

ORDINANCE NO. NS -2364

AN ORDINANCE ANNEXING APPROXIMATELY 186 ACRES OF LAND IN A PORTION OF THE NORTHEAST EDGE UGB EXPANSION MASTER PLAN AREA, FOR THE PETROSA MASTER PLANNED DEVELOPMENT AND REQUESTING JURISDICTIONAL TRANSFER OF THE RIGHT OF WAY PER ORS 373.270.

Findings:

- A. Bend Development Code Section 4.9.400A.3 provides for annexation of real property to the City when 100 percent of the property owners that represent more than half the assessed value of all real property in the contiguous territory proposed to be annexed consent to the annexation.
- B. The City received an application for annexation of the territory shown on Exhibit B and described in Exhibit C (the "Area").
- C. One hundred percent of property owners within the Area have filed statements of consent to this annexation.
- D. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On January 16, 2020, notice was mailed by the Planning Division to surrounding owners of record of property within 400 feet of the subject properties, and to the Mountain View and Boyd Acres Neighborhood Association representatives. Notice was also posted in four public places on January 16, 2020, and posted in The Bulletin on January 19, 2020 and January 26, 2020. On January 21, 2020, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way.
- E. The City Council held a public hearing on February 5, 2020 to receive evidence and comments on the question of annexation.
- F. The Area is contiguous to the City limits of the City of Bend along the west and south boundaries of the properties within the Area.
- G. The applicant and the City have reached agreement on a proposed Annexation Agreement that sets forth the obligations of the applicant for the provision of urban infrastructure needed to serve the newly annexed area and other areas.

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

- Section 1. The territory containing approximately 186 acres of land as described in Exhibit A and depicted in Exhibit B, is annexed to the City of Bend upon the Annexation Agreement (Exhibit A) taking effect.

Section 2. The City Manager is authorized to execute the Annexation Agreement (Exhibit A) in the substantially the form presented to Council.

Section 3. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit D.

Section 4. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated in accordance with the Petrosa Master Planned Development zoning scheme (PZ-19-0515).

First Reading: February 5, 2020

Second reading and adoption by roll call vote: February 19, 2020

YES: Sally Russell, Mayor NO: none
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper



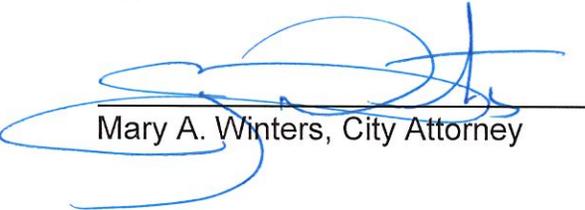
Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

After recording, return to:

City of Bend
Attn: Colin Stephens, CDD
710 NW Wall St.
Bend, OR 97703

PETROSA ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made this ___ day of February, 2020 between the City of Bend ("City") and Pahlisch Homes, Inc. and the owners identified on Exhibit A (collectively, the "Owners"), who are the owners of record of the property described in Exhibit B and shown on Exhibit C ("Property").

The purposes of this Agreement are:

1. to memorialize the agreement between the parties to annex the Property into the City;
2. to assign responsibilities among the parties for performance of certain requirements to develop the Property;
3. to memorialize the Agreement among the parties on the allocation of financial responsibility for the public facilities and services that are necessary to serve the Property; and
4. to guarantee the City's requirements for the provision of urban services to the Property.

RECITALS

A. Owners intend to develop the Property pursuant to the Bend Comprehensive Plan (the "BCP"), the Bend Development Code (the "BDC") and a City-approved Major Master Plan. The Property is within the City's Urban Growth Boundary (UGB) and is contiguous to the city limits at Deschutes Market Road and NE Butler Market Road. Therefore, the Property is eligible for annexation subject to BDC Chapter 4.9.

B. Owners intend to develop the residential components of the Property with a mix of single family and multi-family housing as required by BCP Policies 11-56 to 11-63. Based on the lot size, configuration and layout of the proposed development as well as current construction costs, Owners and the City anticipate that approximately 65% of the non-high density residential units will be offered for sale at or near Bend's median home price at the time of sale. This Agreement is predicated in part on an understanding between the City and Owners that Owners' anticipated development of the Property will provide a complete neighborhood with a substantial amount of the proposed housing at or near the median home price, addressing a critical need in the City's housing supply.

C. The Property consists of approximately 177 acres located in the Northeast Edge Expansion Area that is subject to the requirements and limitations of the BCP Specific Expansion Area Policies 11-56 through 11-63, including the requirement that

development is subject to a major community master plan approval under BDC Chapter 4.5.

D. The Property is currently zoned Urbanizable Area ("UA") and is designated Residential Standard ("RS"), Residential Medium Density ("RM"), Residential High Density ("RH") and General Commercial ("GC") on the BCP Map pursuant to Policies 11-58 and 11-59 of the Bend Comprehensive Plan.

E. On July 12, 2019, Owners submitted a request to the City for approval of a Major Community Master Plan (City File No. PZ 19-0515) ("Petrosa Master Plan"). Development of the Property consistent with the Petrosa Master Plan is sometimes referred to as the "Petrosa Project."

F. On January 15, 2020, Owners submitted a request to the City to annex the Property to the City (City File No. PZ 20-0005).

G. Annexation of the Property requires Owners to prove that all criteria under BDC 4.9.600 are met.

H. In order to meet the BDC 4.9.600 criteria and to satisfy the City's conditions for an affirmative decision to annex the Property, and in exchange for the obligations of the City set forth in Section 2 of this Agreement, Owners agree to comply with all requirements imposed in this Agreement and all other City codes, regulations, and standards applicable to the Property, including the Petrosa Master Plan. This Agreement is consistent with and intended to implement the BCP Specific Expansion Area Policies 11-56 through 11-63 and other applicable policies of the BCP.

I. Owners have expressed interest in potential amendments to certain sections of the City's Municipal Code and Development Code, including BC 2.20, BC 12.10, and BDC 4.7, for the purpose of providing improved tools for infrastructure financing. The Municipal Code and Development Code provide for discretionary processes to request legislative changes at BC 1.10.030 and BDC 4.1.520, respectively. The City and Owners recognize that Owners or another party may choose to request legislative changes under those processes, but that the City has discretion in whether and how to process those requests.

AGREEMENT

Based upon the Recitals, which are incorporated as part of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. **Obligations of Owners.** Consistent with the above Recitals, Owner agrees to perform the obligations of this Agreement and comply with and meet all City codes, standards, and regulations, including the Petrosa Master Plan. All exhibits attached are conceptual and nothing in this Agreement prohibits refinements to meet City standards as part of the required development applications.

2. **Master Plan Approval.** Owner will seek approval of a Major Community Master Plan under BDC Chapter 4.5 for the Petrosa Master Plan concurrent with approval of

this Annexation Agreement. This Agreement will become effective upon authorized signatures of all parties, approval of the Petrosa Master Plan by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Master Plan is otherwise final.

3. **Water.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-56 through 11-63 and other applicable policies of the BCP and the BDC, the water system improvements identified on Exhibit D must be constructed by Owners pursuant to the phasing and development schedule set forth in the Petrosa Master Plan. The property is in the Avion service territory and will be served by Avion water.

4. **Sewer.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-56 through 11-63 and other applicable policies of the BCP and the BDC, the wastewater collection system improvements identified on Exhibit E must be constructed pursuant to the phasing and development schedule set forth in the Petrosa Master Plan.

4.1 **Wastewater System SDC Credits.** Owners and the City acknowledge that Owners are required to construct certain wastewater collection infrastructure as more particularly set forth in the Petrosa Master Plan. As of the Effective Date none of the wastewater collection infrastructure is included on any SDC Project List or adopted Capital Improvement Program ("CIP") and are therefore currently not eligible for SDC Credits under Bend Code ("BC") 12.10.130. If any of the wastewater collection infrastructure required under this Agreement and the Petrosa Master Plan are later included on any SDC Project List or CIP, Owners will be permitted to apply for SDC Credits under BC 12.10.130 for any such improvements, subject at all times to the requirements of BC Chapter 12.10 in effect at the time of application.

4.2 **Wastewater System Reimbursement District.** Owners and the City acknowledge that Owners will be required to construct certain wastewater collection infrastructure as more particularly set forth in the Petrosa Master Plan. As of the Effective Date none of the wastewater collection infrastructure is included on any SDC Project List or adopted Capital Improvement Program ("CIP") and are therefore currently not eligible for SDC Credits under Bend Code ("BC") 12.10.130. Owners have expressed interest in seeking to form a reimbursement district under BC Chapter 2.20 to permit Owners to obtain reimbursement from benefitting property owners for the costs associated with wastewater collection infrastructure.

5. **Transportation.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-56 through 11-63 and other applicable policies of the BCP and the BDC, together with the Transportation Planning Rule (OAR 660-012-0060) the transportation system improvements identified on Exhibit F-1(A-U) must be constructed by Owners pursuant to the phasing and development schedule set forth in the Petrosa Master Plan (the "SDC Projects"). In addition to the SDC Projects, the Petrosa Master Plan identifies additional on- and off-site transportation projects which are necessary to serve the Property (the "Non-SDC Projects"). Owners are required to construct the Non-SDC Projects pursuant to the phasing and development schedule set forth in the Petrosa Master Plan.

5.1 Transportation SDC Project List. The City will consider an amendment to the transportation system SDC Project List to include the SDC Projects, together with the estimated cost of such improvements and the percentage of such cost eligible to be funded with improvement fee revenues, as set forth on Exhibit F-2.

5.2 Transportation System SDC Credits. Pursuant to BDC 12.10.130(C), the transportation system improvements identified on Exhibit F-2 will be eligible for SDC credits in the percentages set forth on Exhibit F-2, to the extent the improvements are on the adopted Transportation SDC Project List. Owners and the City acknowledge that Owners are required to construct the Non-SDC Projects. As of the Effective Date the Non-SDC Projects are not included on any SDC Project List or adopted CIP. If any of the Non-SDC Projects are later included on any SDC Project List or CIP, Owners will be permitted to seek SDC Credits under BC 12.10.130 for any such improvements, subject at all times to the requirements of BC Chapter 12.10 then in effect.

5.3 Transportation System Reimbursement District. Owners have expressed interest in seeking to form a reimbursement district under BC Chapter 2.20 to permit Owners to obtain reimbursement from benefitting property owners for the costs associated with a portion of the Non-SDC Projects. While the City acknowledges that a reimbursement district might be an appropriate tool for a party to recoup costs associated with infrastructure investments which benefit geographic areas beyond master plan areas, current City code does not specifically address the use of reimbursement districts in UGB expansion areas.

5.4 Transportation Planning Rule Compliance. The Parties acknowledge that (i) the construction of the SDC Projects and the Non-SDC Projects will benefit multiple transportation modes and provide improvements to locations other than the affected facilities; and (ii) the system-wide benefits are sufficient to balance the significant effects identified in the Annexation Transportation Impact Analysis (TIA), even though the improvements will not result in consistency for all performance standards. . Attached as Exhibit G are written statements of approval from the Oregon Department of Transportation (“ODOT”) and Deschutes County pursuant to OAR 660-012-0060(2)(e) acknowledging compliance with the Transportation Planning Rule, OAR 660-012-0060.

5.4.1 Owner will mitigate the impacts of the Petrosa Master Plan development on state transportation facilities through the payments set forth in the November 23, 2019 Traffic Analysis Memo – TFR Review and the November 13, 2019 letter from ODOT to the City attached as Exhibit H and incorporated within this Agreement.

5.5 Dedication of Right of Way. Owners agree to dedicate sufficient right of way under Owners’ control to the City to accommodate the transportation improvements described above, and to meet the minimum right of way widths required by BDC Chapter 3.4 and or the Petrosa Master Plan.

6. Stormwater. Unless otherwise approved and consistent with the Petrosa Master Plan, Owner will hold all stormwater on site and develop the Property consistent with all City requirements. Owners will complete all on-site stormwater requirements as

required by the Petrosa Master Plan approval and all subsequent development applications (e.g., site plan review, subdivision).

7. **Median Sales Price.** The parties acknowledge that the Petrosa Master Plan includes design features, including lot size, setbacks and density which directly affect lot value and the associated initial sale price of dwelling units. As of the effective date of this Agreement, and based on current construction costs and the current median home price in Bend of \$440,900.00, Owners anticipate that approximately sixty-five percent (65%) of the single-family dwellings, including, detached single-family dwellings and townhomes, constructed will be offered for initial sale at or below the current Bend median home price. Owners' housing designs, as well as lot layout, density and size are intended to meet both the City's and Owners' desire to provide housing units at or near the current median home price in Bend. Owner agrees to use reasonable efforts to ensure that at least sixty-five percent of the single-family dwellings, including, detached single-family dwellings and townhomes, will be offered for initial sale at or below the current Bend median home price of \$440,900.00. The parties acknowledge that construction cost increases, changes to Bend's median home price and other external factors may increase or decrease the median home price and affect Owners' ability to meet the housing price target set forth in this Section 7. In no event shall the inability of Owners to meet the housing price target under this Section 7.1 be deemed a default under this Agreement. On or before January 31 of each year during buildout of the Petrosa Master Plan, Owner will provide the City with a summary of the number of units sold during the prior calendar year, as well as the sales price of such units, together with any additional pricing information deemed relevant by Owners in Owners' sole discretion.

8. **Obligations of the City.** Consistent with the above recitals, the City agrees to:

8.1 Process the application for annexing the Property into the City Limits.

8.2 Conduct a timely review of and issue a decision on the Petrosa Master Plan applications.

8.3 The City acknowledges that the value of the right-of-way to be dedicated by Owner exceeds the value of right-of-way to be vacated in connection with NE Cole Road. Accordingly, the City does not anticipate recommending that payment will be required as a condition of any future vacation in connection with NE Cole Road. This expectation does not extend to normally applicable application and processing fees, utility relocation costs, or other costs that will be the responsibility of Owners or third parties, all of which will be allocated in the normal fashion.

8.4 Owner acknowledges that the City cannot prospectively agree to any specific outcomes.

9. **Covenants Running with the Land.** It is the intention of the parties that the terms and obligations of this Agreement are necessary for the annexation and development of the Property and as such will run with the Property and will be binding upon the heirs, executors, assigns, administrators, and successors of the parties and are construed to be a benefit and burden upon the Property. This Agreement must be

recorded with the Deschutes County Recorder upon execution. Execution and recording of this agreement are preconditions to the annexation of the Property into the City. These covenants will expire for each portion of the Property upon recording of a final plat for that portion of the Property under the Petrosa Master Plan. The parties will execute and record any document necessary to release such covenants at the time of recording of the final plat.

10. **Limitations on Development.** Upon annexation Owners agree that no portion of the Property may be developed prior to the City's final approval of the Petrosa Master Plan. Development of the Property under the Petrosa Master Plan will be subject to additional land use and permit approval as provided in the BDC.

11. **Mutual Cooperation.** The City and Owner will endeavor to cooperate with each other in implementing the terms of this Agreement.

12. **Modification of Agreement.** This Agreement may be modified only in writing upon mutual agreement of all parties. This Agreement may not be modified such that urban facilities and services are not provided in a timely manner to the Property.

13. **Land Use Approval.** Except as set forth in Section 13 below, nothing in this Agreement is to be construed as waiving any requirements of the Bend Code, Bend Development Code or Bend Comprehensive Plan provisions which may be applicable to the use and development of the Property. Nothing in this Agreement is to be construed as the City providing or agreeing to provide approval of any building, land use, or other development application or grading permit application.

14. **Exactions.** Owners know and understand its rights under *Dolan v. City of Tigard* and its progeny. By entering into this Agreement, Owners waive any requirement that the City demonstrate that the public improvements and other obligations imposed on Owners in this Agreement or the Petrosal Master Plan are roughly proportional to the burden and demands placed upon the urban facilities and services by the development of the Property. Owners acknowledge that the requirements and obligations of Owners, including but not limited to the required public improvements, are roughly proportional to the burden and demands on urban facilities and services that will result from development of the Property.

15. **Invalidity.** If any provision of this Agreement is deemed unenforceable or invalid, such enforceability or invalidity will not affect the enforceability or validity of any other provision of this Agreement.

16. **State Law.** The validity, meaning, enforceability and effect of this Agreement and the rights and liabilities of the parties shall be determined in accordance with the laws of the State of Oregon.

17. **Effective Date.** This Agreement will become effective upon authorized signatures by all parties, approval of the Petrosa Master Plan by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Master Plan is otherwise final.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

OWNERS:

Dennis L. Pahlisch, President
Pahlisch Homes, Inc.

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by Dennis L. Pahlisch, President of Pahlisch Homes, Inc.

Notary Public for Oregon

CITY OF BEND

Eric King, City Manager

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by Eric King as City Manager of the City of Bend.

Notary Public for Oregon

EXHIBIT A

OWNERS

Authorized Member
Pahlisch Homes at Petrosa, LP

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by _____
_____, as an authorized member of Pahlisch Homes at Petrosa. LP.

Notary Public for Oregon

Dennis L. Pahlisch, Member
Jeremiah 29:11, LLC

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by Dennis L.
Pahlisch, Member of Jeremiah 29:11 LLC.

Notary Public for Oregon

David D. Suchy, Member
21460-D, LLC

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by David D. Suchy as a member of 21460-D, LLC.

Notary Public for Oregon

David C. Nipper,
Trustee of the Danny Allen Nipper Trust

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by David C. Nipper as the Trustee of the Danny Allen Nipper Trust.

Notary Public for Oregon

David C. Nipper

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by David C. Nipper.

Notary Public for Oregon

Tammy M. Nipper

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by Tammy M. Nipper.

Notary Public for Oregon

Donna R. Christiansen, Manager
Cascade Ridge Estates, LLC

STATE OF OREGON)
)
County of Clackamas)

This instrument was acknowledged before me on February_____, 2020, by Donna R. Christiansen, as Manager of Cascade Ridge Estates, LLC.

Notary Public for Oregon

Richard B. Hight III

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on February_____, 2020, by Richard B. Hight III.

Notary Public for Oregon



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com

AKS Job #6777

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT B

City of Bend Annexation

A tract of land and road rights-of-way located in the Southwest One-Quarter of Section 13, the Southwest One-Quarter and the Southeast One-Quarter of Section 14, the Northwest One-Quarter, the Northeast One-Quarter, and the Southeast One-Quarter of Section 23, and the Northwest One-Quarter of Section 24, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the North One-Quarter corner of said Section 23; thence North $00^{\circ}03'13''$ West 20.00 feet to the northerly right-of-way line of Yeoman Road (20.00 feet from centerline) and the True Point of Beginning; thence along said northerly right-of-way line, South $89^{\circ}58'58''$ East 30.04 feet to the easterly right-of-way line of Cole Road (30.00 feet from centerline); thence along said easterly right-of-way line, South $00^{\circ}03'42''$ West 20.01 feet to the northerly line of Section 23; thence along said northerly line and the easterly extension thereof, South $89^{\circ}57'25''$ East 2668.18 feet to the northerly extension of the easterly right-of-way line of Butler Market Road (30.00 feet from centerline); thence along said northerly extension and said easterly right-of-way line, South $00^{\circ}07'02''$ East 500.00 feet to the easterly extension of the south line of Document Number 2019-40244; thence along said easterly extension and the south line of said Deed, North $89^{\circ}57'17''$ West 963.73 feet to the east line of Document Number 99-54982; thence along said east line, South $00^{\circ}10'34''$ West 820.88 feet to the southeast corner thereof; thence along the south line of said Deed, North $89^{\circ}59'50''$ West 162.91 feet to the east line of Document Number 2019-12625; thence along said east line and the southerly extension thereof, South $00^{\circ}02'35''$ West 1362.39 feet to the south right-of-way line of Butler Market Road (40.00 feet south of the east-west centerline of said Section 23); thence along said south right-of-way line, South $89^{\circ}53'31''$ West 1539.87 feet to the east right-of-way line of Eagle Road (30.00 feet from centerline) and the Bend city limits line; thence along the northerly extension of said east right-of-way line and said city limits line, North $00^{\circ}03'06''$ East 68.59 feet to the north right-of-way line of Butler Market Road (30.00 feet from centerline); thence along said north right-of-way line and continuing along said city limits line, South $89^{\circ}46'53''$ West 1,075.74 feet; thence continuing along said city limits line on a curve to the left with a Radius of 1,175.92 feet, Delta of $11^{\circ}37'28''$, Length of 238.58 feet, and Chord of South $83^{\circ}58'09''$ West 238.17 feet to a line parallel with and 30.00 feet easterly of the centerline of Deschutes Market Road; thence along said parallel line and continuing along said city limits line, North $07^{\circ}29'34''$ West 20.57 feet; thence continuing along said parallel line and said city limits line on a curve to the right with a Radius of 262.69 feet, Delta of $7^{\circ}27'04''$, Length of 34.16 feet, and Chord of North $03^{\circ}46'02''$ West 34.14 feet; thence North $00^{\circ}02'30''$ West 377.58 feet; thence along a curve to the right with Radius 45,014.47 feet, Delta of $00^{\circ}14'55''$, Length of 195.23 feet, and Chord of North $00^{\circ}04'57''$ East 195.23 feet to the southerly line of Document Number 2012-8162; thence leaving said parallel line and said city limits line along said southerly line, North $89^{\circ}53'31''$ East 738.03 feet to the westerly line of Document Number 2019-9588; thence along said westerly line, North $00^{\circ}03'42''$ East 162.18 feet to the southerly line of Document Number 2018-32237; thence along said southerly line, South $89^{\circ}53'31''$ West 573.34 feet to the westerly line of said Deed; thence

along said westerly line, North 00°18'30" West 103.59 feet to the westerly south line of said Deed; thence along said westerly south line, South 87°36'30" West 152.23 feet to the easterly right-of-way line of North Unit Main Canal; thence along said easterly right-of-way line, North 74°12'02" East 194.78 feet; thence continuing along said easterly right-of-way line on a curve to the left with Radius 356.50 feet, Delta 75°00'38", Length of 466.72 feet, and Chord of North 36°41'43" East 434.10 feet; thence North 00°48'58" West 35.25 feet to the south line of the Northeast One-Quarter of the Northwest One-Quarter of said Section 23; thence along said south line, South 89°57'41" West 160.01 feet to the westerly right-of-way line of North Unit Main Canal; thence along said westerly right-of-way line, North 00°48'58" West 319.13 feet to the south line of Document Number 2018-31353; thence along said south line, North 89°38'33" West 289.89 feet to the east right-of-way line of Deschutes Market Road (30.00 feet from centerline) and said city limits line; thence along said east right-of-way line and said city limits line, North 00°13'50" East 28.51 feet to the easterly extension of the south line of Parcel 1 of Partition Plat Number 2007-074; thence along said easterly extension and continuing along said city limits line, North 89°38'33" West 60.00 feet to the west right-of-way line of Deschutes Market Road (30.00 feet from centerline); thence leaving said city limits line and along said west right-of-way line, North 00°13'50" East 27.80 feet; thence continuing along said west right-of-way line on a curve to the left with a Radius of 127,016.62 feet, Delta of 00°15'20", Length of 566.53 feet, and Chord of North 00°06'10" East 566.53 feet; thence continuing along said west right-of-way line and the northerly extension thereof, North 00°01'30" West 421.02 feet to a line parallel with and 40.00 feet northerly of the north line of said Section 23; thence along said parallel line, South 89°58'58" East 1345.14 feet to the True Point of Beginning.

The above described tract of land contains 183 acres, more or less.

01/29/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

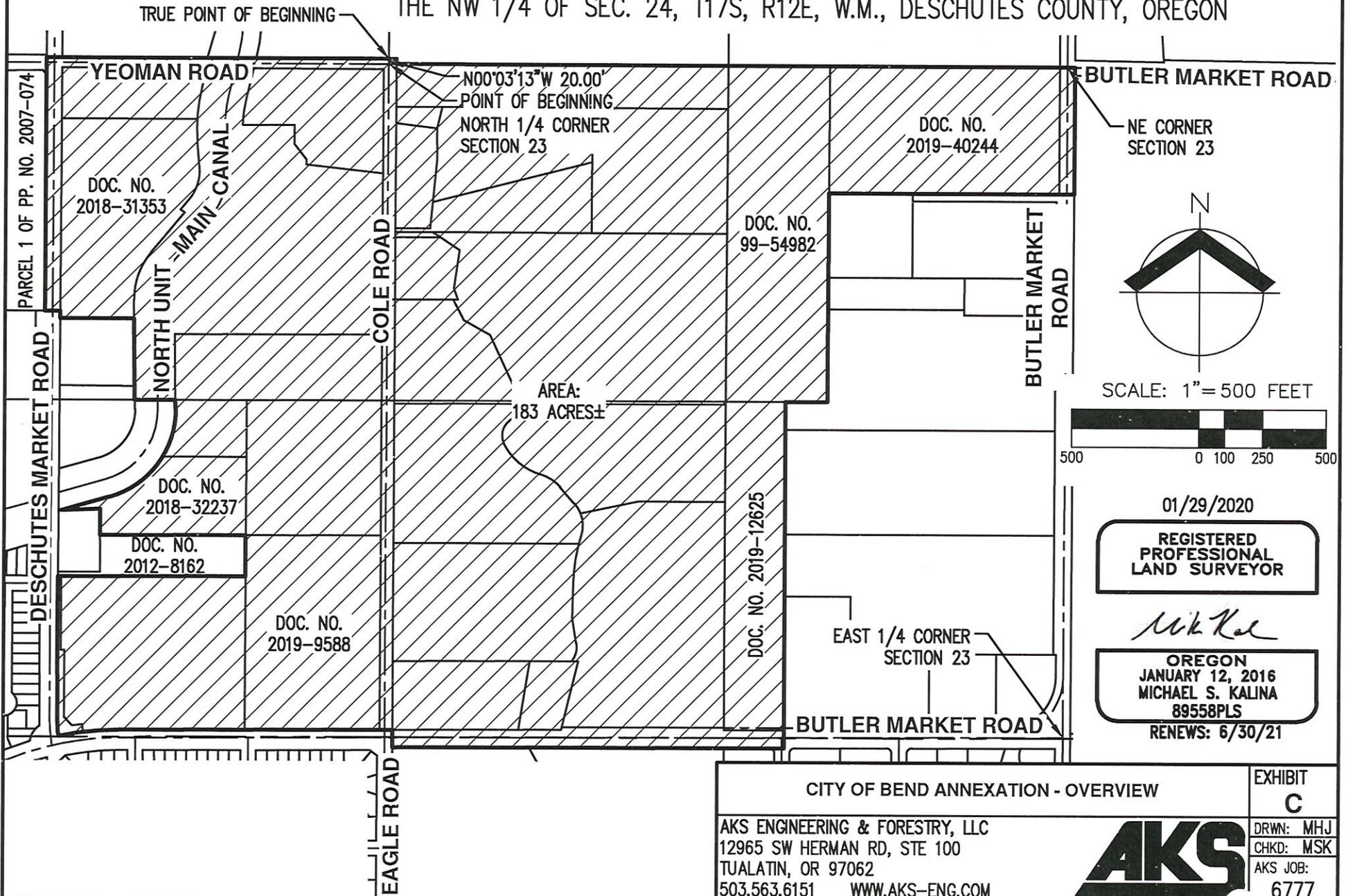
Michael S. Kalina

**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS**

RENEWS: 6/30/21

EXHIBIT C

A TRACT OF LAND AND ROAD RIGHTS-OF-WAY LOCATED IN THE SW 1/4 OF SEC. 13, THE SW AND SE 1/4 OF SEC. 14, THE NW, NE, AND SE 1/4 OF SEC. 23, AND THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON



CITY OF BEND ANNEXATION - OVERVIEW

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



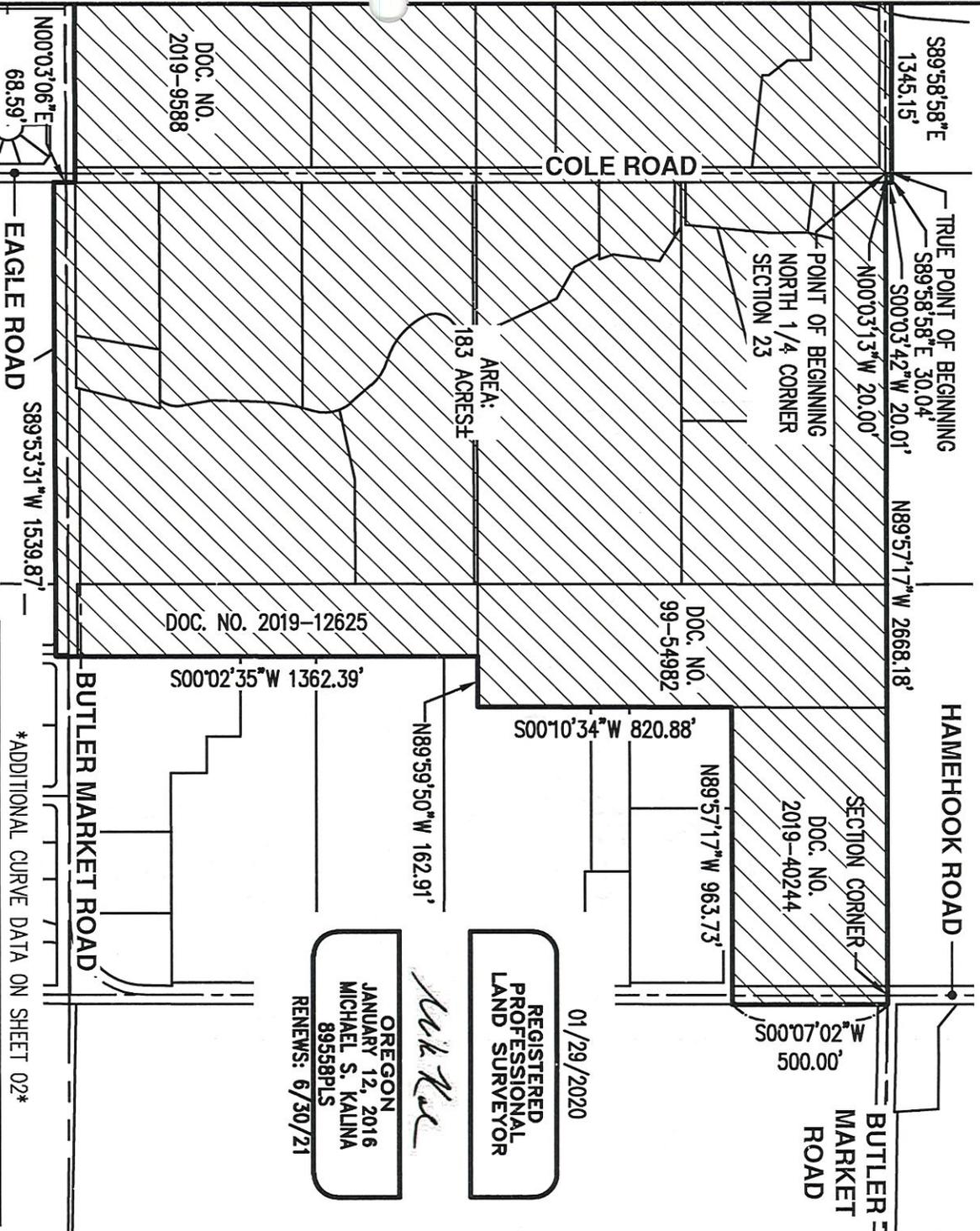
EXHIBIT

C

DRWN: MHJ
CHKD: MSK
AKS JOB:
6777

EXHIBIT C

A TRACT OF LAND AND ROAD RIGHTS-OF-WAY LOCATED IN THE SW 1/4 OF SEC. 13, THE SW AND SE 1/4 OF SEC. 14, THE NW, NE, AND SE 1/4 OF SEC. 23, AND THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

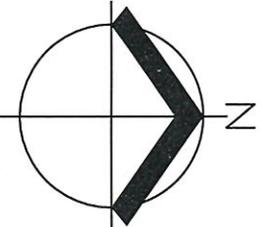


01/29/2020
 REGISTERED PROFESSIONAL LAND SURVEYOR

Mike K...
 OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS
 RENEWS: 6/30/21

ADDITIONAL CURVE DATA ON SHEET 02

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1175.92'	11°37'28"	238.58'	S83°58'09"W 238.17'
C2	262.69'	7°27'04"	34.16'	N3°46'02"W 34.14'
C3	45014.47'	0°14'55"	195.23'	N0°04'57"E 195.23'



SCALE: 1" = 500 FEET



CITY OF BEND ANNEXATION - 02		EXHIBIT
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		C
DRWN: MHJ	CHKD: MSK	AKS JOB: 6777



EXHIBIT C

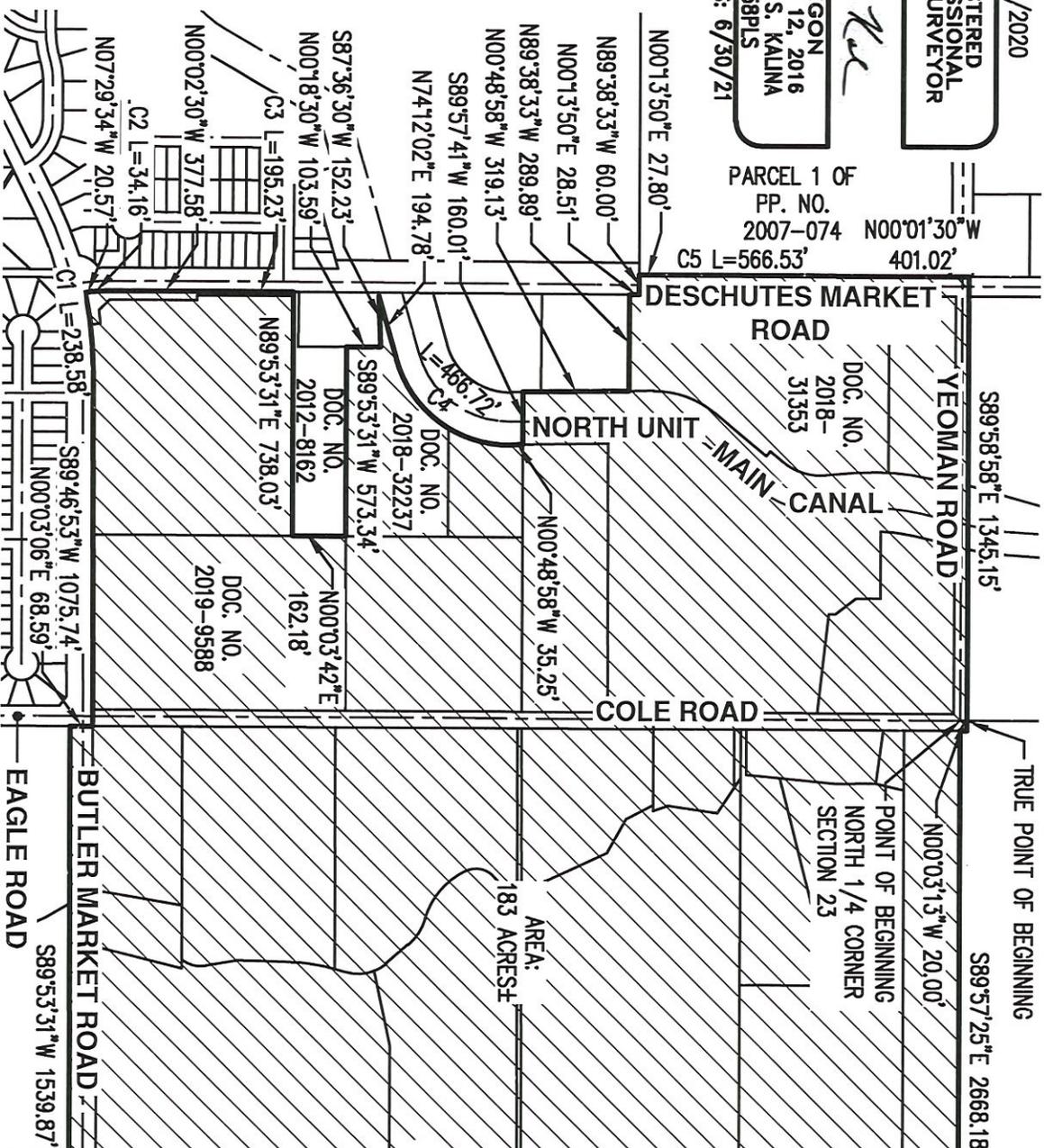
A TRACT OF LAND AND ROAD RIGHTS-OF-WAY LOCATED IN THE SW 1/4 OF SEC. 13, THE SW AND SE 1/4 OF SEC. 14, THE NW, NE, AND SE 1/4 OF SEC. 23, AND THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

1/29/2020
**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

Mike

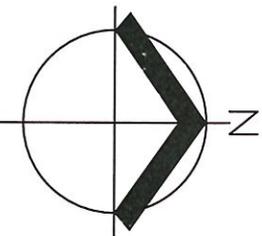
OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS
 RENEWS: 6/30/21

PARCEL 1 OF
 PP. NO.
 2007-074



ADDITIONAL CURVE DATA ON SHEET 01

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C4	356.50'	75°00'38"	466.72'	N36°41'43"E 434.10'
C5	127016.62'	0°15'20"	566.53'	N0°06'10"E 566.53'



SCALE: 1" = 500 FEET

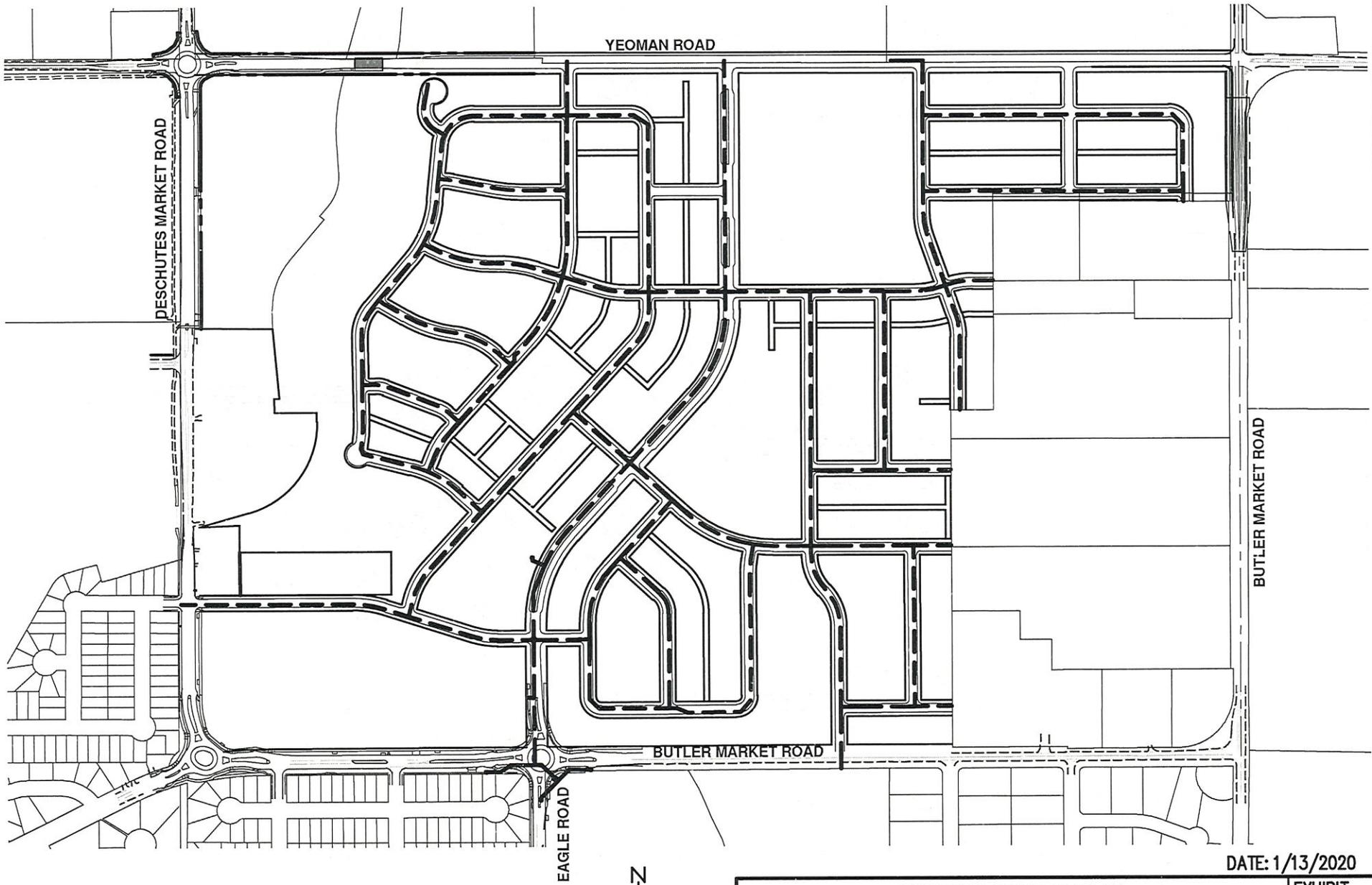
CITY OF BEND ANNEXATION - 03

EXHIBIT
C

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM

AKS

DRWN: MHJ
 CHKD: MSK
 AKS JOB:
 6777



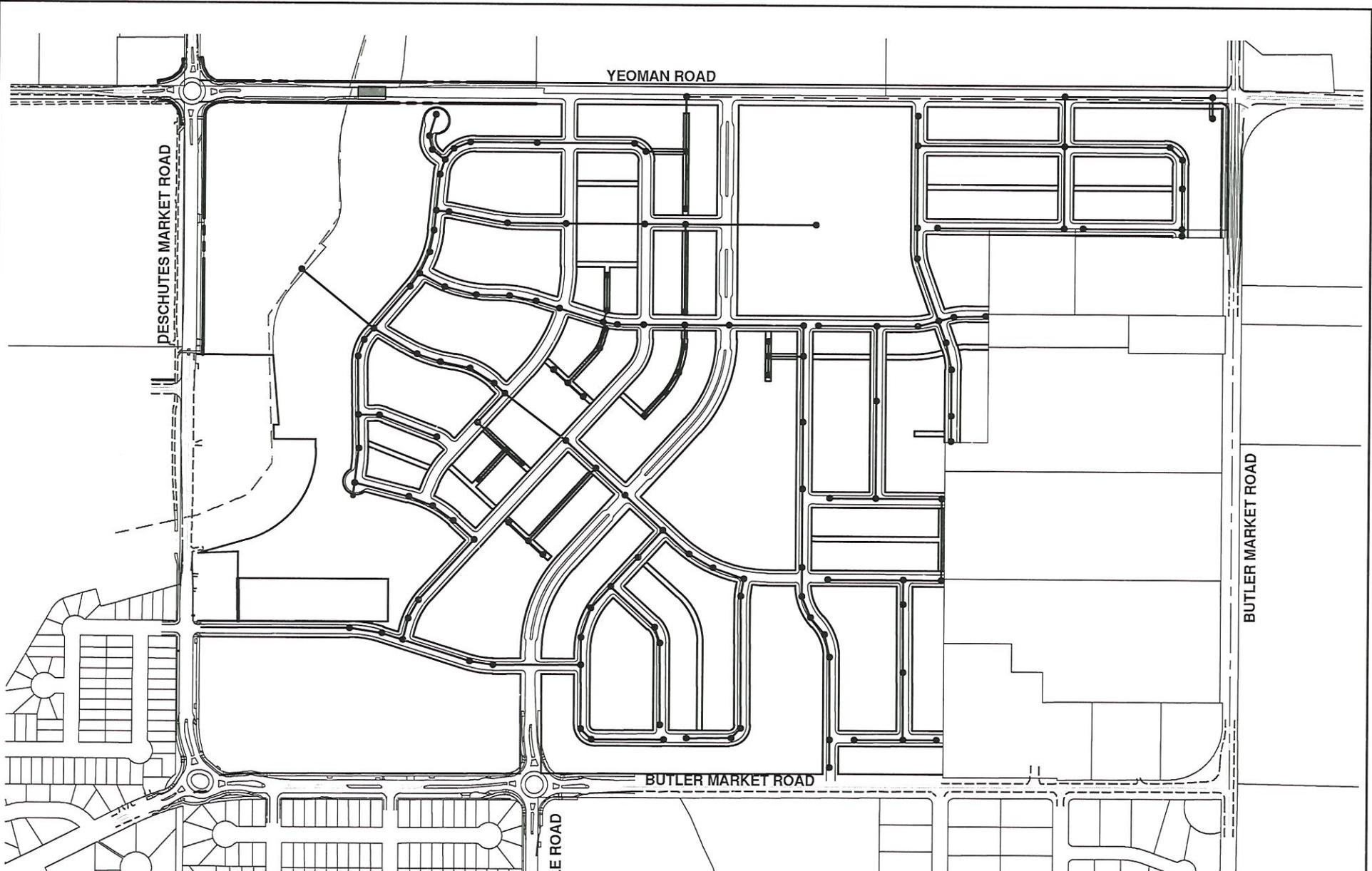
--- PROPOSED WATER IMPROVEMENTS



DATE: 1/13/2020

PETROSA MASTER PLAN WATER IMPROVEMENTS		EXHIBIT D
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777





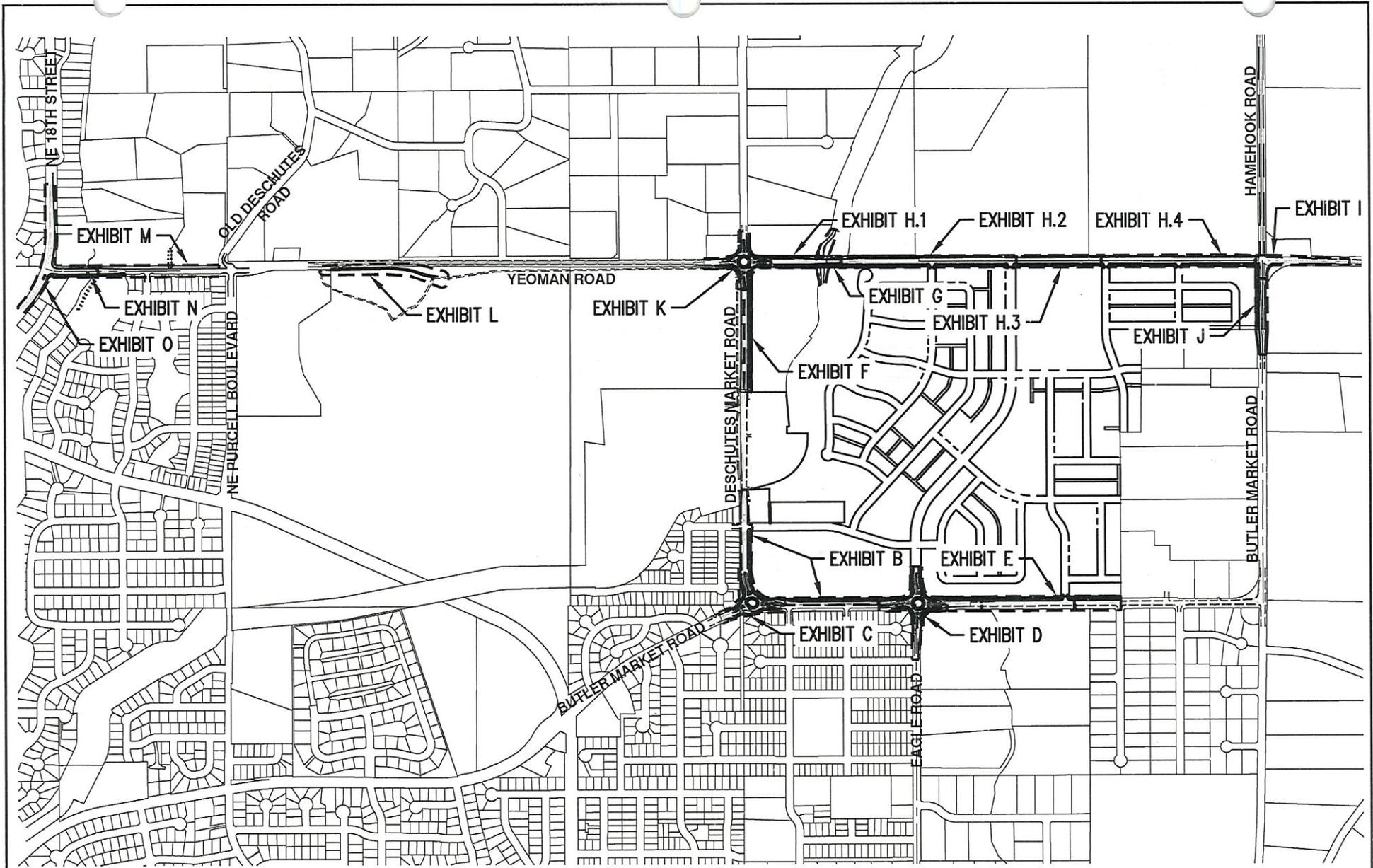
—●— PROPOSED SEWER IMPROVEMENTS



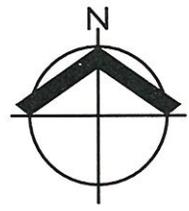
DATE: 1/13/2020

PETROSA MASTER PLAN SEWER IMPROVEMENTS		EXHIBIT E
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777

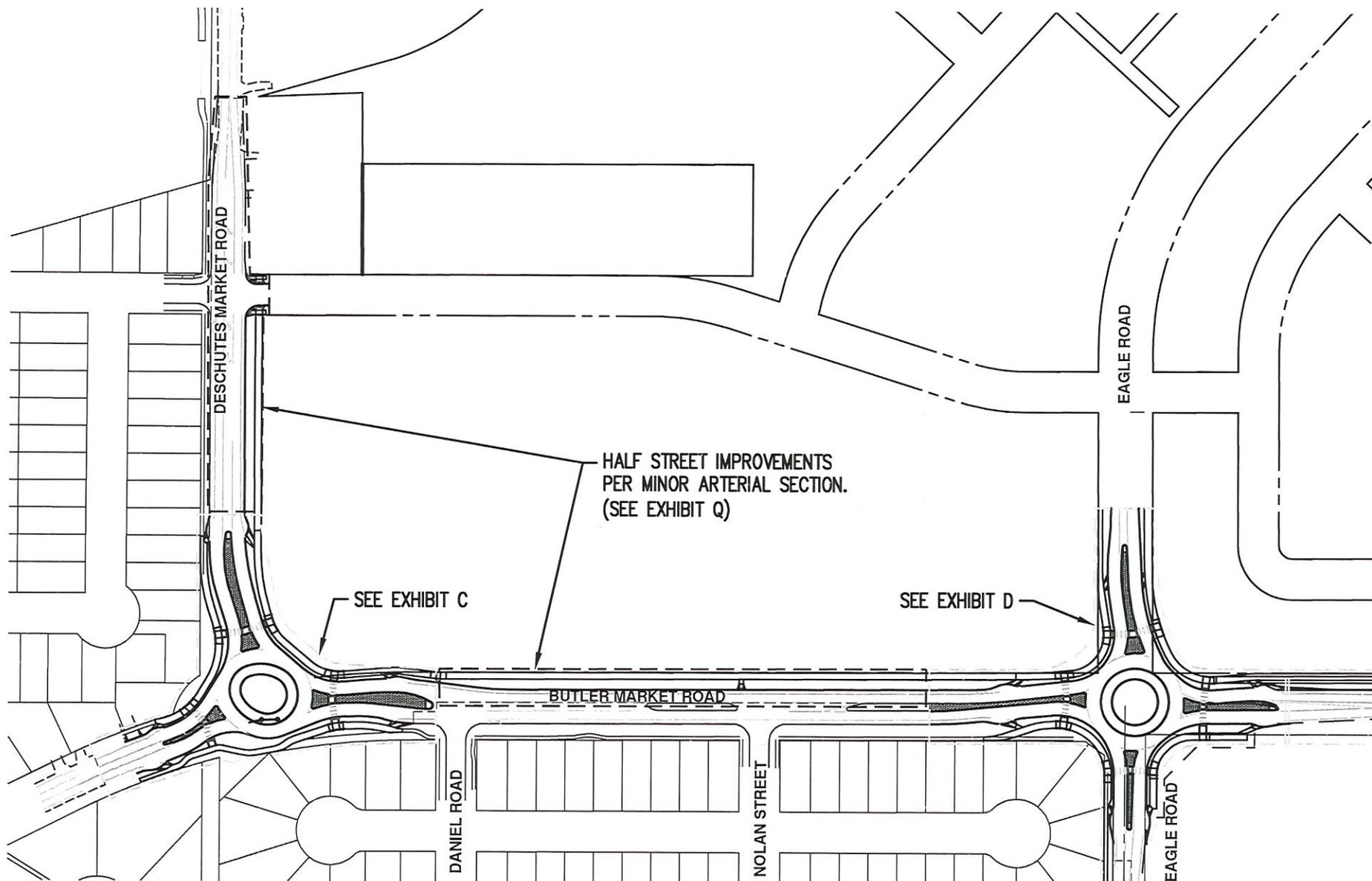




DATE: 12/05/2019

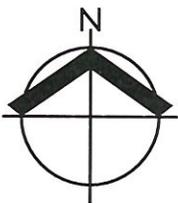
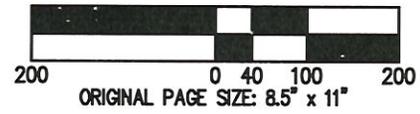


PETROSA MASTER PLAN OFFSITE IMPROVEMENTS KEY MAP		EXHIBIT F1(A)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777
		



DATE: 12/05/2019

SCALE: 1" = 200 FEET



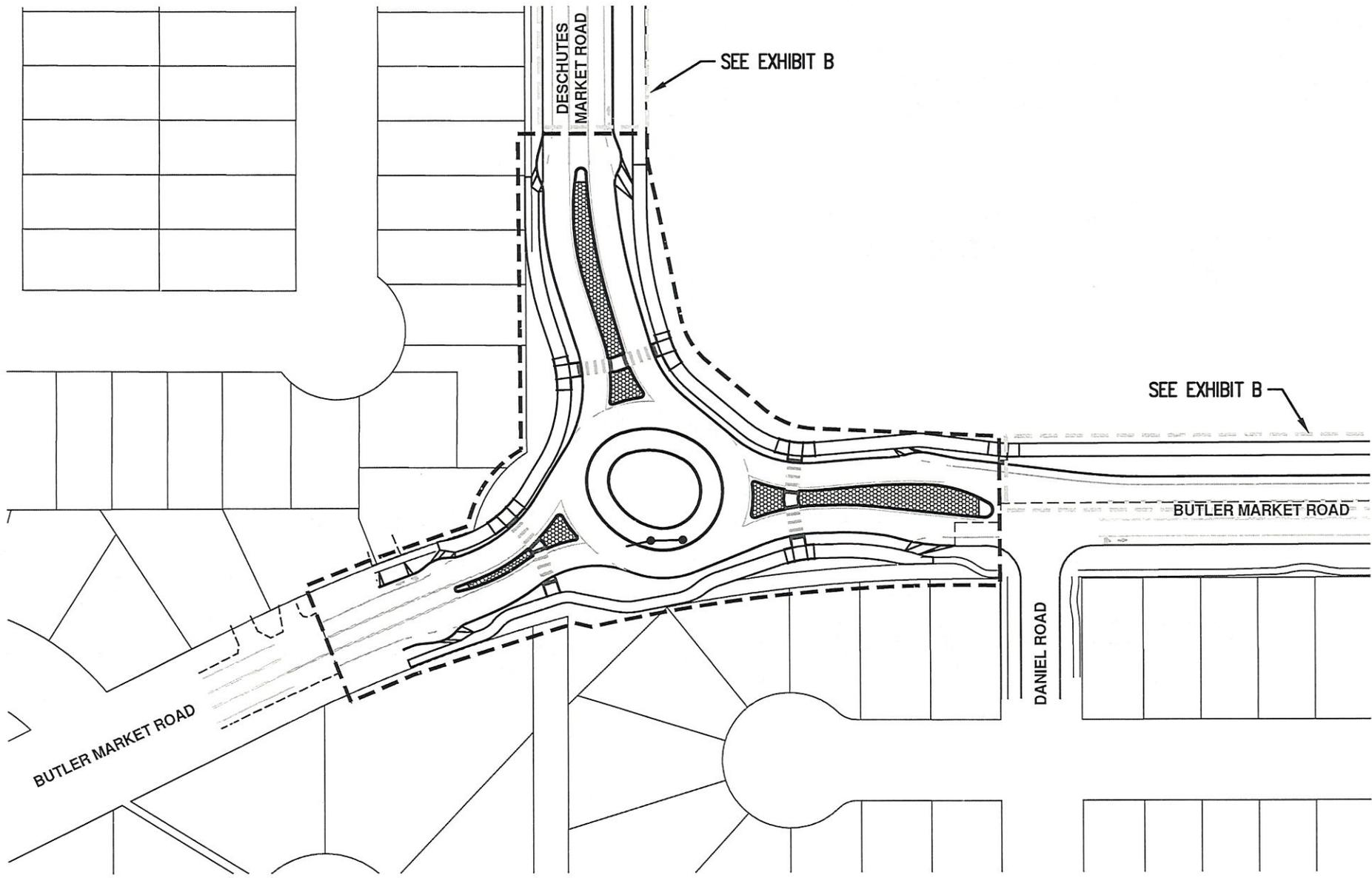
PETROSA MASTER PLAN
DESCHUTES/BUTLER COMMERCIAL FRONTAGE

AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM



EXHIBIT
F1(B)

DRWN: SMJ
CHKD: BLW
AKS JOB:
6777



BUTLER MARKET ROAD

DESCHUTES MARKET ROAD

BUTLER MARKET ROAD

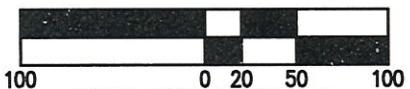
DANIEL ROAD

SEE EXHIBIT B

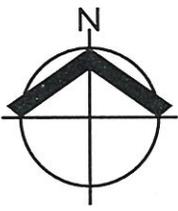
SEE EXHIBIT B

DATE: 12/05/2019

SCALE: 1" = 100 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"



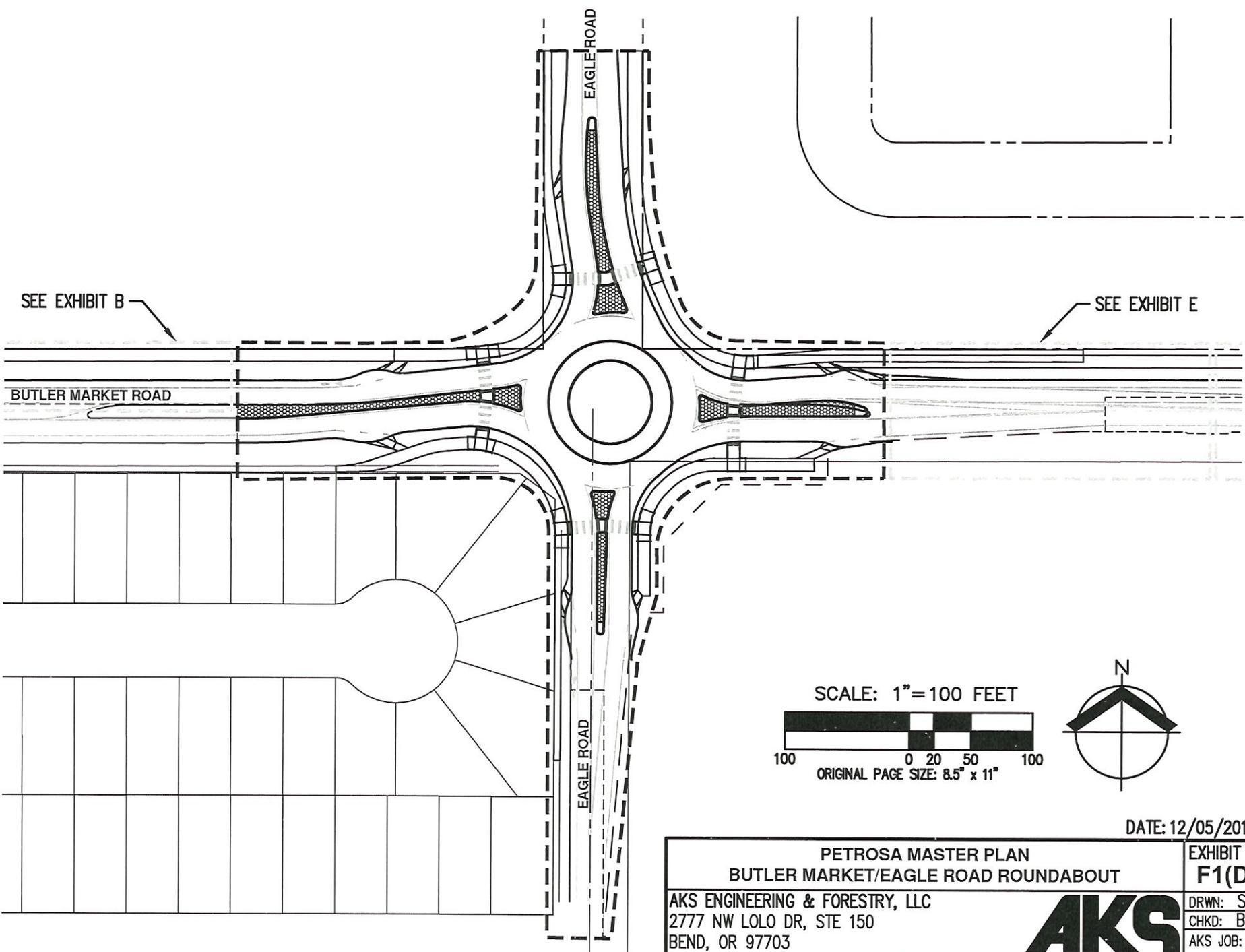
PETROSA MASTER PLAN
BUTLER MARKET/DESCHUTES MARKET ROUNDABOUT

AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM



EXHIBIT
F1(C)

DRWN: SMJ
CHKD: BLW
AKS JOB:
6777



SEE EXHIBIT B

SEE EXHIBIT E

BUTLER MARKET ROAD

EAGLE ROAD

EAGLE ROAD

SCALE: 1" = 100 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"



DATE: 12/05/2019

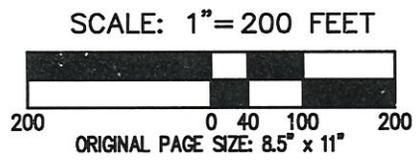
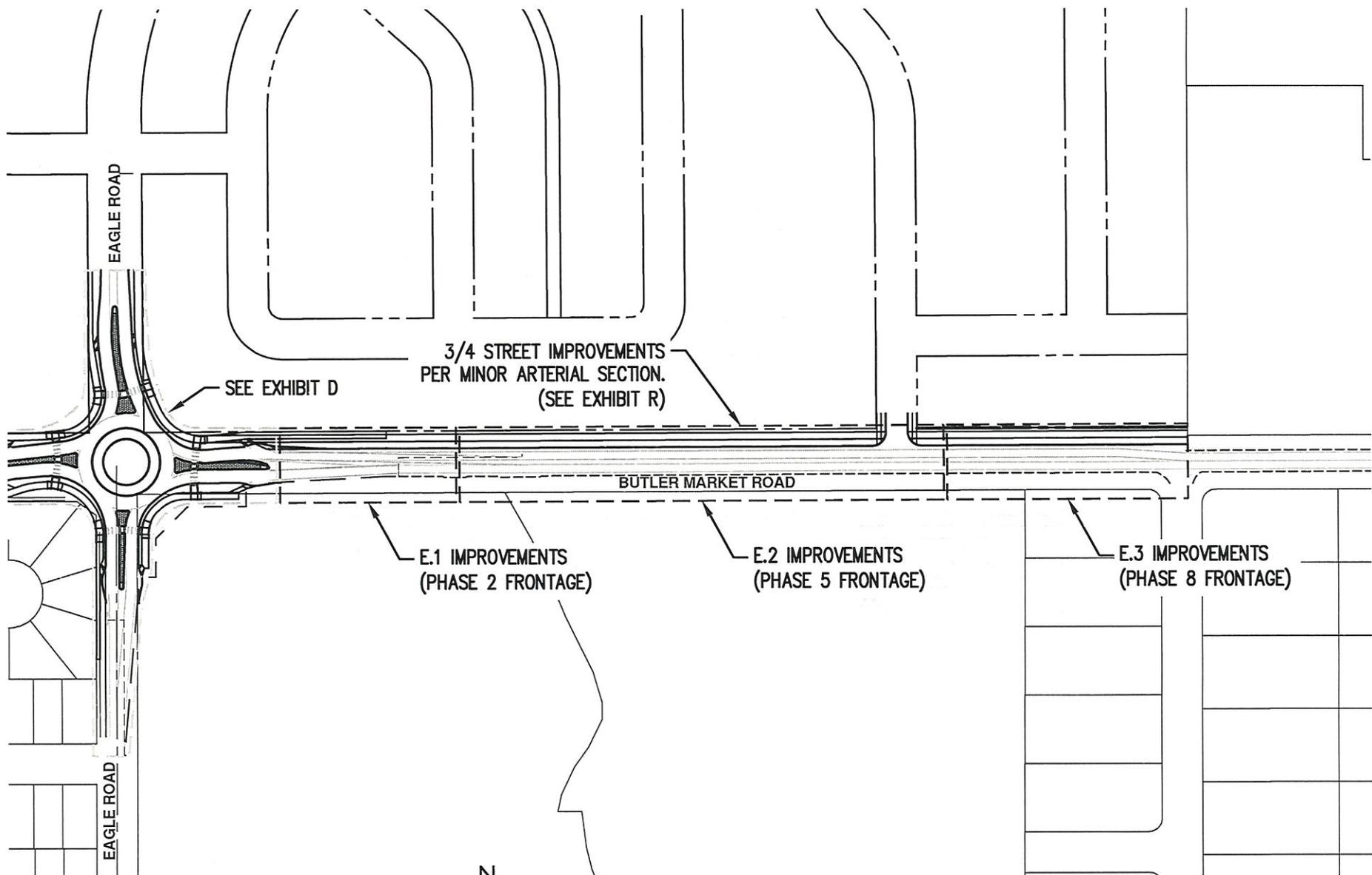
PETROSA MASTER PLAN
BUTLER MARKET/EAGLE ROAD ROUNDABOUT

EXHIBIT
F1(D)

AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM



DRWN: SMJ
CHKD: BLW
AKS JOB:
6777



DATE: 12/05/2019

PETROSA MASTER PLAN BUTLER MARKET ROAD - PHASE 2, 5, & 8 FRONTAGE		EXHIBIT F1(E)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777

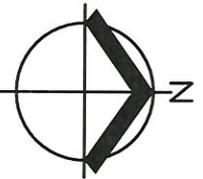


YEOMAN ROAD

PINE NURSERY PARK

DESCHUTES MARKET ROAD

HALF STREET IMPROVEMENTS
PER MINOR ARTERIAL SECTION.
(SEE EXHIBIT T)



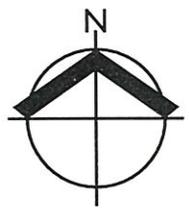
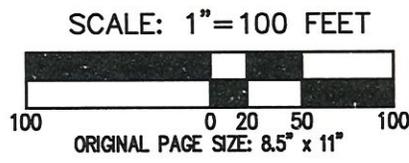
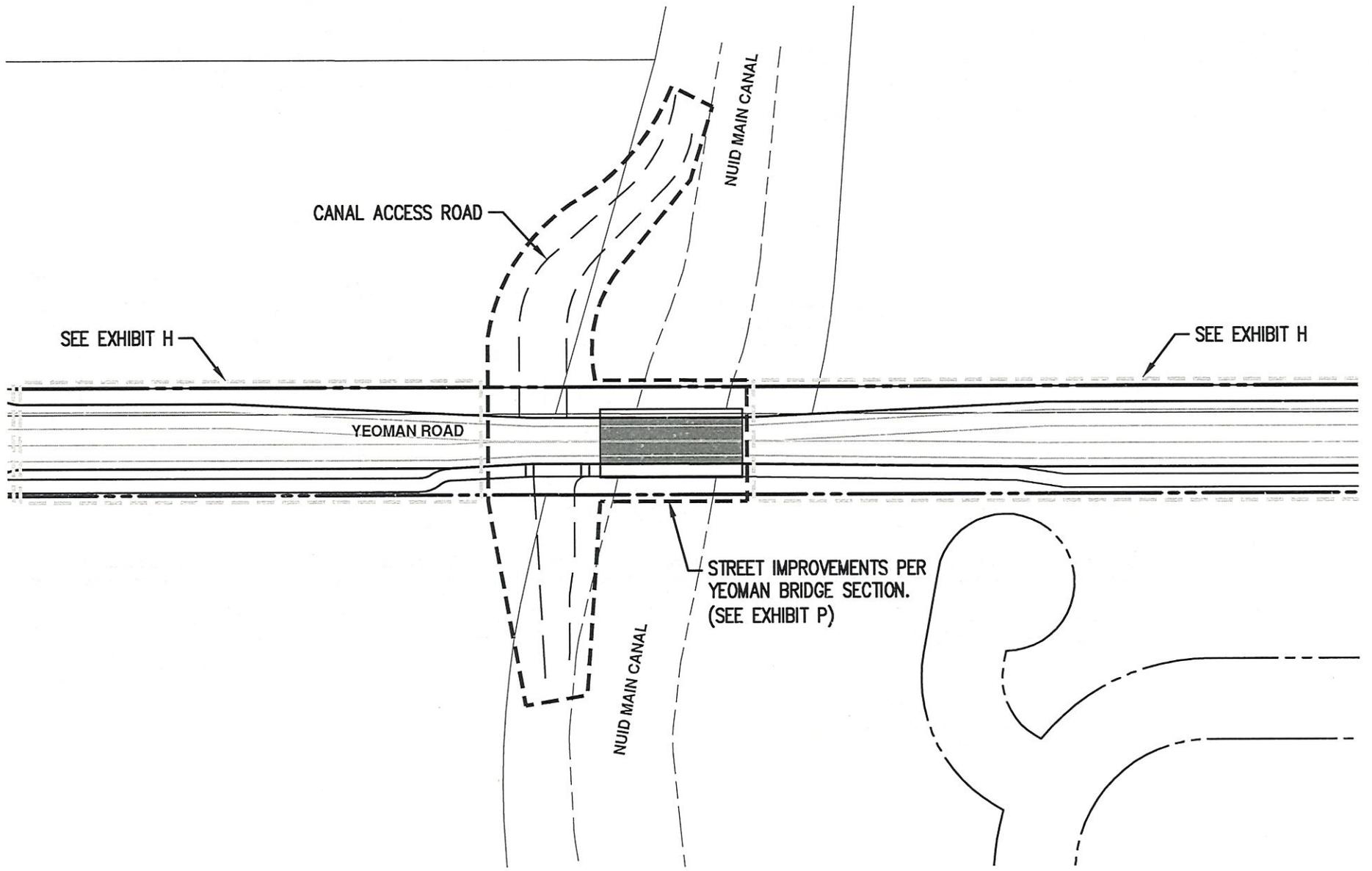
SCALE: 1" = 150 FEET



DATE: 12/05/2019

PETROSA MASTER PLAN DESCHUTES MARKET ROAD RH-1 FRONTAGE		EXHIBIT F1(F)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777



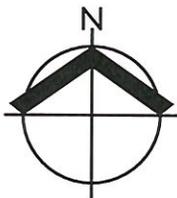
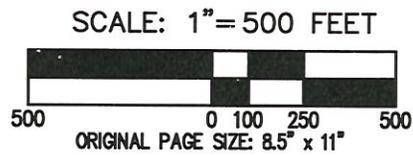
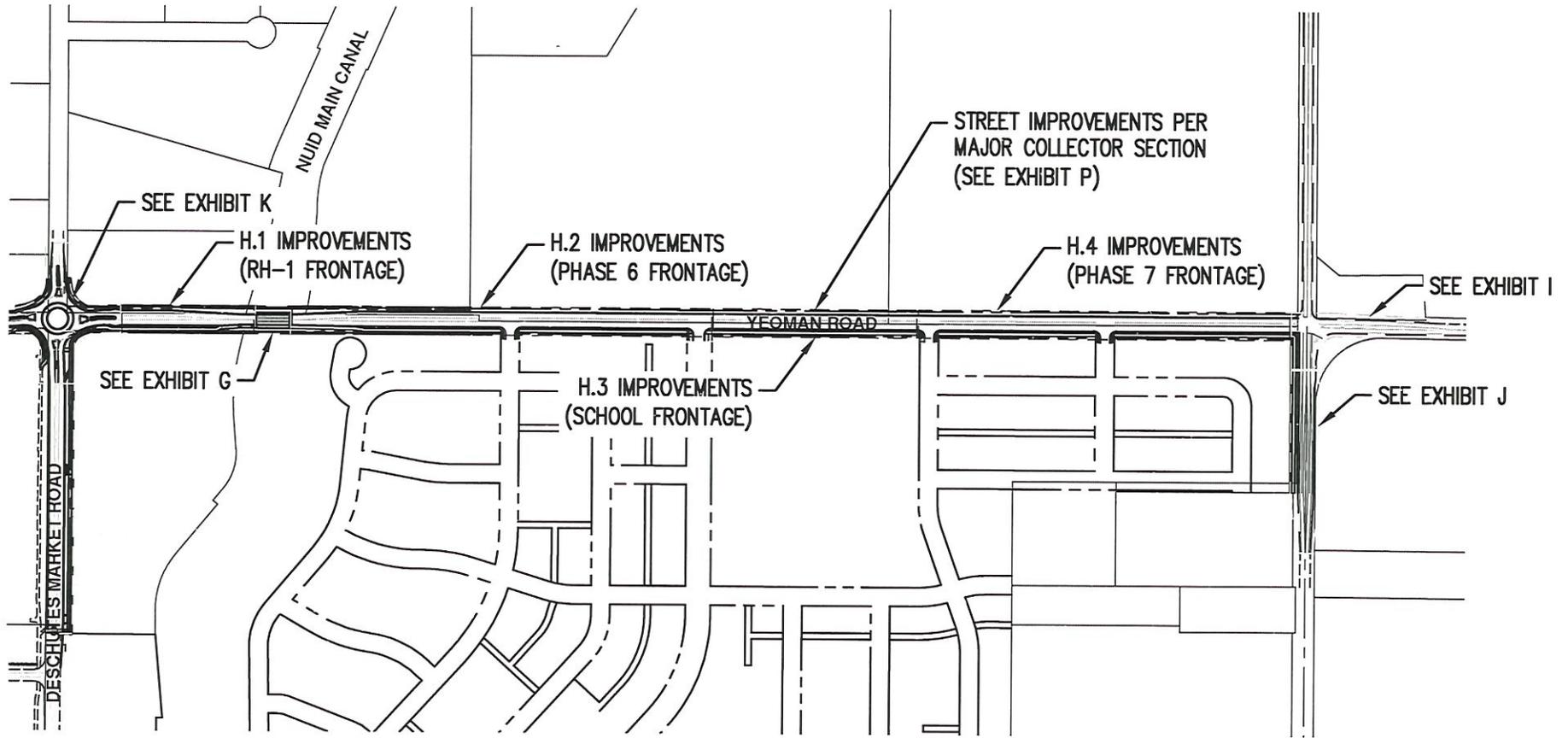


STREET IMPROVEMENTS PER
YEOMAN BRIDGE SECTION.
(SEE EXHIBIT P)

DATE: 12/05/2019

PETROSA MASTER PLAN YEOMAN ROAD BRIDGE		EXHIBIT F1(G)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777





DATE: 12/05/2019

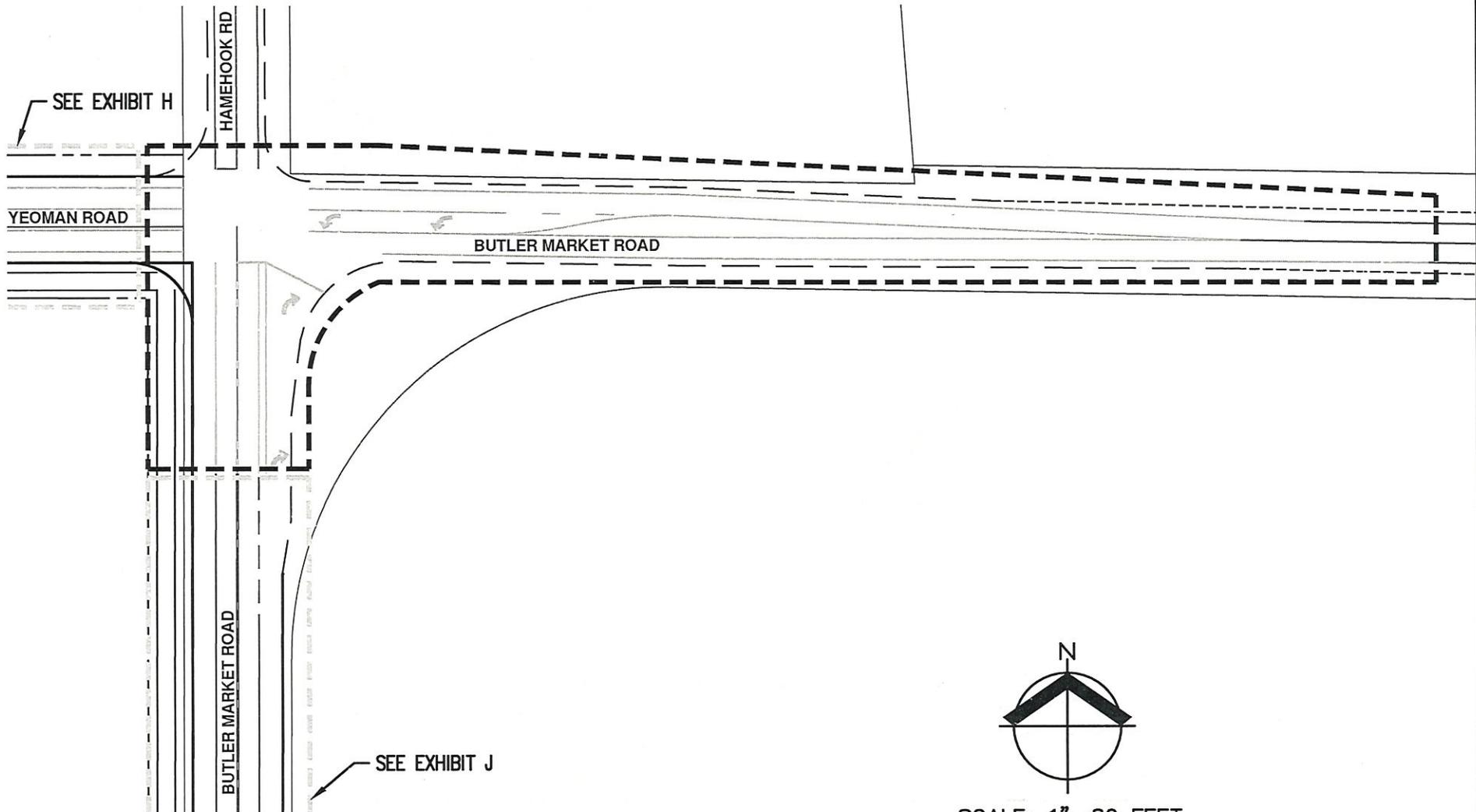
PETROSA MASTER PLAN
 YEOMAN ROAD FRONTAGE - PHASE 6 & 7, RH-1, & SCHOOL

EXHIBIT
F1(H)

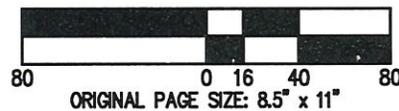
AKS ENGINEERING & FORESTRY, LLC
 2777 NW LOLO DR, STE 150
 BEND, OR 97703
 541.317.8429 WWW.AKS-ENG.COM



DRWN: SMJ
 CHKD: BLW
 AKS JOB:
6777



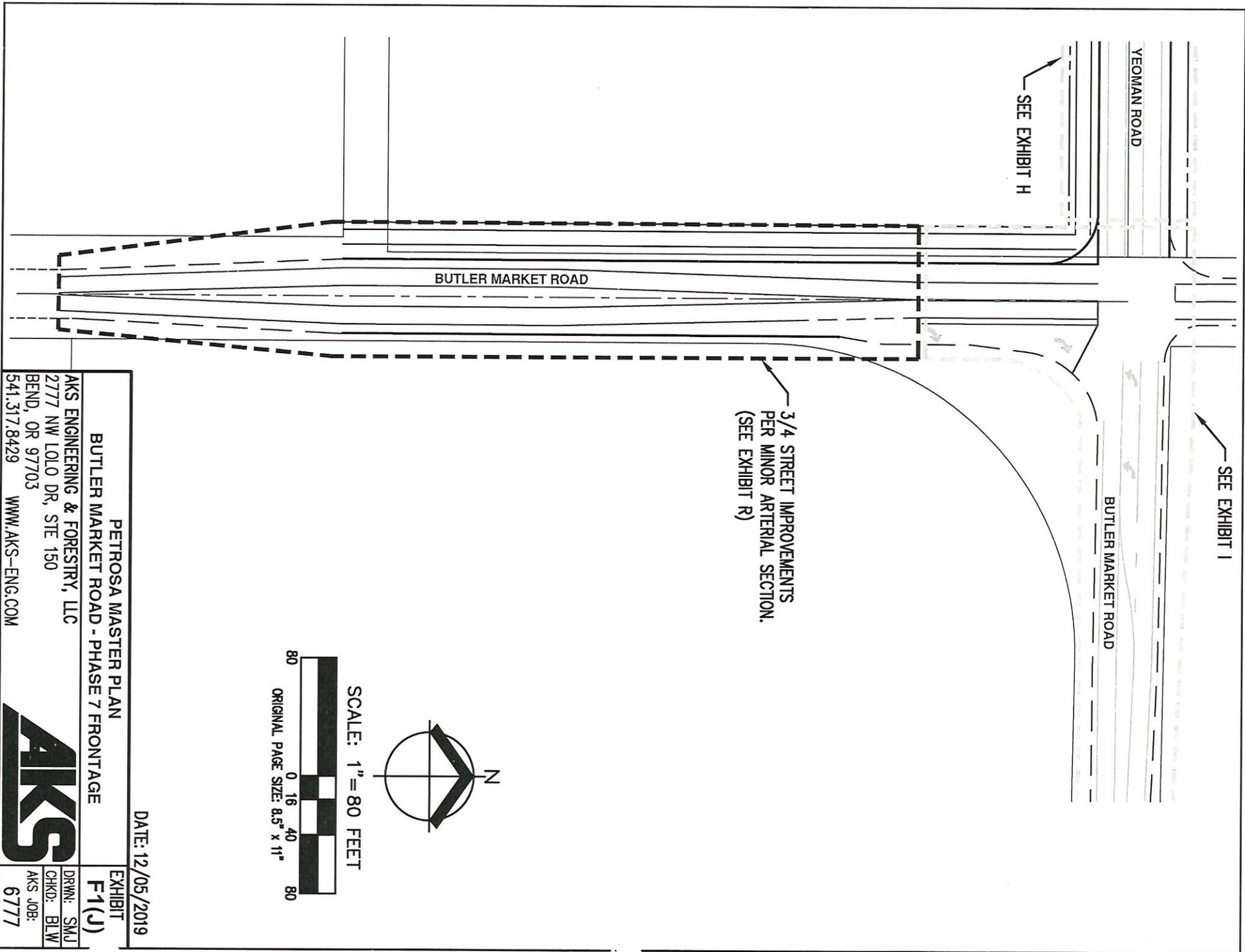
SCALE: 1" = 80 FEET



DATE: 12/05/2019

PETROSA MASTER PLAN YEOMAN/BUTLER MARKET/HAMEHOOK INTERSECTION		EXHIBIT F1(I)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777





YEOMAN ROAD

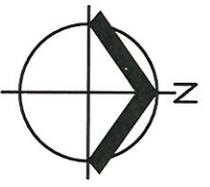
SEE EXHIBIT H

BUTLER MARKET ROAD

3/4 STREET IMPROVEMENTS
PER MINOR ARTERIAL SECTION.
(SEE EXHIBIT R)

BUTLER MARKET ROAD

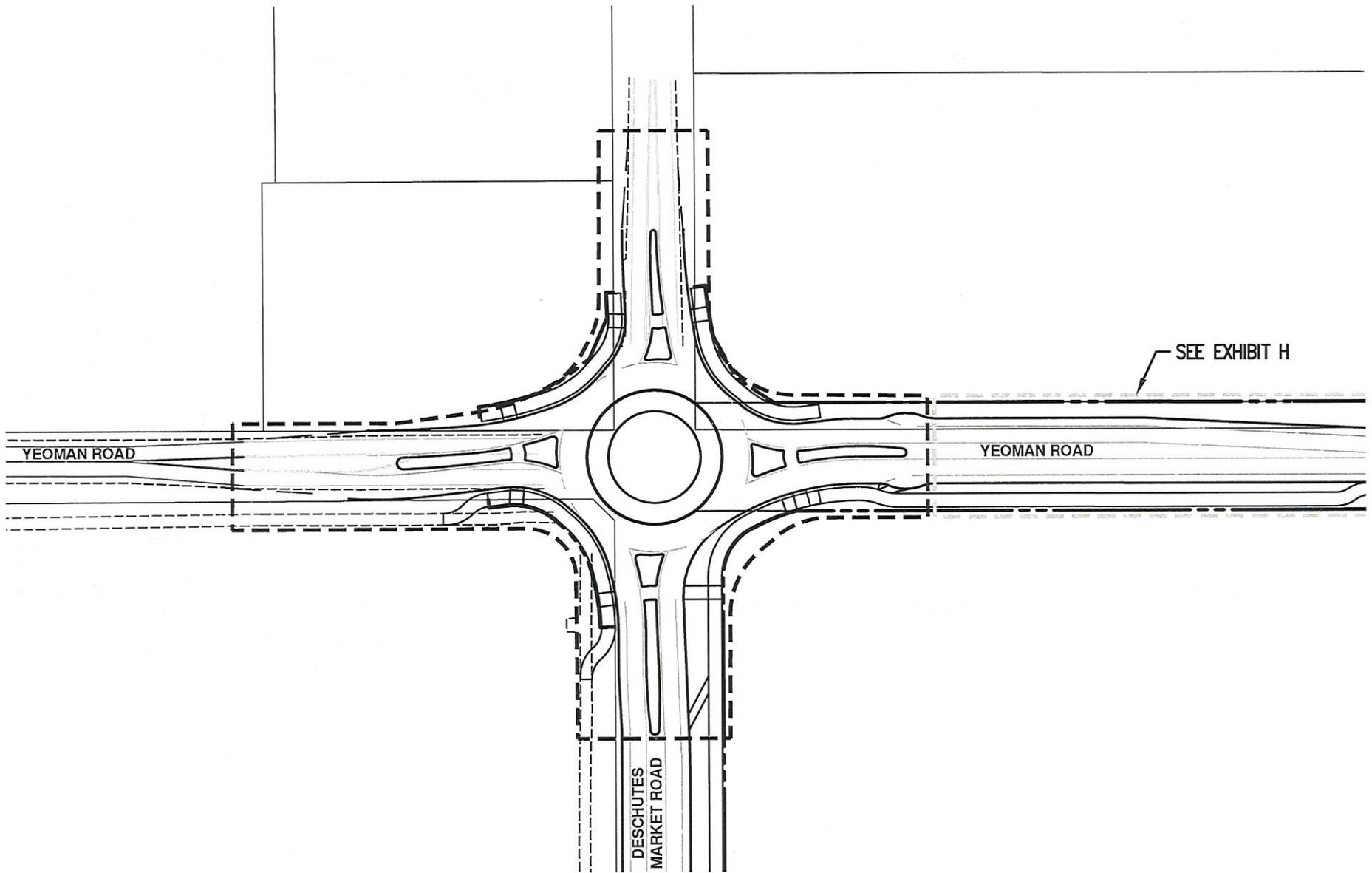
SEE EXHIBIT I



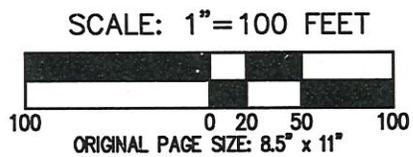
SCALE: 1" = 80 FEET



PETROSA MASTER PLAN BUTLER MARKET ROAD - PHASE 7 FRONTAGE		EXHIBIT F(1(J))	
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB:	6777
DATE: 12/05/2019			

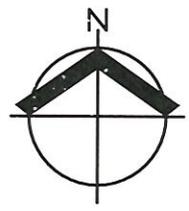
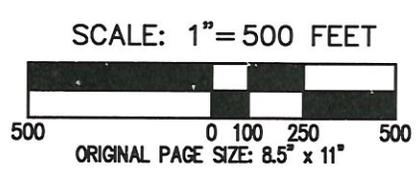
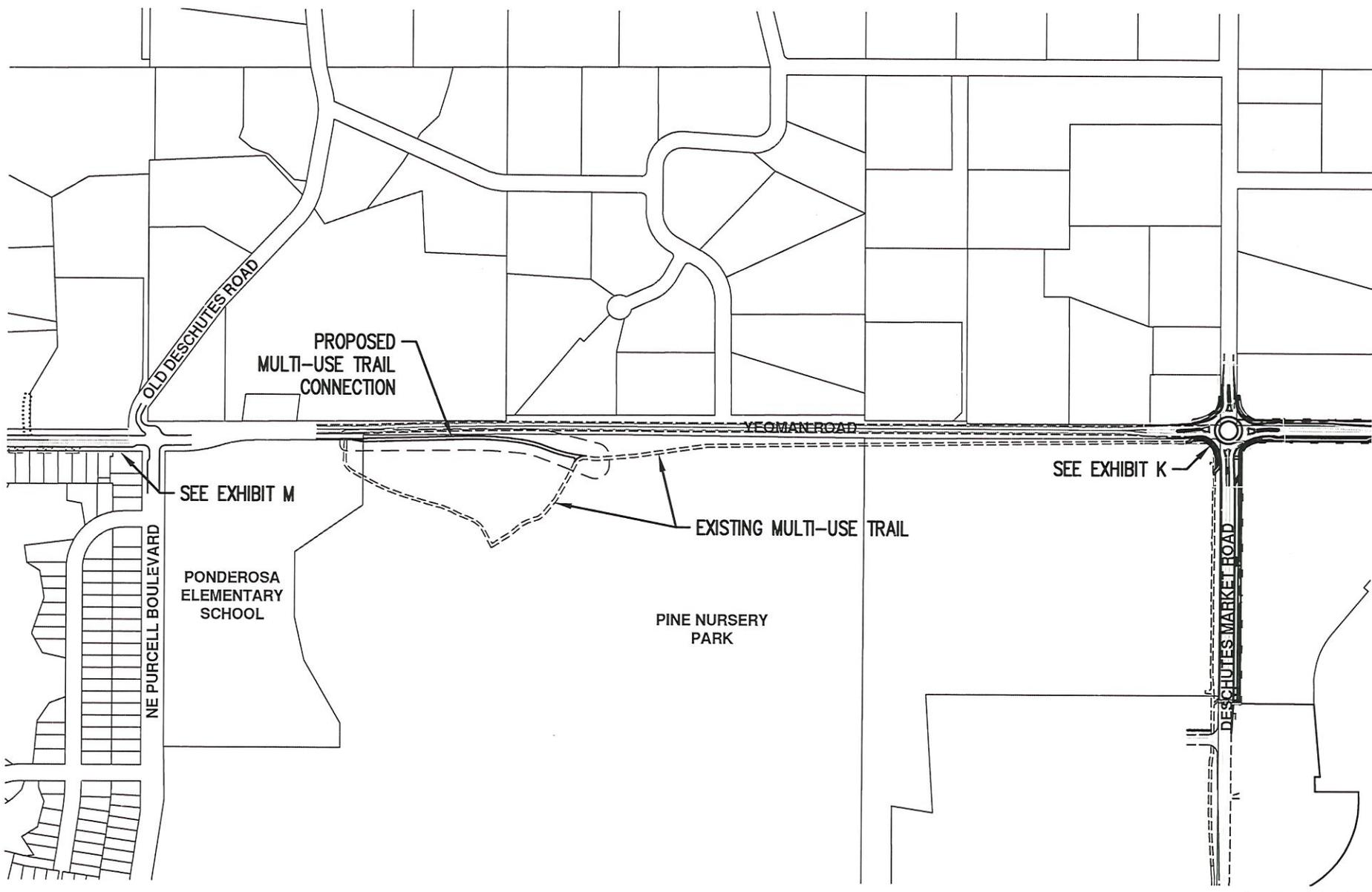


DATE: 12/05/2019



PETROSA MASTER PLAN YEOMAN ROAD/DESCHUTES MARKET ROUNDABOUT		EXHIBIT F1(K)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777

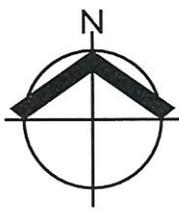
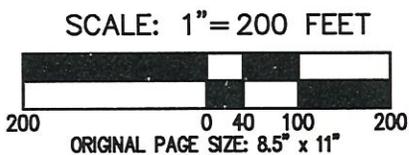
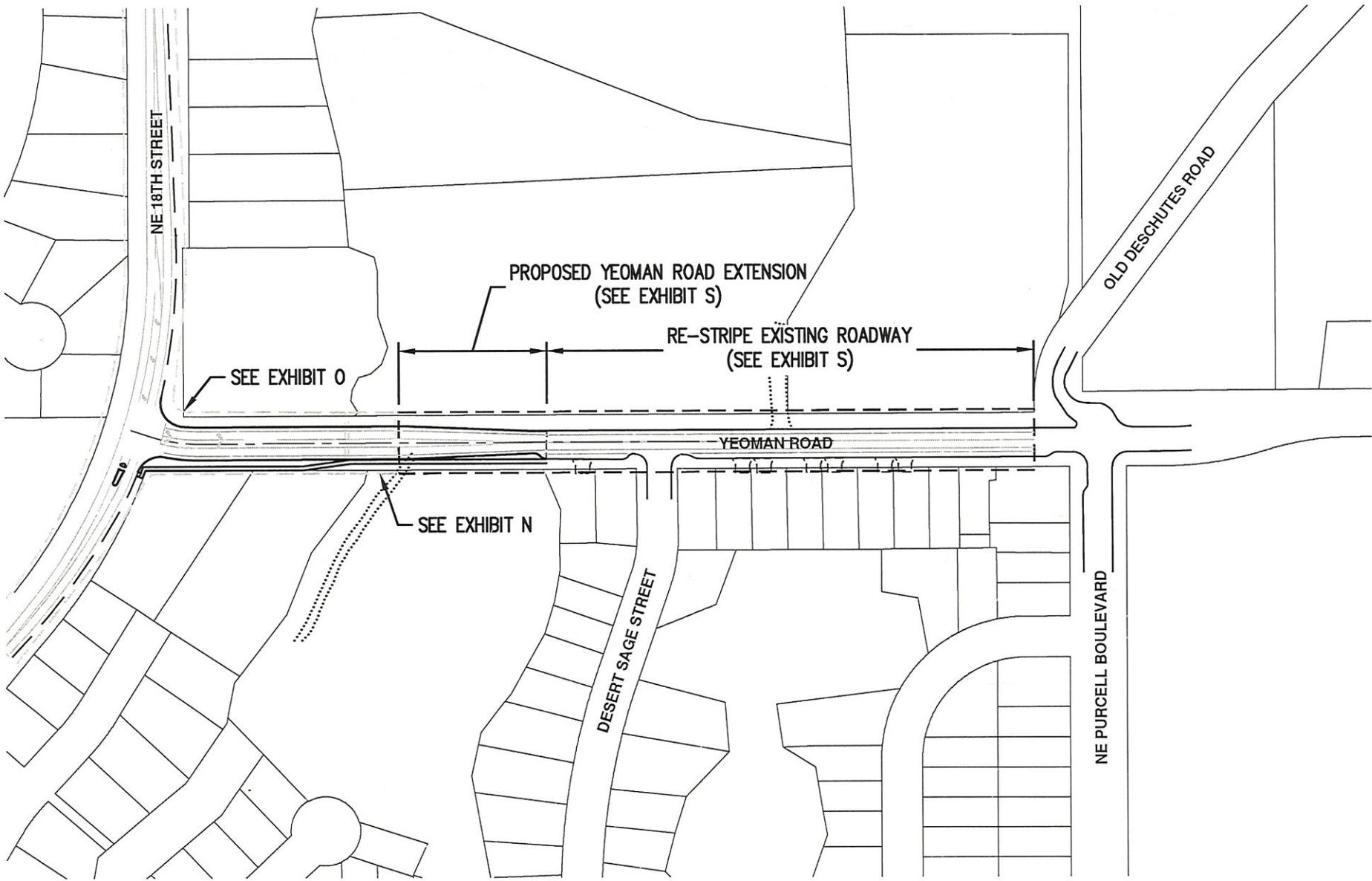




DATE: 12/05/2019

PETROSA MASTER PLAN YEOMAN ROAD MULTI-USE TRAIL IMPROVEMENTS		EXHIBIT F1(L)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777





DATE: 12/05/2019

PETROSA MASTER PLAN YEOMAN ROAD EXTENSION TO NE 18TH STREET		EXHIBIT F1(M)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777



SEE EXHIBIT O

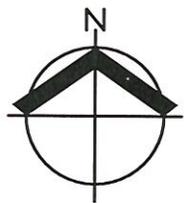
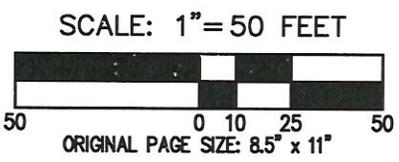
SEE EXHIBIT M

PILOT BUTTE CANAL

YEOMAN ROAD

CANAL CROSSING ASSUMES BOX CULVERT.
(TO BE DETERMINED)

CANAL TRAIL



DATE: 12/05/2019

PETROSA MASTER PLAN YEOMAN ROAD EXTENSION - CANAL CROSSING		EXHIBIT F1(N)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777



STREET IMPROVEMENTS PER
MINOR ARTERIAL SECTION.
SEE EXHIBIT U

STREET IMPROVEMENTS PER
YEOMAN ROAD EXTENSION SECTION.
SEE EXHIBIT U

SEE EXHIBIT N

SEE EXHIBIT M



SCALE: 1" = 150 FEET



NE 18TH STREET

NE 18TH STREET

YEOMAN ROAD

DATE: 12/05/2019

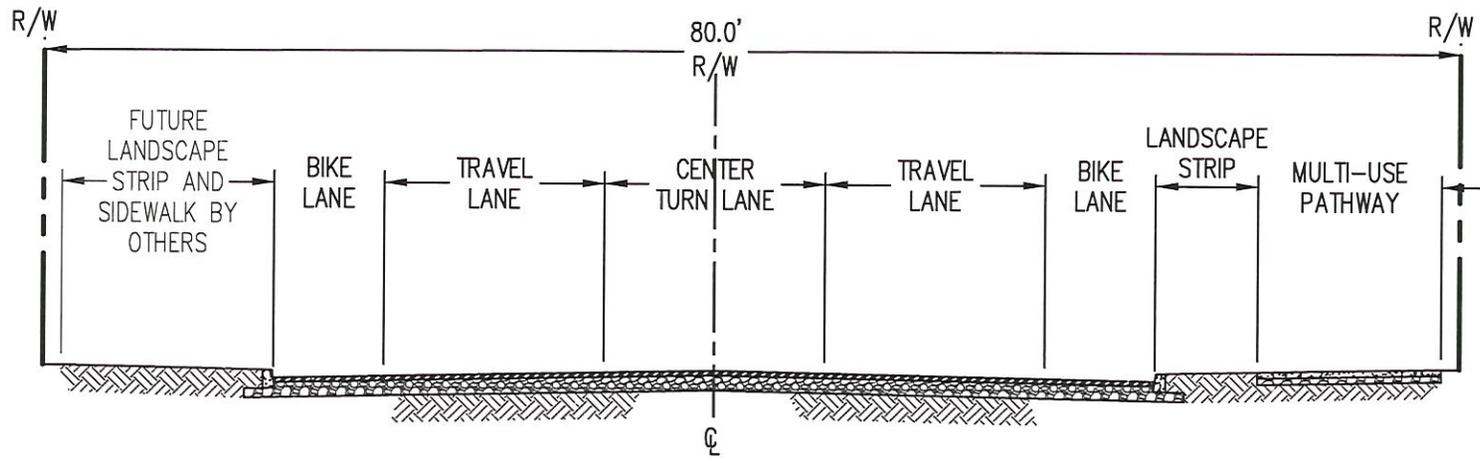
PETROSA MASTER PLAN
YEOMAN ROAD & NE 18TH STREET INTERSECTION

AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM

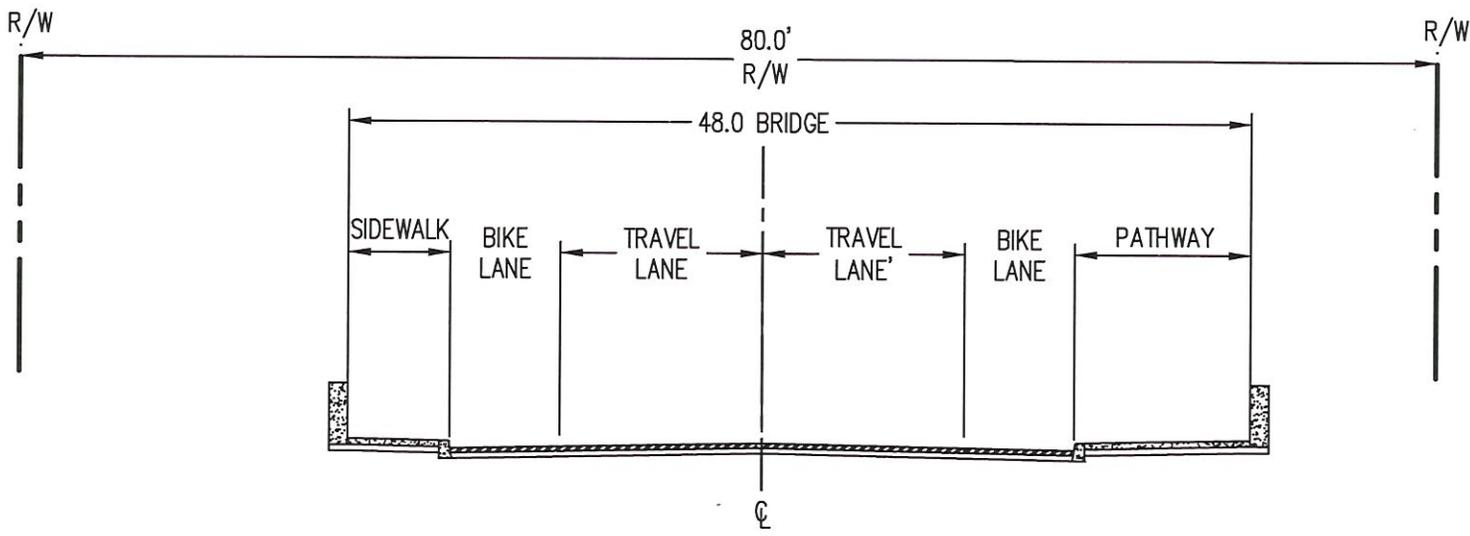


EXHIBIT
F1(O)

DRWN: SMJ
CHKD: BLW
AKS JOB:
6777



MAJOR COLLECTOR

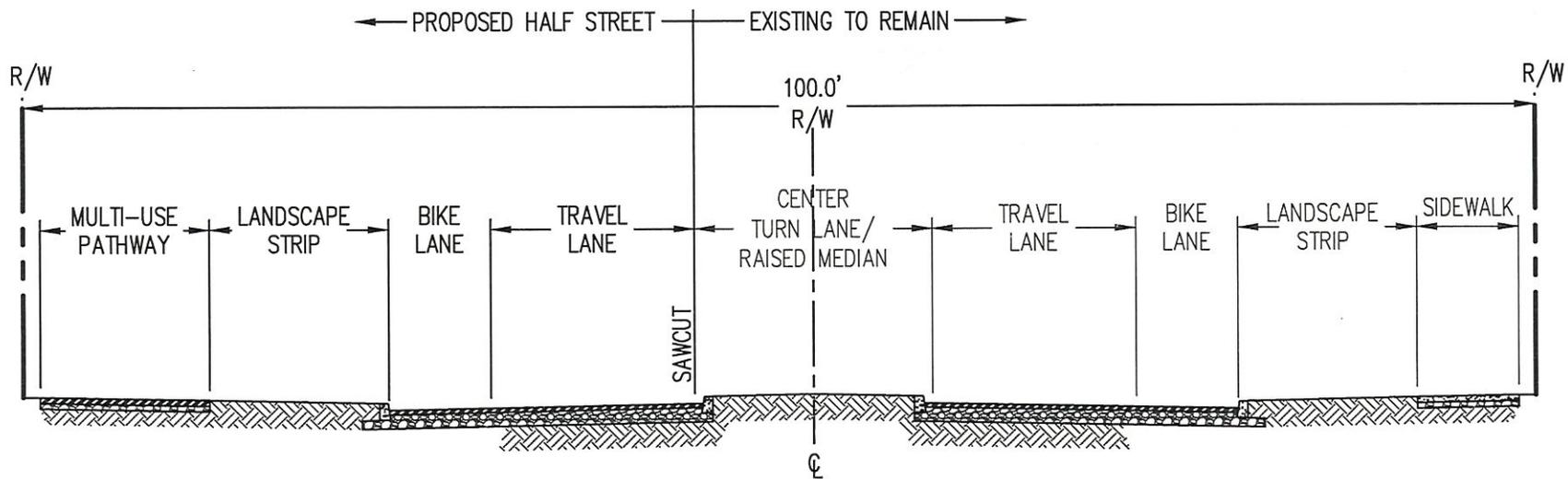


YEOMAN BRIDGE

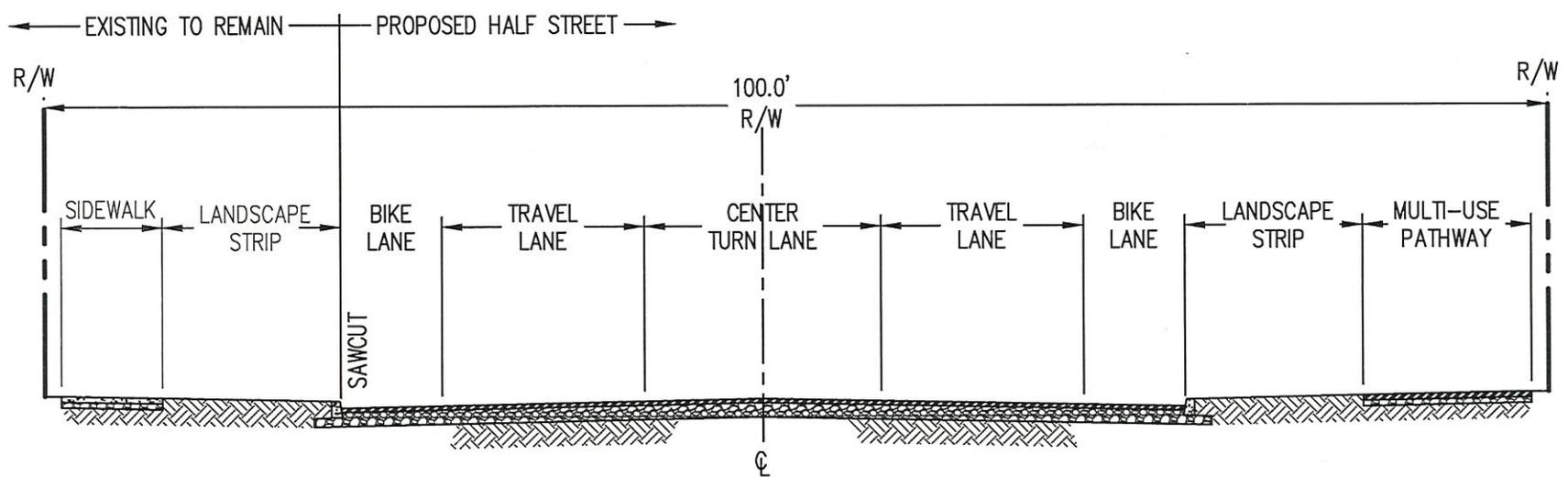
DATE: 12/05/2019

PETROSA MASTER PLAN STREET SECTIONS		EXHIBIT F1(P)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777





MINOR ARTERIAL (BUTLER MARKET)

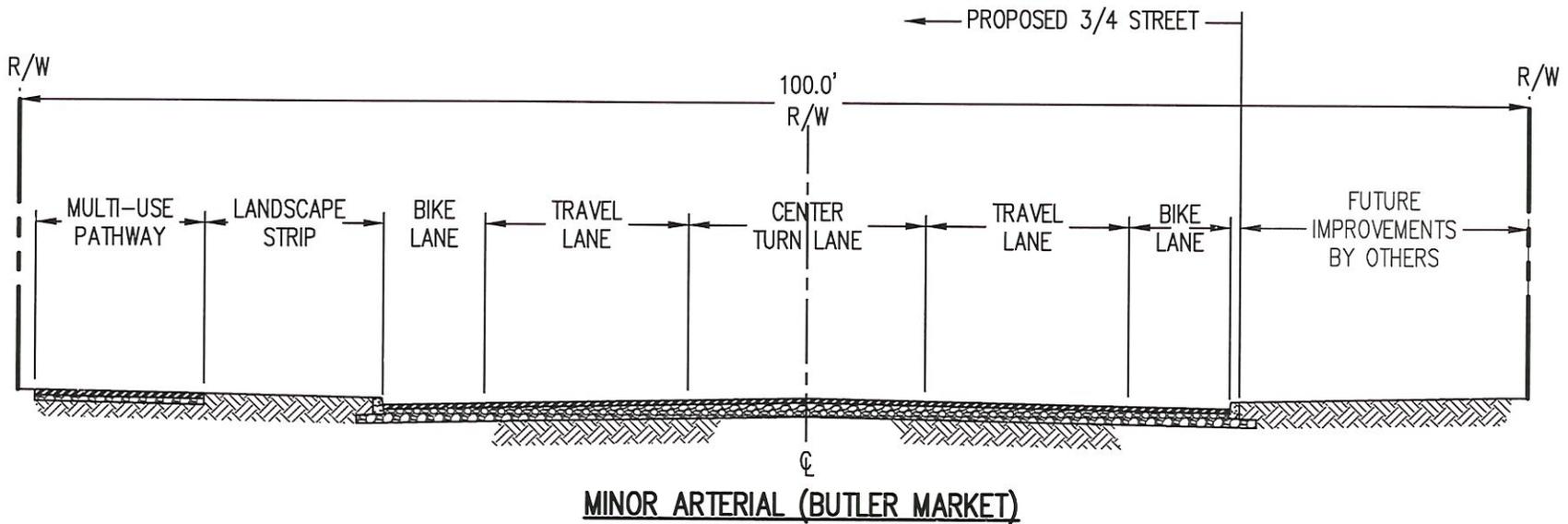


MINOR ARTERIAL (DESCHUTES MARKET)

DATE: 12/05/2019

PETROSA MASTER PLAN STREET SECTIONS		EXHIBIT F1(Q)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777

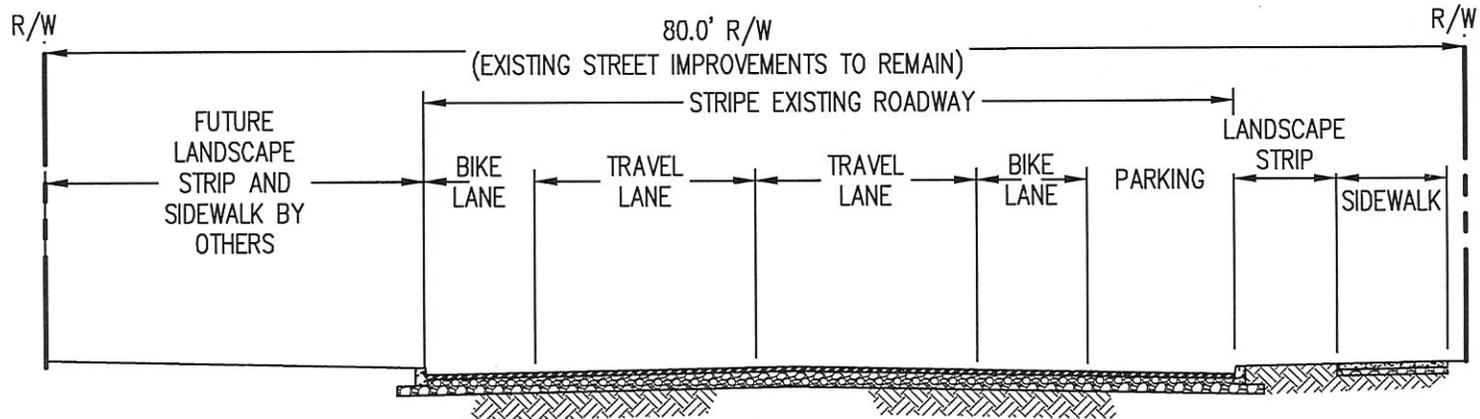




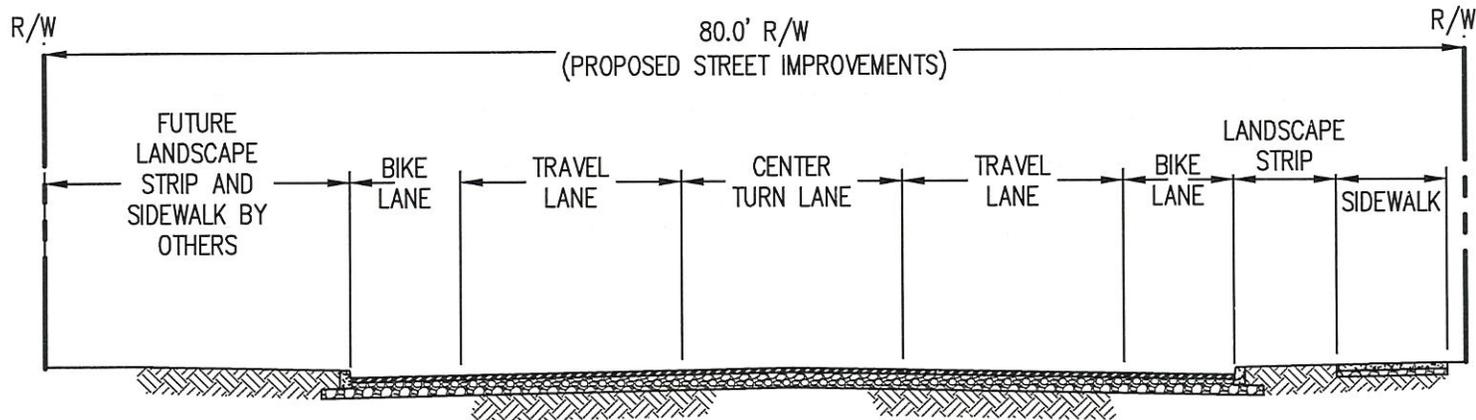
DATE: 12/05/2019

PETROSA MASTER PLAN STREET SECTIONS		EXHIBIT F1(R)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777





YEOMAN ROAD – WEST OF PURCELL BOULEVARD
EXISTING STREET IMPROVEMENTS TO REMAIN

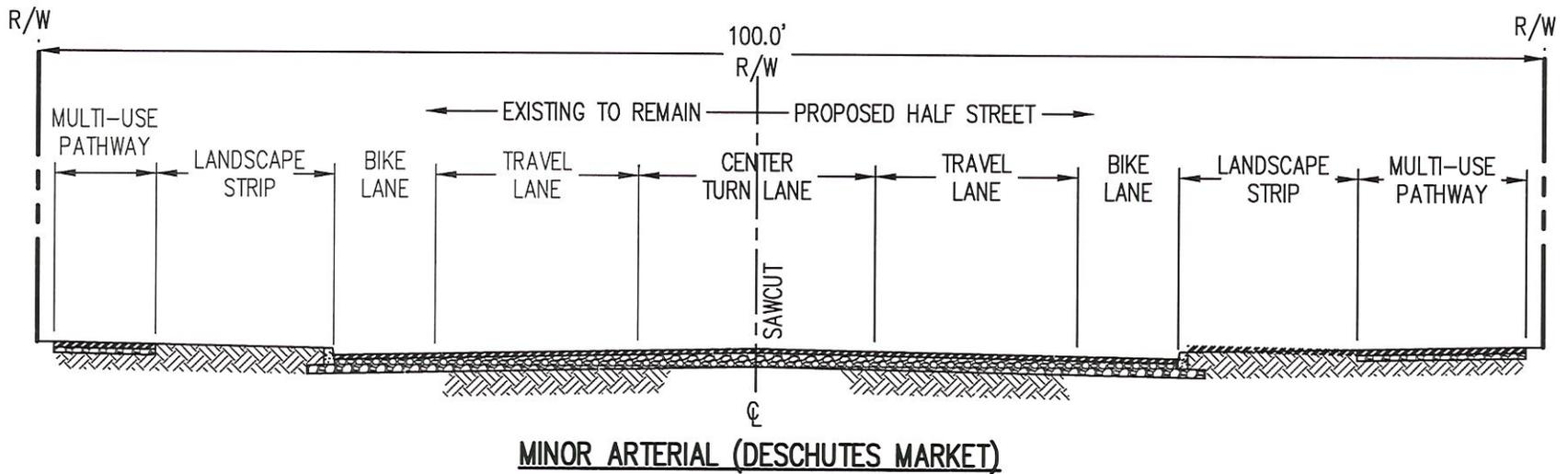


YEOMAN ROAD – WEST OF PURCELL BOULEVARD
PROPOSED YEOMAN ROAD EXTENSION

DATE: 12/05/2019

PETROSA MASTER PLAN STREET SECTIONS		EXHIBIT F1(S)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777

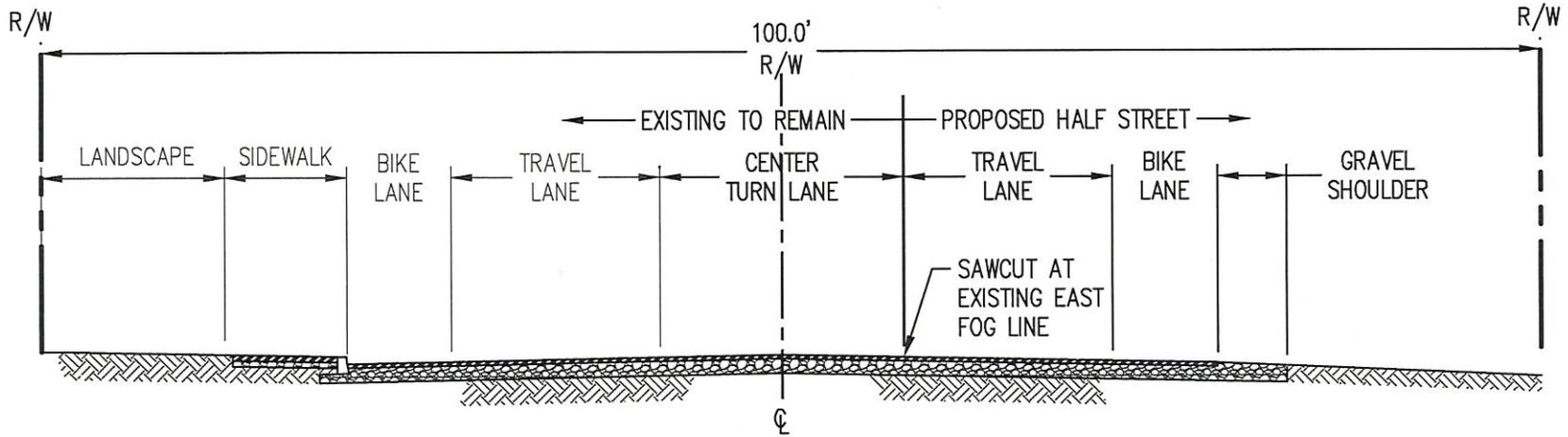




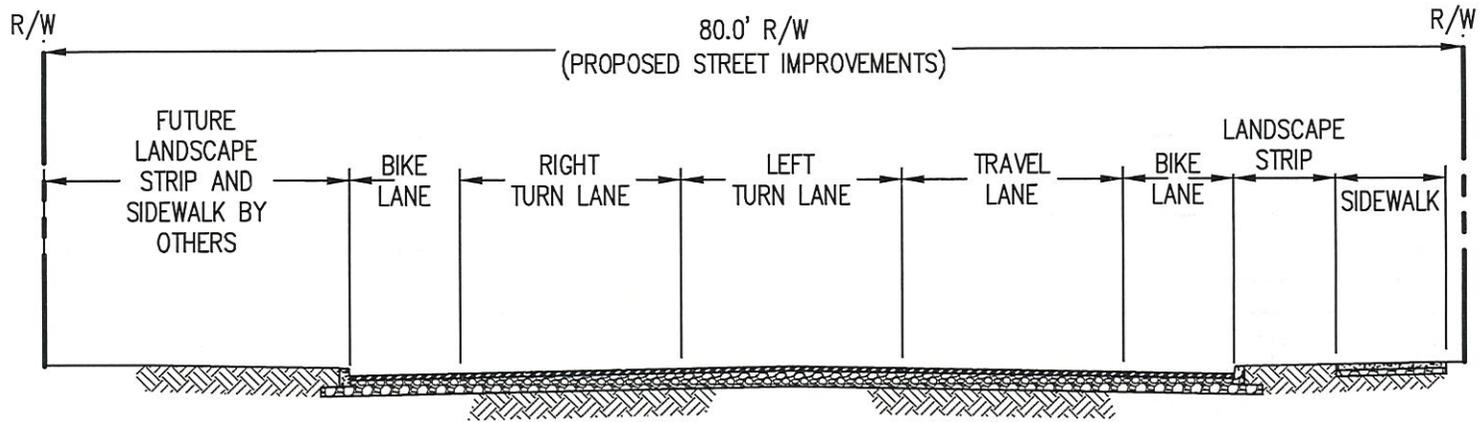
DATE: 12/05/2019

PETROSA MASTER PLAN STREET SECTIONS		EXHIBIT F1(T)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777





MINOR ARTERIAL (NE 18TH STREET)



**YEOMAN ROAD – WEST OF PURCELL BOULEVARD
PROPOSED YEOMAN ROAD EXTENSION**

DATE: 12/05/2019

PETROSA MASTER PLAN STREET SECTIONS		EXHIBIT F1(U)
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: SMJ CHKD: BLW AKS JOB: 6777



EXHIBIT G

Subject: FW: Des. Co. comments on Petrosa master plan & TPR (PZ-19-0515)
Date: Wednesday, November 6, 2019 at 12:54:12 PM Pacific Standard Time
From: Joe Bessman
To: Jerry Jones, Jr., Dennis Pahlisch, Steve Hultberg (shultberg@radlerwhite.com), Robinson, Michael C., Joey Shearer, Brian Wilkinson, Emily Riley, Cory Bittner
Attachments: image001.png, image002.png, image003.png, image004.png

County response to Petrosa

Joe Bessman, PE
Principal, Owner

Transight Consulting, LLC
Bend, Oregon
office: (458) 202-5565
cell: (503) 997-4473
email: joe@transightconsulting.com
web: <https://transightconsulting.net/>

From: Peter Russell <Peter.Russell@deschutes.org>
Sent: Wednesday, November 6, 2019 12:52 PM
To: 'kswenson@bendoregon.gov' <kswenson@bendoregon.gov>; Chris Doty <Chris.Doty@deschutes.org>; Cody Smith <Cody.Smith@deschutes.org>
Cc: Joe Bessman <Joe@transightconsulting.com>; Peter Russell <Peter.Russell@deschutes.org>
Subject: Des. Co. comments on Petrosa master plan & TPR (PZ-19-0515)

Hi, Karen,

Deschutes County appreciates the opportunity to review the Transight traffic analysis dated June 2019, regarding the proposed Petrosa mixed-use development on the northeast Urban Growth expansion area of Bend. The site is generally bounded by Deschutes Market Road on the west, Yeoman Road on the north, and Butler Market Road on the east and south. Of the 36 study intersections, three (3) are under the jurisdiction of Deschutes County: Deschutes Market/Hamehook; Powell Butte Highway/Butler Market; and Hamby/Neff. According to the traffic analysis performed for the Transportation Planning Rule (TPR), only one intersection – Deschutes Market/Hamehook – does not meet the County's performance standard of Level of Service (LOS) D in 2040. This intersection does not meet LOS D currently, either. The application proposes numerous improvements, both on- and off-site, to comply with the TPR under 660-012-0060(2)(e), which provides for improvements to other modes, facilities, and locations other than those that are significantly affected. The County finds the traffic memo and the proposed mitigations comply with the TPR as it pertains to County intersections.

The application materials show a realignment of Eagle Road from Butler Market Road north to a future eastward extension of Yeoman Road that would connect to the Butler Market/Hamehook intersection. The extension of Yeoman, a County collector, is on the County's Transportation System Plan (TSP) map. County staff supports the concept of both extending Yeoman east from Deschutes Market Road to Butler Market-Hamehook and having Eagle extending north to Yeoman. The submitted master plan materials, however, do not show the existing Cole Road, which was first established as the D.H. Yeomans Rd by Crook County in 1914 (Crook County Commissioners Journal Volume 5, Page 244) and was later established again as Cole Rd by Deschutes County in 1948 (Deschutes County Commissioners Journal Volume 5, Page 395). The proposed master plan would require Cole Road to be vacated (please see page 76 of the traffic analysis and Table 3-12

on page 77). Staff points out the jurisdictional authority of Cole Road is currently the County. A Board of County Commissioners' order will be required to transfer jurisdictional authority post-annexation to the City per the City-County joint management agreement and Oregon Revised Statute (ORS) 373.270, transferring jurisdiction over county roads with cities.

Please let me know if you have any questions. Thanks.



Peter Russell | Senior Transportation Planner
DESCHUTES COUNTY COMMUNITY DEVELOPMENT
117 NW Lafayette Avenue | Bend, Oregon 97703
PO Box 6005 | Bend, Oregon 97708
Tel: (541) 383-6718 | www.deschutes.org/cd



Disclaimer: Please note that the information in this email is an informal statement made in accordance with DCC 22.20.005 and shall not be deemed to constitute final County action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

EXHIBIT G



Oregon

Kate Brown, Governor

Department of Transportation

Region 4 Headquarters

63055 N. Highway 97, Bldg. K

Bend, OR 97703

Phone: (541) 388-6180

Fax: (541) 388-6231

November 13, 2019

Eric King, City Manager
City of Bend
710 NW Wall St.
Bend, OR 97703

**Subject: Northeast Edge Urban Growth Boundary (NE UGB) Expansion Area and Petrosa Master Plan
Transportation Planning Rule (TPR) Compliance**

Dear Mr. King:

This letter outlines the Oregon Department of Transportation's (ODOT) position regarding TPR compliance for the NE UGB expansion area and the Petrosa development. Please note that the Petrosa development makes up a significant portion of NE Edge UGB expansion area. Based upon the attached TPR Compliance Memo from Transight Consulting, dated October 10, 2019, ODOT and the City of Bend (City) agree that certain locations on roadways under the jurisdiction of ODOT will be significantly affected by traffic associated with the buildout of the NE UGB expansion area and the Petrosa Master Plan.

ODOT, City, and the developer of Petrosa, Pahlisch Homes Inc., have also agreed upon a suite of potential projects, on both the State and local transportation systems, which would mitigate for the Petrosa impacts. The proposed mitigation projects and the developer's proportionate share for its impacts to ODOT transportation facilities, are as follows:

- | | |
|---|--------------|
| • US 20/Butler Market Road-Mt. Washington Drive | \$49,960.35 |
| • US 97/Butler Market Road Southbound Ramp | \$134,423.93 |
| • US 20/27 th Street | \$27,554.54 |
| • US 97/Empire Avenue Northbound Ramp | \$202,328.16 |

ODOT is seeking confirmation that the City will continue to work cooperatively with ODOT to pursue funding to ensure completion of the mitigation projects listed above by the planning horizon year of 2040. Further, that the City and ODOT will identify sources of funding for joint City/ODOT projects and consider adding the above listed projects to the City's Transportation System Development Charges methodology.

ODOT fully recognizes the complexity and uncertainty associated with the mitigation projects as both the US 97 Parkway Plan and City of Bend Transportation System Plan (TSP) are currently being developed. Both ODOT's and the City's commitments to fund the listed mitigation projects are contingent upon the projects being included in the US 97 Parkway Plan and Bend TSP once adopted. As of the date of this letter, all the listed mitigation projects are proposed to be included in the City's TSP.

With the inclusion of the proposed mitigation improvements in ODOT and City transportation plans, and a commitment to work together to identify funding sources for the projects, ODOT believes that the system-wide benefits of the proposed mitigation projects are sufficient to balance the significant affects generated by the buildout of the Petrosa Master Plan and the potential future development of the remainder of the NE UGB expansion area.

Sincerely,



Gary Farnsworth
ODOT Region 4 Manager

Cc: Russ Grayson
Ryan Oster



EXHIBIT H



Date:	October 10, 2019
To:	Rick Williams and Miranda Wells, PE, ODOT
From:	Joe Bessman, PE
Project Reference No.:	1205
Subject:	Petrosa (NE Edge UGB) Transportation Planning Rule Compliance

The purpose of this memorandum is to document compliance with the Transportation Planning Rule (TPR) for the Pahlisch Homes' Petrosa Neighborhood located within the Northeast Edge Urban Growth Boundary expansion area. The Master Plan is subject to the TPR as it is an amendment to the City's acknowledged land use regulations.

BACKGROUND AND PLANNING CONTEXT

The Northeast Edge UGB area was identified for urban growth through the City's UGB process that was initiated in 2007, remanded by the Department of Land Conservation and Development, and ultimately approved in December 2016. The transportation element of this process was led by the City's Growth Management Department. The transportation findings generally stated that the amount and types of lands being urbanized were necessary to meet the City's 20-year housing and employment needs through the year 2040.

The analysis prepared by the City in coordination with ODOT's Transportation Planning and Analysis Unit showed that with the combination of lands being brought into the UGB and the internal efficiency (upzoning of internal properties) provided the lowest overall Vehicle Miles Traveled of any scenario considered. This analysis only provided a comparative assessment of the City and State system using the ODOT travel demand models but showed that the only "significantly impacted" facility with this combination of lands would be specific sections of the US 20 corridor. ODOT provided a letter of support as part of this process in concurrence with the findings and recommendations.

Following approval of the UGB, the Growth Management section of the City's Comprehensive Plan was amended to include the specific land use and density assumptions that the UGB process was premised on. These are contained for the Northeast Edge UGB lands within Comprehensive Plan policies 11-56 through 11-63. This requires that the NE Edge support a future elementary school, community shopping area (serving existing and future residents), and various park and open space needs. Figure 1 illustrates the Comprehensive Plan image that is intended to serve as a vision for this area.

All of the planning for the NE Edge was identified as a City-initiated Area Plan (legislative process). However, as the timing of this planning work by the City did not meet the development timeline and current housing demands Pahlisch Homes elected to complete this planning process in close coordination with City staff, with weekly check-in meetings to ensure that the plans are consistent with the Comprehensive Plan land use and density requirements and the City's Development Code.



Figure 1. City of Bend Comprehensive Plan Visualization from Deschutes Market Rd/Butler Market Road, *Growth Management*, pp 29.

To address regional impacts of the UGB expansion areas the City began work on its Transportation System Plan and ODOT has initiated a review of the Bend Parkway needs. These plans are still being prepared but incorporate consistent land use assumptions and transportation impacts of the entirety of the Northeast Edge UGB lands (and all other expansion areas). These plans are intended to address major citywide infrastructure needs related to facility classifications and cross sections, as well as the interface between the City and State roadway system. Critical infrastructure decisions, such as the planned cross-section and design of critical corridors (such as NE 27th Street, Empire Avenue, etc.) and the location and types of US 97 connections will be determined by these regional plans. The purpose of the NE Edge Transportation Analysis is to help inform these on-going efforts and to ensure the following (Goal 11-60):

The street, path, and bikeway network shall provide connectivity throughout this area, connect to existing abutting local roads, and provide opportunities for connections to adjacent undeveloped land both inside and outside the UGB. The transportation network shall be consistent with the Bend Transportation System Plan.

In order to formally annex each of the UGB areas into the City's Urban Growth Boundary the City is requiring that an area master plan be prepared. The transportation element of this analysis is intended to extend urban transportation facilities to the property, support the orderly extension of transportation infrastructure, and identify critical safety and operational needs to support access to the incorporated lands. Consistent with the purpose statement of the Transportation Planning Rule (OAR 660-12-0000), this is also to encourage a safe, convenient, and economic transportation system.

TRANSPORTATION PLANNING RULE COMPLIANCE

The Oregon Administrative Rules Chapter 660 Division 12 (Transportation Planning) implements Statewide Planning Goal 12. This division effectively requires coordination between land use planning and transportation to optimize the transportation system for safety, accessibility, economic development, and efficiency. A typical rezoning process is required to comply directly with Section -0060 (Plan and Land Use Regulation Amendments). For a quasi-judicial land use application this typically requires an assessment of conditions with the current and proposed zoning and demonstration that the change does not create an unmitigated significant impact on the transportation system. Where a degradation in service beyond the adopted performance standards or a change in functional classification occurs the applicant is responsible for addressing this impact through transportation improvements, changes to the adopted plans, and/or various types of “balancing” tests so that the overall mitigation is proportionate to the impacts.

The transportation analysis prepared for the NE Edge UGB area incorporates land use assumptions consistent with and as required by the land uses specified within the City’s Comprehensive Plan. As was identified in the UGB expansion, the addition of a regional commercial node helps serve the existing residential areas that surround the Petrosa property, and the comprehensive analysis of the NE Edge lands (within and outside of Pahlisch Homes control) provides a clear path for the included properties that are not yet ready for urbanization. This analysis was prepared to highlight system needs under current conditions and with the inclusion of the UGB lands. As scoped and agreed to by affected agencies, separate analysis of the existing (rural) zoning (as a comparative “no-build” scenario) was not provided, as this scenario is not reflected in any of the long-range modeling and would not be consistent with on-going planning efforts for the NE Edge properties or other UGB expansion lands.

The analysis prepared for the NE Edge provides a higher level of analysis detail surrounding the proposed lands but also includes analysis of many of the same regional intersections as the City’s on-going Transportation System Planning efforts. The study area for the NE Edge includes intersections along the Empire Avenue, Butler Market Road, and NE 27th Street corridors that are currently being highlighted as “deficient” within the City’s on-going planning. The City TSP analysis also highlights current needs along US 97, Butler Market Road/Deschutes Market Road, the Empire Avenue corridor, and the US 20 corridor, consistent with the findings contained within the Petrosa traffic report.

While the NE Edge UGB lands need to remain compliant with the Transportation Planning Rule, the process of master planning and annexing these lands was intended to be conducted as part of a legislative process. The approach applied within the UGB process (a comparative analysis only) and incomplete status of on-going regional plans being prepared by the City and State complicate this process as the regional infrastructure needs and solutions that the NE Edge lands build into have not yet been formally established.

For purposes of addressing compliance with the Transportation Planning Rule, the applicant’s proposed mitigation complies with OAR 660-012-0060(2)(e) by providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, and through improvements at other locations. The analysis shows that the system-wide benefits are sufficient to balance the significant effect of the overall project, even though the improvements may not result in consistency for all performance standards.

As was requested by ODOT, Figure 3 illustrates the forecast system needs, and Table 1 provides a summary of the study area intersections that were scoped in collaboration with ODOT staff and summarizes the operational needs and pro-rata impacts of the project to help provide the TPR compliance determination

as cited above. While the operations analysis is focused on point-based conditions, the issues highlighted within the traffic study are as follows:

- The City of Bend is reliant on the US 97 system for north-south travel today. Congestion surrounding the corridor is resulting in very high volumes of regional trips relying on Deschutes Market Road to travel between Redmond and the City's east side.
- Because of the high volume of regional traffic on Deschutes Market Road that is bypassing the US 97 corridor, both the Butler Market Road and Yeoman Road intersections will require roundabouts (or signals) when the connections are made. In addition, the Deschutes Market Road/Hamehook intersection experiences high delays for the low-volume southbound left-turn maneuver. Essentially, the rural routes are serving in a much more critical role than they were intended.
- The City's planned extension of Empire Avenue will more directly link the US 97 corridor with the 27th Street corridor (and Knott Road – Baker Road), providing an eastside route past major employment, retail, and residential destinations. However, while all prior analyses show that this will need to be a complete five-lane section to support the projected 2040 demands (and even 2020 demands) the City has elected to construct this segment as a three-lane section. The analysis prepared as part of the Empire Avenue corridor plan shows how critical the completion of Yeoman Road is to support the three-lane section and single-lane roundabouts being designed and constructed.
- When Empire Avenue is connected traffic volumes on NE Butler Market Road are expected to be reduced. Improvements to the NE Butler Market Road interchange with US 97 and specific intersection treatments that are already identified in City and ODOT plans (such as Butler Market Road/4th Street and Butler Market Road/Wells Acres Road) could help increase parallel east-west capacity within northeast Bend.
- The Eagle Road corridor is classified as a Local Street within the City's current Transportation System Plan but is already serving in a more prominent role. As a parallel route to the congested NE 27th Street corridor more trips are diverting to Eagle Road (and Hamby Road) for north-south travel.
- The transportation analysis prepared for the Northeast Edge is based on stand-alone ITE trip rates and does not take into account the creation of a new "town center" area within the 22 acres designated by the City for commercial uses or the new elementary school. These types of uses will help contain the northeast area's trips and reduce the reliance on Empire Avenue and NE 27th Street for shopping, dining, and entertainment trips.
- Multimodal accommodations are being provided with the Petrosa project to support walking, biking, and transit travel modes. The site will extend a walkway connection to the NE 27th Street corridor, provide a new Cascade East Transit stop connected into the retail area, and will develop a system of pathways and sidewalks that meet the defined "low cycling stress" definitions. Enhancements to the BPRD trail system tie in and support a regional trail network and link the new neighborhood with Pine Nursery Park. Complete routes are provided for the entire neighborhood to access the planned elementary school, and school zones and pathways will support safe school routes. In addition, the new pathways along Yeoman Road will tie the site to the NE 18th Street corridor and provide intersection treatments with enhanced crossings.

As this summary outlines, the Petrosa project's transportation improvements integrate priority needs in northeast Bend, creating a complete neighborhood that supports multimodal choices, safety, efficiency. While the total "pro-rata" approach shows nearly \$5,000,000 in transportation improvements to mitigate the impact of the project, more than double this amount is being provided to support urbanization of surrounding roads, support regional demands, and to create the parallel Yeoman Road corridor.

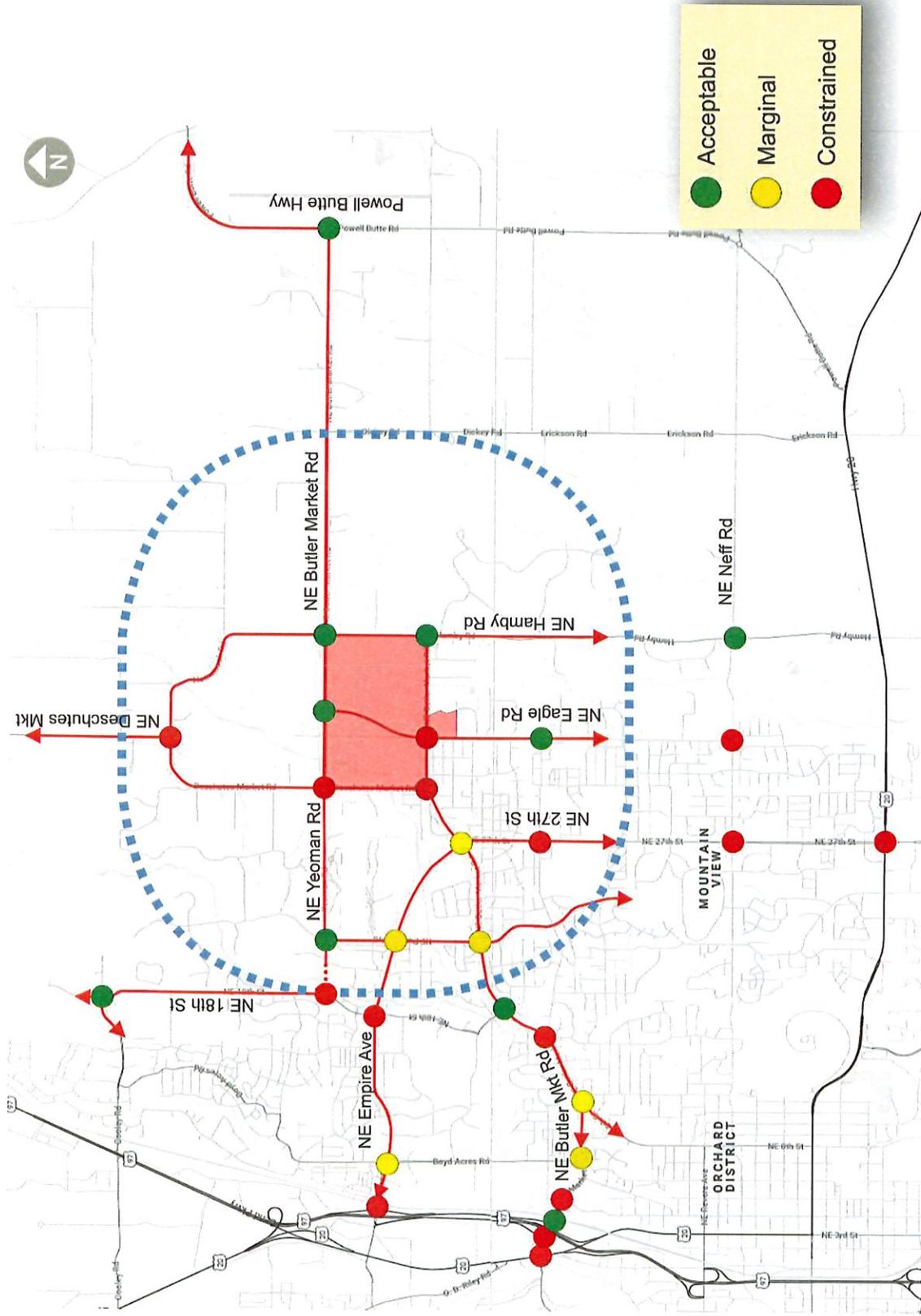


Figure 3. Projected Year 2040 Automotive System Conditions, Weekday PM Peak Hour (Includes Empire Avenue and Yeoman Road Extensions)

Table 1. Summary of Study Area Intersection Operations and Impacts, Weekday PM Peak Hour

Intersection	Roadway Authority	Intersection Control Type	Adopted Performance Standard	Meets Performance Standard Today?	Meets Performance Standard in 2040?	Mitigation Need	2040 Traffic Volume	Site-Generated Trips/Percentage	Est. Pro Rata Cost
1: NE 18 th St/ Cooley Rd	City of Bend	Multilane Roundabout	v/c ratio < 1.0	Yes	Yes	None.	2,706	91 3%	\$0.00
2: NE Deschutes Mkt Rd/ Hamehook Rd	Deschutes County	Minor Street Stop Controlled	Level of Service "D"	No	No	Separate Southbound Right-turn Lane.	1,485	102 7%	\$17,171.72
3: NE 18 th St/ NE Yeoman Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Not Applicable	No	Single-Lane Roundabout (or Traffic Signal)	1,874	209 11%	\$278,815.37
4: NE Purcell Blvd/ NE Yeoman Rd	City of Bend	All-Way Stop-Control	Delay < 80 seconds	Yes	Yes	None.	804	288 36%	\$0.00
5: NE Deschutes Mkt Rd/ NE Yeoman Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Yes	No	Single-Lane Roundabout (or Traffic Signal)	1,606	428 27%	\$666,251.56
6: Eagle Rd/ NE Yeoman Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Not Applicable	Yes	None.	365	365 100%	\$0.00
7: East Access/ NE Yeoman Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Not Applicable	Yes	None.	122	122 100%	\$0.00
8: NE Butler Mkt Rd- Hamehook Rd/ NE Yeoman Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Yes	Yes	None.	862	72 8%	\$0.00
9: Powell Butte Hwy/ Butler Mkt Rd	Deschutes County	Minor Street Stop Controlled	Level of Service "D"	Yes	Yes	None.	956	30 3%	\$0.00
10: US 97 NB Ramp/ Empire Blvd	ODOT	Signalized Ramp Terminal	v/c ratio < 0.85	No	No	Included within Empire Avenue Improvement Plan, Juniper Ridge Rezone Approval Conditions, and INFRA Project.	3,608	146 4%	\$202,328.16
11: Boyd Acres Rd/ Empire Blvd	City of Bend	Signalized	v/c ratio < 1.0	Yes	Yes	None.	3,697	182 5%	\$0.00
12: NE 18 th St/ Empire Blvd	City of Bend	Multilane Roundabout	v/c ratio < 1.0	Yes	No	Additional Widening of Empire Avenue Required to Support Travel Demands	3,019	203 7%	\$100,861.21
13: Purcell Blvd/ Empire Blvd	City of Bend	Planned Roundabout	v/c ratio < 1.0	Yes	Yes	None.	2,260	169 7%	\$0.00
14: Deschutes Mkt Rd/ North Access	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Not Applicable	Yes	None.	1,145	148 13%	\$0.00
15: Deschutes Mkt Rd/ South Access	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Not Applicable	Yes	None.	1,243	280 23%	\$0.00
16: Deschutes Mkt Rd/ Butler Mkt Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	No	No	Single-Lane Roundabout (or Traffic Signal)	2,028	723 36%	\$891,272.19
17: Eagle Rd/ Butler Mkt Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Yes	No	Single-Lane Roundabout (or Traffic Signal)	1,447	810 56%	\$1,399,447.13
18: East Access/ Butler Mkt Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Not Applicable	Yes	None.	731	238 33%	\$0.00

(Continued)

Table 1 (Continued). Summary of Study Area Intersection Operations and Impacts, Weekday PM Peak Hour

Intersection	Roadway Authority	Intersection Control Type	Adopted Performance Standard	Meets Performance Standard Today?	Meets Performance Standard in 2040?	Mitigation Option	2040 Traffic Volume	Site-Generated Trips/Percentage	Est. Pro Rata Cost
19: Hamby Rd/ Butler Mkt Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Yes	Yes	None.	918	118 13%	\$0.00
20: Butler Market Rd/ East Access	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Not Applicable	Yes	None.	719	88 12%	\$0.00
21: US 20/ Mt. Washington Dr - Butler Market Rd	ODOT	Signalized	v/c ratio < 0.85	No	No	Assessment on-going within Bend Parkway Plan (and Transportation System Plan).	5,044	126 2%	\$49,960.35
22: US 97 SB Ramp/ Butler Mkt Rd	ODOT	Stop Controlled Ramp Terminal	v/c ratio < 0.85	Yes	No	Signalization and widening of the southbound ramp anticipated, to be addressed within the Bend Parkway Plan.	1,812	139 8%	\$134,243.93
23: US 97 NB Ramp/ Butler Mkt Rd	ODOT	Stop Controlled Ramp Terminal	v/c ratio < 0.85	Yes	Yes	None.	1,943	147 8%	\$0.00
24: NE 4 th Street/Butler Market Rd	City of Bend	All-Way Stop-Control	Delay < 80 seconds	No	No	Identified as a Single-Lane Roundabout in the City's SDC list	2,022	187 9%	\$231,206.73
25: NE Boyd Acres Rd/ NE Butler Market Rd	City of Bend	Signalized	v/c ratio < 1.0	Yes	Yes	None.	2,518	209 8%	\$0.00
26: NE 8 th St/Butler Mkt Rd	City of Bend	Roundabout	v/c ratio < 1.0	Yes	Yes	None.	2,557	284 11%	\$0.00
27: Brinson Blvd/ Butler Mkt Rd	City of Bend	Signalized	v/c ratio < 1.0	Yes	Yes	None.	2,161	356 16%	\$0.00
28: Purcell Blvd/ Butler Mkt Rd	City of Bend	Signalized	v/c ratio < 1.0	Yes	Yes	None.	2,169	500 23%	\$0.00
29: NE 27 th St/ Butler Mkt Rd	City of Bend	Signalized (Planned Multilane Roundabout)	v/c ratio < 1.0	Yes	Yes	None.	3,524	684 19%	\$0.00
30: NE 27 th St/ Wells Acres Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	No	No	Capacity improvements will be required; scale will depend on TSP needs identified for the 27 th Street corridor and balancing with safety needs of High School. Capacity improvements will likely require widening to a five-lane section and multilane capacity treatment (signal or roundabout)	2,308	141 6%	\$305,459.27
31: Eagle Rd/ Wells Acres Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Yes	Yes	None.	680	244 36%	\$0.00
32: NE 27 th St/ Neff Rd	City of Bend	Signalized	v/c ratio < 1.0	Yes	No	Capacity improvements will be required, scale will depend on TSP solutions for 27 th Street corridor and review of widening needs to a five-lane section.	3,801	230 6%	\$60,510.39
33: Eagle Rd/ Neff Rd	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	Yes	No	Capacity improvements will be needed, single-lane roundabout or traffic signal	1,765	164 9%	\$232,294.62
34: Hamby Rd/ Neff Rd	Deschutes County	All-Way Stop-Control	Delay < 80 seconds	Yes	Yes	None.	1,275	65 5%	\$0.00

(Continued)

Table 1 (Continued). Summary of Study Area Intersection Operations and Impacts, Weekday PM Peak Hour

Intersection	Roadway Authority	Intersection Control Type	Adopted Performance Standard	Meets Performance Standard Today?	Meets Performance Standard in 2040?	Mitigation Need	2040 Traffic Volume	Site-Generated Trips/Percentage	Est. Pro Rata Cost
35: NE 27 th St/ US 20	ODOT	Signalized	v/c ratio < 0.85	No	No	Intersection is fully built-out to urban standards. Improvements are likely to be required on parallel routes (Bear Creek)	5,226	144 3%	\$27,554.54
36: Butler Mkt/ Wells Acres	City of Bend	Minor Street Stop Controlled	Delay < 50 seconds	No	No	Single-lane Roundabout Identified in City SDC list	368	368 18%	\$460,000.00
Total									\$5,057,377

TRANSPORTATION PLANNING RULE COMPLIANCE

Table 2 provides a summary of the relevant criteria from section -0060 and how they pertain to the subject property.

Table 2. Summary of OAR 660-12-0060 Criteria Applicability

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	Yes, see response below
2	Describes measures for complying with Criterion #1 where a significant impact is determined.	Yes, see response below
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	Yes (Application requires coordination with ODOT and Deschutes County)
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	Yes, see response below
7	Outlines requirements for a local street plan, access management plan, or future street plan.	Yes, see response below
8	Defines a mixed-use, pedestrian-friendly neighborhood.	Yes, see response below
9	Outlines requirements under which a local government may find that an amendment to a zoning map does not significantly affect an existing and planned transportation facility.	No
10	Outlines requirements under which a local government may amend a plan without applying performance standards related to motor vehicle traffic congestion, delay or travel time for an area designated as a Mixed-Use Multimodal Area.	No
11	Outlines requirements under which a local government may approve an amendment with partial mitigation for traded sector jobs.	No

As shown in Table 2, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #1, #2, and #4 are applicable to the proposed land use action, and per sections 6 through 8 the site does qualify as a mixed-use pedestrian friendly neighborhood. These criteria is provided below in *italics* with responses shown in standard font.

Transportation Planning Rule Section 1: Determination of Significant Impacts

This section describes how the finding of a significant impact is defined. This section shows that the subject project creates a significant impact on the transportation system.

OAR 660-012-0060 (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;

Response: All area roads with the exception of Eagle Road are expected to continue to function in a manner consistent with their existing functional classification. Under existing conditions, Eagle Road carries a higher north-south through volume that is inconsistent with its classification as a *Local Street*. This is likely due to the roadway supporting the travel demands on the parallel NE 27th Street and NE Hamby Road corridors. The section of Eagle Road south of Butler Market Road will likely be reclassified with the ongoing update of the City of Bend Transportation System Plan, and already this road is being constructed with bicycle lanes as is only typical for *Collectors* and *Arterials*.

Eagle Road through the Northeast Edge UGB lands is identified within the Area Plan as a *Neighborhood Route*, which is intended to provide a classification between the City's *Local Street* and *Major Collector* designations. This designation is not currently included in the City's Transportation System Plan, nor is the proposed roadway cross-section. This designation and design reflect the greater role Eagle Road is anticipated to play in supporting the school and commercial land uses. The reclassification of Eagle Road will result in the finding of a significant impact on the transportation system; however, the identification and design of this facility consistent with this identified need is the purpose and intent of the master plan and area planning process, and this designation only impacts the new section of Eagle Road between Butler Market Road and Yeoman Road.

(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

Response: There are several regional intersections surrounding and included within the study area of the Northeast Edge UGB lands that will experience congestion with or without the new complete neighborhood. Several of these locations do not meet mobility targets/standards under existing conditions. These findings are already separately documented within the City's draft Transportation System Plan and ODOT's on-going US 97 Parkway Plan. The urbanization of the NE Edge UGB lands will incrementally impact various roadways and intersections as separately identified within this report. Accordingly, the project results in a significant affect.

(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.

Response: As discussed in the June Transportation Impact Analysis and summarized in Table 1, multiple intersections are expected to exceed City, County, and State mobility standards with or without the new neighborhood. There are locations within the study area that are experiencing failing conditions today and without mitigation will operate with higher delays with the additional Northeast Edge UGB lands. The solution to these system issues are being considered as part of the City's on-going Transportation System Plan and the US 97 Parkway Plan. Accordingly, the project results in a significant affect.

Transportation Planning Rule Section 2: Compliance with Significant Effect

Where a significant impact is identified this section describes the options to mitigate this finding. The TPR provides a variety of measures, including adopting land use measures, adding the necessary facilities into agency plans (and funding mechanisms), changing the standards, constructing improvements, or providing improvements to facilities/modes other than just the impacted facility/mode. The subject project incorporates elements of all four sections but heavily relies on the system-wide balancing test of Section 2(e).

OAR 660-012-0060 (2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following 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.

Response: The incorporation of higher densities within the NE Edge lands is intended to prevent additional sprawl into more constrained areas or other locations that would result in higher overall Vehicle Miles Travelled. The inclusion of the property into the UGB and the specific land use designations and density requirements is in and of itself a land use measure that was adopted to support area transportation needs through the City's UGB process.

- (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.*

Response: The City's Transportation System Plan is currently being prepared and will address the regional issues. This plan is being coordinated with ODOT's US 97 Parkway Plan, as the treatment of interchange terminals and Parkway connections will substantially alter current City travel patterns on the City and County roadway system. The City is currently in the process of identifying funding mechanisms to help comply with these requirements and has already identified increased Transportation System Development Charges. They are contemplating a new transportation bond measure to help manage existing and planned City growth.

Within the subject property and surrounding the site there are several improvements that are proposed in conjunction with the project. This includes construction of Eagle Road and Yeoman Road, and improvements to support regional travel needs.

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

Response: The master plan is creating a Special Planned District which will provide a new section of City Code specific to the Northeast Edge UGB lands. This will include new facility classifications (such as the proposed *Neighborhood Route* designation of Eagle Road) and brings other surrounding collector and arterial facilities into compliance with their urban designation. As the TSP process already accounts for the Northeast Edge UGB lands within its base assumptions no changes are required to the on-going Transportation System Planning efforts that are underway, although site-specific roadway alignments, cross-sections, and mitigation strategies should be integrated and prioritized according to their regional need.

- (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.*

Response: There are several transportation measures being implemented to address surrounding transportation system needs. As identified within this report, these include the extension of Yeoman Road to create a new transportation corridor, four new roundabouts, and other treatments such as pedestrian crossings, school zones, unique streetscapes, and transit accommodations. The timing of these improvements is directly correlated to the project phasing plan as outlined within the TIA. Additional specifics related to these improvements will be outlined within the Annexation Agreement.

Based on discussions with ODOT staff, to address impacts to State facilities a separate pro-rata payment will be provided per the costs outlined in Table 1. The affected intersections include the following costs:

- US 20/Butler Market Road – Mt Washington Dr: \$49,960.35
- US 97 Southbound Ramp/Butler Market Road: \$134,243.93

- US 20/NE 27th Street: \$27,554.54
- US 97 Northbound Ramp/Empire Avenue: \$202,328.16

These costs to ODOT facilities total \$414,086.97, with the timing of payment of these fees to be captured within the project annexation agreement. As the traffic study is premised on full build-out of the entire UGB area these costs include both the Petrosa lands within the master plan and the external areas shown in Figure 4.

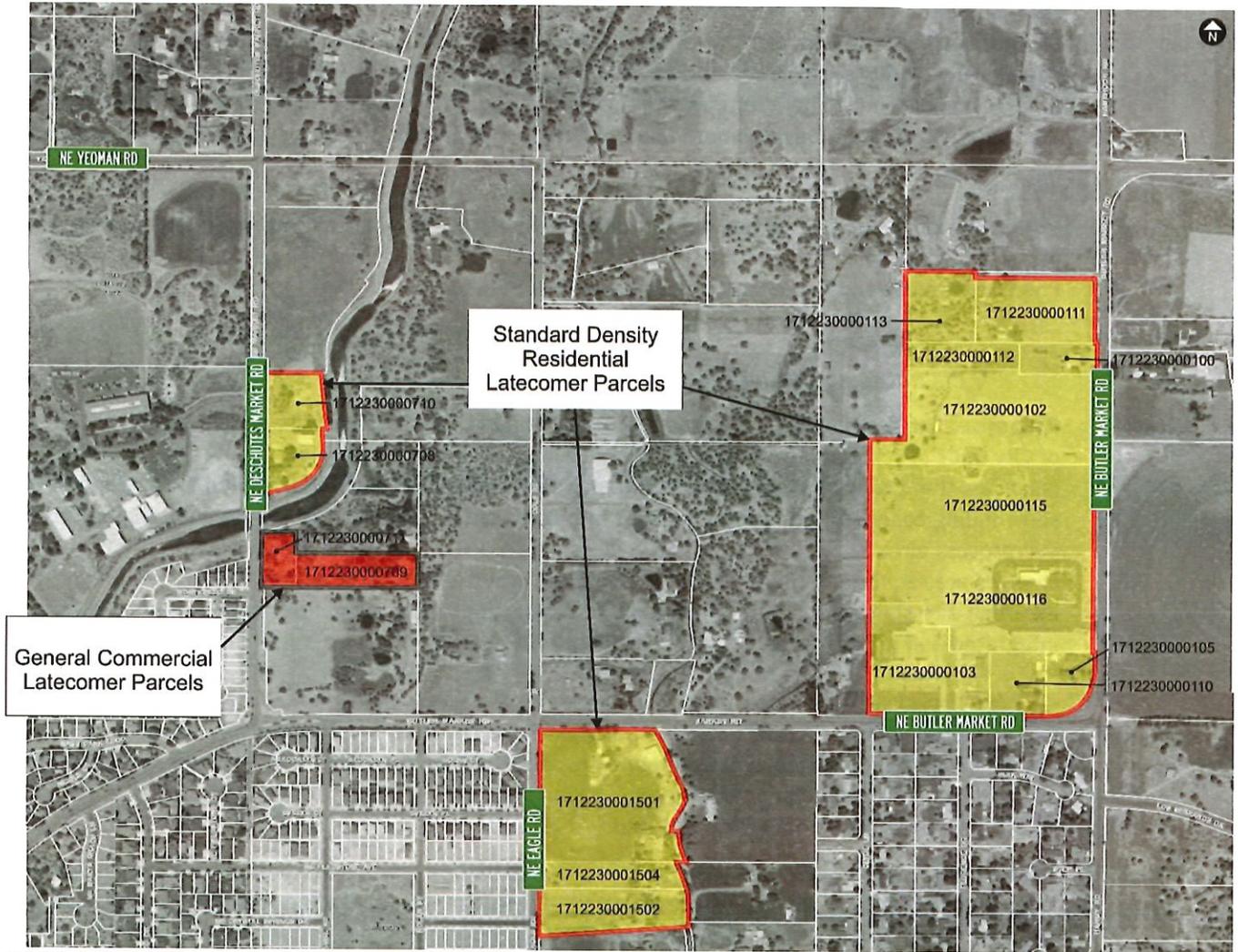


Figure 4. Properties subject to per weekday PM peak hour trip fee to ODOT upon annexation.

Fees collected by the City and provided to ODOT will be earmarked for planning, operations, or capacity improvements to the Empire Avenue, Butler Market, or US 20 corridors.

(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.

Response: The master plan provides a review of multimodal infrastructure to connect the site with surrounding transportation services and infrastructure. This includes linkages to the adjacent Pine Nursery Park, trail systems throughout the new urban area, and extensive treatments along the periphery of the area to bring the surrounding rural roads to an urban design standard. Extensive pathways and school zone treatments are also planned surrounding the future elementary school, allowing residents of the entire neighborhood to walk to the school or to Pine Nursery Park.

The improvements and investment provided within the Yeoman Road corridor far outweigh the demands of the project. Yeoman Road has been identified as a system need and has been a part of the current County and City Transportation System Plans. The Yeoman Road corridor was recently identified within the Empire Avenue improvement plans as a critical connection for the viability of the newly constructed roundabouts and streetscape on the Empire Avenue corridor; without this treatment the on-going construction of Empire Avenue will not be adequate to support current demands and additional widening of the road and roundabouts would be necessary.

In addition, drivers heading north on the US 97 corridor are diverting along NE Deschutes Market Road toward the Deschutes Junction today. The rural intersections bordering the property are experiencing high delays and congestion as these facilities were not designed to support these regional travel demands. New roundabouts at Deschutes Market Road/Butler Market Road and Deschutes Market Road/Yeoman Road support these City and County facilities in their regional connectivity role, and with these improvements helps to remove trips from the most constrained portions of US 97. These improvements to the Deschutes Market Road corridor can be more cost-effectively provided than improvements on US 97 itself, consistent with the prioritization of investments as required within the Oregon Highway Plan as Policy 2B:

It is the policy of the State of Oregon to provide state financial assistance to local jurisdictions to develop, enhance, and maintain improvements on local transportation systems when they are a cost-effective way to improve the operation of the state highway system if:

- *The off-system costs are less than or equal to on-system costs, and/ or the benefits to the state system are equal to or greater than those achieved by investing in on-system improvements;*
- *Local jurisdictions adopt land use, access management and other policies and ordinances to assure the continued benefit of the off-system improvement to the state highway system;*
- *Local jurisdictions agree to provide advance notice to ODOT of any land use decisions that may impact the off-system improvement in such a way as to adversely impact the state highway system; and*
- *Local jurisdictions agree to a minimum maintenance level for the off-system improvement that will assure the continued benefit of the off-system improvement to the state highway system.*

The roundabout planned at the NE Butler Market Road/Eagle Road intersection improves the Eagle Road corridor as urbanization pressures are increasing the role it plays within the City. As indicated in this report, the draft Transportation System Plan is considering increasing the classification of this facility to some form of a *Collector* roadway. The roadway is already being treated as a Collector within its streetscape design today, with new development being required to provide bicycle lanes along their frontage. The proposed roundabout will support this elevated

function, increasing the ability of the corridor to reduce trips on the congested NE 27th Street corridor.

Overall this master plan provides minor transportation measures, refines the general concepts within the adopted Transportation System Plan, provides improvements to other travel modes, and provides other measures through the land use planning that preceded these efforts to mitigate its impacts and reduce citywide vehicle miles travelled. Accordingly, it is requested that as part of ODOT's review that ODOT provide a written statement indicating support of the improvements to the City infrastructure that provides improvements to facilities other than the dispersed significantly affected intersections.

Transportation Planning Rule Section 4: Agency Coordination

This section of the TPR requires coordination with other service providers. The application has been scoped with and provided to Deschutes County and ODOT, and there have been weekly meetings with City staff.

OAR 660-12-0060(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Response: The City of Bend coordinates land use applications with affected agencies. The project scoping was coordinated with Deschutes County and ODOT, draft reports were provided to both agencies, and the final report was also submitted to agencies with a request for comments. In addition to the written materials, the team has met weekly with the City of Bend and has discussed and met with Deschutes County and ODOT on multiple occasions to coordinate findings and mitigation strategies.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

Response: This analysis relies on the projects identified within the financially constrained Regional Transportation Plan as included in the MPO's travel demand modeling. This analysis approach is consistent with these requirements, and with on-going planning being conducted by the State and City. There are several other pending transportation plans in the area that will be further refined within either a design or the Transportation System Plan process.

Transportation Planning Rule Section 6: Mixed-Use Neighborhoods

Section 6 of the TPR seeks to reduce the regulatory barriers to creating dense mixed-use and multimodal neighborhoods. The subject property complies with this section of Code with its integrated retail, school, and neighborhood plans.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

Response: The identification of the NE Edge UGB area as a mixed-use neighborhood within the City's UGB process directly complies with these provisions. While only a 7 percent internal trip reduction was applied within the transportation analysis the site would comply with a minimum reduction of 10 percent internalization. The support of the City's low stress cycling network, provision of transit amenities, and mixed-use neighborhood that conforms with Growth Management's density requirements fully complies with this section. Per Subsection (d), while the actual trip benefits may vary, this minimum 10 percent internalization credit is intended as an incentive to support mixed-use centers and neighborhoods.

Transportation Planning Rule Section 7: Commercial Lands

The proposed project includes a total of 22 acres of commercial lands and so is required to address Section 7 of the TPR. This is accomplished through the master plan and area plan that outline the street plans and sections.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

Response: The proposed NE Edge UGB lands exceed two acres of commercial use, there is no adopted TSP with a supporting street plan, and the proposed amendment creates a significant affect. The City's requirements for an Area Plan address the local street plan (and should be adopted into the draft TSP efforts) and the commercial lands serve as a "town center" node to reduce trips throughout the surrounding area. The Area Plan included within this application addresses these requirements, although there is some flexibility in the specific alignment of roads and their connections to *Collectors* and *Arterials* within properties not under the control of the applicant.

Transportation Planning Rule Section 8: Pedestrian Friendly Neighborhood

Section 8 defines what a "Mixed-Use Pedestrian Friendly Center or Neighborhood is. This shows that the proposed plans for the Petrosa development comply outright with these requirements as have previously been established as part of the City's UGB expansion process.

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Response: All of the requirements for a “mixed use pedestrian friendly center or neighborhood” are met with the proposed Northeast Edge UGB lands as defined within subsection (b) and as required within the Comprehensive Plan policies for the development and urbanization of these lands.

NEXT STEPS

We trust that these materials provide the affected agencies adequate documentation on how the proposed NE Edge/Petrosa project complies with the Transportation Planning Rule as part of the project annexation and master plan. Ultimately, the applicant’s proposed mitigation will comply with the Transportation Planning Rule under OAR 660-012-0060(2)(e) by providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility and through improvements at other locations.

Based on our discussions with City staff we believe that these system-wide benefits are sufficient to balance the significant impact of the overall project, even though the improvements may not result in consistency for all performance standards at each off-site intersection. From discussions with ODOT staff a supplemental net new weekday p.m. peak hour fee of \$281.88 in combination with the proposed transportation improvements ODOT also agrees that the project complies with the Transportation Planning Rule. Please let me know if you have any questions on these materials.



EXHIBIT B

City of Bend Annexation

A tract of land and road rights-of-way located in the Southwest One-Quarter of Section 13, the Southwest One-Quarter and the Southeast One-Quarter of Section 14, the Northwest One-Quarter, the Northeast One-Quarter, and the Southeast One-Quarter of Section 23, and the Northwest One-Quarter of Section 24, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the North One-Quarter corner of said Section 23; thence North $00^{\circ}03'13''$ West 20.00 feet to the northerly right-of-way line of Yeoman Road (20.00 feet from centerline) and the True Point of Beginning; thence along said northerly right-of-way line, South $89^{\circ}58'58''$ East 30.04 feet to the easterly right-of-way line of Cole Road (30.00 feet from centerline); thence along said easterly right-of-way line, South $00^{\circ}03'42''$ West 20.01 feet to the northerly line of Section 23; thence along said northerly line and the easterly extension thereof, South $89^{\circ}57'25''$ East 2668.18 feet to the northerly extension of the easterly right-of-way line of Butler Market Road (30.00 feet from centerline); thence along said northerly extension and said easterly right-of-way line, South $00^{\circ}07'02''$ East 500.00 feet to the easterly extension of the south line of Document Number 2019-40244; thence along said easterly extension and the south line of said Deed, North $89^{\circ}57'17''$ West 963.73 feet to the east line of Document Number 99-54982; thence along said east line, South $00^{\circ}10'34''$ West 820.88 feet to the southeast corner thereof; thence along the south line of said Deed, North $89^{\circ}59'50''$ West 162.91 feet to the east line of Document Number 2019-12625; thence along said east line and the southerly extension thereof, South $00^{\circ}02'35''$ West 1362.39 feet to the south right-of-way line of Butler Market Road (40.00 feet south of the east-west centerline of said Section 23); thence along said south right-of-way line, South $89^{\circ}53'31''$ West 1539.87 feet to the east right-of-way line of Eagle Road (30.00 feet from centerline) and the Bend city limits line; thence along the northerly extension of said east right-of-way line and said city limits line, North $00^{\circ}03'06''$ East 68.59 feet to the north right-of-way line of Butler Market Road (30.00 feet from centerline); thence along said north right-of-way line and continuing along said city limits line, South $89^{\circ}46'53''$ West 1,075.74 feet; thence continuing along said city limits line on a curve to the left with a Radius of 1,175.92 feet, Delta of $11^{\circ}37'28''$, Length of 238.58 feet, and Chord of South $83^{\circ}58'09''$ West 238.17 feet to a line parallel with and 30.00 feet easterly of the centerline of Deschutes Market Road; thence along said parallel line and continuing along said city limits line, North $07^{\circ}29'34''$ West 20.57 feet; thence continuing along said parallel line and said city limits line on a curve to the right with a Radius of 262.69 feet, Delta of $7^{\circ}27'04''$, Length of 34.16 feet, and Chord of North $03^{\circ}46'02''$ West 34.14 feet; thence North $00^{\circ}02'30''$ West 377.58 feet; thence along a curve to the right with Radius 45,014.47 feet, Delta of $00^{\circ}14'55''$, Length of 195.23 feet, and Chord of North $00^{\circ}04'57''$ East 195.23 feet to the southerly line of Document Number 2012-8162; thence leaving said parallel line and said city limits line along said southerly line, North $89^{\circ}53'31''$ East 738.03 feet to the westerly line of Document Number 2019-9588; thence along said westerly line, North $00^{\circ}03'42''$ East 162.18 feet to the southerly line of Document Number 2018-32237; thence along said southerly line, South $89^{\circ}53'31''$ West 573.34 feet to the westerly line of said Deed; thence

along said westerly line, North 00°18'30" West 103.59 feet to the westerly south line of said Deed; thence along said westerly south line, South 87°36'30" West 152.23 feet to the easterly right-of-way line of North Unit Main Canal; thence along said easterly right-of-way line, North 74°12'02" East 194.78 feet; thence continuing along said easterly right-of-way line on a curve to the left with Radius 356.50 feet, Delta 75°00'38", Length of 466.72 feet, and Chord of North 36°41'43" East 434.10 feet; thence North 00°48'58" West 35.25 feet to the south line of the Northeast One-Quarter of the Northwest One-Quarter of said Section 23; thence along said south line, South 89°57'41" West 160.01 feet to the westerly right-of-way line of North Unit Main Canal; thence along said westerly right-of-way line, North 00°48'58" West 319.13 feet to the south line of Document Number 2018-31353; thence along said south line, North 89°38'33" West 289.89 feet to the east right-of-way line of Deschutes Market Road (30.00 feet from centerline) and said city limits line; thence along said east right-of-way line and said city limits line, North 00°13'50" East 28.51 feet to the easterly extension of the south line of Parcel 1 of Partition Plat Number 2007-074; thence along said easterly extension and continuing along said city limits line, North 89°38'33" West 60.00 feet to the west right-of-way line of Deschutes Market Road (30.00 feet from centerline); thence leaving said city limits line and along said west right-of-way line, North 00°13'50" East 27.80 feet; thence continuing along said west right-of-way line on a curve to the left with a Radius of 127,016.62 feet, Delta of 00°15'20", Length of 566.53 feet, and Chord of North 00°06'10" East 566.53 feet; thence continuing along said west right-of-way line and the northerly extension thereof, North 00°01'30" West 421.02 feet to a line parallel with and 40.00 feet northerly of the north line of said Section 23; thence along said parallel line, South 89°58'58" East 1345.14 feet to the True Point of Beginning.

The above described tract of land contains 183 acres, more or less.

01/29/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael S. Kalina

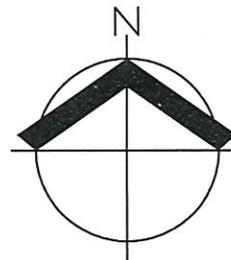
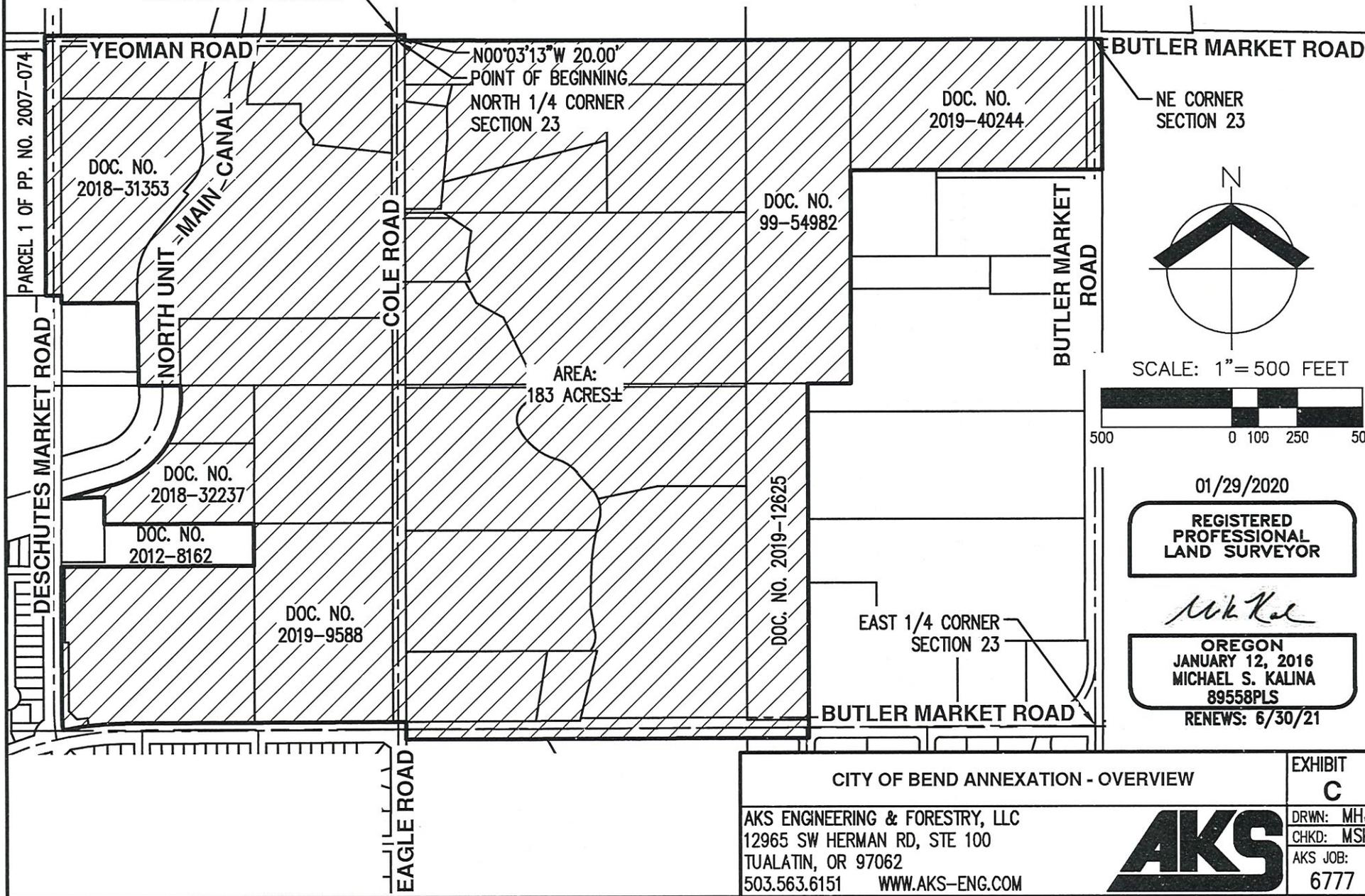
**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS**

RENEWS: 6/30/21

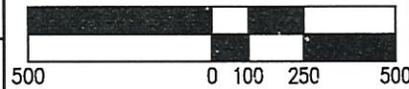
EXHIBIT C

A TRACT OF LAND AND ROAD RIGHTS-OF-WAY LOCATED IN THE SW 1/4 OF SEC. 13, THE SW AND SE 1/4 OF SEC. 14, THE NW, NE, AND SE 1/4 OF SEC. 23, AND THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

TRUE POINT OF BEGINNING



SCALE: 1" = 500 FEET



01/29/2020

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Michael S. Kalina

**OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS**

RENEWS: 6/30/21

CITY OF BEND ANNEXATION - OVERVIEW

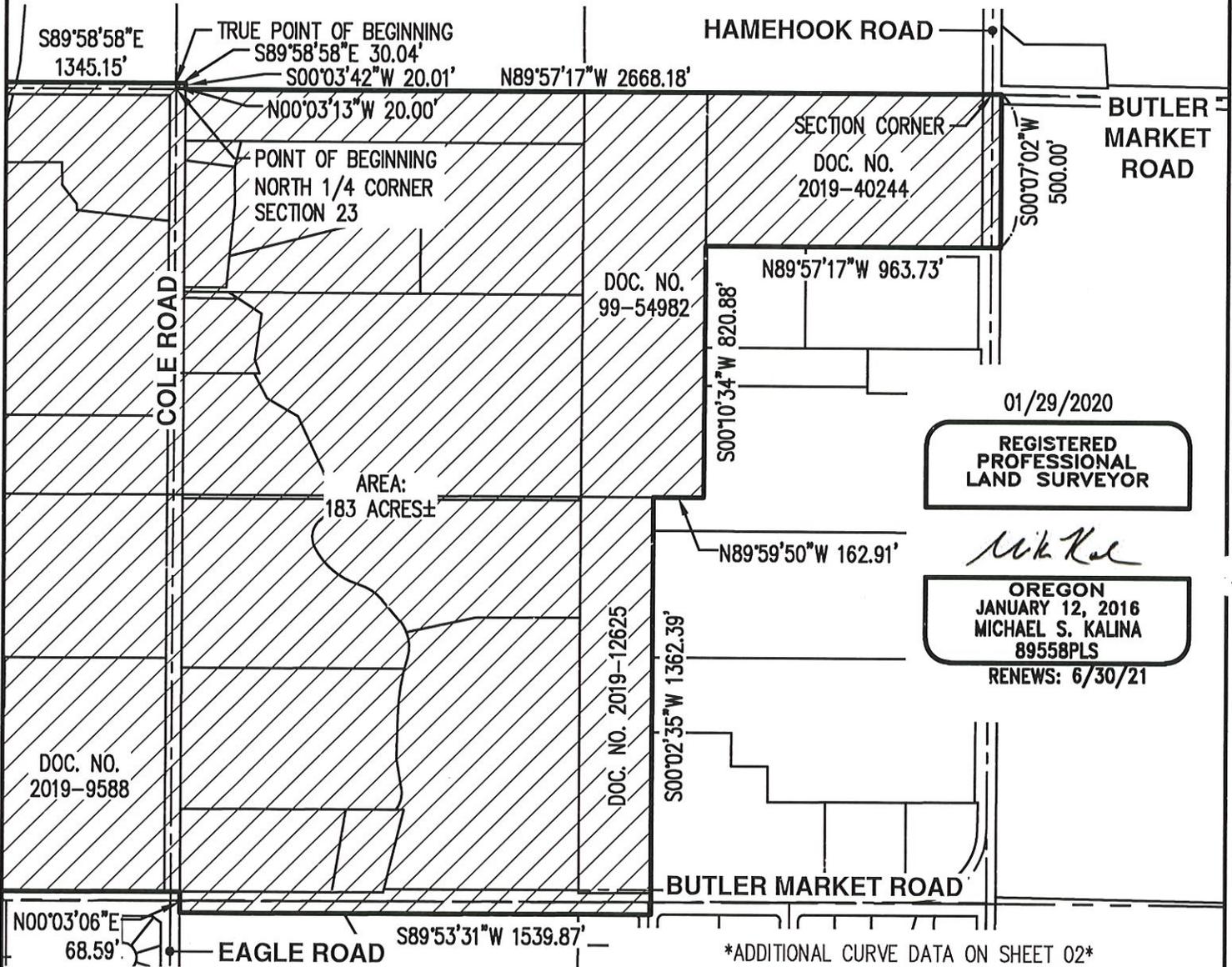
AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



EXHIBIT
C
DRWN: MHJ
CHKD: MSK
AKS JOB:
6777

EXHIBIT C

A TRACT OF LAND AND ROAD RIGHTS-OF-WAY LOCATED IN THE SW 1/4 OF SEC. 13, THE SW AND SE 1/4 OF SEC. 14, THE NW, NE, AND SE 1/4 OF SEC. 23, AND THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

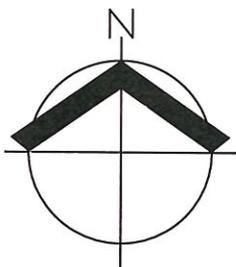


01/29/2020
REGISTERED PROFESSIONAL LAND SURVEYOR

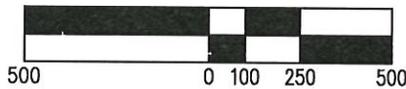
Michael S. Kalina
OREGON
 JANUARY 12, 2016
 MICHAEL S. KALINA
 89558PLS
 RENEWS: 6/30/21

ADDITIONAL CURVE DATA ON SHEET 02

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	1175.92'	11°37'28"	238.58'	S83°58'09"W 238.17'
C2	262.69'	7°27'04"	34.16'	N3°46'02"W 34.14'
C3	45014.47'	0°14'55"	195.23'	N0°04'57"E 195.23'



SCALE: 1" = 500 FEET



CITY OF BEND ANNEXATION - 02

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD, STE 100
 TUALATIN, OR 97062
 503.563.6151 WWW.AKS-ENG.COM

AKS

EXHIBIT C
 DRWN: MHJ
 CHKD: MSK
 AKS JOB: 6777

EXHIBIT C

A TRACT OF LAND AND ROAD RIGHTS-OF-WAY LOCATED IN THE SW 1/4 OF SEC. 13, THE SW AND SE 1/4 OF SEC. 14, THE NW, NE, AND SE 1/4 OF SEC. 23, AND THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

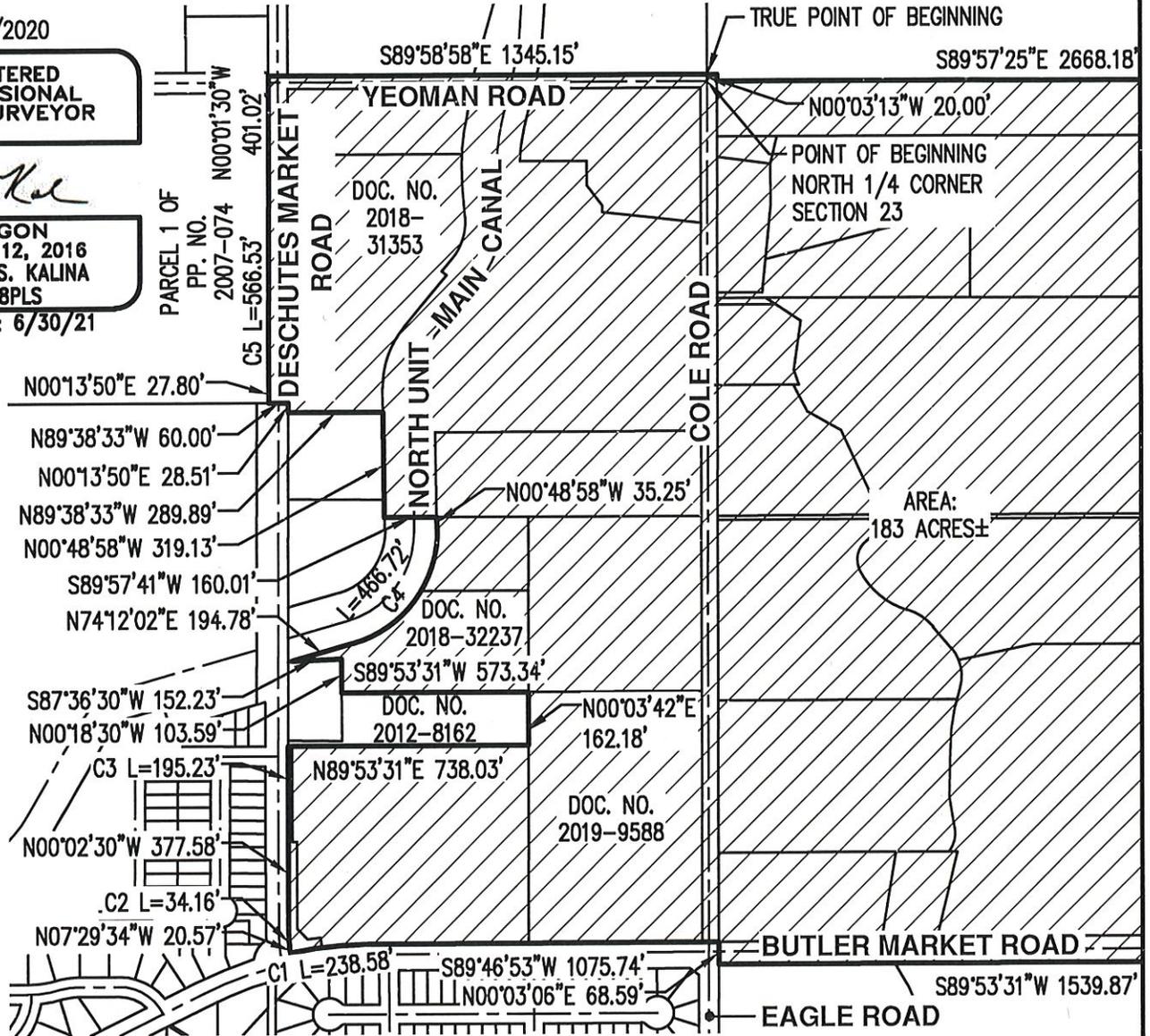
1/29/2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

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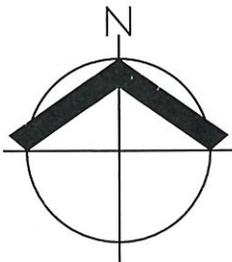
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21



ADDITIONAL CURVE DATA ON SHEET 01

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C4	356.50'	75°00'38"	466.72'	N36°41'43"E 434.10'
C5	127016.62'	0°15'20"	566.53'	N0°06'10"E 566.53'



SCALE: 1" = 500 FEET



CITY OF BEND ANNEXATION - 03		EXHIBIT C
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: MHJ CHKD: MSK AKS JOB: 6777

EXHIBIT D

FINDINGS FOR
PETROSA ANNEXATION



COMMUNITY
DEVELOPMENT

PROJECT NUMBER: PZ 20-0005

HEARING DATE: February 5, 2020

APPLICANT: Pahlisch Homes, Inc.
210 SW Wilson Ave #100
Bend, OR 97702

OWNERS: Pahlisch Homes, Inc.
Pahlisch Homes at Petrosa LP
Jeremiah 29 11 LLC
210 SW Wilson Ave #100
Bend, OR 97701

Cascade Ridge Estates LLC
16797 Kraeft Rd
Oregon City, OR 97045

Billy Dual Jr & Deborah Schomberg
PO Box 6417
Bend, OR 97708

Richard Hight
63180 Cole Road
Bend, OR 97701

David & Pamela Macgurn Trust
21444 Butler Market Rd
Bend, OR 97701

Michael McOmber
PO Box 1851
Bend, OR 97709

Danny Allen Nipper Trust
63140 Cole Rd
Bend, OR 97701

David & Tammy Nipper
63140 Cole Rd
Bend, OR 97701

Kathleen West
575 SW 55th Pl
Redmond, OR 97756

21460 D LLC
15962 SE Harold Ave
Portland, OR 97267

John & Johnna Daniel
21650 Butler Market Rd
Bend, OR 97701

LOCATIONS: Bend Urban Growth Boundary Northeast Expansion Area; tax lots 104, 106, 200, 300, 301, 400, 401, 402 - 404, 700-707, 712-713 of Deschutes County Assessor Map 171223 and tax lots 99, 100, 199, 200, 300, 400, 500, 600, 700, 800, and 900 of Deschutes County Assessor Map 171223AB.

REQUEST: A Type III Quasi-judicial request for Annexation of 186 acres of the Northeast Edge UGB Expansion Area for the Petrosa Master Planned Development.

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Criteria

Bend Development Code

Chapter 4.9 Annexations

Bend Comprehensive Plan

Chapter 7, Transportation Systems

Chapter 11, Growth Management

Oregon Administrative Rules

Chapter 660-012-0000, Transportation Planning

Procedures

Bend Development Code

Chapter 4.1 Development Review and Procedures

4.1.400 Type II and Type III Applications

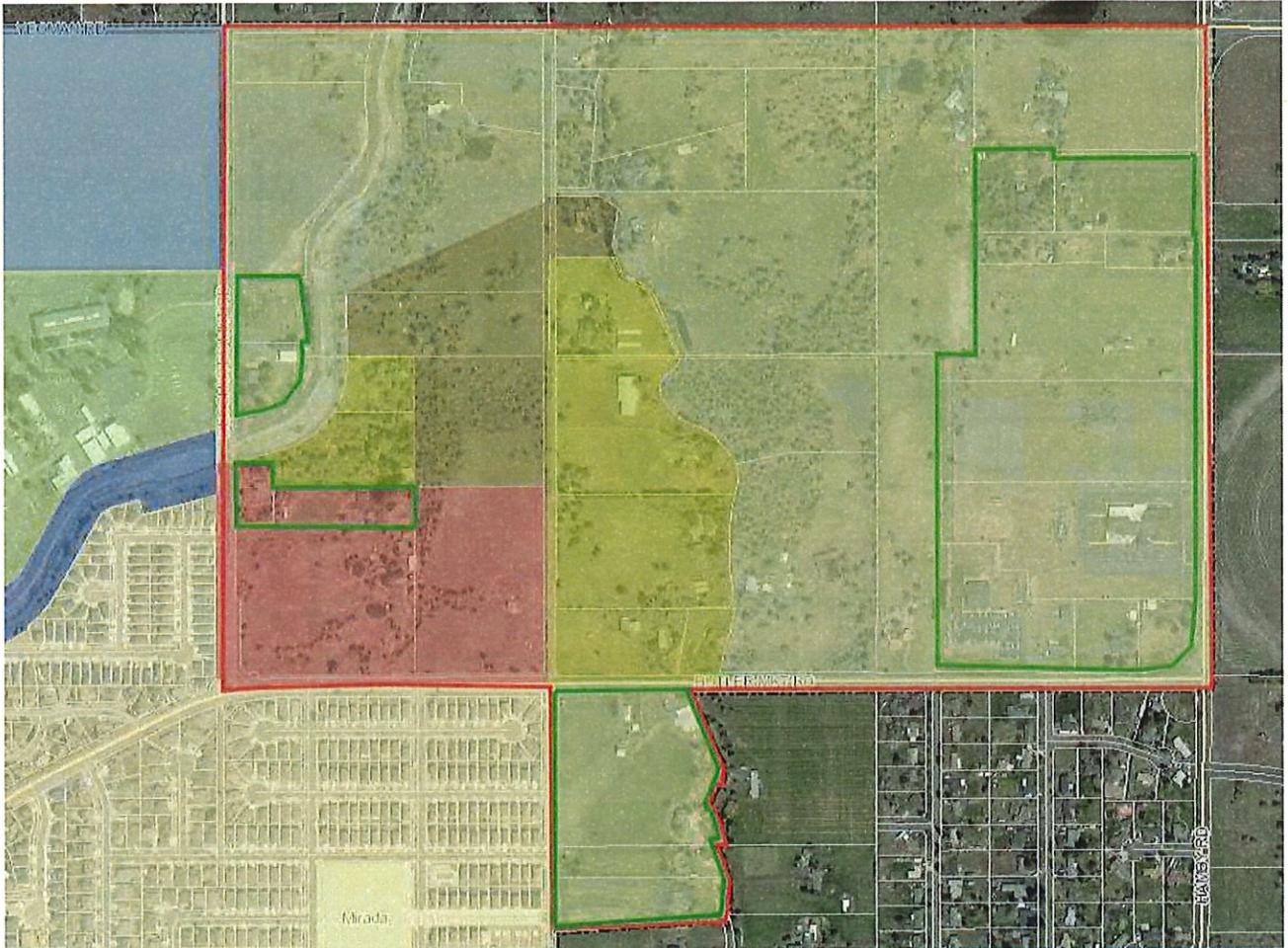
4.1.800 Quasi-Judicial Hearings

FINDINGS OF FACT:

- 1. SITE DESCRIPTION AND LOCATIONS:** The 186-acre subject property is located within the 261-acre Northeast Edge Expansion Area of the recently expanded Urban Growth Boundary. The Petrosa annexation area comprises ±31 tax lots bounded by Deschutes Market Road (minor arterial) to the west, Butler Market Road (minor arterial) to the south and east, and the future extension of Yeoman Road (major collector) to the north.
- 2. ZONING:** The properties are within the recently expanded UGB and are currently zoned Urbanizable Area (UA). The property in Northeast Edge UGB Expansion Master Plan Area is designated Residential Urban Standard Density (RS), Residential Urban Medium Density (RM), Residential Urban High Density (RH), and Commercial General (CG).
- 3. PROPOSAL:** A Type III Quasi-judicial request for Annexation of 186 acres of the Northeast Edge UGB Expansion Area for the Petrosa Master Planned Development.
- 4. PUBLIC NOTICE AND COMMENTS:** Prior to submittal of this application and related applications, the applicants hosted a public meeting on May 28, 2019, in accordance with BDC 4.1.215. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On January 16, 2020, the Planning Division mailed notice to surrounding owners of record of property within 400 feet of the subject properties, and to the Mountain View and Boyd Acres Neighborhood Association representatives. Notice was also posted in four public places on January 16, 2020, and posted in *The Bulletin* on January 19 and January 26, 2020. On January 21, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at two locations, visible from adjacent rights of way.

5. **APPLICATION ACCEPTANCE DATE:** This Type III Quasi-judicial Annexation petition was submitted on January 7, 2020. The application was deemed complete on January 15, 2020 when the application fee was paid.

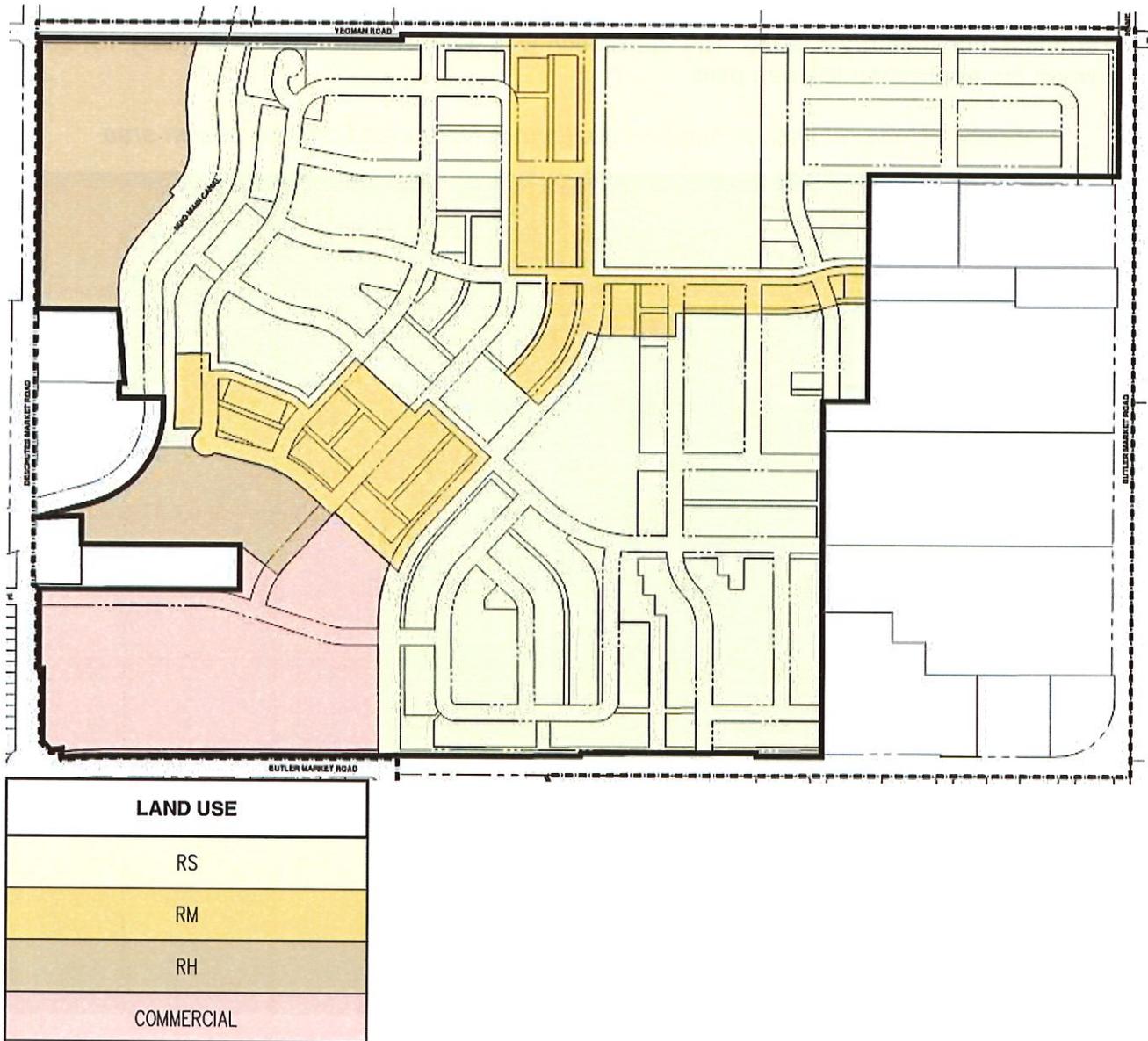
Existing Comprehensive Plan Designations in Northeast Edge expansion area



Red outline – Northeast Edge expansion area

Green outline – properties not within the Petrosa Master Plan or annexation area

Note: The Petrosa Master Plan includes planned changes to the location and configurations of the Comprehensive Plan Map designations. However, the proportional areas of each Plan Map designation inside the Master Plan Boundary (relative to the entire Northeast Edge expansion area) is within 1% of the areas listed in the Bend Comprehensive Plan Policies 11-58 and 11-59. Therefore, the expansion area will retain the same total area of all plan designations contemplated when it was brought inside the UGB.



APPLICATION OF THE CRITERIA:

**Bend Development Code
Chapter 4.9, Annexations
4.9.200 Applicability.**

Land to be annexed must be contiguous to the existing City limits.

FINDING: The land to be annexed is contiguous to the existing City limits along the western and southern boundary.

4.9.300 Review Processes.

A. Annexation. The following general processes apply to all annexation proposals:

- 1. Annexations are reviewed using the Type III or Type IV process as determined by the City, based on a consideration of the factors for treating an application as quasi-judicial or legislative. Since annexations are a jurisdictional transfer, the City Council is the sole review authority.**
- 2. City Council approval of annexations will be by ordinance.**
- 3. Notice of the City Council hearing to consider the annexation proposal must follow the notification process required for the Type III or Type IV application, except a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.**

FINDING: The proposed annexation is initiated by all of the property owners for specific properties, and is therefore considered a quasi-judicial application. Notice for the City Council Hearing followed the notification process required for Type III applications, as well the requirements for publishing notice in the newspaper and in four public places as required under BDC4.9.300.A.3.

On January 16, 2020, notice was mailed by the Planning Division to surrounding owners of record of property within 400 feet of the subject properties, and to the Mountain View and Boyd Acres Neighborhood Association representatives and to those who submitted comments prior to the hearing before the Planning Commission for the Petrosa Master Plan (PZ-19-0515). On January 21, 2020, Notice of Proposed Development signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way. Notice was also posted in four public places on January 16, 2020, and posted in The Bulletin on January 19 and January 26, 2020.

B. Area and Master Planning. Unless exempted in subsection (B)(1) of this section, expansion areas as shown in Figure 4.9.300 will require area and/or master plan approval prior to or concurrently with annexation. The exemptions to master planning in BDC Chapter 4.5, Master Planning and Development Alternatives, are not applicable to properties in the Urbanizable Area (UA) District. Development in expansion areas must comply with the applicable Bend Comprehensive Plan Specific Expansion Area Policies in Table 4.9.300.

Table 4.9.300 - Specific Expansion Area Policies

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies
Northeast – Butler Market Village	11-56 through 11-63

FINDING: The subject property is located in the Northeast Edge (Butler Market Village) expansion area. A major community master plan in accordance with BDC Chapter 4.5 was submitted on July 12, 2019, under PZ 19-0515. On December 9, 2019, the Planning Commission made a recommendation to the City Council for approval of the Petrosa MPD. The Petrosa MPD is scheduled to be heard by the City Council concurrently with this annexation

request. As addressed in the Planning Commission findings for PZ 19-0515, the Petrosa MPD complies with Bend Comprehensive Plan Policies 11-56 through 11-63.

4.9.400 Initiation Procedures.

- A. An annexation proposal for the contiguous territory proposed to be annexed may be initiated by petition in compliance with one of the following initiation procedures:**
- 3. More than half the owners of land in the contiguous territory proposed to be annexed, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.**

FINDING: The Petrosa master plan properties are owned or under contract by Pahlisch Homes, Inc., who has initiated this application and all property owners consented in writing to annexation in compliance with the procedures in A.3.

4.9.500 Submittal Requirements.

A. The application must include:

- 1. A completed and signed annexation application packet on forms provided by the City.**
- 2. A petition including the statement of consent, on City forms, completed by property owners and/or electors residing in the territory that meets the requirements of BDC 4.9.400, Initiation Procedures.**
- 3. Legal description of the territory including abutting right-of-way to be annexed and a boundary survey certified by a registered engineer or surveyor.**
- 4. A map showing the territory including abutting right-of-way to be annexed and properties within 300 feet of the territory.**
- 5. A narrative which addresses the approval criteria in BDC 4.9.600 and the requirements of BDC 4.9.300(B).**

FINDING: The application materials uploaded to ePlans for PZ 20-0005 contain all of the above requirements.

- 6. A letter or other written documentation from the Bend Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed annexation, and provided the District an opportunity to review the annexation area for options to enhance existing parks and trails, and develop new parks and trails.**

FINDING: The applicant and the BPRD have been working collaboratively towards an agreement on the final design, program, and financing of the planned ±5-acre neighborhood park, trails, and open space within the Master Plan. It is anticipated that parks and open space will be improved in conjunction with abutting residential or commercial construction. Exhibit F is a letter from the BPRD acknowledging coordination that is leading towards a development agreement between Pahlisch Homes Inc. and BPRD for the neighborhood park and associated trails and open space to be conveyed to BPRD. The requirement is met.

- 7. A completed and signed Bend Park and Recreation District annexation agreement, unless the property(s) to be annexed is already located within the Bend Park and Recreation District.**

FINDING: The subject property is located within the boundaries of the Bend Park and Recreation District. Therefore, a BPRD annexation agreement is not required.

- 8. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed annexation and provided the District an opportunity to review and comment on the proposed annexation.**

FINDING: Exhibit E of the application is a letter from the Bend-La Pine School District indicating that the ±10.3-acre potential school site can meet their needs for a future elementary school site. The requirement is met.

- 9. Territories with irrigation district water rights or other irrigation district facilities must include the following:**

FINDING: Exhibit D includes a map of existing irrigation facilities and water rights within the area to be annexed. Exhibit M includes correspondence from the Central Oregon Irrigation District (COID) confirming ongoing coordination with the Applicant and its consultants on the impacts to existing irrigation facilities and the plan to reroute existing irrigation pipes and ditches in a manner that facilitates planned construction phasing while maintaining sufficient water delivery. The submittal requirement is met.

- 10. If the City has not yet amended its public facilities and transportation plans for the affected expansion area, inclusion of an applicant initiated amendment to the relevant plan(s) or other evidence that the necessary infrastructure planning under Statewide Planning Goals 11 and 12 will take place prior to or concurrently with annexation.**

FINDING: The Applicant and City staff have worked over the past year to identify the infrastructure necessary to serve the variety of planned uses within the entire Northeast Edge Expansion Area as they are built out over the next decade and beyond. The sequencing and financing mechanisms for the needed infrastructure have been outlined and are included in the Annexation Agreement (Exhibit C) with the City. The Petrosa Master Plan (PZ-19-0515) shows how public facilities, including sanitary sewer and potable water, are available and planned throughout the project site and can serve the properties within the Northeast Edge Expansion Area that are not participating in the Petrosa Master Plan.

Consistent with the Petrosa Master Plan, the land area to be annexed includes a ±10.3-acre site for a future elementary school and a ±5-acre neighborhood park. Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits E and F. The applicant and the BPRD have been working collaboratively towards an agreement on the final design, program, and financing of the planned neighborhood park, trails, and open space within the Master Plan. The policy is met.

The Transportation Element included with the Petrosa Master Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation addressing the impacts of the entire Northeast Edge Expansion Area.

The Petrosa Master Plan in combination with the Annexation Agreement, provide substantial evidence that the necessary infrastructure planning under Statewide Planning Goals 11 and 12 has occurred and construction of necessary facilities will occur concurrently with development of the site. The criterion is met.

4.9.600 Approval Criteria.

A. The City Council may approve, or approve with conditions, the proposed annexation application if all of the following criteria are met:

- 1. The annexation proposal is consistent with the Bend Comprehensive Plan policies and plan designations applicable to the territory as determined by the Planning Director or designee.**

FINDING: The proposed annexation encompasses ±177 acres that comprises the Petrosa Master Plan (PZ-19-0515) within the ±261-acre Northeast Edge UGB Expansion Area, along with abutting rights-of-way to encompass a total of ±186 acres. The proposed annexation is based on the Petrosa Major Community Master Plan (PZ-19-0515), which addresses and implements BCP Policies 11-56 to 11-63 pertaining to the Northeast Edge Expansion Area. Findings of compliance with BCP Policies 11-56 to 11-63 are contained in the master plan findings (PZ-19-0515) and are incorporated herein.

- 2. The annexation proposal is consistent with an approved area plan and/or master plan, unless exempted in BDC 4.9.300(B)(1).**

FINDING: The Bend Planning Commission held a public hearing on the master plan on December 9, 2019, and moved to recommend approval of the master plan to the Bend City Council. The Planning Commission findings are attached as an exhibit to the Ordinance for City Council consideration under PZ 19-0515, which is under review concurrent with this annexation request.

- 3. The proposal demonstrates how the annexed territory is capable of being served by public facilities and services with adequate capacity as determined by the City, including sanitary sewer collection, domestic water, transportation, schools, and parks, consistent with the City's adopted public facility plans, transportation system plan, and applicable district plans, either as provided in an applicable area or master plan or by demonstrating how such public facilities and services will be provided in an orderly, efficient and timely manner.**

FINDING: The Applicant and City/Agency staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the entire Northeast Edge Expansion Area as they are built out over the next decade and beyond. The sequencing and financing mechanisms for the needed infrastructure have been outlined and are included in the Annexation Agreement (**Exhibit C**) with the City. The Petrosa Master Plan (PZ-19-0515) shows how public facilities, including sanitary sewer and potable water, are available and planned throughout the project site and can also serve the properties within the Northeast Edge that are not participating in the Petrosa Master Plan.

Consistent with the Petrosa Master Plan, the land area to be annexed includes a ±10.3-acre site for a future elementary school and a ±5-acre neighborhood park. Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits E and F of the applicaiton. The applicant and the BPRD have been working

collaboratively towards an agreement on the final design, program, and financing of the planned neighborhood park, trails, and open space within the Master Plan. The policy is met.

The Transportation Element included with the Petrosa Master Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation addressing the impacts of the entire Northeast Edge Expansion Area. Consequently, the Petrosa Master Plan shows that public facilities and services will be provided in an orderly efficient and timely manner. The criterion is met.

- 4. The proposal demonstrates how public facility and service impacts, including as applicable: on- and off-site improvements, construction and modernization of existing infrastructure (water, sewer, stormwater, transportation) to City standards and specifications, and impacts to existing infrastructure inside the City's current city limits, will be adequately mitigated through an annexation agreement or other funding mechanism approved by the City Council prior to annexation. The City will use the standards and criteria of BDC Chapter 4.7, Transportation Analysis, for analysis and mitigation of transportation impacts.**

FINDING: The Applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the entire Northeast Edge Expansion Area as they are built out over the next decade and beyond. The sequencing and financing mechanisms for the needed infrastructure have been outlined and are included in the Annexation Agreement (Exhibit C) with the City. The Petrosa Master Plan (PZ-19-0515) shows how public facilities, including sanitary sewer and potable water, are available and planned throughout the project site and can also serve the properties within the Northeast Edge that are not participating in the Petrosa Master Plan.

The Transportation Element included with the Petrosa Master Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation addressing the impacts of the entire Northeast Edge Expansion Area. Consequently, the Petrosa Master Plan shows that public facilities and services will be provided in an orderly efficient and timely manner. The criterion is met.

A Utility Availability Memo – SWA Certificate (BP 18-4392) provided by the City Engineering Division is included as Exhibit G. A “Will Serve” letter from Avion Water Company is included in Exhibit N. A Traffic Analysis Memo – TIA Review (BP 19-3187-TRFA) provided by the City Engineering Division is included as Exhibit H. The criteria are met.

- 5. Owner(s) have committed to transfer all irrigation district water rights from the property, unless exempted in subsection (A)(5)(a)(i) of this section.**
- 6. Sufficient evidence acceptable to the City has been provided demonstrating that the irrigation district had an opportunity to review the layout and design for any impacts on irrigation district conveyance facilities and to recommend reasonable protections for such facilities consistent with the irrigation district's adopted rules and regulations, system improvement plans and/or development policies.**

FINDING: Exhibit M includes correspondence from COID confirming ongoing coordination with the Applicant and its consultants on the plan to reroute existing irrigation pipes and ditches in a manner that facilitates planned construction phasing while maintaining sufficient delivery of water. In addition, the owners continue to coordinate with COID regarding the transfer of

ownership and timing mechanisms. The transfer can occur prior to the platting of a land division or prior to certification of final occupancy for developments subject to site plan review, whichever occurs first. Therefore, the criteria are or can be met.

7. The proposal demonstrates that approval of the annexation and zoning districts that implement the underlying Bend Comprehensive Plan map designations is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

660-012-0060 - Plan and Land Use Regulations 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.

(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:

(A) 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;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

FINDING: OAR 660-012 implements Oregon Statewide Planning Goal 12. Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. The City's Comprehensive Plan dictates the minimum number of units to be developed within the Northeast Edge expansion area, and the master plan proposes to meet those requirements. However, compliance with the TPR was not addressed at the time of UGB acknowledgement for the expansion areas, instead being deferred to individual master plan/annexation applications.

This section requires a local government to put in place certain measures if an amendment would significantly effect a transportation facility.

The Petrosa Transportation Element (Exhibit I) and TPR Compliance Memo (Exhibit J) were prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation. The Traffic Analysis Memo (Exhibit H) summarizes the transportation impacts and recommended mitigation. The Annexation Agreement (Exhibit C) obligates the applicant to construct the transportation improvements necessary to mitigate impacts to, and expand capacity within, the affected transportation facilities, and identifies the specific timing, responsibilities, and cost allocation. For purposes of TPR compliance, through collaborative efforts between the Applicant, ODOT, the City, and Deschutes County, the Applicant is relying on OAR 660-012-0060(2)(e). In particular, the City, County, and ODOT have each provided written statements of approval that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects. Therefore the applicable standards are met.

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

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an

existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

FINDING: This section of the Transportation Planning Rule requires coordination with affected transportation service providers. The Applicant has coordinated with the Oregon Department of Transportation (ODOT) regarding the Master Plan and Annexation application, and a letter is included as Exhibit K documenting the discussions and agreed upon mitigations. The mitigation will be captured in the Annexation Agreement, which will ensure consistency with the provisions of BDC 4.6.600 and satisfies the requirements of OAR 660-012-0060. Exhibit L also includes a letter from Deschutes County indicating their support for the Transportation Analysis and planned mitigations and that the planned transportation infrastructure improvements comply with the TPR, as it pertains to affected County facilities. Again, the City, County, and ODOT have each provided written statements of approval that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects as required under OAR 660-012-0060(2)(e). The applicable standards are met.

The proposed mitigation as specified above is captured in the Annexation Agreement, which will ensure consistency with the provisions of BDC 4.6.600, *Transportation Planning Rule Compliance*, and satisfies the requirements of OAR 660-012-0060.

BDC 4.9.600.A. Approval Criteria (Continued)

8. The proposal demonstrates how rights-of-way will be improved to urban standards as determined by the City, including rights-of-way in cherry stem annexations.

FINDING: The Petrosa Master Plan (PZ-19-0515) includes specific street cross-sections showing how all internal and abutting right-of-way will be improved to urban standards. The Annexation Agreement (**Exhibit C**) includes additional details showing that rights-of-way will be improved to the applicable City standard. The criterion is met.

4.9.700 Zoning of Annexed Areas.

The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the City's Urbanizable Area (UA) District. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation.

FINDING: The Petrosa Master Plan does rearrange the locations of the placeholder Comprehensive Plan Map designations while maintaining continuity in the residential and

commercial designations outlined in BCP Policy 11-59. Pursuant to BCP Policy 11-26, BCP Policy 11-27 and BDC 4.5.200(D)(3)(a), rearranging plan designations is allowed in conjunction with a master plan without triggering BDC 4.6.300(B) so long as the area of the plan designations in the master plan are within 1 percent of the area of the corresponding placeholder plan designation.

Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the Petrosa Master Plan zoning scheme that implements the applicable Comprehensive Plan Map designation. The applicable criteria are met.