

ORDINANCE NO. NS-2521

AN ORDINANCE ANNEXING LAND IN THE SOUTHWEST URBAN GROWTH BOUNDARY EXPANSION AREA FOR THE PONDEROSA ANNEXATION, ASSIGNING A SIGN DISTRICT PER BEND CODE 9.50.040.C., AND REQUESTING JURISDICTIONAL TRANSFER OF THE RIGHT OF WAY PER ORS 373.270.

Recitals

- A. Bend Development Code Section 4.9.400.A.1 provides for annexation of real property to the City when all of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing in the territory, consent to the annexation.
- B. Ponderosa Pine Estates, LLC ("Applicant") submitted an application to the City of Bend ("City") for annexation of the territory described on Exhibit A and depicted in Exhibit B ("Area").
- C. All of the owners of land within the Area have filed statements of consent to this annexation. There are no registered electors residing within the Area.
- 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 30, 2025, the City Planning Division mailed notice to surrounding residents and owners of record of property within 500 feet of the Area, and to the Southwest Bend and Southeast Bend Neighborhood District representatives. Notice was also posted in four public places on February 5, 2025, and published in The Bulletin on February 5, 2025 and February 12, 2025. On January 31, 2025, the Applicant posted Proposed Development signs along the Area frontage at four locations, no more than 10 feet from adjacent rights-of-way.
- E. The City Council held a public hearing on February 19, 2025 to receive evidence and comments on the question of annexation.
- F. The Area is contiguous to City limits along the Area's northern boundary.
- G. The Applicant and the City have agreed 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, attached as Exhibit C.

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

- Section 1.** The territory containing approximately 42 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 C) taking effect.
- Section 2.** The City Manager is authorized to execute the Annexation Agreement (Exhibit C) in 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 underlying Comprehensive Plan land use designations (Exhibit E).

Section 5. On the date the annexation becomes effective, the Sign District Map will be automatically updated (Exhibit F).

Section 6. The City, pursuant to ORS 373.270, requests that Deschutes County surrender to the City of Bend jurisdiction over those roads shown in Exhibit B on the exterior of the annexation area to the extent not already under City jurisdiction: Ponderosa Street.

Section 7. If any provision, section, phrase or word of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 8. This Ordinance shall be voidable at the City's sole discretion if the Applicant does not return a signed copy of the Annexation Agreement (Exhibit C) to the City within 30 days of the passage of this Ordinance.

Section 9. All other provisions of the Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading: February 19, 2025

Second reading and adoption by roll call vote: March 5, 2025

YES: Mayor Melanie Kebler, Mayor Pro Tem Megan Perkins, Councilors Gina Franzosa, Ariel Méndez, Megan Norris, Steve Platt

NO:



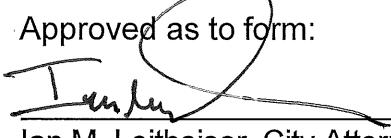
Melanie Kebler, Mayor

Attest:



Morgen Fry, City Recorder

Approved as to form:



Ian M. Leitheiser, City Attorney



AKS ENGINEERING & FORESTRY
2777 NW Lolo Drive, Suite 150, Bend, OR 97703
P: (541) 317-8429

AKS Job #6491

EXHIBIT A

ANNEXATION

A tract of land located in the Northeast Quarter of Section 19, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Commencing at the Northeast corner of said Section 19; thence along the north line of said Section 19, South 89°39'07" West 91.94 feet to a line parallel with and 50.00 feet west of the centerline of the Dalles California Highway, and the Point of Beginning; thence continuing along said north line, South 89°39'07" West 2012.97 feet to the east line of Lot 88 of "River Bend Estates", recorded November 9, 1961, in Plat Cabinet A, Page 290, Deschutes County Official Records; thence along said east line, and the east line of Lot 89, of said plat, South 00°20'22" East 981.10 feet to the north line of Lot 92 of said plat; thence along said north line, and the north line of Lot 93 of said plat, North 89°37'52" East 1466.09 feet to the west right-of-way line of said Dalles California Highway (varying in width from centerline); thence at a right angle to said centerline of the Dalles California Highway, South 62°57'13" East 172.52 feet to the east right-of-way line of said Dalles California Highway (varying in width from said centerline); thence along said east right-of-way line, North 28°22'06" East 303.02 feet to a point 95.00 feet from said centerline; thence continuing along said east right-of-way line (varying in width from centerline), North 23°13'56" East 150.33 feet to a point 85.00 feet from said centerline; thence continuing along said east right-of-way line (85.00 feet from centerline), North 27°02'47" East 482.03 feet to the south right-of-way line of China Hat Road, dedicated per Volume 340, Page 144, recorded April 30, 1981, Deschutes County Deed Records; thence along said south right-of-way line, North 44°39'36" West 36.86 feet to a line parallel with and 50.00 feet east of said centerline of the Dalles Californian Highway; thence along said parallel line, North 27°02'47" East 34.76 feet to the centerline of said China Hat Road; thence along the northwesterly prolongation of said centerline of China Hat Road, North 44°39'36" West 105.32 feet to said line parallel with and 50.00 feet west of the centerline of the Dalles California Highway; thence along said parallel line, North 27°02'47" East 107.94 feet to the Point of Beginning.

The above tract of land contains 42.72 acres more or less.

The basis of bearings for this description are based on County Survey 20822.

10/10/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MAY 11, 2021
JACOB ALLEN CARSON
94570PLS
RENEWS: 12/31/25

EXHIBIT C

After recording, return to:

City of Bend
Attn: Colin Stephens
Community Development Department
710 NW Wall St.
Bend, OR 97703

PONDEROSA ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made this ____ day of _____, 2025 between the City of Bend ("City") and Ponderosa Pine Estates, LLC ("Ponderosa" or "Owner"), who is the owner of record of the property described in Exhibit A and depicted on Exhibit B ("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. Ponderosa intends to develop the Property pursuant to the Bend Comprehensive Plan (the "BCP") and the Bend Development Code (the "BDC"). The Property is within the City's Urban Growth Boundary (UGB) and is contiguous to the city limits on the north side of the Property. Therefore, the Property is eligible for annexation subject to BDC Chapter 4.9.

B. Ponderosa intends to develop the Property with a mix of housing, including townhomes, single-unit residential, and affordable multi-unit residential uses, and commercial development as required by BCP Specific Expansion Area Policies for the Southwest Expansion Area.

C. The Property consists of approximately 42 acres (including adjacent public rights-of-way) and is located in the southwest portion of the Urban Growth Boundary (UGB) that is subject to the requirements and limitations of the BCP Specific Expansion Area Policies for the Southwest UGB Expansion Area.

D. The Property is currently zoned Urbanizable Area ("UA") and is designated Medium Density Residential ("RM"), High Density Residential ("RH"), Standard Density Residential ("RS"), Mixed-Use Neighborhood ("MN") and Limited Commercial ("CL") on the BCP Map pursuant to the BCP Specific Expansion Area Policies for the Southwest Expansion Area.

E. On June 27, 2024, the Owner submitted a request to the City to annex the Property to the City (City File No. PLANX20240371).

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

G. 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 8 of this Agreement, the Owner agrees to comply with all requirements imposed in this Agreement and all other City codes, regulations, and standards applicable to the Property. This Agreement is consistent with and intended to implement the BCP Specific Expansion Area Policies for the Southwest Expansion Area as these policies specifically relate to the Property and other applicable policies of the BCP.

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 the Owner.** 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. All exhibits attached are informational and nothing in this Agreement relieves Owner of any obligations to meet City requirements or standards as part of the required development applications.

2. **Site Plan and Land Division Approval.** Ponderosa is currently seeking approval of a BCP text amendment and a Master Plan application, and will seek approval of a Site Plan Review application under BDC Chapter 4.2 and a Land Division application under BDC Chapter 4.3 (together, the "Entitlements"). In accordance with BDC 4.1.240, Owner agrees the standards that will apply to any future development application for the Property are those in effect on the date the development application is submitted. Nothing in this provision waives Owner's rights under ORS 92.040 or any related BDC provisions.

3. **Water.** In order to serve the Property consistent with BCP Specific Expansion Area Policies for the Southwest UGB Expansion Area and other applicable policies of the BCP and the BDC, the Owner must construct the water system improvements as directed by Avion Water Company ("Avion") to comply with City standards and Oregon Fire Code flow and pressure requirements and pursuant to the phasing and

development schedule set forth in the Entitlements, and as identified on Exhibit C. The property is in the Avion service territory and will be served by Avion.

4. Sewer. In order to serve the Property consistent with BCP Specific Expansion Area Policies for the Southwest UGB Expansion Area and other applicable policies of the BCP and the BDC, the Owner must construct the wastewater collection system improvements pursuant to the phasing and development schedule set forth in the Entitlements, and as identified on Exhibit D. Nothing in this Section 4 precludes the Owner from seeking System Development Charge (SDC) credits for the wastewater collection system improvements required under this Section 4, but the parties acknowledge that such improvements are currently not identified on any SDC Project List or Capital Improvement Plan.

4.1 All wastewater collection system improvements shall be installed on land that is or will be within public rights-of-way, City easements, or Public Utility Easements. All required easements shall be granted to the City in accordance with adopted City requirements and standards. Owner will be responsible for arranging for the release of any existing liens and encumbrances, and the payment of all associated costs, if any.

5. Transportation. In order to serve the Property consistent with BCP Specific Expansion Area Policies for the Southwest Expansion Area and other applicable policies of the BCP and the BDC, together with the Transportation Planning Rule (OAR 660-012-0060), the Owner must construct the transportation system improvements pursuant to the phasing and development schedule set forth in the Entitlements, as identified on Exhibits E1-E8 and summarized in the bulleted list below:

- Restripe Ponderosa Street/Lodgepole Drive from the property boundary to Mahogany Street.
- Construct missing curb, sidewalks, and pedestrian curb ramps along the west side of Lodgepole Drive, between Poplar Street and Mahogany Street.
- At the Ponderosa Street/Poplar Street intersection, widen Ponderosa Street to accommodate a northbound left-turn lane, or construct a mini-roundabout.
- Construct a mini-roundabout at the intersection of Ponderosa Street and SW Atwood Drive.
- Improve Ponderosa Street to City of Bend collector street standards along the property frontage.
- Construct a minimum 8-foot wide multi-use path westward from SW Atwood Drive to and through the neighborhood park and western property boundary.
- Construct Goldenrain Drive to City of Bend local street standards from Street A to Ponderosa Street with 6-foot wide sidewalks on both sides, and sharrows.

- Payment of a proportionate share contribution to the City of Bend in the amount of \$8,338 towards the improvements at the Murphy Road / SW Brookswood Boulevard roundabout.
- Payment of a proportionate share contribution to the City of Bend in the amount of \$409,563 towards the construction of the future Lodgepole Drive / SW Brookswood Boulevard roundabout. Under BDC 4.7.400, “[t]he City may use the proportionate share contributions for multi-modal improvements on the transportation corridor and surrounding system if the improvement project benefits safety and operations and helps to reduce congestion.” Multi-modal improvements may include the Ponderosa Street corridor.

5.1 Transportation System SDC Credits. Pursuant to Bend Code 12.10.130(C), Owner's completion of the sidewalk extension along Lodgepole Drive between Mahogany Street and Poplar Street identified on Exhibit E1, E2 and E4 will be 100 percent eligible for SDC credits as noted on the City's SDC Transportation project list.

5.2 Dedication of Right of Way. The Owner agrees to dedicate sufficient right of way under Owner's control to the City to accommodate the Transportation Projects described in Section 5 above, and to meet the minimum right of way widths required by BDC Chapter 3.4 and the Entitlements. Owner agrees that all dedication of Right-of-Way will be in accordance with adopted City requirements and standards. To the extent there is a conflict between the street standards set forth in BDC Chapter 3.4 and those set forth in the Master Plan, the standards in the Master Plan shall control.

6. Stormwater. The Owner will contain all stormwater consistent with the Entitlements and all applicable City requirements. The Owner will complete all on-site stormwater requirements as required by the Entitlements and all subsequent development applications (e.g., site plan review, subdivision).

7. Condemnation by City.

7.1 If Owner does not control sufficient right-of-way or areas for temporary or permanent public easements (the “Easements”) to satisfy obligations under BDC Chapter 3.4 and this Agreement, including Section 5.2 (“Third-Party Rights-of-Way or Easements”), Owner agrees to use its best efforts, with reasonable diligence and negotiation, to obtain such Easements or Third-Party Rights-of-Way or Easements. In the event Owner cannot obtain such Third-Party Rights-of-Way or Easements through its best efforts, Owner may request that City undertake the exercise of eminent domain in order to acquire such Third-Party Rights-of-Way or Public Easements, subject to adoption of a resolution by the City Council and entry into a Reimbursement Agreement, as described below.

7.2 Reimbursement. If City elects to exercise its power of eminent domain pursuant to Section 7.1, all of City's out-of-pocket costs for acquiring the subject

property rights shall be reimbursed by Owner. Such costs shall include consideration paid for the property, costs for City staff time spent on the condemnation effort, any costs or reasonable attorney fees paid to the property owner as a condition of a settlement agreement, or awarded by a court of competent jurisdiction or an arbitrator; and any independent-contractor costs, including appraisers, acquisition consultants, and/or outside legal counsel related to the property right acquisition efforts. City and Owner will use good faith efforts to negotiate and enter into a Reimbursement Agreement governing the above reimbursement obligations of Owner. City will not commence any property acquisition efforts pursuant to this Section 7 until a Reimbursement Agreement is executed and effective and Council has approved a resolution authorizing condemnation.

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 Entitlements applications.

8.3 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 individual residential lots in that portion of the Property under the Master Plan and (ii) upon completion of the improvements set forth in Sections 3 through 6. The parties will execute and record any document necessary to release such covenants upon the termination of this Agreement.

10. **Limitations on Development.** Upon annexation the Owner agrees that no portion of the Property may be developed prior to the City's final approval of the Entitlements. Development of the Property under the Entitlements 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 14 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.** The Owner knows and understands its rights under *Dolan v. City of Tigard* and its progeny. By entering into this Agreement Owner waives any requirement that the City demonstrate that the public improvements and other obligations imposed on the Owner in this Agreement and Exhibits are roughly proportional to the burden and demands placed upon the urban facilities and services by the development of the Property. The Owner acknowledges that the requirements and obligations of the Owner, 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 by the City Council, and expiration of all applicable appeal periods.

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

Signatures to follow on subsequent pages.

OWNER:

Ponderosa Pine Estates, LLC., an Oregon limited liability company

By: _____
Name: Curt Baney
Its: Manager

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on _____, 2025,
by Curt Baney, as Manager of Ponderosa Pine Estates, LLC, an Oregon limited liability
company, on behalf of the company.

Notary Public for Oregon

CITY OF BEND

Eric King, City Manager

STATE OF OREGON)
)
County of Deschutes)

This instrument was acknowledged before me on _____, 2025,
by Eric King as City Manager of the City of Bend.

Notary Public for Oregon

EXHIBIT A
Legal Description of Property



AKS ENGINEERING & FORESTRY
2777 NW Lolo Drive, Suite 150, Bend, OR 97703
P: (541) 317-8429

AKS Job #6491

EXHIBIT A

ANNEXATION

A tract of land located in the Northeast Quarter of Section 19, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Commencing at the Northeast corner of said Section 19; thence along the north line of said Section 19, South $89^{\circ}39'07''$ West 91.94 feet to a line parallel with and 50.00 feet west of the centerline of the Dalles California Highway, and the Point of Beginning; thence continuing along said north line, South $89^{\circ}39'07''$ West 2012.97 feet to the east line of Lot 88 of "River Bend Estates", recorded November 9, 1961, in Plat Cabinet A, Page 290, Deschutes County Official Records; thence along said east line, and the east line of Lot 89, of said plat, South $00^{\circ}20'22''$ East 981.10 feet to the north line of Lot 92 of said plat; thence along said north line, and the north line of Lot 93 of said plat, North $89^{\circ}37'52''$ East 1466.09 feet to the west right-of-way line of said Dalles California Highway (varying in width from centerline); thence at a right angle to said centerline of the Dalles California Highway, South $62^{\circ}57'13''$ East 172.52 feet to the east right-of-way line of said Dalles California Highway (varying in width from centerline); thence along said east right-of-way line, North $28^{\circ}22'06''$ East 303.02 feet to a point 95.00 feet from said centerline; thence continuing along said east right-of-way line (varying in width from centerline), North $23^{\circ}13'56''$ East 150.33 feet to a point 85.00 feet from said centerline; thence continuing along said east right-of-way line (85.00 feet from centerline), North $27^{\circ}02'47''$ East 482.03 feet to the south right-of-way line of China Hat Road, dedicated per Volume 340, Page 144, recorded April 30, 1981, Deschutes County Deed Records; thence along said south right-of-way line, North $44^{\circ}39'36''$ West 36.86 feet to a line parallel with and 50.00 feet east of said centerline of the Dalles California Highway; thence along said parallel line, North $27^{\circ}02'47''$ East 34.76 feet to the centerline of said China Hat Road; thence along the northwesterly prolongation of said centerline of China Hat Road, North $44^{\circ}39'36''$ West 105.32 feet to said line parallel with and 50.00 feet west of the centerline of the Dalles California Highway; thence along said parallel line, North $27^{\circ}02'47''$ East 107.94 feet to the Point of Beginning.

The above tract of land contains 42.72 acres more or less.

The basis of bearings for this description are based on County Survey 20822.

10/10/2024

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
MAY 11, 2021
JACOB ALLEN CARSON
94570PLS
RENEWS: 12/31/25

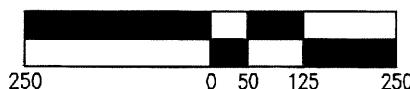
EXHIBIT B
Depiction of Property

EXHIBIT B

A TRACT OF LAND LOCATED IN THE
NE 1/4 OF SECTION 19, T18S, R12E, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON

10/10/2024
REGISTERED
PROFESSIONAL
LAND SURVEYOR

SCALE: 1" = 250 FEET



OREGON
MAY 11, 2021
JACOB ALLEN CARSON
94570PLS
RENEWED: 12/31/25

BASIS OF BEARINGS

THE BEARINGS FOR THIS EXHIBIT ARE BASED ON
COUNTY SURVEY 20822.

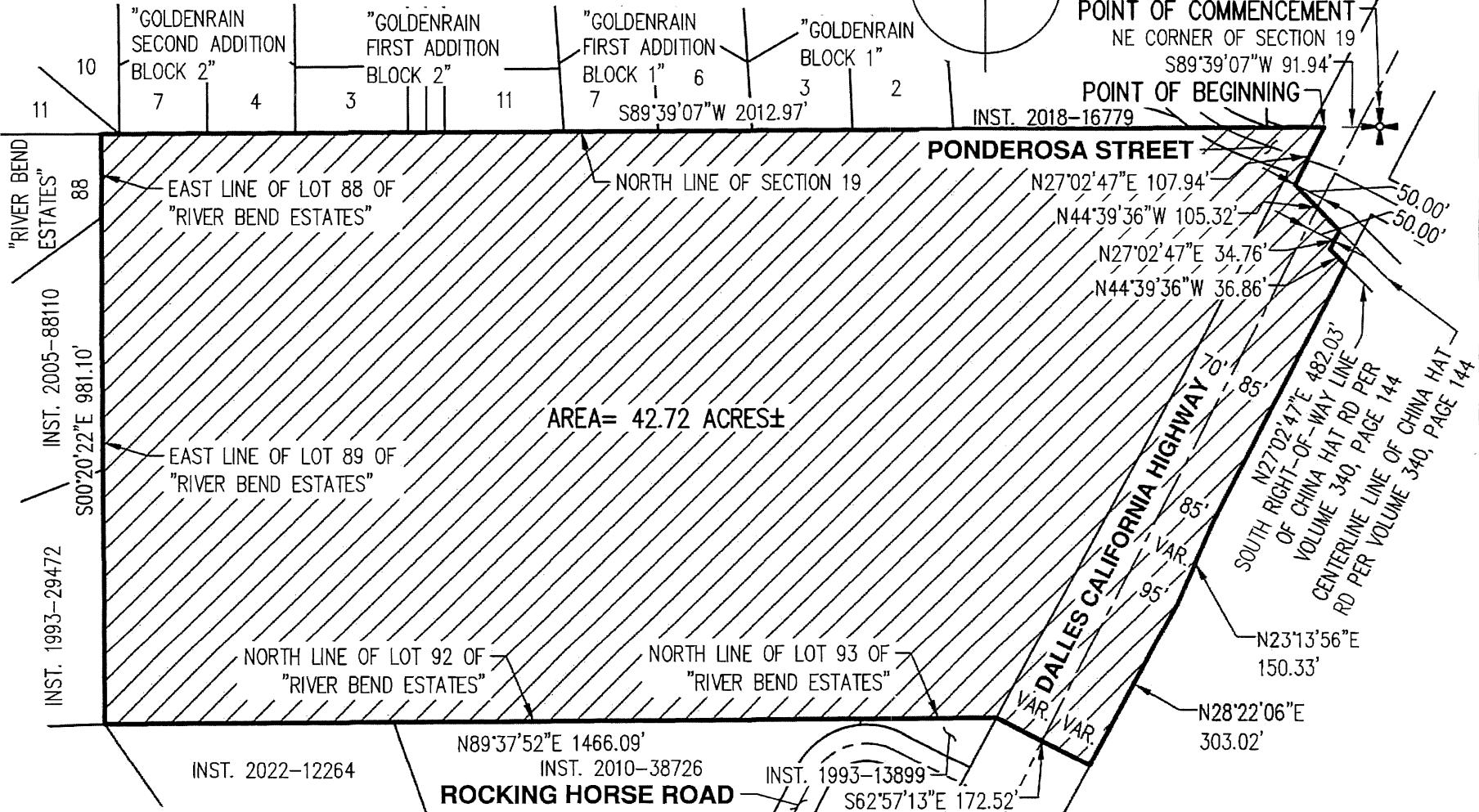
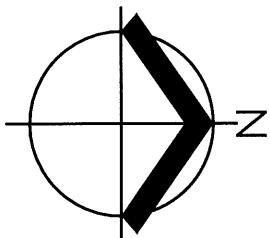


EXHIBIT C
Water Improvements

PROPOSED WATER
IMPROVEMENTS



SCALE: 1" = 500 FEET

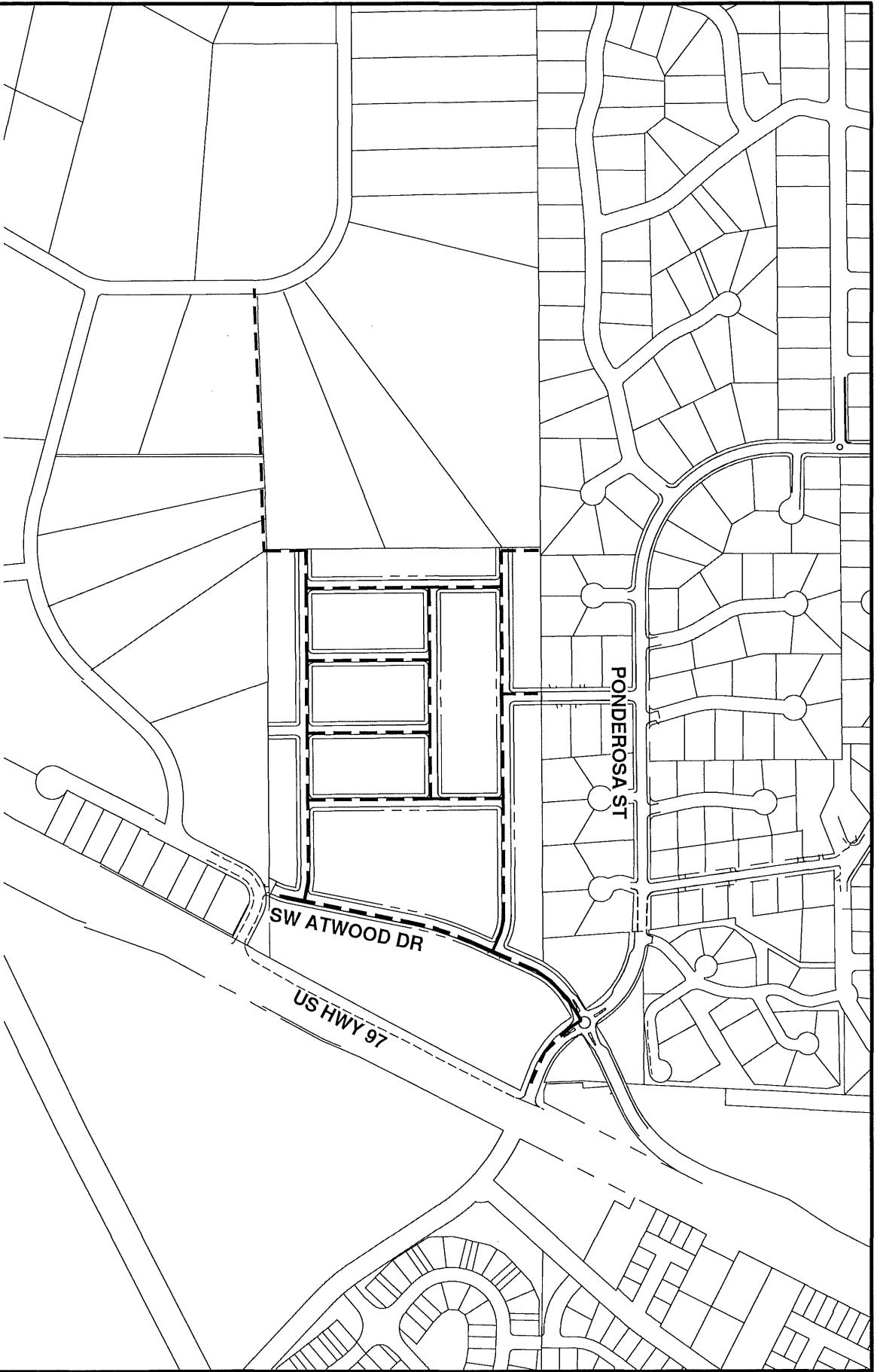
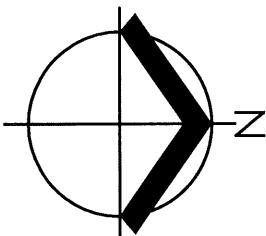
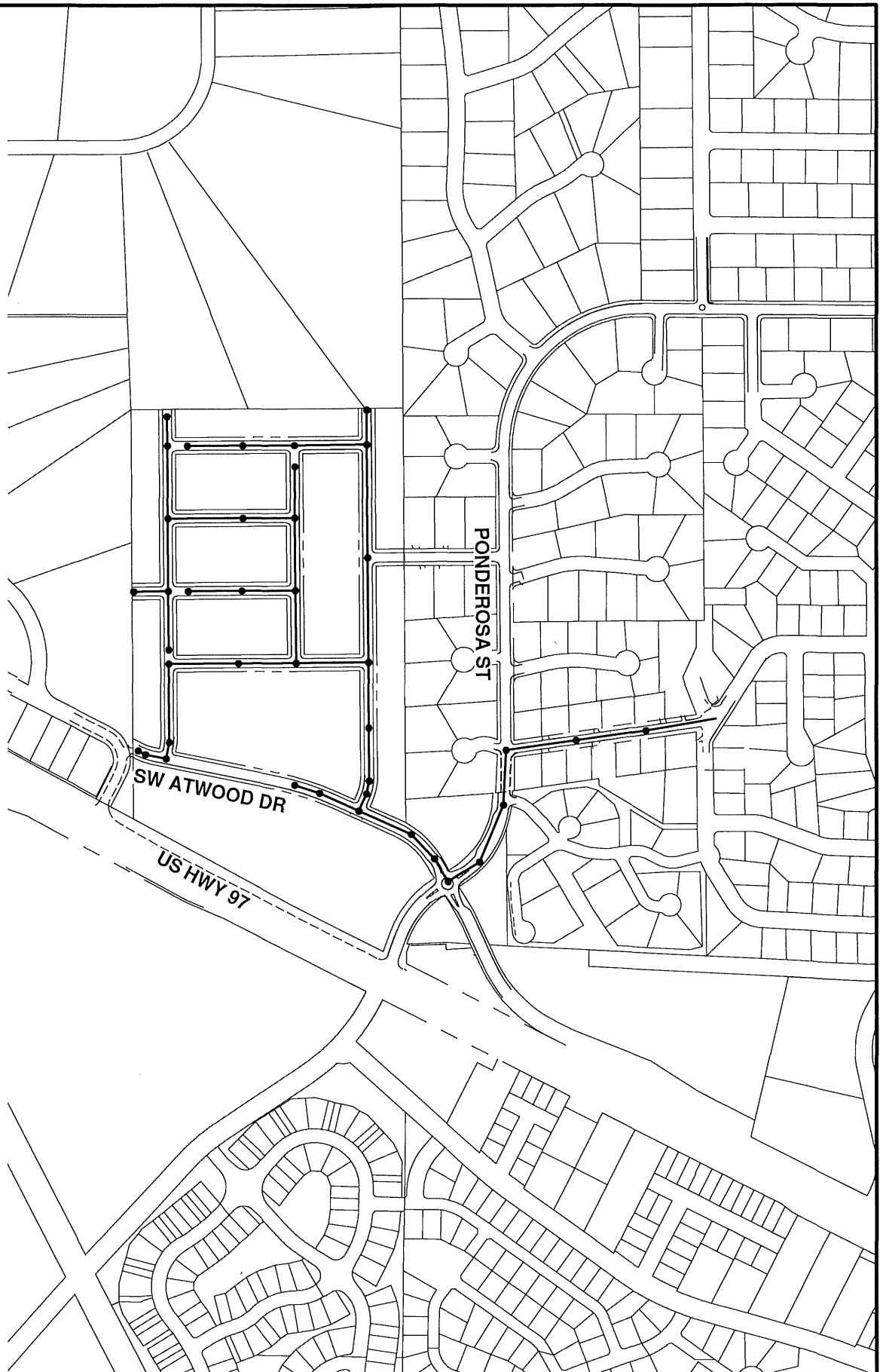


EXHIBIT D
Sewer Improvements

PROPOSED SEWER
IMPROVEMENTS



SCALE: 1" = 500 FEET
500
0 100 250 500
ORIGINAL PAGE SIZE: 8.5" x 11" 500



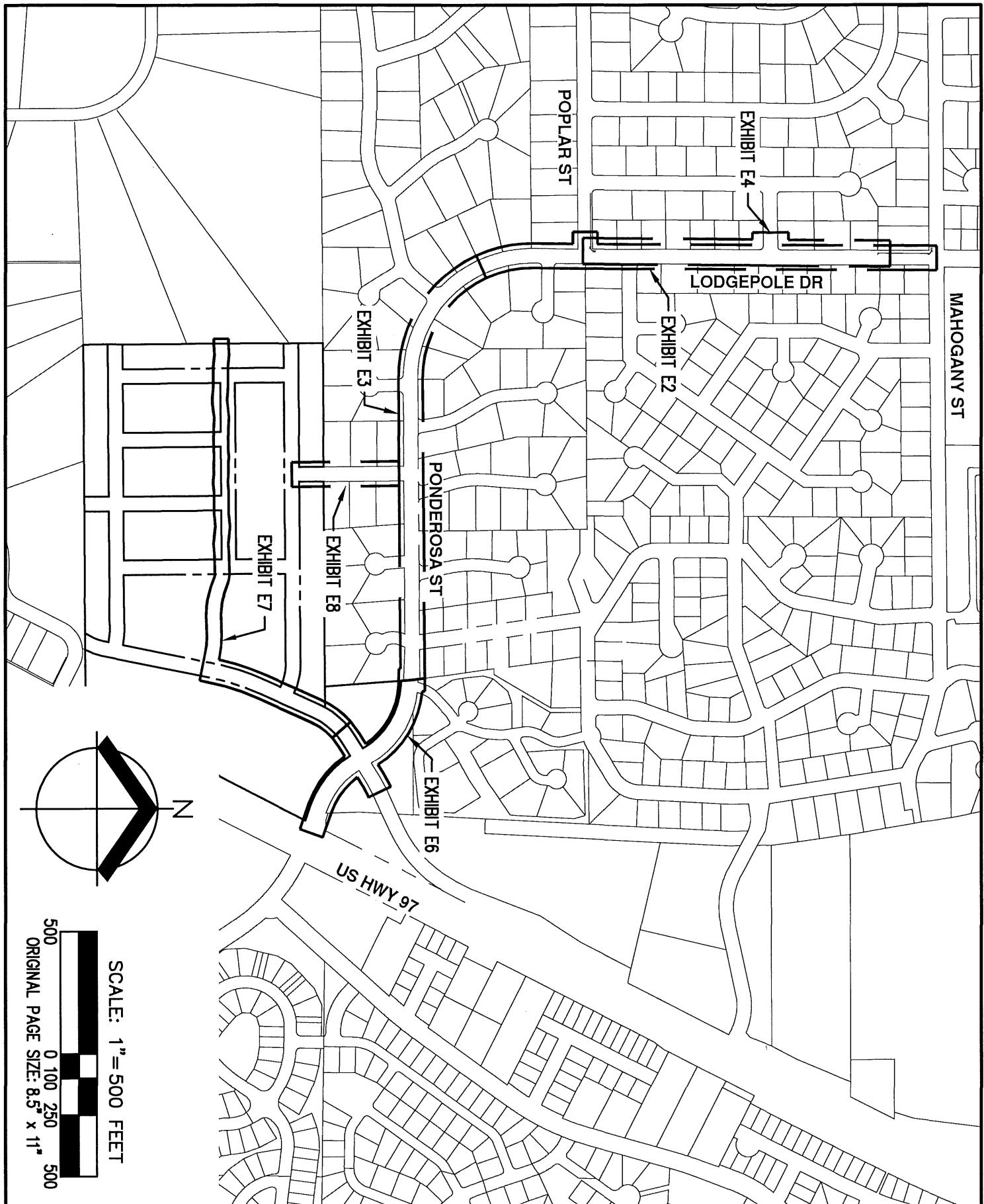
AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM



PONDEROSA MASTER PLAN
SEWER IMPROVEMENTS

DATE: 12/31/2024	
DRWN: KRB	CHKD: CTS
AKS JOB: 6491	EXHIBIT D

EXHIBIT E
Transportation Improvements

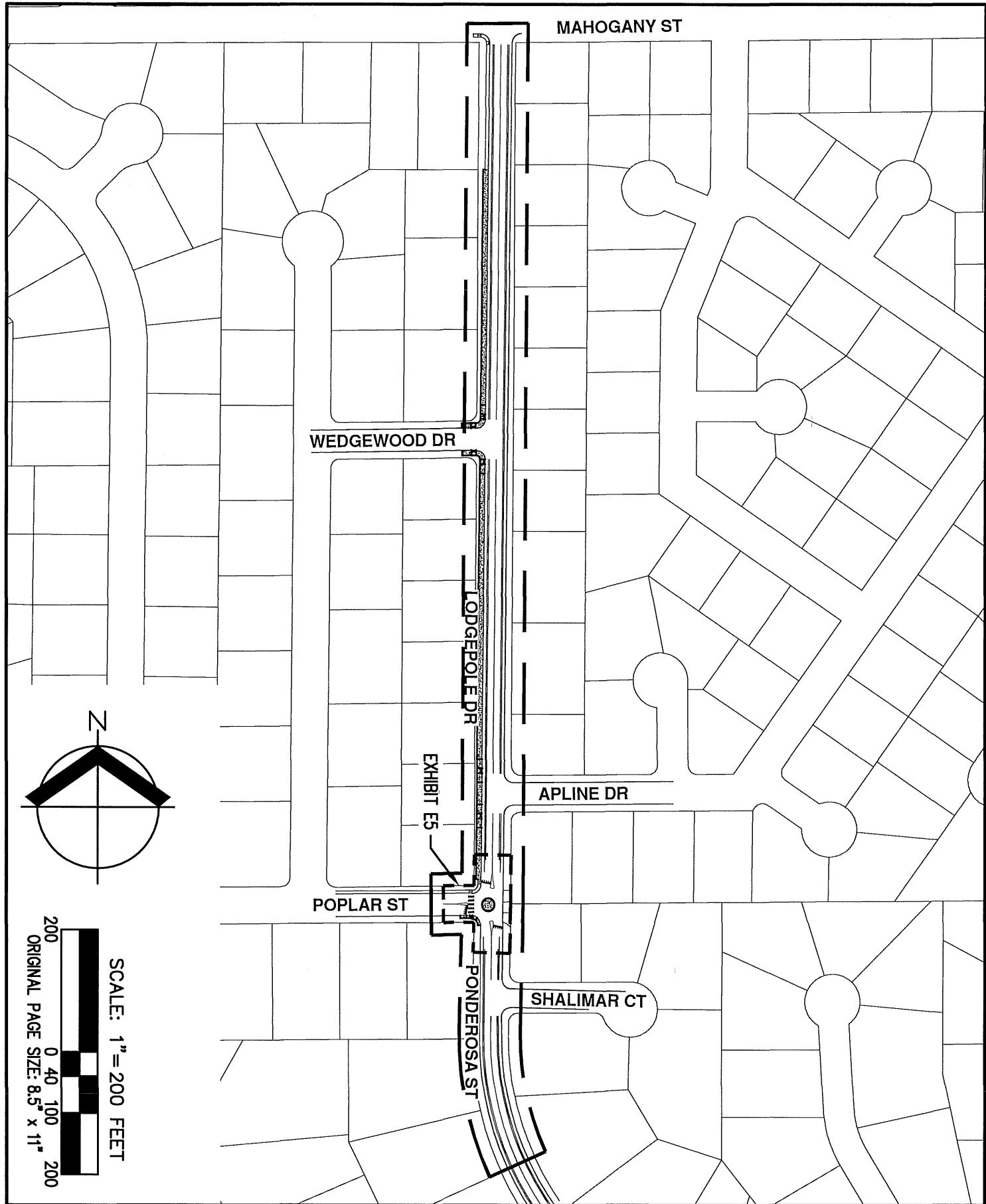


AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM



PONDEROSA MASTER PLAN
OFFSITE IMPROVEMENTS KEY MAP

DATE: 1/22/2025
DRWN: KRB CHKD: CTS
AKS JOB: EXHIBIT
6491 E1



SCALE: 1" = 200 FEET
200
0 40 100 200
ORIGINAL PAGE SIZE: 8.5" x 11" 200

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

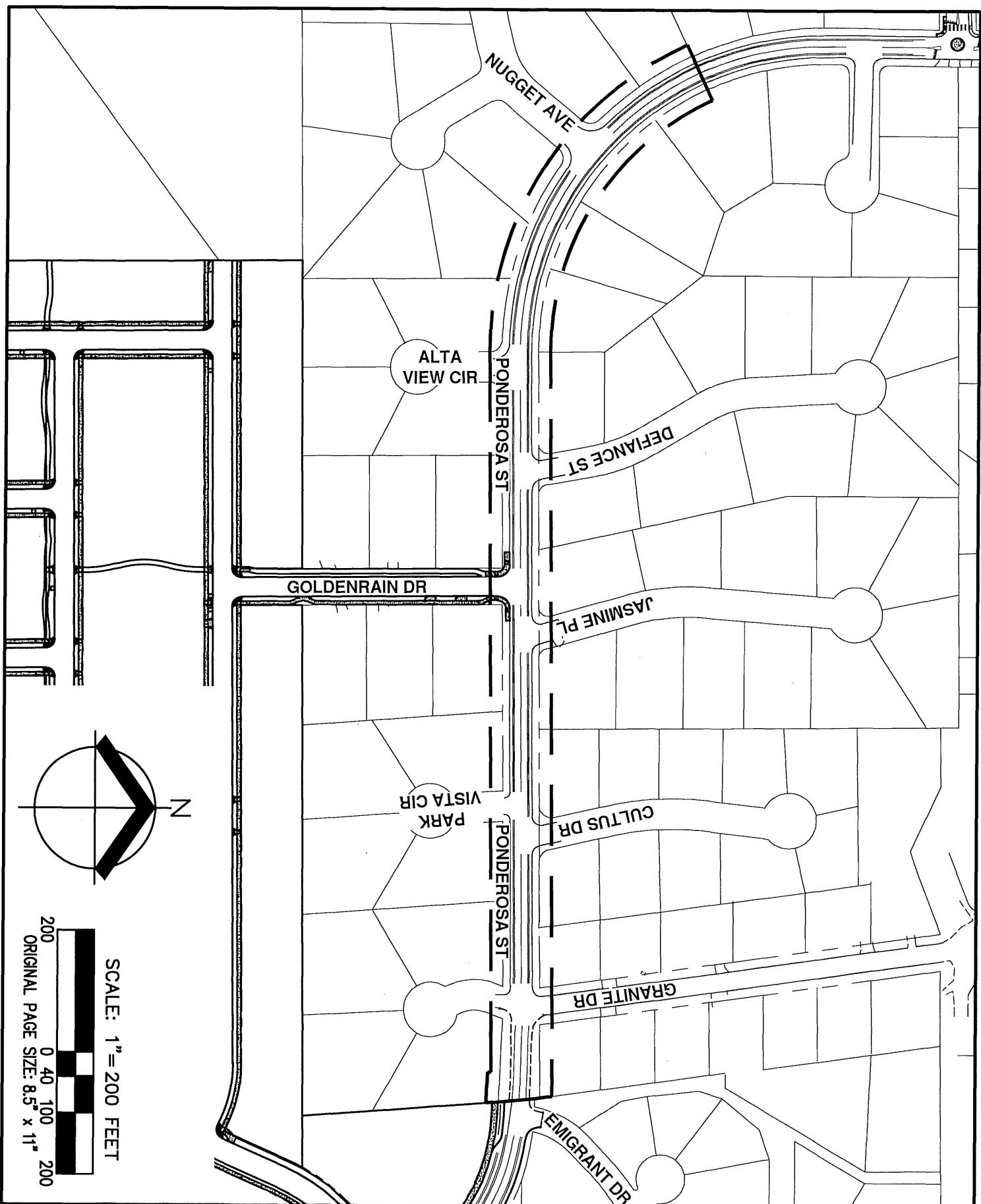
AKS

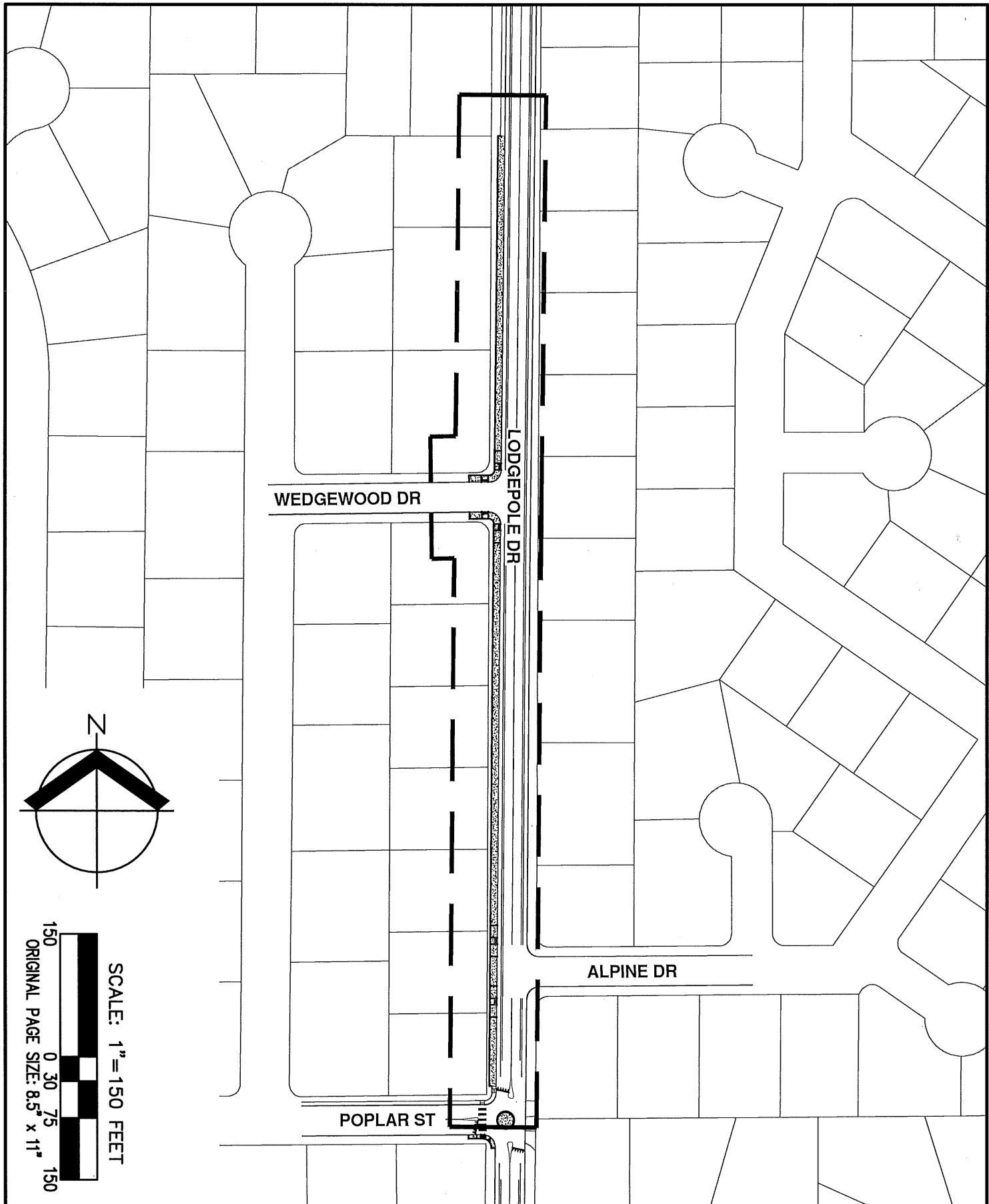
DATE: 1/22/2025
PONDEROSA MASTER PLAN
LODGEPOLE DR/ PONDEROSA ST
RESTRIPE

DRWN: KRB

CHKD: CTS

AKS JOB: 6491
EXHIBIT E2



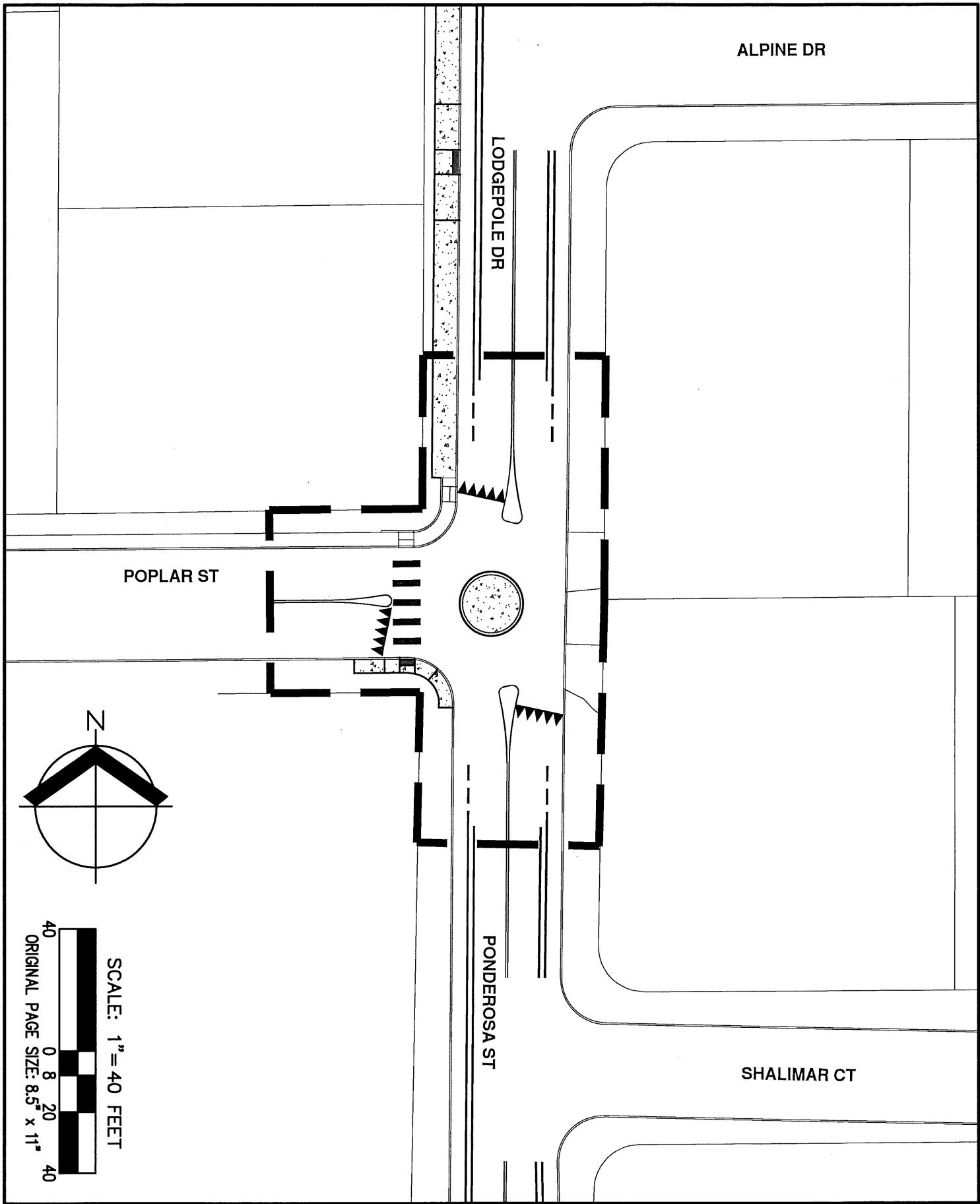


AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM
DWG: 6491 ANNEX EXH E | E4



PONDEROSA MASTER PLAN
LODGEPOLE DR SIDEWALK

DATE: 1/22/2025
DRWN: KRB CHKD: CTS
AKS JOB: EXHIBIT
6491 E4

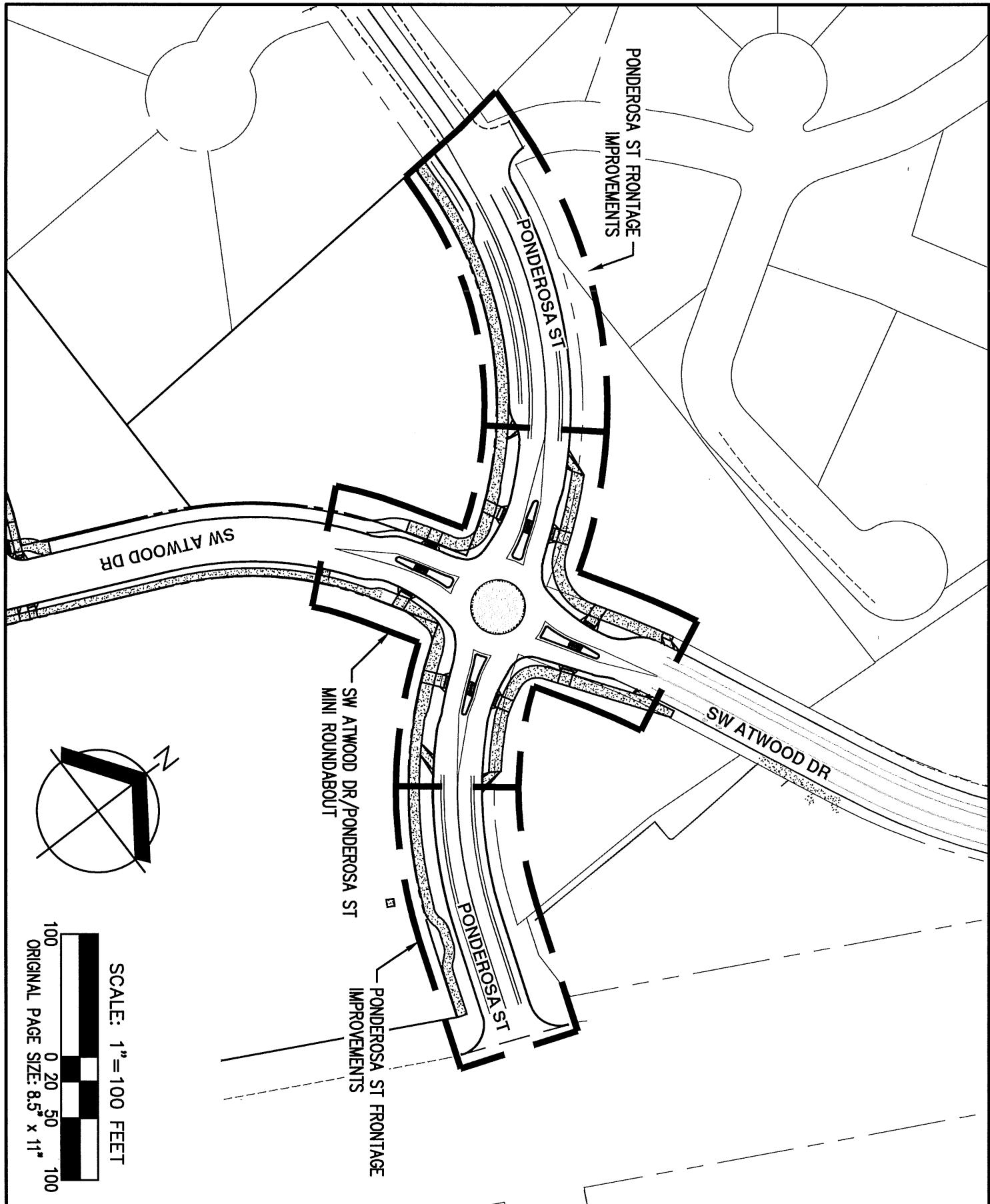


AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM



PONDEROSA MASTER PLAN
LODGEPOLE DR/PONDEROSA ST/
POPLAR ST MINI ROUNDABOUT

DATE: 1/22/2025	DRWN: KRB	CHKD: CTS
AKS JOB: 6491	EXHIBIT	E5



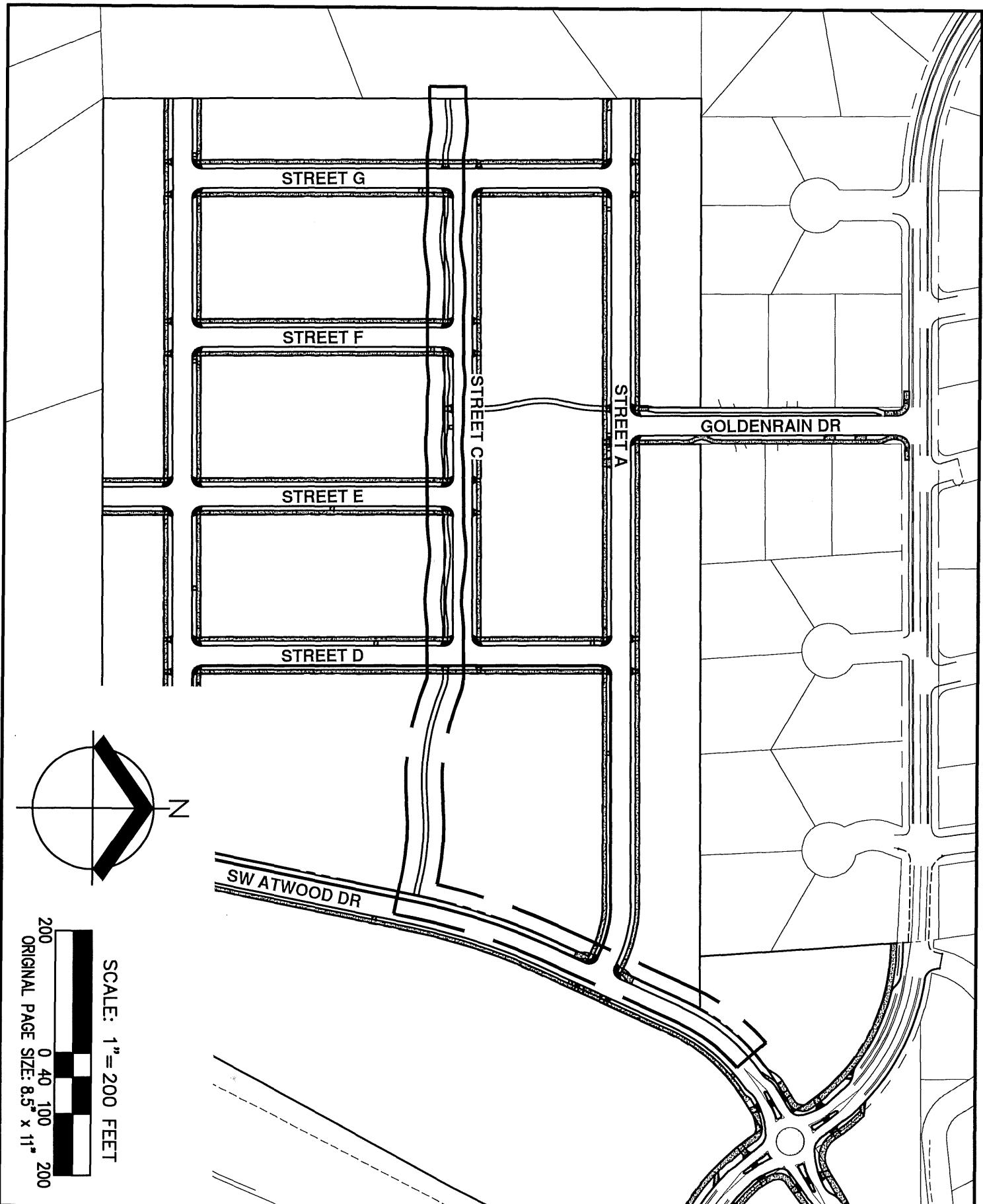
AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM

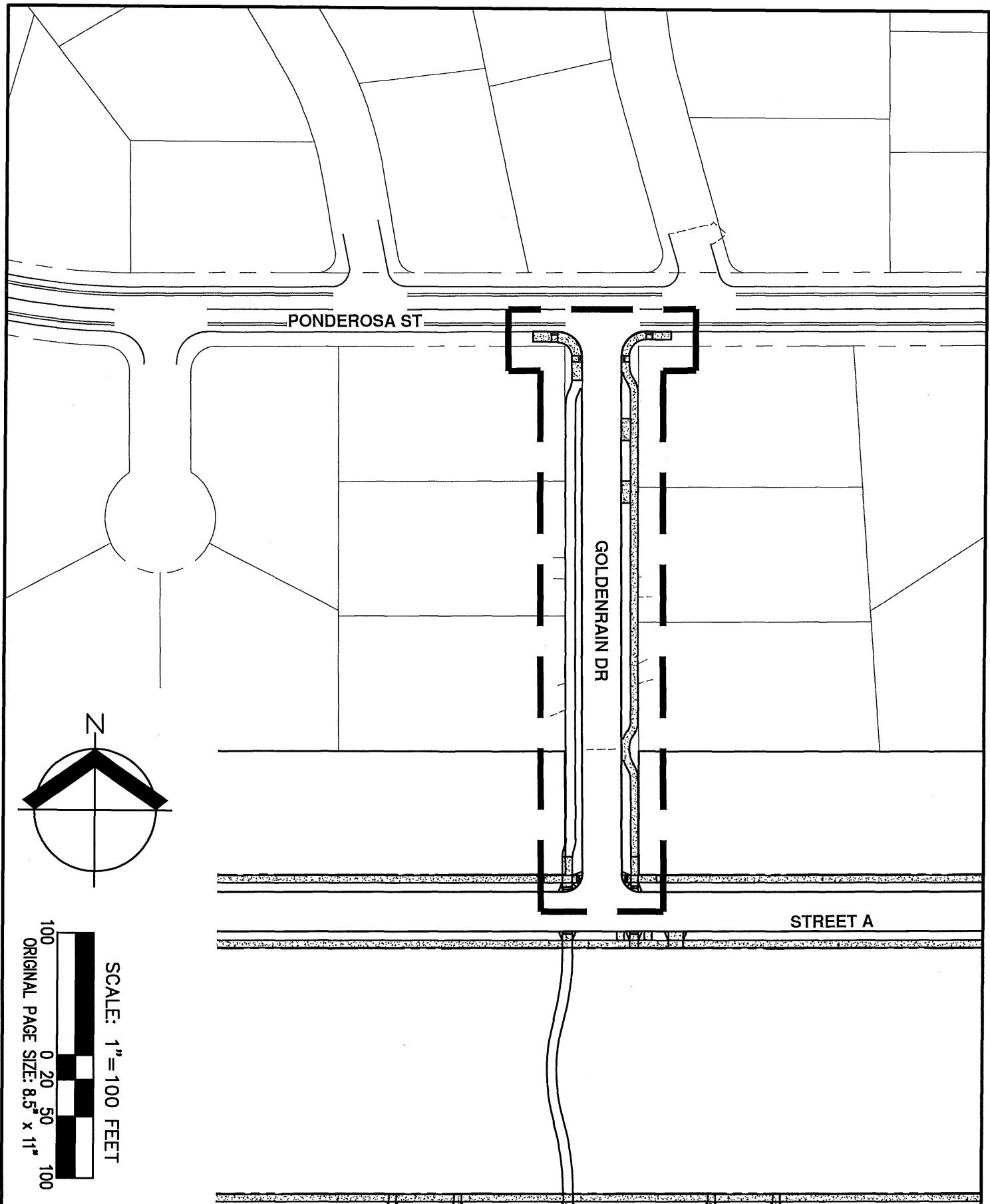


AKS PONDEROSA MASTER PLAN
SW ATWOOD DR/PONDEROSA ST
MINI ROUNDABOUT

DWG: 6491 ANNEX EXH E | E6

DATE: 1/22/2025	
DRWN: KRB	CHKD: CTS
AKS JOB: 6491	EXHIBIT E5





AKS ENGINEERING & FORESTRY, LLC
2777 NW LOLO DR, STE 150
BEND, OR 97703
541.317.8429 WWW.AKS-ENG.COM
DWG: 6491 ANNEX EXH E | E8



PONDEROSA MASTER PLAN
GOLDENRAIN DR IMPROVEMENTS

DATE: 1/22/2025	DRWN: KRB	CHKD: CTS
AKS JOB: 6491	EXHIBIT	E8

EXHIBIT D

FINDINGS FOR
PONDEROSA ANNEXATION



COMMUNITY
DEVELOPMENT

PROJECT NUMBER:	PLANX20240371
HEARING DATE:	February 19, 2025
APPLICANT/ OWNER:	Ponderosa Pine Estates, LLC 475 NE Bellevue Drive, Suite 210 Bend, OR 97701
LAND USE CONSULTANT:	Joey Shearer, AICP AKS Engineering & Forestry, LLC
DEVELOPMENT CONSULTANT:	Jerry Jones Macher Development, LLC
LEGAL COUNSEL:	Steven Hultberg Radler White Parks & Alexander, LLC
TRANSPORTATION CONSULTANT:	Joe Bessman, PE Transight Consulting, LLC
LOCATION:	West of US Hwy 97, south of Ponderosa Street, within the Southwest Urban Growth Boundary (UGB) Expansion Area 19888 Rocking Horse Road, Bend, OR 97702; Tax Lot 181219A000100
ZONING:	Urbanizable Area (UA) – to be rezoned to be consistent with the Comprehensive Plan upon annexation.
COMPREHENSIVE PLAN DESIGNATIONS:	Standard, Medium, and High Density Residential (RS, RM & RH), Limited Commercial (CL), and Mixed-Use Neighborhood (MN)
REQUEST:	Annexation of \pm 42 acres (including adjacent public rights-of-way) within the Southwest Urban Growth Boundary Expansion Area for the Ponderosa Master Plan. (Type III Quasi-Judicial Review)

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Criteria

Bend Development Code

Chapter 4.9, Annexations

Bend Comprehensive Plan

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 LOCATION:** The subject property is identified as 19888 Rocking Horse Road (TL 181219A000100). The site is bounded generally by US Hwy 97 to the east and Ponderosa Street to the north. Brighton Circle, Alta View Circle, Goldenrain Drive, Park Vista Circle, and Granite Drive all end near the northern boundary of Tax Lot 100. To the south and west, the subject property abuts land outside the UGB within Deschutes County's jurisdiction that is subdivided into large lots and developed with single-unit dwellings. The subject property is relatively flat, and existing vegetation is typical of the south side of Bend and includes coniferous trees of varying heights and maturities.

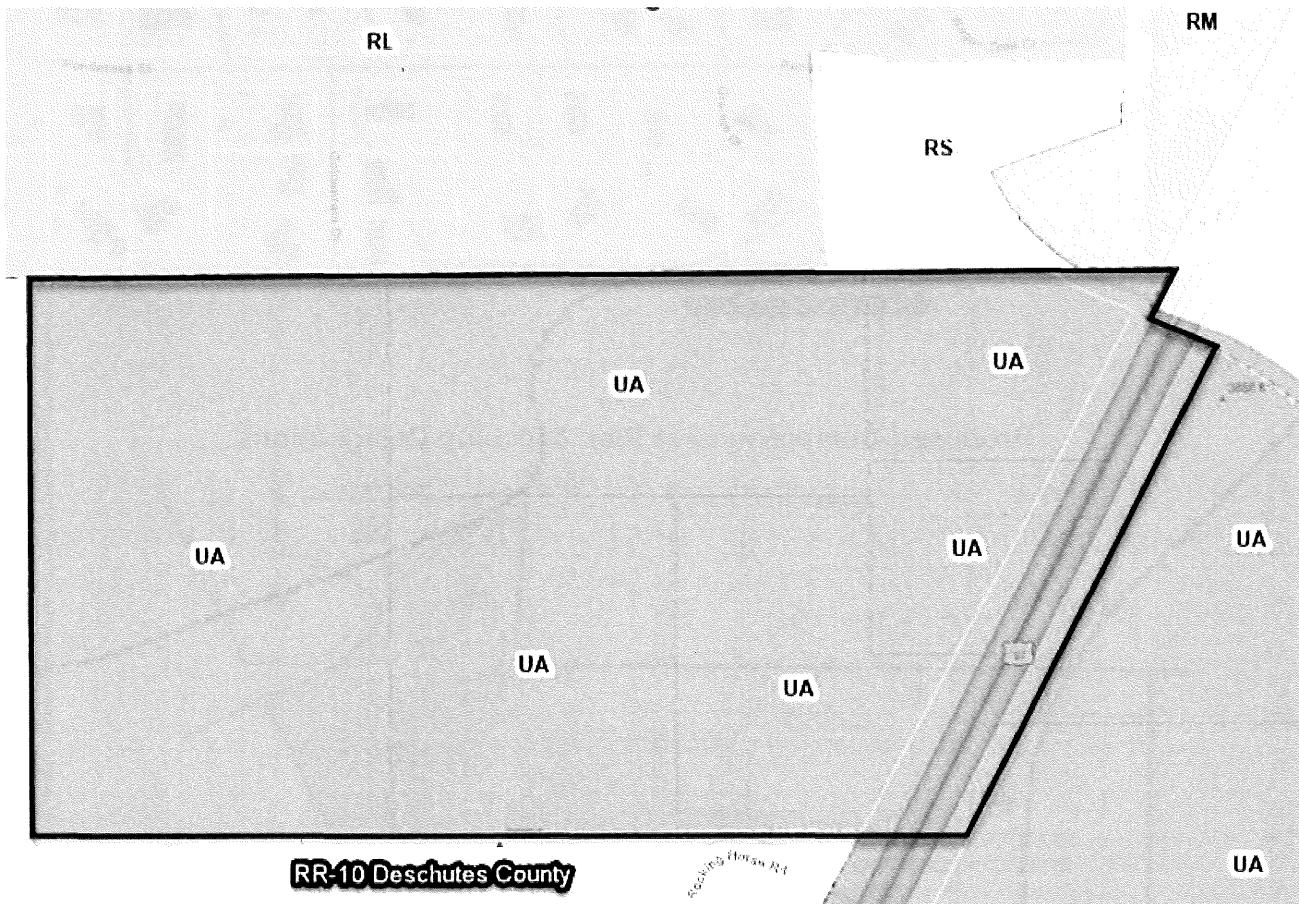
Vicinity Map



- 2. PROPOSAL:** Application for annexation of \pm 42 acres (including adjacent public rights-of-way) within the Southwest UGB Expansion Area for the Ponderosa Major Community Master Plan. (Type III Quasi-Judicial Review by City Council)

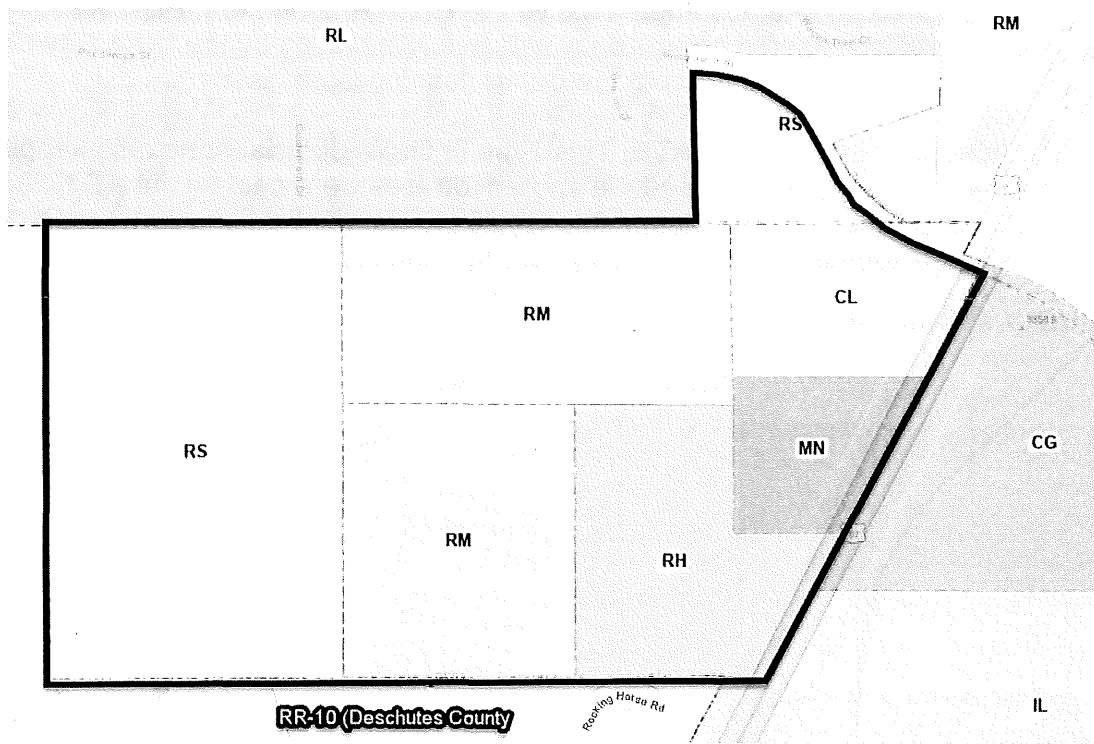
3. **CONCURRENT APPLICATIONS:** The applicant has applied for a Major Community Master Plan (PLSPD20240372) and a Comprehensive Plan Text Amendment (PLTEXT20240374) to be reviewed and considered concurrently with this Annexation by the Bend City Council, subsequent to a recommendation from the Bend Planning Commission.
4. **APPLICATION ACCEPTANCE DATE:** This Type III Quasi-Judicial Annexation application was submitted on June 26, 2024, and the application fees were paid on June 27, 2024. The application was deemed incomplete on July 18, 2024. The application was accepted as complete with the submission of previously missing materials on November 8, 2024.
5. **ZONING:** As shown in the map below, the subject property is zoned Urbanizable Area ("UA").

Existing Zoning Designations

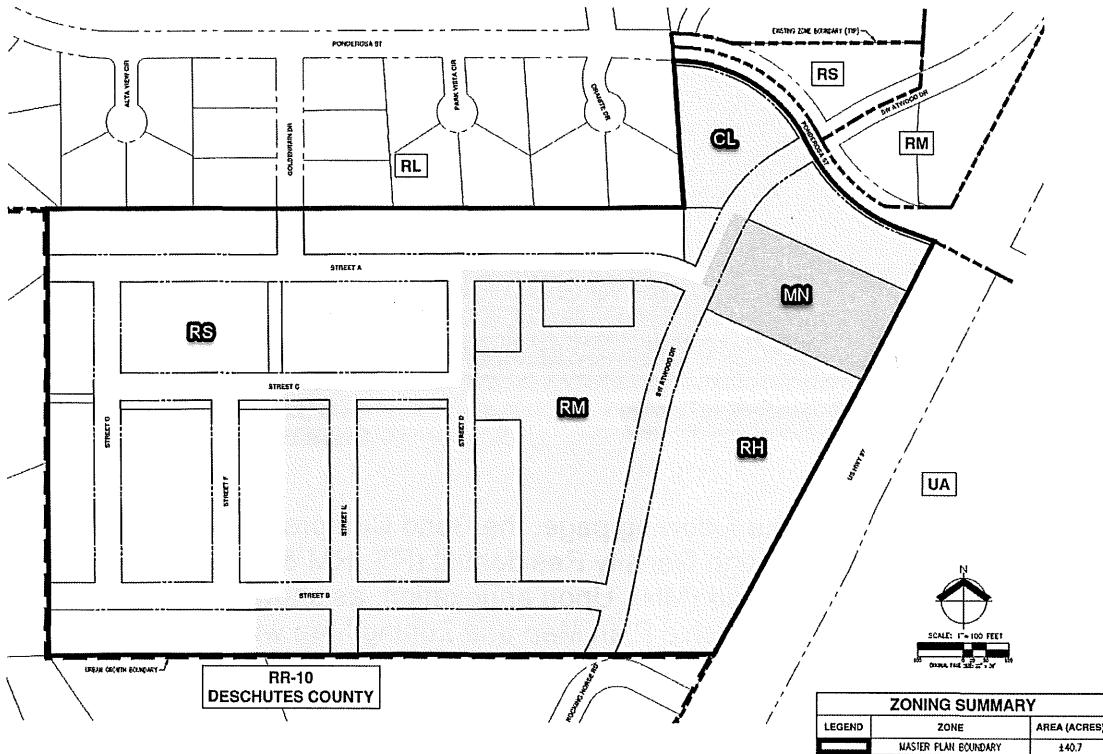


As shown on the first map on the following page, the Bend Comprehensive Plan designates the site as Standard, Medium, and High Density Residential (RS, RM & RH), Limited Commercial (CL), and Mixed-Use Neighborhood (MN). Upon annexation, as shown on the second map on the following page, the Comprehensive Plan Map and Zoning Map will be updated to reflect the Ponderosa Master Plan, which rearranges the location of the existing Comprehensive Plan and Zoning designations for the subject property and Tax Lots 181218DD06800 & 181218DD06900, which are already located within the city limits.

Existing Comprehensive Plan Designations



Proposed Comprehensive Plan & Zoning Designations



6. PUBLIC NOTICE AND COMMENTS: Prior to submittal of this application and related applications, the applicant hosted a virtual public meeting via Zoom on August 13, 2024, 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 30, 2025, the Planning Division mailed notice to residents and owners of record of property within 500 feet of the subject property, and to the representatives of the Southwest Bend and Southeast Bend Neighborhood Districts. Notice was also posted in four public places on February 4, 2025, and published in *The Bulletin* on February 5 and 12, 2025. On January 31, 2025, *Proposed Development* signs were posted by the applicant along the property frontages at four locations, visible from adjacent rights of way.

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 northern boundary.

4.9.300 Review Procedures.

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 the property owner 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 as the requirements for publishing notice in the newspaper and in four public places as required by BDC 4.9.300.A.3.

B. Development Review Requirements.

- Unless exempted in subsection (B)(1)(a) of this section, expansion areas as shown in Figure 4.9.300 will require land use approval in accordance with Table 4.9.300 prior to or concurrently with annexation. For properties located within an approved area plan, also see subsection (B)(2) of this section. The exemptions to master planning in BDC Chapter 4.5, Master Plans, 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.

Figure 4.9.300 Expansion Areas

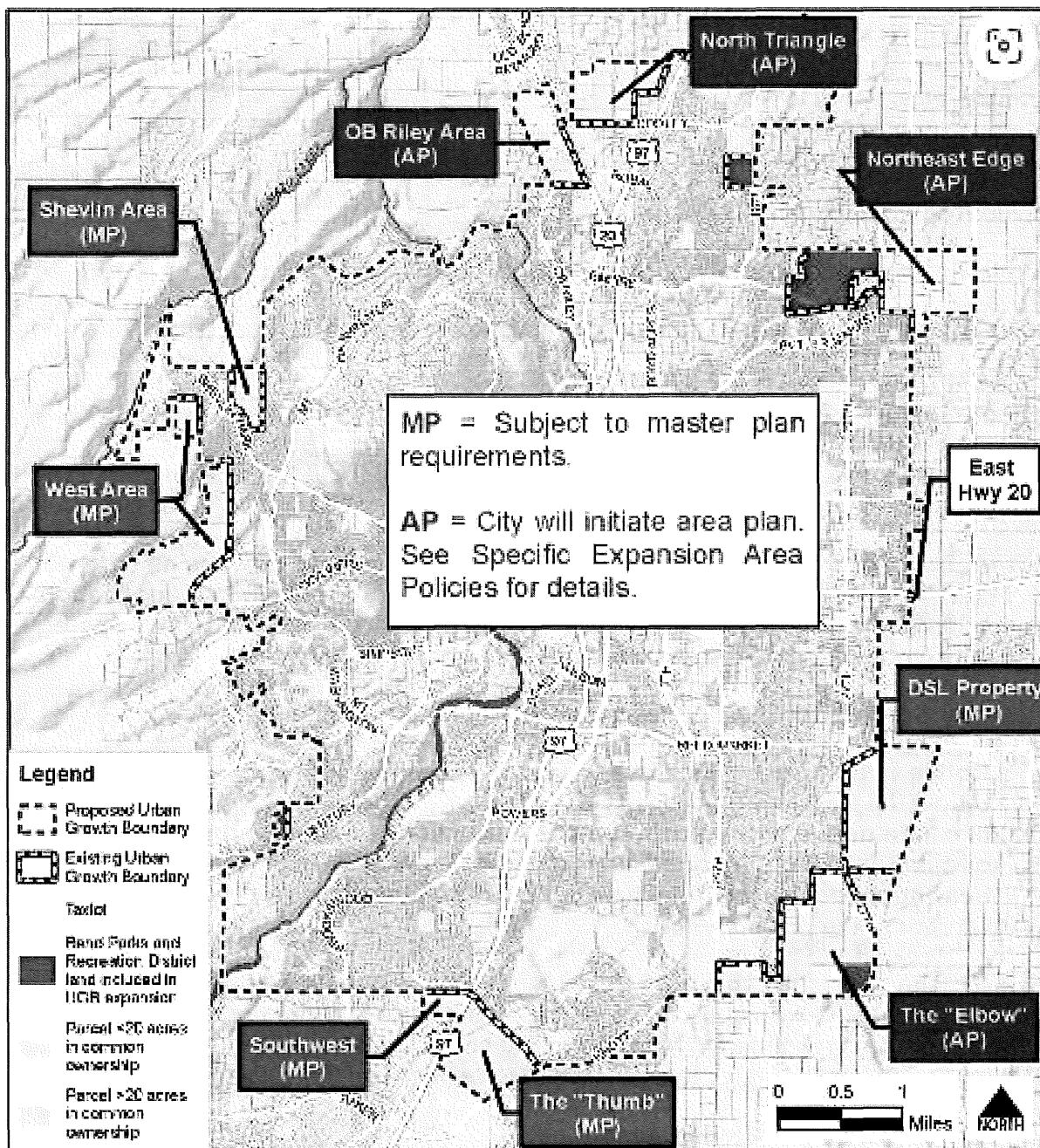


Table 4.9.300 - Specific Expansion Area Policies

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies	Land Use Approval Required Prior to or Concurrently with Annexation
Southwest	11-112 through 11-119	Master Plan in compliance with BDC Chapter 4.5, Master Plans

FINDING: The subject property is located within the Southwest UGB Expansion Area. In fact, the proposed annexation includes the entirety of the Southwest UGB Expansion Area along with the abutting public rights-of-way. Comprehensive Plan Policies 11-112 through 11-119 are applicable to the Southwest UGB Expansion Area. Compliance with these plan policies have been addressed in the findings for the Ponderosa Master Plan, which also includes two parcels to the north, within the City Limits. The Ponderosa Master Plan includes a draft development code to be included in BDC Chapter 2.7, and future land use applications must demonstrate consistency with the Ponderosa Master Plan for approval. The above requirements are met. These findings are for the annexation only. Other procedural steps and decisions for future Land Division and Site Plan Review applications will occur after the annexation is effective.

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:

1. **All of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing in the 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 land proposed to be annexed has one owner, Ponderosa Pine Estates LLC, who has signed the petition and consent forms required to initiate the annexation. There are no registered electors residing in the property.

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 the project file for PLANX20240371 contain all of the items listed above. These submittal requirements are met.

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 received a letter from the Bend Park & Recreation District (BPRD) dated July 16, 2024, which was submitted with this annexation application. This original letter from BPRD indicated that the subject property was not within any Park Search Area per the Park District's 2018 Comprehensive Plan. However, a more recent letter from BPRD dated December 19, 2024 explains that the District's updated 2024 Comprehensive Plan includes new search areas, and the subject property is now within Park Search Area #41. This letter also states that BPRD staff has recently met with the developer to discuss a future park within the Ponderosa Master Plan. An approximate 3.6-acre tract is proposed to be a neighborhood park, to be owned and operated by the district. BPRD has no planned trails within the proposed development, but it supports the applicant's proposed multi-use path through the subject property and along the frontage of the future park. This 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 Applicant's petition to annex the subject property into the BPRD service area was accepted by the Park District on October 22, 2024. The annexation agreement was subsequently recorded on December 11, 2024, under Document No. 2024-32304 and is included in the project file. This requirement is met.

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: The Applicant received a letter from the Bend-La Pine School District (BLS) dated July 17, 2024, which was submitted with this annexation application and is included in the project file. The letter shows that BLS was provided an opportunity to comment on the proposed annexation and shows coordination between the Applicant and BLS. No comments were provided by BLS. This requirement is met.

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

- a. A map of all appurtenant water rights.

- b. A surveyed map of any district facility (e.g., canal, head gate, and crossing) that clearly identifies easements, rights-of-way, access roads, etc., for any conveyance facilities that may remain that are either irrigation district owned or privately owned on the property upon annexation.
- c. A signed statement by the applicant, including any letters or other written documentation provided by the irrigation district, confirming that the applicant has met with the irrigation district to discuss the proposed annexation and the extent to which any issues identified in BDC 4.9.600(A)(6) have been resolved or, if they have not yet been resolved, setting forth a plan with a timeline to resolve any issues.

FINDING: The subject property is located in the Arnold Irrigation District. A former irrigation canal crosses through the site. This canal has been abandoned and the canal easement has been released. No other irrigation facilities or water rights exist on the property. This 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 to identify sewer system and transportation infrastructure improvements necessary to serve the site based on the Ponderosa Master Plan. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with an annexation agreement between the Applicant and the City. This annexation application includes a Will-Serve letter from the Avion Water Company, a City of Bend Sewer Analysis (PRSWA202206582 – Revised October 17, 2024), and a Traffic Impact Analysis (TIA) prepared by Transight Consulting, LLC (reviewed by the City under PRTFR202208789 – Revised November 12, 2024). These documents indicate the subject property can be served by water, sewer, and transportation systems, and the Applicant is committed to building the improvements needed to serve the Ponderosa Master Plan. The annexation agreement memorializes the Applicant's obligation to improve the area with urban infrastructure constructed to City of Bend Standards. Additionally, emergency services are available in the area through City of Bend Fire and Police Departments and the property is within the Bend-LaPine School District, which has facilities to accommodate the planned development.

Subsequent to the effective date of the annexation, future Land Division and Site Plan Review applications will be reviewed by the City of Bend. The supporting analyses document that the site can be designed in conformance with Bend Development Code requirements. As required by the Bend Development Code standards, the proposed development will extend public facilities to and through the property. Upon annexation approval, the Applicant will undertake all required steps to design and extend services to accommodate the proposed development of the site. The proposal is consistent with the current public facilities master plans (including the Integrated Water System Master Plan, Collection System Master Plan, and Transportation System Plan).

The materials uploaded to PLANX20240371 and PLSPD20240372 demonstrate that the property can be provided public facilities and services concurrent with development. The proposal is therefore consistent with Statewide Planning Goals 11 and 12. With the Annexation Agreement, Goals 11 and 12 will be satisfied.

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 consists of approximately 42 acres (including adjacent public rights-of-way) located within the Southwest UGB Expansion Area. The annexation is subject to Bend Comprehensive Plan (BCP) Policies 11-59 through 11-68 (Annexations) and 11-112 through 11-119 (Specific Expansion Area Policies for the Southwest UGB Expansion Area). The specific BCP policies for the Southwest UGB Expansion Area have been addressed in the findings for the Ponderosa Master Plan (PLSPD20240372). Findings of compliance with the Annexation Policies are presented below. This criterion is met.

Chapter 11 Growth Management

Annexation Policies

11-59 Annexations will follow the procedural requirements of state law.

FINDING: As provided in BDC 4.9.100, the City of Bend has established procedures and criteria for annexation under the provisions of the Oregon Revised Statutes (ORS), including but not limited to ORS Chapter 222. By complying with BDC Chapter 4.9, the annexation application will follow the procedural requirements of state law. This policy will be met.

11-60 Annexations will be consistent with the Comprehensive Plan and applicable annexation procedures and approval criteria.

FINDING: As demonstrated throughout these findings, the annexation will be consistent with the applicable Bend Comprehensive Plan policies, and applicable procedures, and approval criteria of the Bend Development Code. This policy will be met.

11-61 Requests for annexation must demonstrate how the annexed land is capable of being served by urban services for sanitary sewer collection, domestic water, transportation, schools and parks, consistent with applicable district facility plans and the City's adopted public facility plans.

FINDING: This annexation application includes a proposed Major Community Master Plan (PLSPD20240372). The Ponderosa Master Plan will create a new mixed-use community comprised of ± 371 new homes, a neighborhood park, and neighborhood-scale commercial

opportunities. This annexation application includes a Will-Serve letter from Avion Water Company, a City of Bend Sewer Analysis (PRSWA202206582), and a Traffic Impact Analysis prepared by Transight Consulting, LLC (reviewed by the City under PRTFR202208789). These documents demonstrate the subject property can be served by water, sewer, and transportation systems, and the Applicant is committed to making the improvements needed to provide urban facilities and services in association with the Ponderosa Master Plan. The annexation agreement memorializes the Applicant's obligation to improve the area with urban infrastructure constructed to City of Bend Standards. Additionally, the Applicant submitted a letter from the Bend-La Pine Public School District stating they had no comments on the proposed annexation. Letters were provided from BPRD stating that the Park District staff has recently met with the developer to discuss a future park within the Ponderosa Master Plan. An approximate 3.6-acre tract is proposed to be a neighborhood park, to be owned and operated by the district. The Applicant and BPRD have also executed an annexation agreement for the subject property to be included in the park district boundaries. This policy is met.

11-62 *Annexations will be consistent with an approved Area Plan where applicable. The Area Plan may be reviewed and approved concurrent with an annexation application.*

FINDING: This Comprehensive Plan policy is not applicable because there is no approved Area Plan for the Southwest UGB Expansion Area. Rather, BCP Policy 11-112 requires master planning for this area consistent with BCP Policies 11-113 through 11-119, which have been addressed in the findings for the Ponderosa Master Plan (PLSPD20240372).

11-63 *The City may, where appropriate in a specific area, allow annexation and require area planning prior to development approval.*

FINDING: This Comprehensive Plan policy is not applicable because area planning is occurring in conjunction with annexation via the Ponderosa Master Plan (PLSPD20240372).

11-64 *Land to be annexed must be contiguous to the existing City limits unless the property owners requesting annexation show and the City Council finds that a "cherry-stem" annexation will both satisfy a public need and provide a public benefit.*

FINDING: The property to be annexed is contiguous to the existing City limits on the property's northern boundary. This policy is met.

11-65 *Compliance with specific expansion area policies and/or Area Plans will be implemented through master plan approval or binding annexation agreement that will control subsequent development approvals.*

FINDING: The subject property exceeds the 20-acre threshold required for master plans. The Ponderosa Master Plan serves as the Area Plan for the Southwest UGB Expansion Area (along with the two adjacent properties included within the Ponderosa Master Plan that are outside the Southwest UGB Expansion Area). Compliance with the specific Bend Comprehensive Plan policies for the Southwest UGB Expansion Area has been addressed in the findings for the Ponderosa Master Plan (PLSPD20240372). A binding annexation agreement will also control subsequent development approvals. This policy is met.

11-66 *Existing rural infrastructure systems and urban systems (water, sewer, transportation, stormwater) serving annexed areas may be required to be modernized and constructed to the City's standards and specifications, as determined by the City.*

FINDING: The ability to provide urban services and public facilities to the subject property was considered with the Southwest UGB Expansion. An Annexation Agreement will formalize the sequencing and financing mechanisms for needed infrastructure. The Ponderosa Master Plan shows that public facilities, including sanitary sewer and potable water, are available to serve the project, which is confirmed by the City of Bend Private Development Engineering Division's Utility Availability Memo (UAM) and Traffic Analysis Memo (UAM). Coordination with BPRD and the Bend-La Pine School District has been documented. With the Annexation Agreement, which will be reviewed concurrently by the City Council, the policy will be met.

11-67 *The City may consider funding mechanisms and agreements to address on- and off-site improvements, modernization of existing infrastructure to the City's standards and specifications, and impacts to infrastructure inside the current City limits.*

FINDING: The Applicant and City staff have worked to identify necessary infrastructure improvements to serve the subject property and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with the Annexation Agreement between the Applicant and the City. This policy will be met.

11-68 *Properties over 20 acres (including adjacent property in common ownership) (shown on Figure 11-7) are subject to master plan requirements unless they are part of an adopted area plan. When properties are over 20 acres (including adjacent property in common ownership) and are part of an approved area plan they are subject to the master plan approval criteria.*

FINDING: The Ponderosa Major Community Master Plan includes three adjacent tax lots totaling more than 20 acres in common ownership, and BCP Policy 11-112 requires master planning for this area. The Annexation and Master Plan applications will be reviewed concurrently by the City Council for a final local decision. This policy will be met.

4.9.600 Approval Criteria. (continued from page 10)

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 subject property is located within the Southwest UGB Expansion Area. The proposed annexation will be consistent with the Ponderosa Master Plan, which will be incorporated into the Bend Development Code and future land use applications must demonstrate consistency with the Ponderosa Master Plan for approval. This criterion will be met.

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: As noted in findings above, the Applicant and City staff have worked to identify necessary infrastructure improvements to serve the subject property and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in the annexation agreement between the Applicant and the City. This annexation application includes a Will-Serve letter from Avion Water Company, a City of Bend Sewer Analysis (PRSWA202206582), and a Traffic Impact Analysis prepared by Transight Consulting, LLC (reviewed by the City under PRTFR202208789). These documents indicate the subject property can be served by domestic water, sanitary sewer, and transportation systems, and the Applicant is committed to making the improvements needed to provide the noted facilities and services in association with future development. Letters were provided from BPRD stating that the Park District staff has recently met with the developer to discuss a future park within the Ponderosa Master Plan. An approximate 3.6-acre tract is proposed to be a neighborhood park, to be owned and operated by the district. The Applicant and BPRD have also executed an annexation agreement for the subject property to be included in the park district boundaries. Additionally, emergency services are available in the area through City of Bend Fire and Police Departments. This 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 necessary infrastructure improvements to serve the subject property and the planned land uses based on the planned uses in the Ponderosa Master Plan. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with the annexation agreement between the Applicant and the City. This criterion is 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.

FINDING: The applicant's submitted Existing Conditions and Ownership Map shows a former Arnold Irrigation District canal through the master plan area. This facility has previously been removed and the canal easement has been released. No other irrigation facilities or water rights exist on the property. The criterion is met.

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: The subject property is located within the Arnold Irrigation District. An email from the Arnold Irrigation District was provided in the application materials, which states that the subject property does not have any Arnold Irrigation District water rights appurtenant to it, nor does it have any facilities or easements that are the property of the district. This criterion is 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.

FINDING: The Transportation Impact Analysis (Exhibit L) was prepared by Transight Consulting LLC and includes the TIA and supplemental analysis responding to City and County questions. The Ponderosa Master Plan reconfigures the existing Comprehensive Plan designations while maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-114 through 11-116 and BDC 4.5.200(D)(3)(a). No additional vehicle trips are being added beyond what is contemplated under the existing Comprehensive Plan Map arrangement, and no changes are proposed to the functional classification of an existing or planned transportation facility.

For purposes of TPR compliance, ODOT and Deschutes County have provided written documentation supporting findings of no significant effect. The applicable standards are met. The Traffic Analysis Memo (Exhibit M) summarizes the transportation impacts and recommended mitigation. The Annexation Agreement will formalize 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. The applicable standards are met.

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.

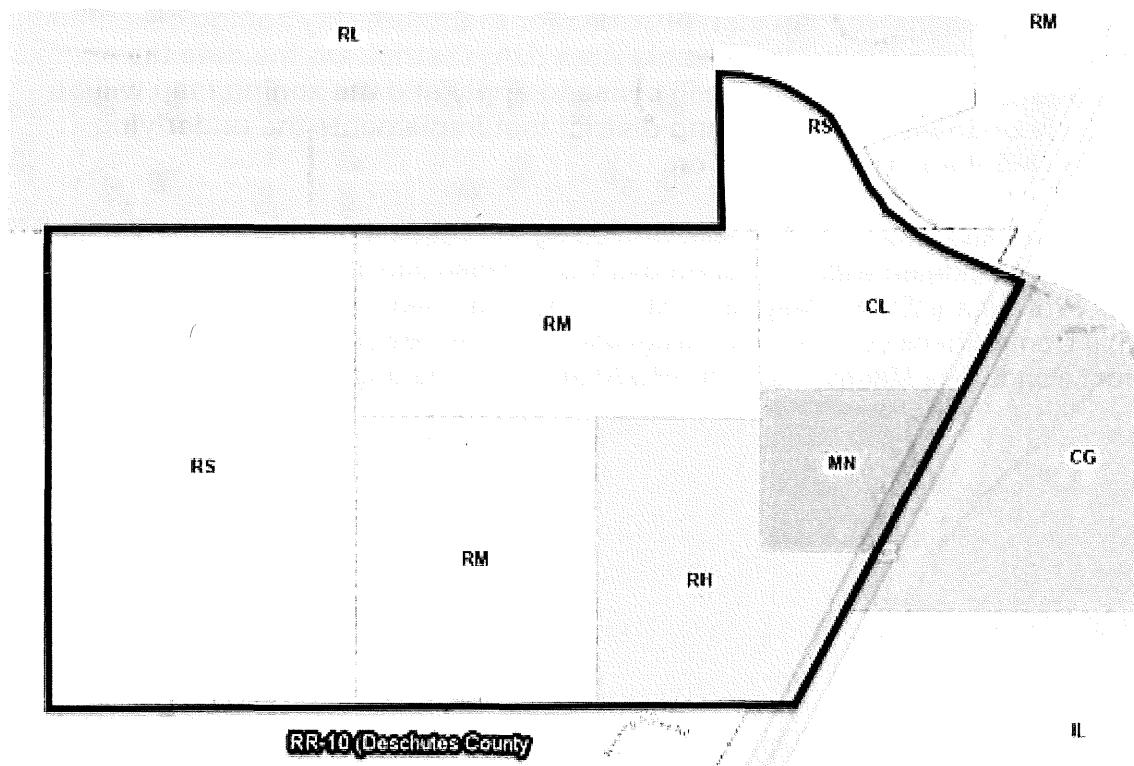
FINDING: The Ponderosa Master Plan includes specific street cross sections showing how all internal and abutting public rights-of-way will be improved to urban standards. The street cross sections and transportation network to serve the annexed property will be codified in the BDC. This criterion is met.

4.9.700 Zoning of Annexed Areas.

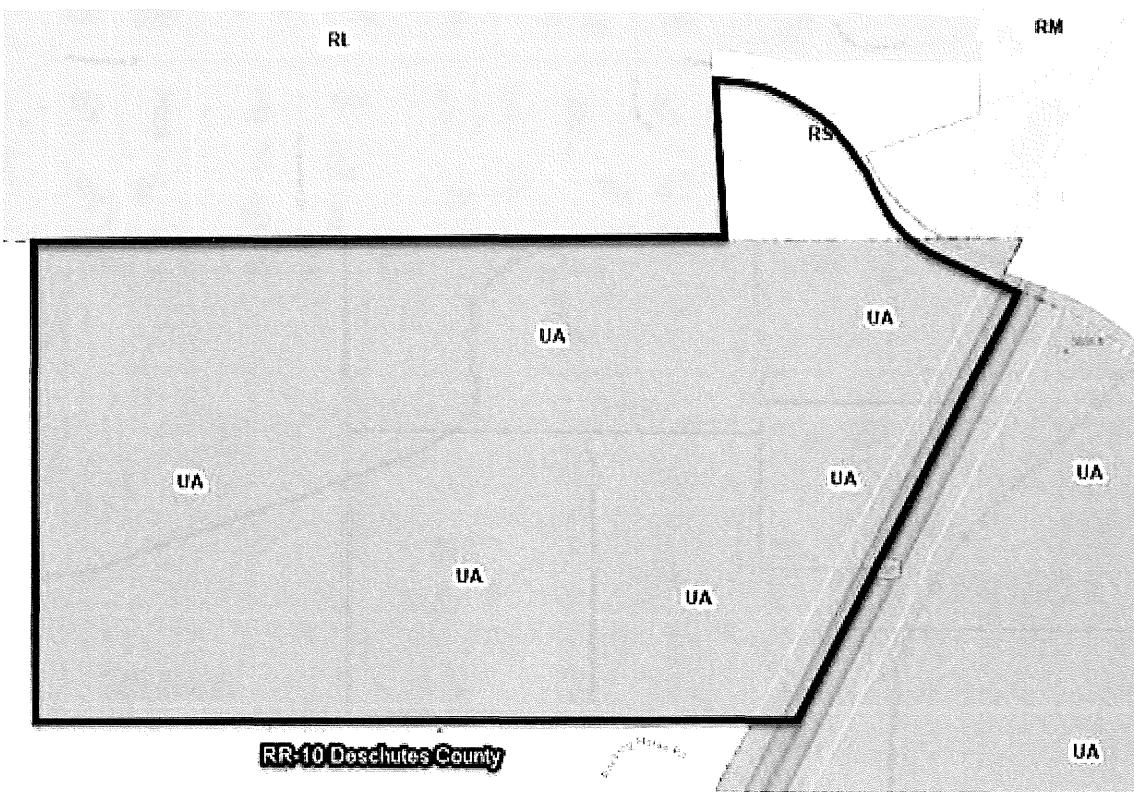
The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the City's Urbanizable Area (UA) District. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district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

FINDING: Upon annexation, the current UA zoning will cease to apply, and the Zoning Map will be automatically updated with the Ponderosa Master Plan zoning scheme as shown on the submitted Preliminary Zoning Map (Exhibit C of the application materials). Consistency with the underlying Comprehensive Plan map designations is fully described in the findings for the concurrent Ponderosa Master Plan (PLSPD20240371). The applicable criteria are met.

Exhibit E
Existing Comprehensive Plan Designations



Existing Zoning Designations



Proposed Comprehensive Plan & Zoning Designations

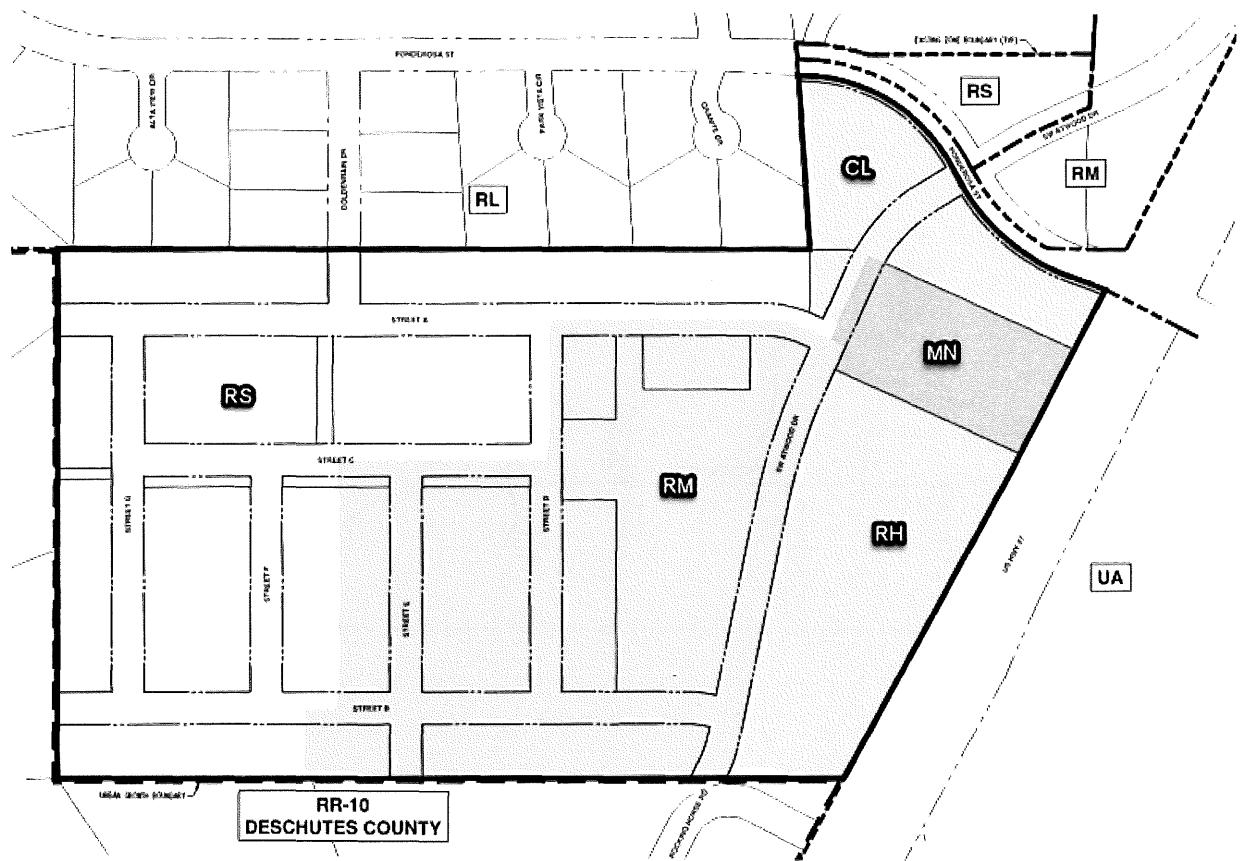


Exhibit F

Proposed Sign District for Annexed Property – Sign District #5, Residential

