrian improvements on Country Club Drive.

### **6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS**

4. *The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3<sup>rd</sup> Street, the Bend Parkway and the railroad.*
6. *Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of*

*pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.*

- 7. Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.*
- 9. The City's top priorities for pedestrian improvements are:
  - a) Sidewalks and trail system in-fill and school walking routes,*
  - b) Retro fitting existing sidewalks along select collectors and arterials into property tight sidewalks and*
  - c) The construction of pedestrian-oriented improvements (other than regular sidewalks, e.g., curb extensions) and elimination of pedestrian barriers.**These projects will be identified and prioritized in the CIP.**
- 10. Bicycle and pedestrian facilities shall be designed and constructed to minimize conflicts between transportation modes.*
- 11. Bicycle and pedestrian facilities shall be maintained in a manner that promotes use and safety. The City shall analyze the impacts of the use of cinders and consider alternatives to mitigate the impacts. Street repair and maintenance shall be performed in a manner that does not negatively impact bicycle and pedestrian facilities and their use.*
- 13. Bicycle parking facilities shall be provided at all new multifamily residential, commercial, industrial, recreational, and institutional facilities, major transit stops, all transit stations and park and ride lots. The City shall support a "Bikes on Transit" program and work to increase the number of bicyclists using transit when the transit system is established.*
- 15. The City, school and park districts shall work together to inventory, designate and protect access corridors and connector trails. City standards will be developed for such trail corridors.*
- 17. The City shall refer to the Park District, for its review and recommendation, all development proposals that include or are adjacent to existing or proposed parks or trails.*

**FINDING:** A bi-directional paved trail is proposed along Country Club Drive and a Primary Multi-Use Path is required along the BNSF railroad tracks, both having public access easement dedicated over then with the plat or by a separate recorded document. In addition, bike lanes are proposed along Country Club Drive (a collector street) adjacent to the Master Plan area. Sidewalks are provided along both sides of all proposed streets. These proposed bike lanes and sidewalks will connect to the existing, and future, bicycle and pedestrian system existing outside of the proposed development, as well as to the park, school and commercial sites in the Master Plan area. Bicycle parking facilities will be provided at the new park in coordination with the Parks District.

## 6.9.6 STREET SYSTEM

### Policies:

#### **General:**

1. *Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.*
2. *Where a subdivision or partition is adjacent to land likely to be divided in the future, streets, bicycle paths, and accessways shall continue through to the boundary line of the subdivision or partition in order to achieve connectivity within the grid system.*
4. *In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements.*
5. *The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.*
6. *Access control shall be part of the design standards for major collectors, arterials, principal arterials and expressways to ensure that adequate public safety and future traffic carrying capacity are maintained while at the same time preserving appropriate access to existing development and providing for appropriate access for future development. The city of Bend Arterial Access Policy (Street Policy No. 2) and the Access Management Policy (Street Policy No. 4) shall be reviewed and revised, and new street policies shall be adopted if necessary, to:*
7. *City and state transportation system improvements shall comply with the Americans with Disabilities Act requirements.*
8. *Traffic signals or roundabouts shall be constructed in accordance with the design, spacing and standards adopted by the City and State.*
10. *The City shall consider the impact of improvements to or completion of existing facilities when considering the need for constructing new facilities.*

**FINDING:** The Transportation Review Memo outlines necessary improvements will be made to the adjacent Country Club Drive collector street, as well as proposed local streets within the Master Plan area, and off-site transportation system improvements to mitigate the transportation system impacts of the proposed development in accordance with applicable City standards and the policies above, including PROWAG requirements. Other than the proposed entry connection to the Master Plan area, no direct access is proposed to Country Club Drive.

Site access for the commercial site will be provided from within the Master Plan area and will be reviewed with subsequent land division and Site Plan Review applications.

The proposed development is adjacent to land to the north that is likely to be developed in the future. The proposed layout provides three road stub connections to this abutting property which will provide connectivity between neighborhoods.

**Residential Streets:**

13. *Residential block lengths shall not exceed 600 feet without a connecting cross street. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.*
14. *A grid-like pattern of residential local streets shall be developed whenever practical in order to increase street connectivity within a neighborhood. A system of local streets shall be developed within a framework that is defined by the Bend Urban Area - Bicycle and Pedestrian System Plan (TSP: Map Exhibit B), as much as practical.*
15. *The City may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed and volume vehicular traffic on local residential streets.*
16. *Street widths on public residential local streets may vary depending on topography, anticipated traffic volume, natural features that warrant protection, and existing street patterns in the neighborhood. Right of way shall be a minimum of sixty (60) feet except in special circumstances. Narrower streets may have limited on-street parking to ensure emergency vehicle access.*
17. *New alleys should be developed to City standards and shall be maintained by the property owners.*
18. *Cul-de-sac or "hammer-head" residential streets may be allowed only where existing development, steep slopes, open space, or natural features prevent through street connections, or when the objectives of connectivity are met within the neighborhood.*

**FINDING:** Most residential block lengths within the subdivision will not exceed 600 feet and will be laid out on an east/west grid with good connectivity to surrounding neighborhoods. Exceptions to the maximum block length and block perimeter is the widest portion of the subject property and a mid-block pedestrian connection is proposed in accordance with code. Additionally, the railroad prevents street connectivity to the south. No dead end, cul-de-sac, or hammer-head streets are proposed. Several lots throughout the project are currently proposed to access through rear alleys. All proposed lots located on alleys will be required to utilize the alleys for vehicular access. The applicant may choose to eliminate alleys in some or all locations depending on market demands for this type of product. The above residential streets policies are met through this proposal.

## **Chapter 8: Public Facilities and Services**

### **POLICIES**

#### *Sanitary Sewer Facilities and Systems*

- 3. All development within the Urban Growth Boundary shall be sewerred or provide for sewers through a binding sewer service agreement with the city.*

#### *Water Facilities and Systems*

- 12. Within the urban planning area, public and private water systems shall be consistent with City Standards and Specifications for construction and service capabilities.*

#### *Storm Drainage Facilities and Systems*

- 15. Dry wells or storm drains with appropriate water quality treatment using landscaping, retention ponds or other approved treatment controls shall be used for surface drainage control.*
- 16. The preservation and use of natural drainage ways for storm drainage shall be required in new developments as much as possible.*
- 17. Due to the lack of a defined drainage pattern for most of the urban area, development shall contain storm drainage on-site. In instances where containing storm drainage on-site would be impossible or impact public safety, the City shall enter into a specific agreement with a private party to adequately address the storm drainage.*
- 18. The use of disposal systems shall be coordinated with the Oregon Department of Environmental Quality and Water Resources Department to protect ground water.*
- 20. Developments shall be designed to meet appropriate drainage quantity and quality requirements (e.g., meeting the requirements of the City's National Pollutant Discharge Elimination System MS4 Stormwater Permit, the City's Stormwater Master Plan and Integrated Stormwater Management Plan, and Total Maximum Daily Load requirements). Low impact site designs shall be encouraged.*
- 21. Developments containing underground injection controls shall be designed, constructed, and maintained to meet the requirements of the Underground Injection Control program, including treatment; all underground injection controls shall be properly registered.*
- 22. The City shall reduce the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating stormwater runoff controls into new development and redevelopment land use decisions. Controls may be required to minimize illicit discharges or pollutants of concern.*
- 23. The City shall implement and enforce requirements for an erosion and sediment control program for public and private construction and post-construction activities.*

24. All developments shall evaluate the potential of a land parcel to detain excess stormwater runoff and require incorporation of appropriate controls, for example through the use of detention facilities to address quantity, flow, and quality concerns.

30. As part of site approval, or as a condition on tentative maps, as necessary, the City shall require permanent stormwater pollution control site design or treatment measures or systems and an ongoing method of maintenance over the life of the project.

**FINDING:** City water and sewer services will be extended and provided in the locations shown on the tentative plan, in conformance with City Standards and Specifications. The location of the City water and sewer may vary based on infrastructure permit review. City water and sewer capacity analyses indicate that with the proposed sewer infrastructure, there is adequate capacity to serve the development as proposed. Specific sewer and water infrastructure improvements required to serve the master plan area are addressed further on in this report.

The applicant has provided a grading plan but not a general schematic design to meet storm drainage requirements with this application. All final designs are subject to review and approval of the City engineer prior to commencement of construction, ensuring compliance with the Storm Drainage Facilities and Systems policies above. The proposed water, sewer and drainage improvements will be adequate to serve the size and type of development and uses planned for this area.

## **Chapter 9: Community Appearance**

### **POLICIES**

1. Community appearance shall continue to be a major concern and the subject of a major effort in the area. Major natural features, such as rock outcrops or stands of trees, should be preserved as a community asset as the area develops.

**FINDING:** The objective of the Shilo Master Plan is to create aesthetically pleasing neighborhood that includes single family residential development, a public neighborhood park with recreational uses, a passive open space ASI tract, and Convenience Commercial zoned land conveniently located to the residents of the development, as well as citizens of nearby residential neighborhoods and the workforce of nearby light industrial and commercial businesses.

### **4.6.300.B Criteria for Quasi-Judicial Amendments. (Continued)**

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

**FINDING:** As conditioned in this report, adequate public facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

**Water and Sewer:** Per the sewer and water analyses submitted with the application, and based on the infrastructure proposed to be constructed with development as well as the conditions imposed in this report, the master plan will not create excessive demand on public facilities and services required to serve the development. Adequate sewer will be available upon the completion of the Southeast Interceptor (SEI) sewer main. Additional findings and conditions are addressed under BDC 4.5.300.B.2.b.ii., Master Planned Developments, above.

**Streets:** Requirements for the provision of new streets, and improvements to the existing street system are addressed with the findings for Transportation Planning Rule compliance further on in this report, and in the applicant's burden of proof and Transportation Impact Analysis. The applicant proposes to construct all streets needed to serve the proposed master plan area, as well as off-site signage improvements to mitigate the impacts from the proposed development on the surrounding transportation system. Additional findings and conditions are addressed under BDC 4.5.300.B.2.b.ii., Master Planned Developments, above.

**Schools:** The Bend-La Pine School District owns the property abutting the subject property to the north for a future secondary school. The closest elementary school is Jewell Elementary School on Murphy Road.

**Parks and Libraries:** The applicant, in cooperation with Bend Parks and Recreation District, is proposing to provide a 2 acre park within the subject property.

**Fire and Police Protection:** The property is within the City of Bend and is therefore served by City police and Fire departments. A fire station (Station 303) is located north of the subject property on Country Club Drive.

Through proposed and required improvements, this criterion will be met.

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

**FINDING:** Most of the property is designated Residential Standard Density (RS) on the Bend Area General Plan, except for the middle portion that is designated Public Facilities (PF). This PF designation was applied by the City approximately 19 years ago when that portion of the property was previously owned by the School District. The school district no longer owns that portion of the property and has acquired the abutting property to the northwest of the site. The school district submitted a letter to the applicant for inclusion with this application indicating support for the removal of the PF designation, and that the designation should have been removed at the time of property transfer.

#### **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.

**OAR 660-012-0060 Plan and Land Use Regulation Amendments**

**(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

**(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**  
**(b) Change standards implementing a functional classification system; or**  
**(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**

**(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**

**(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.**

**(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**

**(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the**

*transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

*(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*

*(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.*

*(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

*(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*

*(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

*(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

*(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.*

*(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

#### **Oregon Highway Plan (OHP) Policy 1F.6**

**When making recommendations to local governments about development permit applications and potential actions for mitigation related to local development proposals and criteria consider and balance the following:**

- **OHP mobility targets;**
- **Community livability objectives;**
- **State and local economic development objectives;**

- ***Safety for all modes of travel; and***
- ***Opportunities to meet mobility needs for all modes of travel.***

**FINDING:** The transportation requirements for a Plan Amendment are to ensure that the change in land use assumptions does not change the size and scale of planned transportation system needs as identified in the adopted Transportation System Plan (TSP).

The City's TSP is based on its Comprehensive Plan (General Plan) designations and not the current zoning. If a proposed zoning district change creates unmitigated impacts on the transportation system, or requires changes to the functional designation of a facility (finding of a significant effect), the applicant is responsible for mitigating these impacts. This can be provided by the developer making the necessary system improvements (through approval conditions) or having City plans and funding mechanisms amended to incorporate the revised needs.

The existing RS zoning is intended to provide a variety of the most common residential housing opportunities to people in places with community sewer and water services available. The RS zoning permits between 2.0 and 7.3 single-family units per acre and does not allow multi-family housing. The site contains 33.12 acres of RS lands today, and would allow up to 242 single-family residences.

The Public Facilities (PF) Zoning District is intended to provide area for buildings and facilities that are owned and operated by Federal, State, or local governments, public utilities, special districts, or nonprofit organizations which are used to provide governmental or public services. This zone also provides for school sites, public parks and recreational facilities, natural areas, trails, wetlands, and similar types of open space owned and managed by a local government or special district. As the area was previously sized and given the PF designation to accommodate a potential school, and as the 15-acre site is fairly consistent with area middle schools, a 750-student middle school was assumed for Transportation Planning Rule purposes (similar to the area size and current enrollment at High Desert Middle School).

The Convenience Commercial District (CC) is adjacent and connected to the Residential District(s) it is intended to serve. Convenience Commercial uses provide for frequent shopping and service needs of nearby residents. The zoning proposal includes rezoning 0.27 acres of RS-designated land into CC zoning to comply with master plan requirements set by City of Bend. The purpose of this commercial node is to provide for goods and services within walking distances of the residences as a trip reduction measure. The TPR analysis submitted with the application assumed Limited Commercial (CL) zoning, which allows a greater spectrum of commercial uses, but utilized a shopping center assumption (ITE 820) that includes retail uses, which would be allowed in the CC zone.

A summary of the potential land uses and densities within the existing and proposed zoning are presented in Table 1 below, and the resulting trip generation comparison is presented in Table 2. This reflects a reasonable worst-case trip generation scenario for the property.

Table 1: Comparison of Existing and Proposed Zoning Potential

Land Use District	Size (Acres)	Assumed Land Use	ITE Land Use
Existing Zoning Potential			
Standard Density Residential (RS)	33.12 Acres	242 Single-Family Detached Housing	ITE 210
Public Facilities (PF)	15.0 Acres	750-Student Middle School	ITE 522
Proposed Zoning Potential			
Standard Density Residential (RS)	47.85 Acres	349 Single-Family Detached Housing	ITE 210
Commercial Limited (CL)	0.27 Acres	3,000 SF Retail (Shopping Center)	ITE 820

Table 2: Comparison of Existing and Proposed Zoning Trip Generation Potential

Land Use	ITE Code	Size	Weekday Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Existing Zoning Districts						
Single-Family Detached Housing	210	242 Units	2,304	242	152	90
Middle School	522	750 Students	1,215	120	59	61
Total			3,519	362	211	151
Proposed Zoning Districts						
Single-Family Detached Housing	210	349 Units	3,322	349	220	129
Shopping Center <i>Pass-by Trips</i>	820	3,500 SF	149 (50)	13 (4)	6 (2)	7 (2)
Total			3,421	358	224	134
Trip Generation Comparison						
Proposed – Existing Trips			(98)	(4)	+13	(17)

As shown in Table 2 above, with the conservative development assumptions the proposed zoning districts are expected to reduce overall daily and weekday p.m. peak hour trips on the transportation system. As the proposed application reduces the trip generation potential there is no finding of a significant effect associated with the proposed zoning designations. Accordingly, the adopted Transportation System Plan will show consistent function, capacity, and performance standards with the proposed change in zoning designations.

**CONCLUSIONS:** Based on the findings in this report, the proposed General Plan and Zoning Map amendments, and the BDC text amendment to create the Shilo Master Planned Development, meet all applicable BDC criteria, policies of the Bend Urban Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

**RECOMMENDATION:** The Planning Commission recommends that the City Council adopt the findings and conditions of approval in this exhibit (PZ-16-0822) and pass a motion adopting an ordinance amending the Comprehensive Plan Map and Zoning Map as proposed in Exhibits B and C, and a text amendment to the Bend Development Code to create the Shilo Master Planned Development as contained in Exhibit D. The Planning Commission recommends denial of the requested variance (PZ-16-0823) to reduce the required open space requirement from 10 percent to 7.5 percent.

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. The tentative plan for the Shilo Master Plan shall include a minimum of 212 single-family residential lots or the equivalent number of lots to accommodate 212 residential units.
2. All sewer and water improvements are conceptual at this time. Final alignments of the sewer mains and locations of manholes, laterals, and sampling manholes will be finalized with the Tier III right of way (Infrastructure) plans based on final review by City Engineering.
3. A pressure reducing/pressure sustaining control valve shall be installed downstream of the Murphy Water Pump Station. The location of the control valve will be determined during infrastructure design through collaboration between the City of Bend and the developer. Possible cost sharing for this improvement may be negotiated with the City.
4. A 16-inch ductile iron water main shall be constructed from the Murphy Water Pump Station within Murphy Road west to SE Brosterhous Road. Possible cost sharing for this improvement may be negotiated with the City.
5. A 12-inch ductile iron water main shall be extended in SE Country Club Drive from the existing 16-inch ductile iron water main to the development's ingress/egress roads. Extension of the water main to the south boundary of the subdivision (to the Burlington Northern railroad) will not be required.
6. The development will construct a minimum 8-inch ductile iron water main throughout the subdivision with City of Bend standards and specifications. The development's water main shall connect to the Cascade Heights water mains to provide a looped system.
7. The City of Bend Code allows only one domestic water service lateral per tax lot. Water and fire services shall be sized by the Engineer of Record; 1-inch minimum water service lateral per residential tax lot. Separate taps are required to the City Mains for fire lines and services. New Fire Service Lines are required to be designed as part of a Tier III right of way (Infrastructure) plan submittal. Any unused service is required to be abandoned and capped at the main per City Standards.
8. The development is to install fire hydrants at adequate spacing per City of Bend and Fire Code standards and specifications.
9. Show all easements, existing and proposed, on site plan and or construction plans.

10. No building occupancy will be permitted until the SEI main is installed and operational.

11. Three options exist for providing sewer to the property:

Option 1: Sewer will be provided to the property from the 8-inch sewer mains at the east property line within Cascade Heights subdivision. The sewer main in SE Brosterhous Road shall be realigned to connect into the SE Interceptor. The developer will work with the City of Bend for connection requirements during the Tier III right of way (Infrastructure) permit review.

Option 2: Sewer will be provided via a connection within private property through the Area of Special Intersect (ASI) at the north property line. A minimum 20 foot public utility easement shall be extended over the sewer main in private property and an approved all weather road, approved by the City during the Tier III right of way (Infrastructure) permit review, constructed for access to the manholes.

Sewer shall be constructed to the City of Bend standards and specifications. The sewer alignment shall not exceed 90 degrees within the manholes.

Option 3: Sewer installation down Country Club Drive.

12. The sewer main with the subdivision shall be constructed per City of Bend standards and specifications. 4-inch PVC sewer laterals shall be installed to each residential lot.

13. The commercial property shall have a minimum 4-inch PVC sewer lateral, service upsized as determined by the Engineer of Record. A sampling manhole will be required.

14. The City of Bend Code allows only one sewer lateral per tax lot. More than one sewer lateral per tax lot will require approval by the City Engineer.

15. All sewer and water improvements are conceptual at this time. Final alignments of the sewer mains and locations of manholes, laterals, and sampling manholes will be finalized with the Tier III right of way (Infrastructure) plans based on final review by City Engineering.

16. With each subdivision phase, upon completion of improvements, Engineer of Record shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements. Documentation of site inspections may be required as supporting information.

17. With each subdivision phase, a final drainage report shall be submitted with the Tier III right of way (Infrastructure) permit. The report shall include basin delineation, stormwater runoff calculations, proposed retention facilities and design volume, and storm water facility maintenance - see COSM requirements.

18. Right of way dedications are as required within each phase of development, except as noted as below:

- 60' right of way dedication for all proposed streets within the subdivision required with the subdivision plat at time of lot phasing.
- Right of way along SE Country Club Drive varies from 20' to 30' width, measured from right of way centerline. SE Country Club Drive is classified as a Major Collector, therefore requiring 80 feet of right of way, or 40' from right of way centerline. 10' / 20' dedication shall be provided with the subdivision plat during Phase 1 to provide the required 40' right of way from centerline along the property frontage.
- A 20' dedication, or tract of land with public access easement, shall be provided with the abutting phase of the subdivision plat for the construction of a path adjacent to the rail road tracks along the property frontage to the eastern abutting property and connection to Street H.
- Minimum 10' wide connections from the park shall be made to the adjacent streets as shown on the tentative plan. The connection shall be dedicated with a public access easement on the plat or under a separate recorded document.
- If alleys are proposed within a phase of a subdivision, a minimum 20' dedication is required.

19. Only one local street connection is permitted onto SE Country Club Drive. The access shall be located near the frontage midpoint, as shown in the TIA report and masterplan drawings. No residential or commercial driveway access to SE Country Club Drive will be permitted unless approved by the City Engineer.

20. A raised pedestrian refuge island in SE Country Club Drive shall be constructed at the proposed subdivision intersection. There shall be only one pedestrian crossing constructed across SE Country Club Drive. The crossing shall have approved cross walk markings, pedestrian crossing warning signs and accessible curb ramp connections. The island shall be reviewed under the Tier III right of way (Infrastructure) permit for approval. A luminaire shall be constructed at the intersection to provide lighting at the crossing. Street lights shall be installed only at this location.

21. Sidewalks shall be constructed to City of Bend standards and PROWAG guidelines. Within the master planned development, sidewalks shall be constructed on both sides of the right of way. All sidewalks shall be constructed property tight, except to meander around barriers, such as trees or utilities. A 6' sidewalk shall be extended along the east side of the property frontage of SE Country Club Drive. An alternative 10' wide asphalt trail is acceptable in this location. Accessible ramps and sidewalk design to be reviewed under the Infrastructure permit for acceptance. Sidewalks/paths shall be installed in the following locations:

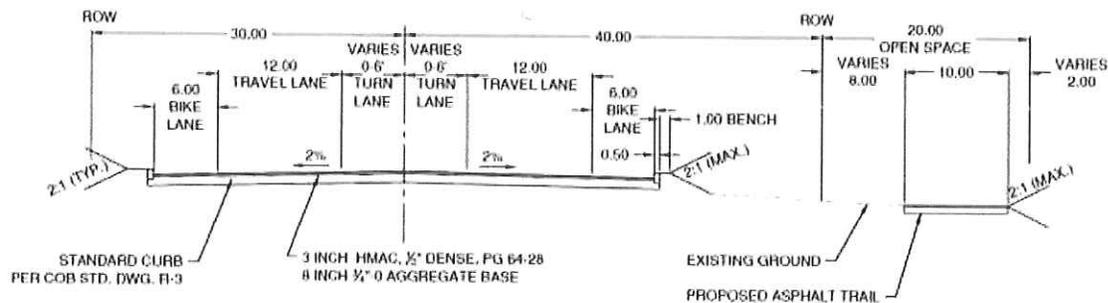
- All interior streets within the proposed subdivision.
- City standards require a 6' wide concrete sidewalk to be constructed along the property frontage of Country Club Drive. The City is amenable to allowing the 10' wide path instead of the standard 6' wide sidewalk. If the pathway is to be placed on private property outside the right of way, a public access easement must be provided with Phase 1 of the plat.
- A sidewalk transition shall be constructed to road grade at the railroad crossing on

SE Country Club Drive.

- At the pedestrian crossing on SE Country Club Drive, sidewalk shall be constructed on the west side of SE Country Club Drive south to make a connection to the existing sidewalk.
- The Transportation System Plan (TSP) for bikes and pedestrians lists a requirement for a “Rails with Trails Opportunity Corridor” along Burlington Railroad. The 10’ wide public use path shall be extended to and through the property with a minimum of one path connection made to the internal sidewalks installed within the subdivision right of way. A public access easement must be provided with the abutting phase of development.
- Sidewalk connection shall be constructed to the Cascade Heights subdivision (formally Deer Ridge Subdivision).

22. All streets are to be constructed in compliance to City of Bend standards and specifications, to widths as required under the street classification, including paving, curbs, sidewalks, and ADA ramps. Street striping, signage and design to be reviewed during Infrastructure permit review by the City.

- SE Country Club Drive is classified as a Major Collector. The road shall be widened along the property frontage to provide a 6’ bike lane, 12’ travel lane, and a 12’ varying width center lane with curbs on both sides and a sidewalk/path along the full property frontage. The cross section from the TIA is acceptable to the City and meets Development code requirements, except for the provided asphalt and base thicknesses (collector streets require 6” minimum asphalt thickness and 8” minimum base rock). Construction specifications, striping and sign placement will be reviewed under the infrastructure permit.



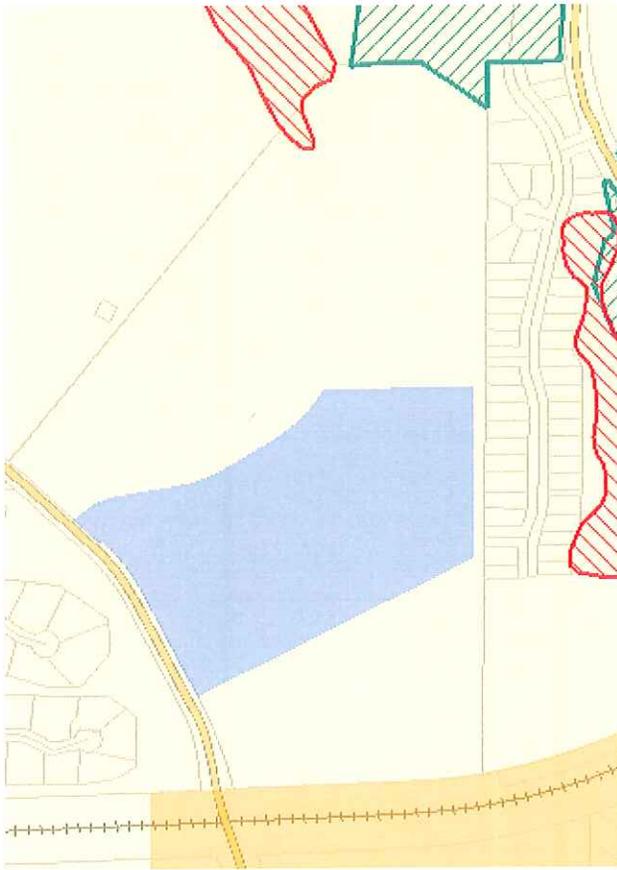
- Interior streets are shown to be a combination 28' & 32' wide roadways. Parking will be permitted on one side of a 28' wide roadway, with no parking signs installed. A 32' wide roadway permits parking on both sides of the roadway. All roads will require curb and property tight sidewalk on to be installed on both sides.
- Alleys shall be constructed to 20' pavement width.

23. Cascade East Transit has indicated the desire to have a future southeast Bend route within the area. They do not need a bus pad constructed yet, but during design and construction, grades must be considered to provide for an accessible pad from curb to the path/sidewalk. If the path is placed on private property, an easement must be provided in a way to provide the future bus pad access to the path/sidewalk.

24. Signage shall be applied to the intersection of SE Country Club Drive and SE Murphy Road to improve safety. Stop ahead signs (W3-1) shall be placed on SE Country Club Drive and the installation of intersection warning signs (W2-1) on SE Murphy Road. Tree removal within the right of way may be required as determined by sign placement. Improvements to be reviewed and approved under a Tier III right of way (Infrastructure) permit and construction in Phase 1.



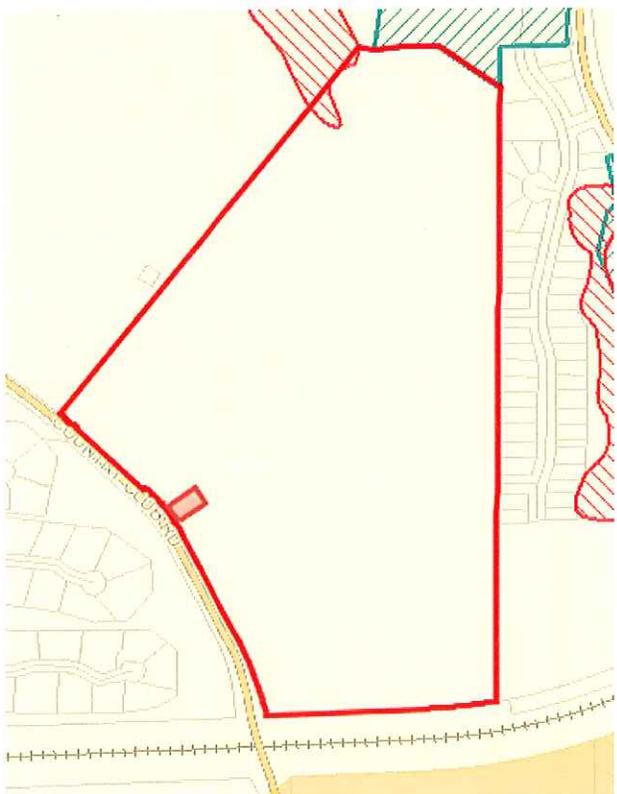
## EXHIBIT B



*Existing General Plan Map Designations*

RS Standard Density Residential

PF Public Facilities



*Proposed General Plan Map Designations*

RS Standard Density Residential

CC Convenience Commercial

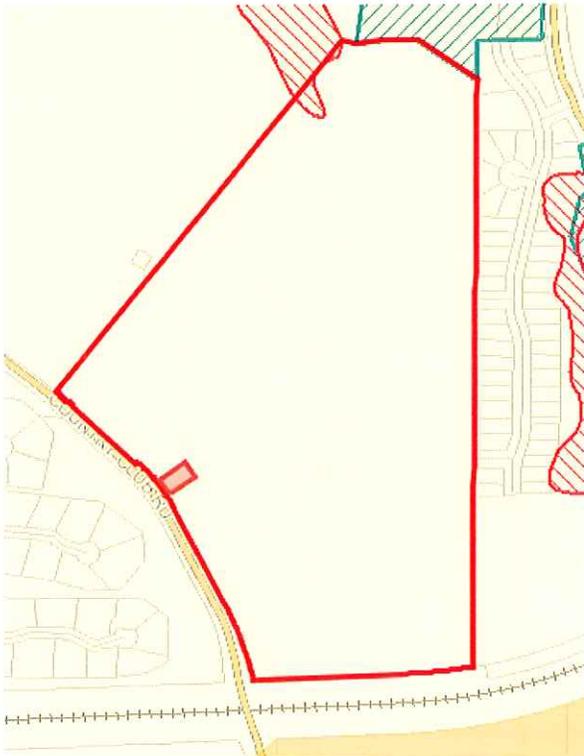


# EXHIBIT C



## Existing Zoning

□ RS Standard Density Residential



## Proposed Zoning

□ RS Standard Density Residential

■ CC Convenience Commercial



## EXHIBIT D

### Article XV. Shilo Master Planned Development

2.7.3300 Shilo Master Planned Development.

2.7.3310 Purpose

The purpose of this section is to implement the Shilo Master Plan and the Bend Comprehensive Plan policies, and to create special standards for the residential and commercial areas within the Shilo Master Development Plan boundaries. The Master Plan standards and districts will:

- Provide housing types consistent with the RS Zone.
- Protect ASIs and trees, to the extent possible.
- Create an opportunity for a small convenience commercial area to serve the residential neighborhood.
- Promote pedestrian and other multi-modal transportation options, including trails and separated sidewalks.
- Create an interconnected system of public streets appropriate to the site.
- Create streetscapes that will meet emergency access requirements and enhance pedestrian and bicycle access.

2.7.3320 Applicability

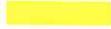
The area regulated by the Shilo Master Plan is approximately 48 acres of land east of Country Club Drive, west of the Cascades Heights subdivision, and south of vacant lands abutting Murphy Road. The area contains one mapped Upland Areas of Special Interest (ASI).

Figure 2.7.3330

Shilo Master Planned Development Districts

(To be revised prior to recording of ordinance to provide 1.2 additional acres of open space)

LEGEND:

-  RS-RESIDENTIAL URBAN STANDARD DENSITY
-  CC- COMMERCIAL CONVENIENCE
-  UPLAND AREAS OF SPECIAL INTEREST
-  OPEN SPACE



Note: Alleys are also shown, but subject to removal on a block-by-block basis as determined at the time of tentative plan approval, except for Alley H. Parking bays on Country Club Drive may be allowed north of Street 1 only, subject to infrastructure review.

#### 2.7.3340 Shilo Residential District

The purpose of the Shilo Residential District is to provide single family dwellings with an inter-connected pedestrian friendly circulation system surrounding a public park. Duplex lots may be an element of the residential development and if so, they will be identified for individual lots by phase on each tentative plan.

- A. Permitted Uses. Permitted uses are contained in BDC Table 2.1.200 for the Residential Standard Density Zone (RS).
- B. Development Standards. The lot size and development standards of the RS Zone uses are contained in BDC Section 2.1.
- C. Minimum Density. The minimum number of units within the Residential District of the Shilo Master Plan is 212 units.

#### 2.7.3350 Street and Pedestrian Standards.

The Shilo Master Planned Development's internal roads will be public, constructed to the horizontal cross sections identified below. Sidewalks will be provided on all streets, separated from the roadway except where feasible to preserve trees. Street and pedestrian standards shall be consistent with the requirements of this code as set forth below, except that variations may be approved through the tentative plan review and/or Site Plan Review processes to allow for meandering of sidewalks and variation in landscape buffer locations where necessary to preserve existing topography and trees.

Figure 2.7.3350



**SHILO STREET PLAN:**

 Street "A": 32-feet wide with parking both sides.

 Street "B": 28-feet wide with parking one side.

 Public Alley "C": 20-feet wide, no parking

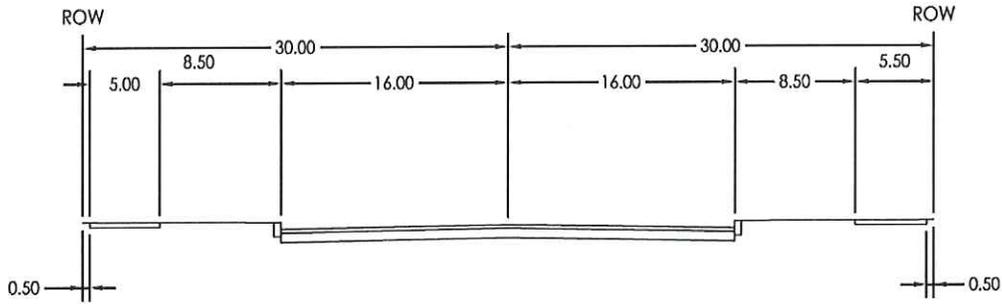
Refer to the accompanying Street and Alley Standards for Street and Alley specifications.

A. Public Road Standards.

1. Residential Street "A". Two-way travel road 32 feet in width in a 60-foot wide right of way, with parking on both sides. Sidewalks will be a minimum of five feet in width on both sides of the street, with an eight and a half-foot-wide landscape buffer between the curb and sidewalk. Sidewalk location may meander, with a variable width

landscape buffer to fit the need given trees, topography, and drainage, and potentially for driveway access for lots without alley access.

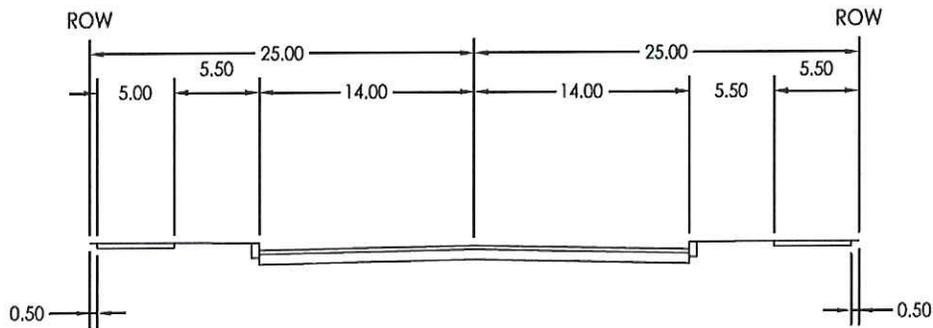
- Commercial. Streets adjacent to the commercial lot will be consistent with Local Public Residential Street 'A'. Two-way travel, standard curbing and sidewalks, five feet in width on both sides of the street, including an eight and a half foot-wide landscape buffer between the curb and sidewalk.



**Local Public Residential Street "A"**

- Standards:  
 1. 32-foot paved street with parking both sides

- Residential Street "B". Two-way travel road 28 feet in width, with parking on one side in a 50-foot wide right of way. Sidewalks will be a minimum of five feet in width on both sides of the street, with an eight-foot wide landscape buffer between the face of the curb and sidewalk. Sidewalk location may meander, with a variable width landscape buffer to fit the need given trees, topography, and drainage, and potentially for driveway access for lots without alley access.

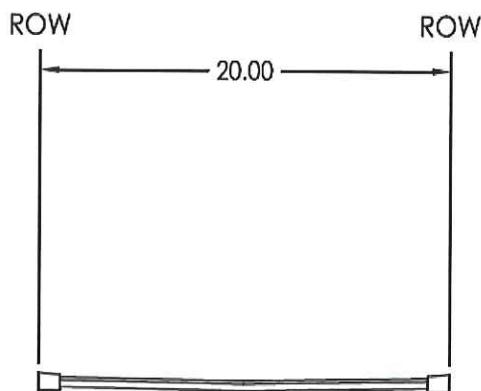


**Local Public Residential Street "B"**

- Standards:  
 1. Parking one side.

B. Public Alley Standards.

1. Residential –No parking either side. Eighteen feet of paved surface in width with one foot low profile curbs each side, generally an inverted crown to assist with best drainage practices.



**Public Alley "C"**

1. Residential - No Parking either side. Twenty feet in width, including mountable curb. Generally inverted crown to assist with best drainage practices.

C. Connector Trail

The connector trail along Country Club Road shall be located on private property abutting the east side of the County Club right of way from Street 1 south to the Rail Crossing. The trail will be constructed of asphalt, ten (10) feet in width in a 20-foot wide public access easement. It will be designated as a bi-directional trail for use for both bicycles and pedestrians.

An additional path shall be constructed north of the railroad right-of-way. The trail will be constructed of fine aggregate, a minimum of ten (10) feet in width within a 20-foot wide public access easement. The final alignment of this trail will be determined through the land division process.