



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

04/29/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment  
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, May 09, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Amy Barry, City of Bend  
Gordon Howard, DLCD Urban Planning Specialist  
Karen Swirsky, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days** after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	<b>DEPT OF</b>
	<b>APR 22 2013</b>
	<b>LAND CONSERVATION AND DEVELOPMENT</b> For Office Use Only

Jurisdiction: **City of Bend**

Local file number: **PZ 12-506**

Date of Adoption: **4/17/2013**

Date Mailed: **4/18/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 1/3/2013

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☒ Other: **Development Code Text**

**Amendment**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

A Text and map amendments to Bend Development Code Section 2.7.300 North West Crossing Overlay Zone. In general, the proposal involves the roughly equal-area reallocation of Plan and Zone designations within the North West Crossing Overlay Zone, together with new and revised RM, Commercial ME, and Industrial Employment Overlay Districts, Cluster Housing Overlay district, and expanding an existing RH Multi-family Housing Overlay district.

Does the Adoption differ from proposal? Yes, Please explain below:

Some minor text revisions occurred during the hearing processes. The only change which was substantive was the addition of use table 2.7.320A was added which limits ME uses on specific lots fronting Mt. Washington Drive. Minor changes were also made to Figure 2.7.300A Street Type Map.

Plan Map Changed from: **Various - NW Crossing Overlay** to: **Various - NW Crossing Overlay**

Zone Map Changed from: **Various - NW Crossing Overlay** to: **Various - NW Crossing Overlay**

Location: **Various - NW Crossing Overlay**

Acres Involved: **486**

Specify Density: Previous: **Various**

New: **Same reallocate**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD File No. 001-13 (19651) [17427]



35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Amy Barry, AICP, Associate Planner Phone: (541) 693-2114 Extension:

Address: 710 NW Wall St

Fax Number: 541-388-5519

City: Bend

Zip: 97759-

E-mail Address: [abarry@ci.bend.or.us](mailto:abarry@ci.bend.or.us)

## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## ORDINANCE NO. NS-2198

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN AND ZONING MAPS TO REALLOCATE ROUGHLY EQUAL-AREAS OF THE RESIDENTIAL STANDARD, COMMERCIAL LIMITED, MIXED EMPLOYMENT, AND LIGHT INDUSTRIAL GENERAL PLAN DESIGNATIONS AND ZONING, ALONG WITH TEXT AMENDMENTS TO BEND DEVELOPMENT CODE SECTION 2.7.300, NORTHWEST CROSSING OVERLAY ZONE.

### Findings

- A. The Planning Commission held a duly-noticed public hearing on February 11, 2013, to consider proposed Bend Area General Plan amendments, Zoning Map amendments, and amendments to Bend Development Code Section 2.7.300, NorthWest Crossing Overlay Zone. The Planning Commission recommended approval to the City Council, including a recommended set of findings.
- B. The Bend City Council held a public hearing on March 20, 2013 to consider the Planning Commission's recommendation.
- C. The requested Bend Area General Plan amendments, Zoning Map amendments, and amendments to Bend Development Code Section 2.7.300, NorthWest Crossing Overlay Zone approved by this Ordinance are consistent with all applicable standards and criteria, including those set forth in Bend Development Code Chapter 4.6.

### THE CITY OF BEND ORDAINS AS FOLLOWS:

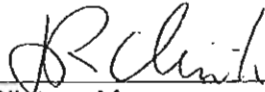
- Section 1. The Bend Area General Plan Map is amended as shown in Exhibit A and described in Exhibit C.
- Section 2. The Bend Zoning Map is amended as shown in Exhibit B and described in Exhibit C.
- Section 3. The Bend Development Code Section 2.7.300 NorthWest Crossing Overlay Zone is amended as shown in Exhibit D.
- Section 4. The City Council adopts the findings in Exhibit E.

First reading: April 3, 2013.

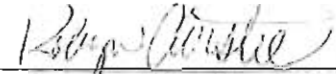
Second reading and adoption by roll call vote: April 17, 2013.

YES: Mayor Jim Clinton  
Councilor Scott Ramsay  
Councilor Victor Chudowsky  
Councilor Sally Russell

NO: none

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

Attest:

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

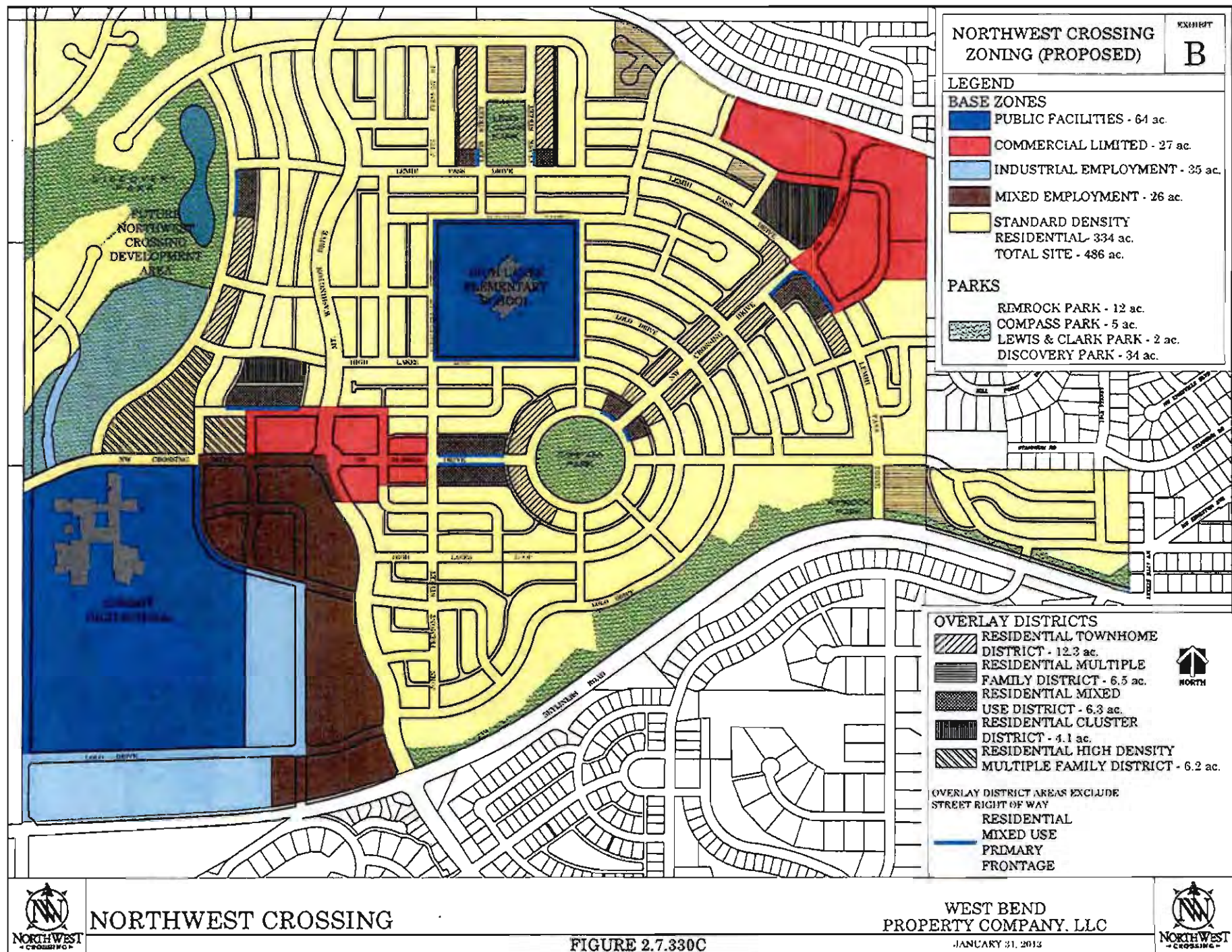
Approved as to form:

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









## **EXHIBIT C**

### **Legal Descriptions for Bend Area General Plan Map and Zoning Map Amendments**

#### **Bend Area General Plan Map Amendments for NorthWest Crossing:**

Industrial Park IP to Industrial Light IL

Northwest Crossing District 1 Lots 14, 15, & 16

Northwest Crossing District 2 Lots 1, and 6 through 13

Industrial Park IP to Mixed Employment ME

Northwest Crossing District 1 Lot 17

Northwest Crossing District 2 Lots 2 through 5

Commercial Limited CL to Residential Standard Density RS

Northwest Crossing Phases 9 & 10 Lot 506

Residential Standard Density RS / Mixed Employment ME - Discovery Park

Tax Lot 300 on Deschutes County Assessor's Map 17-11-36

Changed to RS excepting portion to be designated IL as described below:

#### **Bend Zoning Map Amendments for NorthWest Crossing:**

Residential Overlay Districts as shown on map as well as:

Industrial Park IP to Industrial Employment IE

Northwest Crossing District 1 Lots 14, 15, & 16

Northwest Crossing District 2 Lots 1, and 6 through 13

Industrial Park IP to Mixed Employment ME

Northwest Crossing District 1 Lot 17

Northwest Crossing District 2 Lots 2 through 5

Commercial Limited CL to Residential Standard Density RS

Northwest Crossing Phases 9 & 10 Lot 506

Residential Standard Density RS / Mixed Employment ME - Discovery Park

Tax Lot 300 on Deschutes County Assessor's Map 17-11-36

Changed to RS excepting portion to be designated IL as described below:



LEGAL DESCRIPTION

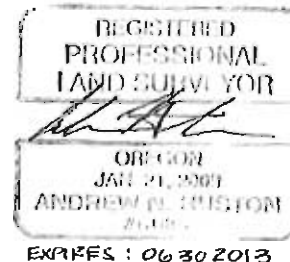
DISCOVERY PARK IE ZONED AREA

A TRACT OF LAND LYING WITHIN THE EAST ONE-HALF (E1/2) OF SECTION 36,  
TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN,  
CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning from the west one-quarter corner of said Section 36; thence along the west line of the northwest one-quarter of said Section 36, North 0°18'34" East, 275.16 feet to a point; thence leaving said west line, North 25°16'53" East, 183.60 feet; thence North 32°02'17" East, 83.03 feet; thence North 44°59'30" East, 77.16 feet; thence North 57°52'58" East, 81.67 feet; thence North 30°20'35" East, 151.57 feet to a point of non-tangent curvature; thence along the arc of a 248.28 foot radius curve to the left, an arc distance of 29.12 feet, through a central angle of 6°43'15" (the chord of which bears North 13°48'20" West, 29.11 feet) to a point of non-tangency; thence North 33°16'25" East, 307.81 feet; thence North 49°53'46" East, 75.00 feet; thence North 70°40'03" East, 205.81 feet; thence South 68°52'12" East, 369.08 feet to a point of non-tangent curvature; thence along the arc of a 1970.00 foot radius curve to the right, an arc distance of 68.82 feet, through a central angle of 2°00'05" (the chord of which bears South 20°36'36" West, 68.81 feet) to a point of compound curvature; thence along the arc of a 970.00 foot radius curve to the right, an arc distance of 676.36 feet, through a central angle of 39°57'03" (the chord of which bears South 41°35'10" West, 662.74 feet) to a point of reverse curvature; thence along the arc of a 430.00 foot radius curve to the left, an arc distance of 462.13 feet, through a central angle of 61°34'39" (the chord of which bears South 30°46'22" West, 440.21 feet) to a point of compound curvature, said point lies on the northerly right-of-way of *NW Crossing Drive* as defined by City of Bend Vacation Ordinance No. NS-1807, recorded December 3, 2001 in Volume 2001-59395, Deschutes County Official Records; thence continuing along said northerly right-of-way of *NW Crossing Drive*, along the arc of a 680.00 foot radius curve to the left, an arc distance of 207.55 feet, through a central angle of 17°29'17" (the chord of which bears South 73°00'50" West, 206.75 feet) to a point of tangency; thence South 64°16'11" West, 216.89 feet to a point on the west line of the southwest one-quarter of said Section 36; thence leaving said northerly right-of-way of *NW Crossing Drive*, along said west line of the southwest one-quarter, North 0°18'34" East, 83.54 feet to the point of beginning.

This description contains 13.32 acres, more or less.

Herein bearings are based upon Partition Plat No. 2002-5, recorded January 22, 2002 in Book 2, Page 233, Deschutes County Partition Records.



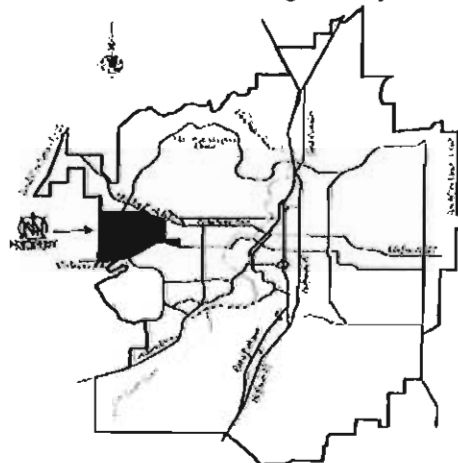
## EXHIBIT D

### 2.7.300 NorthWest Crossing Overlay Zone

The purpose of the NorthWest Crossing Overlay Zone is to implement the NorthWest Crossing Master Development Plan and the Bend Urban Area General Plan policies regarding the NorthWest Crossing property, and to create overlay zoning standards for the Residential, Commercial and Industrial Districts within the NorthWest Crossing Master Development Plan boundaries. The overlay zone standards will:

- Provide a variety of employment opportunities and housing types.
- Locate higher density housing adjacent to collector and arterial streets or public parks.
- Create opportunities for community commercial and small-scale businesses in selected locations to foster a mixed-use residential neighborhood.
- Promote pedestrian and other multi-modal transportation options.
- Ensure compatibility of uses within the development and with the surrounding area.
- Create an interconnected system of streets with standards appropriate to the intensity and type of adjacent use.
- Create safe and attractive streetscapes that will meet emergency access requirements and enhance pedestrian and bicycle access.

**Figure 2.7.300  
NorthWest Crossing Overlay Zone**



[Ord. NS-2016, 2006; Ord. NS-1968, 2005; Ord. NS-1892, 2003; Ord. NS-1782, 2001]

### 2.7.310 Definitions.

The following definitions apply to uses, building types and standards that are specific to the NorthWest Crossing Overlay Zone.

- A. **Accessory dwelling** means a separate, complete dwelling unit, either attached to or separate from the primary dwelling unit. An accessory dwelling may be no larger than 40 percent of the living area, excluding the garage, of the primary dwelling, or 600 square feet, whichever is less. Maximum height for a detached accessory dwelling is 24 feet. Accessory dwelling units must meet the setbacks for the City of

Bend ~~Urban Standard Density Residential (RS)~~ Zone. Accessory dwellings may be permitted on any lot in accordance the provisions of the RS Zone.

- B. **Community commercial** means a building not exceeding a total of 2,000 square feet of gross floor area containing a retail, service, office, or food service establishment, excluding drive-through. A community commercial building is a stand-alone commercial use to serve neighborhood needs. It is not intended to draw large numbers of patrons from outside of the neighborhood. The design of the building shall be residential in scale and character. Off-street parking is limited to a maximum of one space per 500 square feet of building. Off-street parking must be located at the side or rear of the building. The public entrance to the building shall be on the primary street frontage.
- C. **Cottage** means a small, detached dwelling unit, not greater than 1200 square feet in total floor area, ~~as defined in BDC 2.7.320(E)~~ developed in accordance with the standards contained in BDC 2.7.320(E) that is developed at a density greater than the underlying zone.
- D. **Cluster housing development** is detached single-family cottages in a cluster around a central shared open space and has the following characteristics:
  - 1. Each cottage is of a size and function suitable for a single person or very small family;
  - 2. Each cottage has the construction characteristics of a single-family house;
  - 3. Cottages may be located on platted lots or as units in a condominium development and may share use of common facilities such as a party room, tool shed, garden, workshop and parking areas;
  - 4. The site is designed with a coherent concept in mind, including shared functional open space, off-street parking areas, access within the site and from the site, and consistent landscaping;
  - 5. Each tentative plat or condominium plat for a cluster housing development within the Northwest Crossing Cluster Housing Overlay District shall be reviewed against the regulations of this zoning district;
  - 6. A cluster housing development shall have a homeowner's association for the ownership and management of shared open space and common parking areas.
- E. **Live/work dwelling** means a dwelling in which a business may be operated on the ground floor. The ground floor commercial or office space has visibility, signage and access from the primary street. To preserve the pedestrian orientation of the commercial or office space, alley access is required to provide trash service and residential parking. A live/work dwelling is allowed instead of, or in addition to, home occupation as defined by this code. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat. The permitted live/work housing types are defined below:
  - 1. **Live/work House** means a single-family detached house with no more than 50 percent of the ground floor of the building available as commercial or office space.
  - 2. **Live/work Townhome** means a residential, fee simple townhome unit in which a business may be operated. The commercial or office portion of the building shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire building, excluding the garage.
  - 3. **Live/work Apartment** means a primarily residential multi-story, multi-unit building with a maximum of 50 percent of the building ground floor square



footage used as commercial or office space. Residential units may be for rent or for sale in condominium or cooperative ownership.

- F. **Parking district** means the area designated for common parking lots or facilities in the two NorthWest Crossing Commercial/Mixed Employment Districts. Each Commercial/Mixed Employment District has areas designated for common off-street parking lots or facilities designed to serve the minimum parking needs for permitted uses in the **Convenience-Commercial Limited** and **Mixed Employment zoned** Districts. The designated parking areas will be located behind or at the side of buildings permitted in the **Parking District**, or on private streets within the **Parking District**. The designated common parking areas will allow all buildings to be close to the street to create a lively pedestrian-oriented commercial streetscape. A public entrance to all buildings shall be on the primary street frontage.
- G. **Primary street frontage** means the location along a street in the Residential Mixed-use District where live/work housing or community commercial uses may be located. Table 2.7.320 identifies areas and limits the maximum lot frontage along the primary street frontage that may be used for live/work housing or community commercial uses in each area. The primary entrance to the office or commercial portion of live/work housing or a community commercial building must be located on the primary street frontage.
- H. **Townhome** means a single-family dwelling type with common walls on one or both side lot lines and continuous front facades. Townhomes are the highest density housing type in NorthWest Crossing that provides yards and fee simple ownership. Townhomes may be located on lots with detached garages and accessory dwellings. Alleys, to the rear of the building, provide parking and service access. [Ord. NS-2016, 2006; Ord. NS-1968, 2005; Ord. NS-1892, 2003; Ord. NS-1782, 2001]

#### 2.7.320 Districts.

- A. **Applicability.** The special standards of the NorthWest Crossing overlay districts shall supercede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone shall apply.
- B. **Urban Standard Density Residential District.**



Figure 2.7.320-A  
Urban Standard Residential District

1. **Purpose.** The purpose of the **Urban Standard Density Residential District** is to implement the **Urban Standard Density Residential Zone** with flexibility to allow greater lot coverage to accommodate single-family houses on small lots. The **Urban Standard Density Residential District** in NorthWest Crossing also is the

base zone for the Residential Overlay Districts described in this subsection and subsections (C) through (F) of this section.

2. Application of Residential Overlay Districts. The standards of the Urban Standard Density Residential Zone, as provided for in this section, shall apply to the land zoned as Urban Standard Density Residential. Where a Residential Overlay District is shown, the special standards of the Overlay District shall apply to uses permitted by the Overlay District.
3. Uses Permitted.
  - a. All uses permitted in the Urban Standard Density Residential Zone, except neighborhood commercial uses.
  - b. Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum lot size for a duplex.
  - c. Notwithstanding subsection (B)(3)(a) of this section, preschool use and child care facility use shall not be permitted on Tax Lot 311 of Deschutes County Assessor's Map 17-11-36 (more specifically described in Exhibit C of Ordinance NS-2131).
  - d. Notwithstanding subsection (B)(3)(a) of this section, the use of the approximately 100-foot-wide set aside area on Tax Lot 311 of Deschutes County Assessor's Map 17-11-36 (more specifically described in Exhibit D of Ordinance NS-2131) shall be restricted to the following uses: neighborhood park, single family detached housing, accessory dwellings, Type 1 home occupation, accessory uses and structures.
4. Conditional Uses.
  - a. Except for duplexes, which are allowed on identified duplex lots on approved subdivision plats, conditional uses permitted in the underlying Urban Standard Density Residential Zone are subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.
5. Height Standards
  - a. No building shall be erected, enlarged or structurally altered to exceed 30 feet in height without a variance.
6. Lot Requirements.
  - a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses, with the following exceptions applicable only to new lots platted after December 31, 2012 that also front on Mt. Washington Drive.
    - i. Minimum lot depth of 70 feet when the lot width is at least 50 feet;
    - ii. Minimum lot width of 35 feet when the lot depth is at least 100 feet.
  - b. Setbacks. The setback requirements of the RS Zone shall apply to all permitted and conditional uses.
  - c. Lot Coverage.
    - i. On lots 6,000 square feet or greater, the maximum lot coverage for buildings shall be 35 percent.
    - ii. On lots that are less than 6,000 square feet, the maximum lot coverage for buildings shall be 50 percent.
7. Site Plan Review. A duplex located on a lot approved as a duplex lot on an approved subdivision plat is not subject to a site plan review under the provisions of BDC Chapter 4.1, Development Review and Procedures.

~~8. Special Partitioning Regulation. Notwithstanding other local regulations to the contrary, specifically including but not limited to block length, lot frontage, pedestrian and vehicle access and public improvement requirements, the approximately 400' wide set aside area on Tax Lot 311 of Deschutes County Assessor's Map 17-11-36 (more specifically described in Exhibit D of Ordinance NS-2131) may be partitioned once, without dedicating or extending Newport Hills Drive and without providing street, sidewalk, street tree, stormwater, or utility improvements to Newport Hills Drive, without dedicating a pedestrian easement or walkway across the 400' set aside area and without providing frontage for the lot on a public street. This Special Partitioning Regulation expires on December 31, 2011. Any other division of this land shall comply with all relevant code standards.~~

C. Residential Townhome Overlay District.

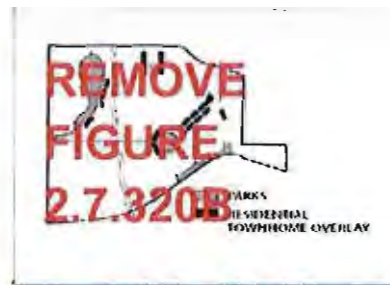


Figure 2.7.320.B  
Residential Townhome Overlay District

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1. Purpose. The purpose of the Townhome Overlay District is to permit townhomes along collector streets, adjacent to public parks or a Multiple-Family District. The Townhome District will allow a diversity of housing types and a mix of residential density within NorthWest Crossing.
2. Uses Permitted.
  - a. All uses permitted in the **Urban Standard Density Residential Zone**.
  - b. Townhomes.
  - c. Duplex on a lot identified as a duplex lot on an approved subdivision plat, subject to RS minimum lot size for a duplex.
3. Conditional Uses.
  - a. Except for duplexes, which are allowed only on identified duplex lots on approved subdivision plats, all conditional uses permitted in the underlying **Urban Standard Density Residential Zone**, subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.
4. Height Standards.
  - a. No building shall be erected, enlarged or structurally altered to exceed 35 feet in height without a variance.
5. Lot Requirements.
  - a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except townhomes.



- b. Except as specified in this section, the lot requirements of the RM Zone shall apply to townhomes.
- c. Setbacks. For townhomes the front yard setback is a minimum of five feet and the side yard setback may be zero feet.
- d. Lot Coverage. There is no maximum lot coverage standard for townhomes and accessory structures on a townhome lot.
- 6. Maximum Density. The maximum density in the Townhome District is 12 units per net acre.
- 7. Site Plan Review. Townhomes and duplexes on a lot approved as a duplex lot on a subdivision plat are not subject to site plan review under BDC Chapter 4.2, Site Plan Review and Design Review.
- D. Residential Multiple-family Overlay District.



**Figure 2.7.320.C**  
**Residential Multifamily Overlay District**

1. Purpose. The Residential Multiple-family Overlay District is applied in specific locations adjacent to arterial or collector streets, public parks or commercial areas. The purpose is to provide a diversity of housing types in the Urban Standard Density Residential Zone at the edges of single-family neighborhoods and to locate higher density housing adjacent to commercial services and/or open space.
2. Uses Permitted.
  - a. All uses permitted in the Urban Standard Density Residential Zone.
  - b. Multifamily housing.
  - c. Cluster Housing.
3. Conditional Uses.
  - a. Conditional uses permitted in the underlying Urban Standard Residential Zone Standard Density subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.
4. Height Standards.
  - a. No building, except multifamily housing, shall be erected, enlarged or structurally altered to exceed 30 feet in height without a variance.

- b. The maximum height for multifamily housing is 45 feet unless a greater height is approved through a variance in conformance with the provisions of BDC Chapter 5.1, Variances.
5. Lot Requirements.
  - a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multifamily housing.
  - b. Except as specified in this section, the lot requirements of the RH Zone shall apply to multifamily housing.
  - c. Lot Coverage. There is no maximum lot coverage standard for multifamily housing.
6. Maximum Density. The maximum density in the Multifamily District is ~~21.7~~ 49 units per net acre.
7. Site Plan Review. Multifamily housing shall be subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review.
- E. ~~Northwest Crossing~~ Residential Cluster Overlay District.



**Figure 2.7.320.D**  
**~~Northwest Crossing Residential Cluster Housing Overlay~~**

1. The purpose of this section is to provide a housing type that responds to changing household sizes and ages (e.g. retirees, small families, single person households) and provides opportunities for ownership of small, detached dwelling units within the Northwest Crossing neighborhood. The Residential Cluster Overlay Zone supports the following principles:
  - Encourages the creation of more usable open space for residents of the development through flexibility in density and lot standards;
  - Supports the growth management goal of more efficient use of urban residential land;
  - Provides development standards to ensure compatibility with surrounding land uses; and
  - Creates a small area of higher density residential development within the RS Zone with detached dwellings and private and shared open space.
2. Uses Permitted.
  - a. All uses permitted in the ~~Urban Standard Density~~ Residential Zone.
  - b. Cluster housing developments subject to the development standards in subsection (E)(4) of this section.
  - c. Buildings accessory to a cluster housing development subject to the development standards in subsection (E)(4) of this section.

- d. Community buildings in a cluster housing development. Community buildings shall be incidental in use and size to the cottage housing and shall be commonly owned by the residents.
- 3. Conditional Uses. Conditional uses permitted in the underlying ~~Urban~~ **Density Residential Zone** are subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4, Conditional Use Permits.
- 4. Development Standards and Site Requirements for Cluster Housing Developments.
  - a. Site Requirements.
    - i. The permitted density within the Northwest Crossing Cluster Housing Overlay District is 12 units per acre.
    - ii. Minimum lot size within the Northwest Crossing Cluster Housing Overlay District is 2,000 square feet.
    - iii. ~~New lots created as a part of a Cluster Housing Development within the NorthWest Crossing Overlay District are not required to have frontage on either a public or private street.~~
    - iii-iv. Cottages adjacent to property lines fronting a public street shall be setback a minimum of 10 feet and a maximum of 20 feet.
    - iv v. Accessory structures, garages or carports shall be setback a minimum of 20 feet from property lines fronting a public street.
    - v vi. Rear yard setbacks shall be a minimum of 10 feet.
    - vi vii. Interior separation. There shall be a minimum separation of 10 feet between all buildings.
    - vii. ~~All structures in the cluster development shall have pitched roofs.~~
    - viii. Maximum height for structures within the Northwest Crossing Cluster Housing Overlay District is 25 feet.
  - b. Cottage Development Standards. The design standards and floor area requirements ensure that the overall size and scale, including bulk and mass of cottage structures remains smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed density of the cluster housing development.
    - i. ~~The total floor area of each cottage shall not exceed 1,200 square feet of 1.5 times the area of the main floor, whichever is less.~~ Attached garages shall not be included in the calculation of total floor area.
    - ii. Cottage areas that do not count toward the total floor area calculation are:
      - I. Unheated storage space located under the main floor of the cottage;
      - II. Architectural projections, such as bay windows or fireplaces;
      - III. Attached roofed porches;
      - IV. Detached garages or carports;
      - V. Spaces with a ceiling height of six feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof.
    - iii. The maximum main floor area for cottages is 1,000 square feet ~~including attached garages.~~ For the purposes of this calculation, the area of interior stairway may be allocated between floors served.
    - iv. Cottages shall have a roofed porch at least 80 square feet in size ~~with a minimum dimension of eight feet on any side.~~
    - v. The total square foot area of a cottage may not be increased. A deed restriction shall be placed on the title to the property for the purpose of



notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of Northwest Crossing Cluster Housing Overlay District regulations.

- vi. All proposed cottages and accessory buildings are subject to review and approval by the Northwest Crossing Architectural Review Committee.

c. Required Open Space.

i. Shared open space:

- (A) Shall provide a centrally located, focal area for the cluster housing development.
- (B) Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
- (C) Shall abut at least 50 percent of the cottages.
- (D) Shall have 75 percent of the open space area abut structures on at least two sides.
- (E) Shall be within 100 75 feet walking distance of each cottage.
- (F) Common parking areas are not counted in the shared open space area requirements.

ii. Private open space:

- (A) Shall be a minimum of 300 square feet of private, contiguous, usable open space with no dimension less than 10 feet adjacent to each dwelling unit, for the exclusive use of the cottage resident.
- (B) Shall be located on slopes of less than 10 percent.

d. Parking Location and Screening. The parking location and screening standards are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the Northwest Crossing Cluster Housing Overlay District and adjacent properties, and to maintain a single-family character along public streets.

- i. A minimum of one parking space and a maximum of two parking spaces are required for each cottage.
- ii. A parking area is a location for two or more contiguous vehicle spaces, which are required to meet the minimum parking requirements, and are not within a garage or carport. Parking areas:
  - (A) May be on lots created for shared parking for the Cluster Housing Development.
  - (B) Shall be located in the Cluster Housing Development.
  - (C) Shall be screened from public streets and cottages by landscaping, fencing or buildings.
  - (D) Shall be prohibited within 20 feet of a public street.
  - (E) Shall have access via an alley.

F. Residential High Density Multiple-Family Overlay District



Figure 2.7.320E  
Residential High Density-Multifamily-Overlay

1. Purpose. The Residential High Density Multiple-Family Overlay District is applied in specific locations adjacent to arterial or collector streets, public parks or commercial areas. The purpose is to provide a diversity of housing types in the Urban Standard Density Residential Zone at the edges of single-family neighborhoods and to locate higher density housing adjacent to commercial services and open space.
  2. Uses Permitted.
    - a. All uses permitted in the Urban Standard Density Residential Zone.
    - b. Multiple-family housing.
  3. Conditional Uses.
    - a. Conditional uses permitted in the underlying Urban Standard Density Residential Zone subject to a Conditional Use Permit.
  4. Height Standards.
    - a. No building, except multiple-family housing, shall be erected, enlarged or structurally altered to exceed 45 feet in height without a Conditional Use Permit variance.
  5. Lot Requirements.
    - a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multiple-family housing.
    - b. Except as specified in this section, the lot requirements of the RH Zone shall apply to multiple-family housing.
    - c. Lot Coverage. There is no maximum lot coverage standard for multiple-family housing.
  6. Maximum Density. The maximum density shall be that established by the RH Zone.
  7. Minimum motor vehicle parking for housing that is limited to residents of age 55 and older is one parking space per dwelling unit.
  8. Site Plan Review. Multiple-family housing is not subject to the provisions of BDC Chapter 4.2. It shall be subject to design review through the NorthWest Crossing Architectural Review Committee.
- G. Residential Mixed-Use Overlay District



**Figure-2.7.320.F**  
**Residential Mixed-Use Overlay**

1. Purpose. The Residential Mixed-Use Overlay District is applied in locations adjacent to collector streets, **Commercial/Mixed Employment Districts**, or public parks to allow higher density residential uses, live/work housing and community commercial uses in the **Urban Standard Density Residential Zone**. The purpose is to create small areas of mixed-use at specific locations within the neighborhood.
2. Uses Permitted.
  - a. All uses permitted in the **Urban Standard Density Residential Zone**.
  - b. Multifamily housing.
  - c. Townhome.
  - d. Live/work single-family house subject to the provisions of this district.
  - e. Live/work townhome subject to the provisions of this district.
  - f. Live/work apartment subject to the provisions of this district.
  - g. Community commercial subject to the provisions of this district.
  - h. Cluster Housing.
  - i. Off-street parking area when abutting or across a street from land within the **Commercial/Mixed Employment District**.
3. Conditional Uses. Conditional uses permitted in the underlying **Urban Standard Density Residential Zone** subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.
4. Site Plan Review.
  - a. Townhomes, live/work house and live/work townhomes are not subject to **site plan approval** the **Site Plan Review** provisions of this code.
  - b. Live/work apartments and community commercial uses are subject to site plan approval according to BDC Chapter 4.2, Site Plan Review and Design Review, except that where special standards of the Residential Mixed-Use District conflict with standards within the code, the standards of the Residential Mixed-Use District shall apply.
5. Height Standards.
  - a. No building except multifamily or live/work apartment housing shall be erected enlarged or structurally altered to exceed 30 feet in height without a variance.
  - b. The maximum height for multifamily housing or live/work apartment is 45 feet unless a greater height is approved through a variance.
  - c. The maximum height for a townhome or live/work townhome is 35 feet unless a greater height is approved through a variance.



6. Lot Requirements.
  - a. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multifamily housing, townhomes, live/work townhomes, live/work apartments and community commercial.
  - b. The lot requirements of the RH Zone shall apply to multifamily housing and live/work apartments except that the minimum front yard setback is five feet and the minimum side yard setback is zero feet.
  - c. The lot requirements of the RM Zone shall apply to townhomes and live/work townhomes, except that the minimum front yard setback is five feet, the minimum side yard setback is zero feet, and the minimum lot width is 24 feet.
  - d. The lot requirements for neighborhood commercial uses in BDC 3.6.300(K) shall apply to community commercial except that the minimum front yard setback is five feet.
  - e. There is no maximum lot coverage standard for townhomes, live/work townhomes, live/work apartments or multiple-family housing.
7. Density. The density in the Residential Mixed-use District is a maximum of 19 units per net acre.
8. Primary Street Frontage. Live/work housing and community commercial uses may only be located along primary street frontage identified in the four area maps identified as Figures 2.7.320.G through 2.7.320.J Figure 2.7.330.C. The amount of live/work housing and community commercial is further limited to the maximum lot frontage identified in Table 2.7.320.

**Table 2.7.320 - Residential Mixed-use District  
Maximum Allowable Live/work Housing and Community Commercial by Area**

Area	Linear feet of primary frontage in District	Maximum Primary Street Frontage for Live/work Housing Lots	Maximum Primary Street Frontage for Community Commercial Lots
Discovery Park	650	325 linear feet	200 linear feet
Lewis & Clark Park	200	200 linear feet	50 linear feet
Compass Park	1000	800 linear feet	100 linear feet
Lemhi Pass/NW Crossing	500	500 linear feet	Not permitted

**FIGURES 2.7.320.G THROUGH 2.7.320.J REMOVED**

9. Platting Lots for Live/work Housing and Community Commercial Uses.
  - a. The final plat for a subdivision in the Residential Mixed-Use Overlay District shall specify the lots where live/work housing or community commercial uses will be permitted.
  - b. A deed restriction shall be recorded with each lot identified on the final plat as a live/work housing or community commercial.
  - c. The number of lots in the Residential Mixed-Use Overlay District shall be limited to a maximum amount of linear primary street frontage.
10. Sign Standards.
  - a. Each live/work house or live/work townhome may have nonilluminated sign(s) not exceeding a combined maximum area of 16 square feet. Signs shall be attached to the building.

- b. Each live/work apartment or community commercial building may have one nonilluminated monument sign and/or one building-mounted sign not exceeding a combined maximum area of 32 square feet.
- c. Individual businesses in live/work apartment buildings may have additional nonilluminated sign(s) mounted on the building not exceeding a combined maximum of eight square feet in size.

11. Off-street Parking Standards.

- a. Each live/work house or live/work townhome may have no more than two off-street spaces in addition to the two spaces required by BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.
- b. The off-street parking standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, shall apply to a work use in a live/work apartment building.
- c. Community commercial uses shall have a minimum of one off-street vehicle parking space for each 500 square feet of floor area and a minimum of four covered bicycle parking spaces. The maximum number of off-street parking spaces for a community commercial building is five, including one disabled accessible space, if required.

12. Special Standards For Live/work Townhomes and Live/work Houses.

- a. The area dedicated to the work use in the live/work unit shall not exceed the size requirement in the applicable definition of live/work house or live/work townhome in BDC 2.7.310E.
- b. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work house or live/work townhome.
- c. No outside storage of materials or goods related to the work occupation or business shall be permitted.
- d. No dust or noxious odor shall be evident off the premises.
- e. Employees of the work occupation or business may not occupy more than two on-street parking spaces at any time.
- f. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before 7:00 a.m. or after 7:00 p.m.

H. Commercial/Mixed Employment Overlay District



**Figure 2.7.320.K**  
**Commercial / Mixed Employment District**

1. **Purpose and applicability.** This district applies to all land zoned Commercial Limited and Mixed Employment within the NorthWest Crossing Overlay District.

The purpose of this district is to allow a special front yard setback that is not permitted in the underlying Commercial Limited and Mixed Employment Zones and to create parking districts. The purpose of the parking districts is to allow minimum parking needs to be met in common, shared, off-site parking lots. The special setback and parking districts will create a pedestrian-friendly, main-street environment.

2. Uses permitted.
  - a. The permitted uses allowed in the underlying Commercial Limited and Mixed Employment Zones shall be allowed unless otherwise specified in Table 2.7.320A, which shall control where conflicts exist.
3. Conditional Uses.
  - a. Conditional uses permitted in the underlying Commercial Limited and Mixed Employment Zones subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4. In addition to the conditional uses identified in Chapter 2.3 for the Mixed Employment Zone, there are certain uses that require a Conditional Use Permit if sited on site-specific properties. These uses and properties are identified in Table 2.7.320A.

Table 2.7.320A

The Special Land Use Limitations shown in the following table apply in the Commercial/Mixed Employment Overlay District on the following specific lots fronting on Mt. Washington Drive, south of NW Clearwater Drive: District 1, Lot 17; and District 2, Lots 2 and 3.

Land Use	ME
<b>Residential</b>	
Temporary Housing* as a secondary use	C
<b>Commercial</b>	
Retail Sales and Service (auto dependent*)	C
Retail Sales and Service (auto oriented*)	C
Restaurants/Food Services	
- with drive-through*	C
- without drive-through	P
Commercial Storage	
- enclosed in building and on an upper story	P
- not enclosed in building	N
- enclosed in building on ground floor (i.e., mini-storage)	N
Entertainment and Recreation	
- enclosed in building (e.g., theater)	P
- not enclosed (e.g., amusement)	C
<b>Industrial</b>	
Warehouse	C
Industrial Service (e.g., cleaning, repair)	C



**Key to Districts**

ME = Mixed Employment

**Key to Permitted Uses**

P = Permitted; subject to Chapter 4.1

N = Not Permitted;

C = Conditional Use, subject to Chapter 4.4

\* Special Standards for Certain Uses subject to Chapter 3.6 and 2.1.90

4. Height Standards.
  - a. The height standards of the underlying Commercial Limited or Mixed Employment Zone shall apply.
5. Lot Requirements. None.
6. Lot Coverage. There is no maximum lot coverage standard.
7. Front Yard Setback.
  - a. No front yard setback is required when an entrance to the building is located at the front lot line and the building is adjacent to a sidewalk 10 feet or wider in a public or private street right-of-way.
8. Site Plan Review. The provisions of BDC Chapter 4.2, Site Plan Review and Design Review, shall apply in the Commercial/Mixed Employment District. The provisions of BDC Chapter 4.2 pertaining to Commercial Design Review and BDC 2.2.800, Commercial Design Review Standards, shall not apply in the Commercial/Mixed Employment District; provided, that West Bend Property Company maintains design review standards and process consistent with the May 2003 NorthWest Crossing Commercial Rules and Design Guidelines.
9. Parking District Standards.
  - a. Each Commercial/Mixed Employment District will have areas designated for common off-street parking lots and streets designed to serve the minimum parking needs for permitted and conditional uses in the Convenience Commercial Limited and Mixed Employment Zones.
  - b. Buildings shall be located on and oriented to the streets and the parking lots will be located in the interior of the site or at the sides of buildings. The designated common parking areas will allow all buildings to be close to the street to create a pedestrian-scale street environment.
  - c. When uses are approved under the City Zoning this code in the Convenience Commercial Limited and Mixed Employment Zones, the minimum off-street parking requirements may be met in off-site, common parking lots or facilities, or in on-street parking on designated streets conveniently located to serve the commercial, office and industrial uses.
  - d. City approval of a use in the Commercial/Mixed Employment District shall be conditioned on evidence that the City minimum parking requirements for a proposed use are met by:
    - i. A deed, easement or irrevocable lease, contract or other irrevocable legal agreement assuring reservation of the required minimum number of spaces in a common Parking District parking lot or facility, or in on-street parking on private streets for the term the parking is needed; or,
    - ii. City approval of a shared or joint use agreement evidenced by an irrevocable deed, lease, contract or other legal agreement for the term that the required parking is needed.
  - e. Any parking desired over the minimum city standard shall be met with on-street or shared parking within the Commercial/ Mixed Employment Districts.

- f. Designated pedestrian access from the common District parking areas to the street and entrances to the commercial uses shall be provided.
  - g. All buildings must have at least one primary entrance directly fronting a public or private street.
  - h. The Parking District facilities shall be managed and maintained by an association of building owners in the Commercial/Mixed Employment Districts.
  - i. Parking for any secondary, second-story residential use shall be provided in assigned and reserved parking spaces, or through City approval of a shared or joint use agreement evidenced by a deed, lease, contract or other legal agreement. Reserved residential parking spaces shall not exceed the minimum city standard.
  - j. Parking lot landscaping will meet or exceed minimum City standards.
- l. Industrial Employment Overlay District



**Figure 2.7.320.L**  
**Industrial Employment Overlay District**

1. **Purpose and applicability.** The Industrial Employment Overlay District applies to all land zoned Light Industrial (IL) within the NorthWest Crossing Overlay District. The purpose of the Industrial Employment Overlay District is to provide for research or development of materials, methods, or products, and compatible light manufacturing, in a park-like setting.
2. **Uses permitted.** The following uses are permitted in the Industrial Employment Overlay District subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review.
  - a. Scientific research or experimental development of materials, methods or products including engineering and laboratory research.
  - b. Administrative, educational and other related activities and facilities in conjunction with a permitted use.
  - c. Light manufacturing, assembly, fabricating or packaging of products from previously prepared materials.
  - d. Manufacture, assembly, and testing of electronic equipment, medical instruments and apparatus, optics, photographic equipment and supplies, musical instruments, related equipment and similar uses.

- e. Manufacture of food products, pharmaceuticals, and the like, but not including the production of fish or meat products, or fermented foods, such as sauerkraut, vinegar, or the like, or the rendering of fats and oils.
  - f. Master Planned Development subject to the requirements of BDC Chapter 4.5.
  - g. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.
  - h. Enclosed storage facilities including mini-warehouse operations, which may include outdoor storage of vehicles, boats, and recreational vehicles screened from adjacent roadways.
  - i. Printing, publishing and book binding.
  - j. Automobile and truck repair, service and sales, provided wholly within an enclosed building.
  - k. Bakery for wholesale and retail distribution.
  - l. Creamery, soft drink or alcoholic beverage bottling plant and similar uses.
  - m. Dwelling unit for a caretaker or watchman working on the property.
  - n. Commercial laundry, dry cleaning and fabric dyeing.
  - o. Motion picture and video production sound stages and studios, television or radio broadcasting studios.
  - p. Warehouse and distribution or shipping center for prepared goods or packaged items.
  - ~~q. Retail or combination retail/wholesale lumber and building material yard not including concrete mixing permitted within Northwest Crossing District 1, lot 17.~~
  - q. Park, open space, and recreational facilities.
3. Conditional Uses. Uses subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.
- a. Public buildings and public utility structures and yards.
  - b. Fitness facility or health center, to include child care for patrons only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments.
4. Height Standards.
- a. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet.
5. Lot requirements. The following lot requirements shall be observed:
- a. Lot Area. Each lot shall have a minimum area of one-half acre.
  - b. Lot Width. No requirements.
  - c. Lot Depth. Each lot shall have a minimum depth of 100 feet.
  - d. Front Yard. The front yard setback shall be a minimum of 20 feet.
  - e. Side Yard. Side yard setback shall be a minimum of 10 feet except when abutting a lot in an "R" Zone and then the required side yard shall be 30 feet.
  - f. Rear Yard. A rear yard setback shall be a minimum of 15 feet except when abutting a lot in an "R" Zone and then the rear yard shall be 30 feet.
  - g. Lot Coverage. The maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.
  - h. Site Plan Review and Design Review. The provisions of BDC Chapter 4.2 shall apply in the Industrial Employment Overlay District. The provisions of BDC 4.2.300 shall not apply in the Industrial Employment Overlay District;



provided, that west Bend Property Company maintains design review standards and process consistent with the May 2003 Northwest Crossing Rules and Design Guidelines.

- i. Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

6. Other Required Conditions.

- a. In an Industrial Employment Overlay District directly across the street from an "R" Zone an off-street parking and loading area shall be set back at least 20 feet from the right-of-way, and said area shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.
- b. Other yards and unused property on a developed site shall be landscaped and maintained.
- c. Any use or portion thereof causing noise shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
- d. Any use or portion thereof causing vibration shall be performed in such a manner as not to create a nuisance or hazard on any adjacent property.
- e. Any operation producing intense heat or glare shall be performed in such a manner as not to create a nuisance or hazard on adjacent property.
- f. There shall be no emission of odorous, toxic, noxious matter, or dust in such quantities as to be readily detectable at any point along or outside property lines so as to produce a public nuisance or hazard.
- g. All off-street parking or loading areas and access drives shall be surfaces with dust-free surface and shall be maintained.

J. Final Determination of Overlay District Boundaries.

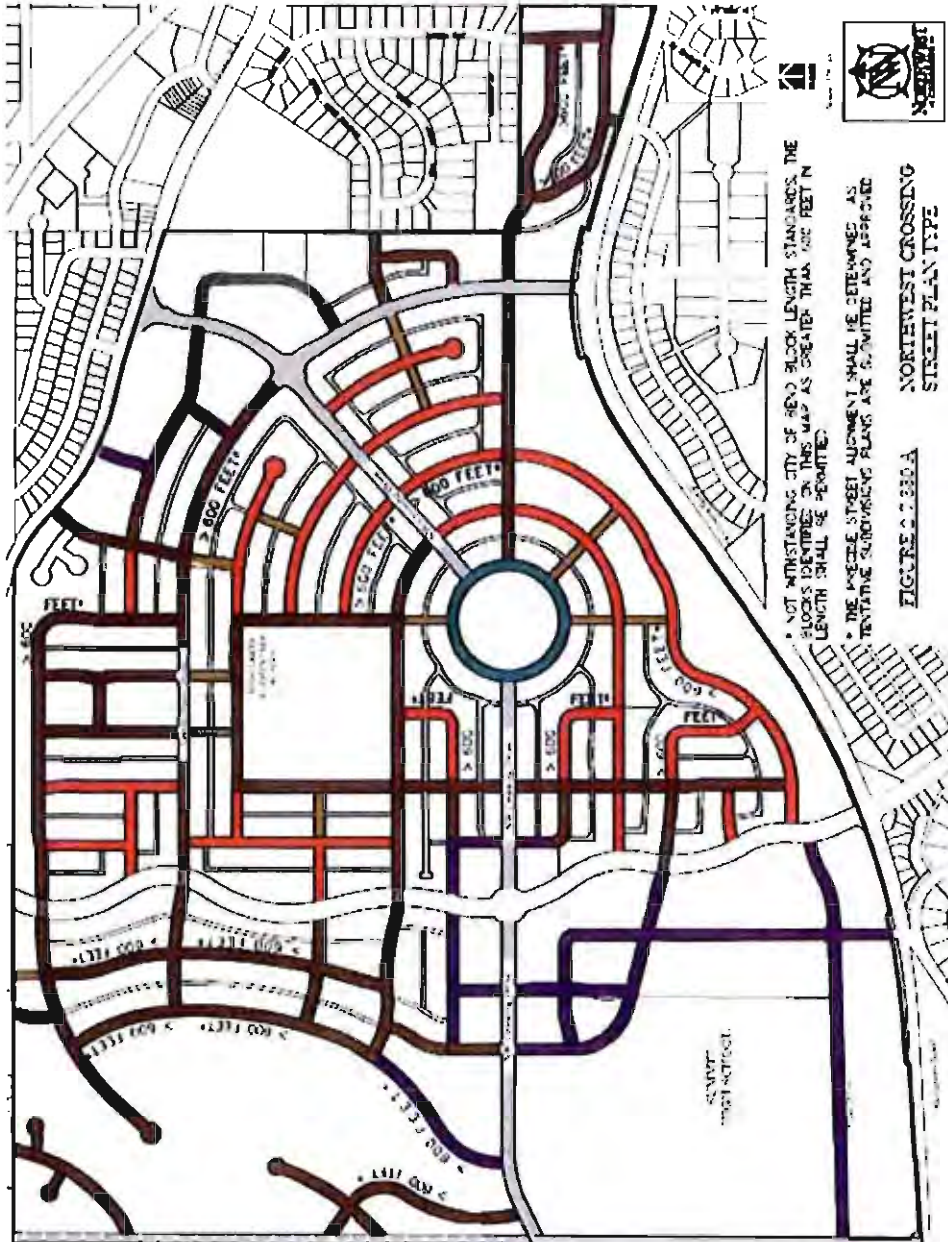
1. When an Overlay District boundary abuts a right of way, the final determination of the District boundary shall be established at the time the abutting right of way is dedicated. [Ord. NS-2131, 2009; Ord. NS-2100, 2008; Ord. NS-2016, 2006; Ord. NS-2003, 2006; Ord. NS-1968, 2005; Ord. NS-1902, 2003; Ord. NS-1892, 2003; Ord. NS-1782, 2001]

**2.7.330 Northwest Crossing Special Street Standards.**

- A. Figure 2.7.330.A depicts the street type, tentative street location and alignment in Northwest Crossing. Table 2.7.330.B defines the standards to correspond to the street type shown in Figure 2.7.330.A. The precise street alignment shall be determined as tentative subdivision plans are submitted and approved. The Northwest Crossing Street Type Plan, Figure 2.7.330.A, and the Northwest Crossing Street Standards, Table 2.7.330.B, shall be applied to the Northwest Crossing development as illustrated except when an alternate standard is permitted under this section or through the tentative plan approval process.
- B. Any City street standard adopted after the effective date of the ordinance codified in this chapter, which permits a lesser street standard, may be applied to Northwest Crossing in conformance with the provisions of the new standard.
- C. Clear Vision Area. At local/local, stop controlled street intersections, the clear vision areas shall consist of a triangular area two sides of which are lot lines measured from the corner intersection on the street lot lines for a distance of 20 feet.
- D. Performance Standards for Local Residential Street "B."

1. Average daily traffic volumes on the local "B" street do not exceed 300 ADT.
2. The street is connected to a grid street pattern at both block ends.
3. Blocks shall have dedicated public alley access constructed to City NorthWest Crossing standards.
4. "No Parking" zones are established 55 feet from the centerline of intersecting local streets.
5. For block lengths exceeding 300 feet, "No Parking" zones shall be established on both sides of the street spaced no greater than 250 feet apart. The "No Parking" zones shall be a minimum of 30 feet in length.

Figure 2.7.300.A


















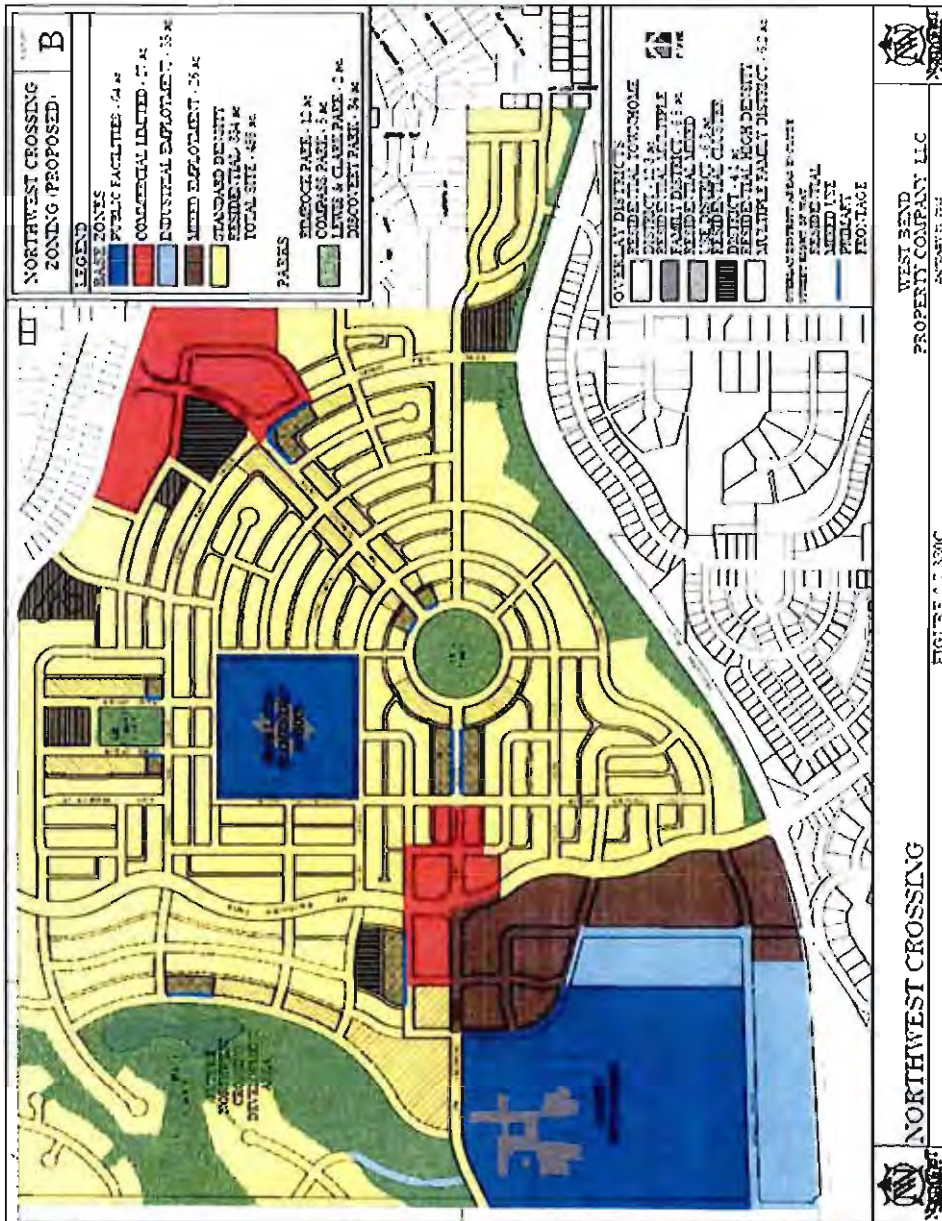
STREET LEGEND AND SPECIFICATIONS:								
TYPE		RIGHT-OF-WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	LANDSCAPE WIDTH	SIDEWALK WIDTH
	ARTERIAL STANDARD LEFT TURN LANE (WITH 12' CENTER MEDIAN)	100'	50' WITH NO PARKING (14' MEDIAN)	12'	5'	0	14' ISLAND*	6.5'
	COLLECTOR STANDARD	70'	40' WITH PARKING BOTH SIDES	10'	5'	7'	5'	6.5'
	COLLECTOR ONEWAY STANDARD	60'	32' ONEWAY WITH PARKING BOTH SIDES	10'	1.5' G	2' G 7'	5'	6.5'
	LOCAL INDUSTRIAL/COMMERCIAL STANDARD	40'***	30' WITH PARKING BOTH SIDES	10'	0	5'	6.5'	5'
	LOCAL RESIDENTIAL STANDARD A	40'***	30' WITH PARKING BOTH SIDES	8'	0	7'	6.5'	5'
	LOCAL RESIDENTIAL STANDARD B	40'	25' WITH PARKING ON BOTH SIDES	10'	0	5'	10.0'	5'
	LOCAL RESIDENTIAL STANDARD C	40'	25' WITH NO PARKING	10'	0	0	9.5'	5'
	ALLEY	20'	10'	10'	0	0	0	0
	PROPOSED COLLECTOR	***						
	PRIVATE R.O.W. OWNERSHIP	35-40'	21'	12'	0	0	0	*****
	FULL MOVEMENT INTERSECTION							
* SIDE LANDSCAPE VARIES WITH MEANDERING SIDEWALK 5' TO 14.5'	** IN COMMERCIAL SIDEWALK IS 12' OR 15' w/ TREES 21' TREE WELLS )	*** 40' RIGHT-OF-WAY WITH MULTI-USE TRAIL	**** THE ALIGNMENT FOR THE PROPOSED COLLECTOR DEPICTS A GENERALIZED CORRIDOR AND PRECISE ALIGNMENT OF THE FUTURE COLLECTOR WILL BE DETERMINED AFTER FURTHER STUDY AND ENGINEERING ANALYSIS			***** SUBJECT TO PERFORMANCE STANDARDS IN THE NORTHWEST CROSSING OVERLAY ZONE		***** SIDEWALKS OR OTHER EQUIVALENT PEDESTRIAN ACCESS WILL BE PROVIDED WITH THE PRIVATE STREET

Table 2.7.300.B

FIGURE 2.7.330.B

# NORTHWEST CROSSING STREET STANDARDS

**Figure 2.7.300.C**  
**NorthWest Crossing Overlay Districts**



[Ord. NS-2131, 2009; Ord. NS-2100, 2008; Ord. NS-2016, 2006; Ord. NS-2003, 2006; Ord. NS-1980, 2005; Ord. NS-1968, 2005; Ord. NS-1892, 2003; Ord. NS-1782, 2001]

## EXHIBIT E

### FINDINGS IN SUPPORT OF PLANNING COMMISSION RECOMMENDATION FOR PZ 12-506



#### I. APPLICABLE CRITERIA, STANDARDS & PROCEDURES:

##### APPLICABLE CRITERIA:

Bend Code Chapter 10, City of Bend Development Code

Chapter 2.7, Special Planned Districts  
2.7.300 NorthWest Crossing Overlay Zone  
Chapter 4.6, Land Use District Map and Text Amendments

The Bend Area General Plan

Oregon Administrative Rules

Chapter 660, Department of Land Conservation and Development

##### APPLICABLE PROCEDURES:

Bend Development Code, Chapter 4.1, Land Use Review and Procedures

#### II. PROCEDURAL FINDINGS:

##### PUBLIC NOTICE AND COMMENTS:

The applicant held a public meeting on the proposed amendment on October 24, 2012, prior to submittal of the application on December 14, 2012. The City sent notice of the proposed amendment to DLCD on January 3, 2013, as well as to City Departments and other affected agencies. Public notice for the Planning Commission Hearing was mailed on January 22, 2013 to all property owners within 250 feet of the COCC Special Planned District boundary, as well as to the River West, Summit West, and Century West Neighborhood Association representatives. Notice of the hearing was published in The Bulletin on January 27, 2013. The Planning Commission conducted a public hearing to accept testimony and deliberated on the request on February 11, 2013. Testimony and comments received by the Planning Commission are included in the record.

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

Chapter 4.6 Land Use District Map and Text Amendments

4.6.300 Quasi-Judicial Amendments

A. Applicability, Procedure and Authority. Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting.



Quasi-judicial amendments shall follow the Type III procedure, as governed by Chapter 4.1, Land Use Review and Procedures using the standards of approval in Section 4.6.300.B, Criteria for Quasi-judicial Amendments below. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

**FINDING:** This application has both legislative and quasi-judicial characteristics. The application will amend the zoning and plan designations of specific properties within the NorthWest Crossing Overlay Zone, as well as amending the Development Code text of the Overlay Zone. The application of these standards to a limited group of properties is consistent with the criteria for a quasi-judicial amendment as provided in Section 4.6.300 of the Bend Development Code. However, because the application is an amendment to the Bend Development Code, final action is through an ordinance adopted by the City Council as required for Type IV legislative changes in Section 4.1.500.

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

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

**FINDING:** *Goal 1, Citizen Involvement*, is "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The City adopted a citizen involvement program in compliance with this Goal, codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC Section 4.1.215, which the applicant conducted on October 24, 2012. Notice of the public meeting was provided to owners of record of property located within the NorthWest Crossing Overlay Zone and within 500 feet of the boundary of the overlay zone as well as the designated representative of the Summit West, River West, and Century West Neighborhood Associations. Public Notice for this hearing was conducted in conformance with the notice requirements of Section 4.1.515 for Type IV land use applications, which ensures that citizens are informed in four different ways about the public hearing: published notice, posted notice, individual mailed notice, and neighborhood association contact.

On January 22, 2013 the City of Bend Planning Division mailed notice of the application and the public hearing to surrounding property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property. Notice of the public hearing was also published in The Bulletin on January 27, 2013. Notices were sent to City Departments and other affected agencies for comment. Various agency comments and recommendations are contained in the project file and were also considered in the staff report.

*Goal 2, Land Use Planning*, is "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions." It emphasizes the importance of involving citizens and affected governments, and providing them with the opportunity to review and comment on proposed plan changes. The proposal is an amendment to re-allocate zones within the

Northwest Crossing Overlay Zone on specific parcels of land within the text of the Development Code. The proposed amendments are within a Development Code that has been crafted to be consistent with The Bend Area General Plan, a comprehensive plan which has been acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed amendments do not alter the administration of the code or the established requirements which ensure a factual base for all decisions. Therefore, the proposal complies with Statewide Planning Goal 2.

*Goals 3, 4, and 5* are not applicable because the properties do not include any agricultural land, forest land, or inventoried open spaces, scenic areas, historic resources, or natural resources.

*Goal 6* is not applicable because the proposed changes will not have any impacts to air, water and land Resources Quality.

*Goals 7 and 8* are not applicable because the subject properties are not within an identified natural hazard area, nor within an area identified for recreational use.

*Goal 9, Economic Development* is "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

NorthWest Crossing includes a mix of residential, commercial and employment lands. There will be no significant net change in the area comprising each of the distinct zoned areas within NorthWest Crossing as a result of this proposal. Rather, the reallocation of these areas within NorthWest Crossing will foster economic development by locating zones in an efficient manner incorporated into the overall master planned environment. NorthWest Crossing provides a variety of residential housing types in close proximity to schools, commercial and professional services, and employment lands in a well-planned environment.

Significant segments of both the CL-zoned neighborhood center and the adjoining ME-zoned District 1 have been successfully developed with buildings housing a wide variety of employment uses, providing live-work opportunities for residents within NorthWest Crossing and potentially reducing vehicle miles travelled. The existing IE zoned lots in Districts 1 and 2, however, sit largely vacant due to a variety of factors, including the limited range of uses permitted in that zone. The applicant's proposed "swap" of ME zoning in the Discovery Park quadrant onto 5 existing platted IE-zoned lots in District 1 and 2 will provide fully developed shovel-ready development sites for a much wider range of uses. The applicant notes that this is especially important given the exclusion of the NorthWest Crossings employment zones from the City of Bend's recently expanded Enterprise Zone. This exclusion has placed NorthWest Crossing's employment lands at an extreme disadvantage when competing with other employment zones throughout the City of Bend. Relocating the ME zone from a location where it cannot currently be utilized to the 5 fully developed lots will help to alleviate this disadvantage to some extent.

The end result of the proposed "swapping of zones" is that the CL zone is reduced by one acre, and the RS is increased by one acre. However, since the reduction in CL zoning is less than 2 acres, this change is considered "insignificant" under OAR 660-009-0010[4] and

therefore does not trigger any additional findings regarding an economic opportunities analysis under Goal 9.

*Goal 10, Housing*, is to "Provide for the Housing Needs of the citizens of the State". The subject property was included as a part of the City's Goal 10 inventory of needed housing when the City revised its Comprehensive Plan in 1998. This means that the land was considered available for development with housing and other uses allowed in the RS zone. The proposed amendment will not impact the City's projected housing needs, as the amendment simply reallocates similar acreages of land zoned RS and CL. As shown in Exhibits "C" and "D", with the difference of only one acre, the amendment retains the overall acreage of RS zone designations within the Northwest Crossing Overlay Districts, a zoning designation consistent with Goal 10. The proposal is consistent with the Statewide Housing Planning Goal.

*Goal 11, Public Facilities and Services*, is "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The NorthWest Crossing Overlay Zone is bounded by arterial roadways to the north and south as well as Mt. Washington Drive which bisects the district running north/south. As determined when the NorthWest Crossing Overlay Zone was initially reviewed and adopted, the area is served by City sewer, water and transportation infrastructure. Any new or future development within the boundaries of the subject property will be served through an extension of such services. The proposed amendments will not have any additional impact to public facilities and services.

*Goal 12 Transportation*, is "To provide and encourage a safe, convenient and economic transportation system." The applicant submitted a traffic impact letter from Kittelson & Associates to address the provisions of Statewide Planning Goal 12. Kittelson's analysis concludes that the applicant's proposal remains consistent with the trip generation estimates within the initial master plan for NorthWest Crossing. As such, the proposal does not significantly affect existing or planned transportation facilities per the Transportation Planning Rule, and no additional analyses are necessary to support the proposed rezone and comprehensive plan amendments. Since the proposed change would not significantly impact existing or planned transportation facilities, the requirements of OAR 660-012-0060 are met, and the proposal is consistent with Goal 12.

*Goal 13 Energy*, is "To conserve energy." The proposed amendments will not impact use of energy.

*Goal 14 Urbanization*, is "To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." The proposed amendment will not impact Goal 14 as the NorthWest Crossing Overlay Zone is located within the current City Limits and Urban Growth Boundary.

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

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

**FINDING:** The criterion of this section addresses consistency with the policies of the Comprehensive Plan (Bend Area General Plan). As described on Page 5 of the Preface of the Bend Area General Plan, the term "policy" has a specific meaning within the General Plan; a policy is a statement of public policy. The General Plan establishes a set of policies at the end of each chapter. The relevant policies are addressed below.

As described on Page 5 of the Preface: *"These statements of Policy shall be interpreted to recognize that the actual implementation of the policies will be accomplished by land use regulations such as the city's zoning ordinance, subdivision ordinance and the like."*

As described on Page 7 of the Preface: *"Changes proposed by individuals or other agencies. A proposal by an individual, corporation, or public agency to change to the Plan text, land use map, other exhibits, or policies shall be considered as determined by the procedures ordinance. A person or agency proposing a change has the burden to demonstrate a public need and benefit for the change."*

The Tables below demonstrates the changes to the overall plan and zone designations, Overlay Districts, and parks within the NorthWest Crossing Overlay Zone, as well as a description the need and benefits of the proposed changes.

**Table 1. Proposed Bend General Plan and Zoning Map Designations**

<b>Bend Urban Area General Plan and Zoning Map Designations</b>	<b>Current Acres</b>	<b>Proposed Acres</b>
Residential Standard Density	333	334
Commercial Limited	28	27
Mixed Employment	26	26
Industrial Light	35	35*
Public Facilities	64	64
<b>TOTAL ACRES</b>	<b>486</b>	<b>486</b>

\* 13 acres of IE will be developed as a portion of Discovery Park (see Exhibit G)

The applicant proposes a Zone change and Plan Map Amendment. The proposed changes to the base zones will correspond to the proposed Plan Map Amendments. As Table 1 illustrates, the end result of the proposed plan map amendments/zone changes are a net change of only a 1 acre decrease in Commercial Limited, and a 1 acre increase in Residential Standard Density.

The intended use of the relocated IE zone is part of the new Discovery Park itself, a 34 acre community park to be owned by the Bend Metro Park and Recreation District (BMPRD). To accommodate this use, the applicant proposes a text amendment to Section 2.7.320.I to add the use "Park, Open space, and Recreation Facilities" as a permitted use. This future use is illustrated on Exhibit J, the Preliminary Concept Plan for Discovery Park. Final park, street, and lot configurations will be determined through future land use applications, including tentative subdivision plans and a site plan for the park itself.



While parks, open space, and recreation facilities are already permitted in the ME zone that is already in this location, the ME zone also allows a broader range of uses that can more effectively be accommodated on the undeveloped platted lots in Districts 1 and 2. The applicant's experience in Districts 1 and 2 has been that the ME zone is a much more viable zone for development purposes than the more restrictive IE zoning. This is illustrated by the fact that the ME zoned portion of District 1 is nearly built out, while the IE zoned segments of Districts 1 and 2 remain largely vacant. Furthermore, these employment lands were excluded from the City's recently expanded Enterprise Zone, placing NorthWest Crossing as a whole at a competitive disadvantage with other employment zoned lands in Bend. Changing these 5 platted lots to ME will help alleviate that disadvantage to some extent.

The slight reduction in CL zoning comes about as a result of the rezoning of Lot 506 in Phases 9 & 10 (at the northwest corner of the NW Crossing Drive/Lemhi Pass Drive intersection) from CL to RS. The applicant's original intent was to relocate this CL zoning near the Discovery Park quadrant north of Ordway Avenue and west of Mt. Washington Drive. However, in response to concerns voiced by several NorthWest Crossing residents east of Mt. Washington Drive, this component of the proposal has been eliminated, resulting in a slight imbalance in the net acreage. As a result, the CL zone is reduced by one acre, and the RS is increased by one acre.

**Table 2. Proposed Overlay District Districts**

<b>NorthWest Crossing Overlay Districts</b>	<b>Current Acres</b>	<b>Proposed Acres</b>
Residential Townhome Overlay District	12.4	12.3
Residential Multi Family Overlay District	6.9	6.5
Residential Mixed Use Overlay District	5.1	6.3
Residential Cluster Overlay District	2.9	4.1
Residential High Density Multiple Family Overlay District	1.3	6.2

**Table 3. Existing and Proposed Parks**

<b>Parks</b>	<b>Current Acres</b>	<b>Proposed Acres</b>
Rimrock Park	12	12
Compass Park	5	5
Lewis & Clark Park	2	2
Discovery Park	19	34*
<b>TOTAL ACRES</b>	<b>38</b>	<b>53</b>

\* 13 acres of Discovery Park will be zoned Industrial Employment

In addition to the Plan Amendment/Zone Changes discussed above, the current proposal also includes the reallocation of several Residential Overlay Districts as outlined in Table 2 above. The most significant change is the 4.9 acre increase in the Residential High Density Multi-family Overlay District. The intent of this change is to cluster higher density housing near the existing high density Discovery Park Lodge, the nearby commercial node to the east, Summit High School and the Mixed Employment area to the south to help reduce some of the need and length of vehicle trips. The increase in High Density Multi-family is also intended to offset some of the single family residential development area lost to the 15 acre increased size of Discovery Park (see Table 3 above). In the same manner, the relocation/addition of a Cluster

Housing Overlay District to Lot 506 at the NW Crossing/Lemhi Pass roundabout, adjacent to the commercial node to the north near the arterial street access to Shevlin Park road, will help to reduce the length of some vehicle trips and the need for others. It will also serve as a transition between the existing residential lots to the south and future development on the CL zoned lots along Shevlin Park Road to the north.

The proposed changes to the Overlay Districts are as depicted on Exhibit D, the amended NorthWest Crossing Overlay Zone map. The overall density of the NorthWest Crossing development is currently 4.66 units per residential acre, or 1,075 units on 230.45 residential acres. The housing mix in NorthWest Crossing includes 53 apartments in Discovery Park Lodge and 8 apartments on Lot 269, Phase 6, 10 duplex units, 29 accessory dwelling units (ADUs), and 24 pending condominium cottages on Lot 216 of Phase 5 (PZ 12-0419). The remaining 959 units consists of a mix of townhomes and both platted and pending single family lots in the approved but not-yet-platted Phases 18, 20, 21, and 22. This mix of housing types includes phases with a density of less than 2 units per acre (Phase 18) as well as high density housing at up to 42 units per acre (Discovery Park Lodge). Even with this wide range of density and housing types, the overall average is well within the Residential Standard Density (RS) ranges of 2 – 7.3 units per gross acre.

The undeveloped Discovery Park quadrant contains a total area of 98.3 acres, 85 of which is zoned RS (with another 13 acres zoned Industrial Employment, intended to be included as part of Discovery Park itself). The applicant proposes that 4.9 of the 85 RS acres will be designated as a High Density Multiple Family Overlay District. The applicant's preliminary planning for potential housing units in this area includes 100 apartments within the High Density overlay, and 225 single family residential units, subject to further refinement through the site plan review and tentative plan review process. With an additional 25 unit allowance for ADUs, townhomes, and cluster housing in the proposed overlay zones, the density will barely exceed 4 units per acre in the Discovery Park quadrant, due in large part to the 34 acre Discovery Park which forms the centerpiece of this neighborhood. When the potential development within the Discovery Park quadrant is calculated into the overall density for NorthWest Crossing, the overall density total will actually drop below the present density level of 4.66 units per acre, but will still be well within the 2 – 7.3 units per acre specified in the General Plan for the RS zone.

Based upon the Geotechnical Analysis (Exhibit G), the Applicant was able to refine the layout of the street configuration and zoning districts in the Discovery Park area in light of topographical and sub-surface constraints on the site. The Geotechnical Analysis revealed the extent of historic surface mining and subsequent fill activity within the Discovery Park area to be significantly greater than originally anticipated. The result has been a reduction in developable acres in this area, which has led to a 15-acre increase in the size of Discovery Park itself. This subsequently led to a change in the street configuration in this area, and also an increase in the amount of Residential High Density, Residential Cluster, and Residential Mixed Use Overlay Districts in an attempt to keep the overall density of NorthWest Crossing closer to planned levels. In essence, 21 acres of RS standard density residential will become a part of Discovery Park, and the loss of residential units to park will be potentially offset by the higher density opportunity provided by the overlay districts. The net result is still a reduction in potential overall residential units.

## **CHAPTER 1 – PLAN MANAGEMENT AND CITIZEN INVOLVEMENT**

### **The transportation ↔ land use connection (Plan Goals, page 1-2)**

#### **Policies**

- 2. The city and special districts shall work toward the most efficient and economical method for providing their services within the UGB.***

**FINDING:** The Bend Area General Plan establishes that the City and special districts shall work toward the most efficient and economical method for providing their services within the UGB. The City and BMPRD have entered into an Intergovernmental Agreement which establishes an efficient and economical process which includes BMPRD identifying and acquiring park areas. NorthWest Crossing includes a community park designation of 34 acres in the Discovery Park quadrant. The City has coordinated with BMPRD in accordance with the applicable established and prescribed procedures. The proposal is consistent with the City and BMPRD's joint plans; and, therefore, the policy statement of this section of the General Plan has been met.

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

The NorthWest Crossing Overlay Zone was designed to encourage compact development with a mix of integrated land uses including commercial and employment lands, parks and a variety of housing types in close proximity to reduce trips, vehicle miles traveled, and facilitate non-automobile travel. The proposed amendments further refine this mix of uses in the zone.

#### **Citizen Involvement**

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

The review of the proposed Development Code text amendment has been and will continue to be processed in accordance with the public notification procedures prescribed within the Development Code. The Applicant held a public meeting on October 24, 2012 at Discovery Park Lodge with notification to the applicable neighborhood associations and surrounding neighbors for the public to review the plans. Public notice is also provided by the City, including mailed, posted, and published notice of public hearings before the Planning Commission and City Council. The mechanisms that have been established and prescribed within the Development Code provide an opportunity for all citizens of the area to participate in the planning process.

## **CHAPTER 2: NATURAL FEATURES AND OPEN SPACE**

#### **Policies**

- 1. The city and Bend Metro Park and Recreation District will inventory and maintain a list of natural features and open space lands that are important to the community.***

The properties subject to this proposal are not part of any natural feature or open space inventory. The applicant proposes to retain 19 acres of the proposed Discovery Park as designated open space with trails, while the other 15 acres will be developed park. Based on the above findings, the proposal will not impact any natural features or open spaces that have been inventoried by the City or the District as being important to the community and thus is consistent with this policy.

- 2. The city and Bend Metro Park and Recreation District shall share the responsibility to inventory, purchase, and manage public open space, and shall be supported in its efforts by the city and county.***

- 12. The City shall develop flexible subdivision and development standards that make it easier for developers to provide open space within a neighborhood.***

- 15. The Bend Metro Park and Recreation District shall designate areas in parks with significant natural values as undeveloped, managed open spaces for natural habitat, educational, aesthetic and passive recreational use, and provide opportunities for trails, observation platforms, boardwalks, and interpretive signage.***

- 17. Bend Metro Park and Recreation District shall acquire park sites and open space lands where possible to establish pedestrian, bikeway and greenway linkages between parks, open spaces, neighborhoods, and schools.***

No changes are being made to areas previously designated as parks in the NorthWest Crossing Overlay Zone other than a refinement of the Discovery Park area. The applicant proposes 34 acres to be designated as a community park in the Discovery Park quadrant, with 19 acres of open space and 15 acres of developed park space. As illustrated on Exhibit J, the conceptual plan for Discovery Park features numerous trails, including opportunities for trail linkages with adjoining undeveloped properties to the west, the existing neighborhood to the north, and Summit High School to the south. The applicant and the BMPRD have been working on an agreement for the final design, program and funding of the proposed Discovery Park. This park will be developed at the time the surrounding residential land is developed. This proposal is consistent with these policies.

### **CHAPTER 3: COMMUNITY CONNECTIONS**

#### **Parks and recreation facilities**

- 5. The Bend Metro Park and Recreation District, with the support of the city and county, shall ensure an equitable distribution of parks and open spaces throughout the District's jurisdiction.***
- 6. The Bend Metro Park and Recreation District shall identify "park deficient" areas of the community and shall acquire park and open space property in these areas.***



- 12. When it is consistent with the needs identified in the Park and Recreation District's Comprehensive Management and Development Plan, park land may be acquired from a willing developer during the land subdivision process.**
- 15. The Park and Recreation District shall strive to develop neighborhood parks or community parks within a convenient distance of every residence in the community.**
- 16. Sites for small neighborhood parks are not shown on the Land Use Plan Map, but the city shall encourage private or public parties to develop small neighborhood parks.**

A significant portion of the NorthWest Crossing Overlay Zone is planned for parks or open space. Neighborhood parks such as Lewis & Clark Park and Compass Park have already been developed to serve the NorthWest Crossing community. The applicant and the BMPRD have been working on an agreement for the final design, program and funding of the proposed Discovery Park area. This park will be developed at the time the surrounding residential land is developed.

A multi-use trail running through NorthWest Crossing from Skyliners Road north to Shevlin Park Road is shown on the Bend Bicycle and Pedestrian Plan map. This trail is also shown on the NorthWest Crossing Pedestrian and Bicycle Circulation and Parks Plan. The applicant will construct this trail as the park and surrounding properties are developed. Based on the above findings, the proposal is consistent with these policies.

#### **CHAPTER 4: POPULATION AND DEMOGRAPHICS**

***A major goal of the land use planning process is to ensure that there is sufficient land within the urban growth boundary for housing, for business and industry, for public services such as parks and schools, and an adequate transportation system to serve those needs.***

NorthWest Crossing includes a mix of residential, commercial and employment lands. There will be no significant net change in the area comprising each of the distinct zoned areas within NorthWest Crossing as a result of this proposal. Rather, the reallocation of these areas within NorthWest Crossing will foster economic development by locating zones in an efficient manner incorporated into the overall master planned environment. NorthWest Crossing provides a variety of residential housing types in close proximity to schools, commercial and professional services, and employment lands in a well-planned environment.

#### **CHAPTER 5: HOUSING AND RESIDENTIAL LANDS**

##### **Housing density and affordability**

- 21. Densities recommended on the Plan shall be recognized in order to maintain proper relationships between proposed public facilities and services and population distribution.**

The current residential density within the existing developed and tentative-plan approved residentially-zoned areas of Northwest Crossing are at 4.66 units per acre. While Section

2.7.300 – NorthWest Crossing Overlay Zone of the Development Code does not explicitly establish density restrictions upon properties zoned Urban Standard Residential (as it does with some other overlay zones), the overall planned density for various districts for NorthWest Crossing is within the range established for RS by the General Plan.

Based on the above findings, the proposed reallocation of zones, the planned residential density within NorthWest Crossing overall will be well within the range recommended in the General Plan and implemented through the Development Code and thus in conformance with the policy statement of this section.

### **Transportation connectivity**

***31. Medium and high density developments shall be located where they have good access to arterial streets and be near commercial services, employment.***

The properties within the NorthWest Crossing Overlay Zone are bounded by arterial roadways to the north and south as well as Mt. Washington Drive which bisects the district running north/south as shown on the Bend Urban Area Roadway System Plan Map. NorthWest Crossing provides a variety of residential housing types in close proximity to schools, commercial and professional services, and employment lands in a well-planned environment. In addition, the reallocation of the Industrial Employment and Mixed Employment makes better utilization of the property to market opportunities. This proposal is essentially a reallocation of the existing zones in close proximity to arterial streets and commercial services. Therefore, this policy is met.

***35. Schools and parks may be distributed throughout the residential sections of the community, and every dwelling unit in the area should be within convenient distance of a school or a park.***

The Neighborhood Park Standards provides the service area distance for neighborhood parks in residential areas of Northwest Crossing to be ¼ to ½ miles. The proposed relocation of the Cluster Housing Overlay District at the intersection of NW Lemhi Pass and Northwest Crossing Drive is less than ½ mile from Lewis and Clark Park and Compass Park. Discovery Park will provide proximity to all residential uses in the Discovery Park quadrant. Based upon the Community Park standards, and the City and Park District Intergovernmental Agreement, this policy is met.

## **CHAPTER 6: THE ECONOMY AND LANDS FOR ECONOMIC GROWTH**

### ***Commercial Development:***

***31. It is the intent of the Plan to allow commercial development adjacent to arterial streets and highways in areas designated for commercial development, provided that the developments access onto frontage roads or interior roads, and that access onto the highway or arterial will be limited. Points of access will be encouraged that provide for adequate and safe entrances and exits, and that favor right turns and merging over the use of traffic signals.***

**32. The 25 acre commercial area at the West edge of the urban area shall be designed and developed as part of an overall master plan for future commercial, industrial, and residential development between Skyliners Road and Shevlin Park Road.**

The existing Northwest Crossing Overlay Zone contains 28 acres of Commercial Limited land in two commercial nodes, both abutting arterial streets. As revised through this proposed General Plan amendment and Zone Change, the overall CL acreage in the Northwest Crossing Overlay Zone will be reduced by one acre down to 27 acres, but remains in conformance with these policies.

## **CHAPTER 7:           TRANSPORTATION SYSTEMS**

In general, the proposed amendments will have little or no impact to the existing and proposed transportation systems serving NorthWest Crossing or the City as a whole. The overall street, pedestrian, bicycle and trail system serving NorthWest Crossing will remain essentially unchanged from its original approved configuration, with the exception of local street refinements in the Discovery Park area.

**1. Medium and high density residential developments shall be located where they have good access to arterial streets and being near commercial services employment and open space to provide the maximum convenience to high concentrations of population.**

The medium and high density overlay districts are generally located within one to two blocks of arterial streets and generally near the NorthWest Crossing commercial districts. The proposed zone changes and plan amendments will remain consistent with the relevant policies of the Bend Area General Plan.

**(Section 4.6.300(B) Criteria for Quasi-Judicial Amendments continued below.)**

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

The reallocation of the zoning districts as proposed will not create any greater demand on transportation networks, sewer, water or public facilities.

The applicant submitted a traffic impact letter from Kittelson & Associates to address the provisions of Statewide Planning Goal 12. Kittelson's analysis concludes that the applicant's proposal remains consistent with the trip generation estimates within the initial master plan for NorthWest Crossing. As such, the proposal does not significantly affect existing or planned transportation facilities per the Transportation Planning Rule, and no additional analyses are necessary to support the proposed rezone and comprehensive plan amendments. Further analysis of internal circulation, safety, and access routes may be required as part of any subsequent site plan or tentative plan applications.

Mt. Washington Drive, Skyliners Road, and Shevlin Park Road provide arterial access to the properties. NW Crossing Drive provides collector access adjacent to these parcels as well.

The local streets form an interconnected network of streets to provide efficient multiple routes to various destinations. There are four new connections proposed to Mt. Washington Drive from the Discovery Park Quadrant, in addition to the existing NW Crossing Drive and Ordway Avenue. One of the new intersections is a right only movement onto Mt. Washington Drive because of the existing median. Three are full turn intersections in accordance with the existing approved street plan for NorthWest Crossing and the design of Mt Washington Drive median. As shown on the amended NorthWest Crossing Street Type Plan several connections to Mt. Washington Drive will be designed as part of the future development of the Discovery Park Quadrant. In addition, the Street Plan shows the elimination of one local street connection to Skyliners Road in the "panhandle" easternmost segment of NorthWest Crossing. This segment of NorthWest Crossing already has tentative plan approval, and through the engineering infrastructure design process it was determined that the local street intersection in this area did not have adequate sight distance and was not needed.

The amended NorthWest Crossing Street Type Plan depicts a street network in the Discovery Park area that varies from the original NorthWest Crossing Street Type Plan in several ways. The Geotechnical Analysis performed on the property illustrated a greater extent of historic pumice mining activity and subsequent loose fill than anticipated when NorthWest Crossing was initially approved. Due to the extensive amounts of loose fill (over 50 feet deep in some specific areas) and very steep terrain, development of either home sites or streets becomes impractical. As a consequence of working around the areas of deepest fill, the conceptual plan for the Discovery Park area and the Transportation Road Circulation Map in this area has changed in several ways. The revised road configuration works around the deepest areas of loose fill material by shifting alignments where practical, and by eliminating some through-street connections where loose fill was deemed to be excessively deep or the topography too steep to negotiate at a reasonable grade. The most notable change is that Discovery Park itself has shifted to the west, has significantly increased in size (from 19 acres up to 34 acres), and is no longer completely ringed by a loop road. Instead, two new cul-de-sac streets are now proposed. Trail connections from each cul-de-sac will be provided to connect to the planned trail network within Discovery Park. These changes to the park led to a significant decrease in the size of the potential residential development area west of Discovery Park, and a moderate increase in the size of the residential development area east of Discovery Park.

The applicant also notes that Skyline Ranch Road is currently depicted as a straight north-south line along the western property boundary of the Discovery Park Quadrant. Preliminary analysis of this alignment indicates that it is not a practicable alignment due to excessively steep terrain. It is anticipated that the alignment of Skyline Ranch Road will shift further to the west in this area to negotiate around two steep canyons. This should be reevaluated by the City with either: 1) Tentative plan approval for the areas adjoining this segment of Skyline Ranch Road, either within NorthWest Crossing itself or with development of the adjoining property to the west; or, 2) expansion of the Urban Growth Boundary in this area.

Sewer and water master plans were prepared for NorthWest Crossing when it was first reviewed and adopted. These master plans required applications and City approval for future individual subdivisions and development to assure orderly and efficient extension of public water and sewer facilities.



The applicant paid for over sizing of the Newport sewer interceptor to assure capacity over and above that anticipated during the sewer design. In addition, the applicant participated in a cost share agreement to extend an oversized sewer to the end of Stannium Road. The oversized sewer was stipulated in the City of Bend Sewerage Master Plan to serve the subject property and other properties in the NorthWest Crossing Overlay Districts.

The domestic water supply system was designed and constructed to meet the long-term needs of the NorthWest Crossing project. A 24" transmission main bisects the subject property and conveys water from the City's Outback chlorination facility to the Overturf Butte Reservoir. A separate 16" waterline extends from the Outback Reservoir, along Skyliners Road, to Broken Top. In 2000, the Bend-La Pine School District connected to the Broken Top 16" waterline and extended a 30" waterline northerly along Mt. Washington Drive to Shevlin Park Road. Two additional major waterlines connect the Overturf Butte Reservoir to the easterly portion of the subject property. Additionally, the Bend La Pine School District upgraded the main connecting waterline from the City source facility along Skyliners Road. In summary, numerous high capacity City of Bend waterlines bisect the property and offer multiple connection points throughout the proposed development.

The water supply system, serving two City of Bend pressure levels, will accommodate any standard fire protection flow rate. The two schools (Summit High School and High Lakes Elementary) likely represent the highest fire flow requirement at NorthWest Crossing. In both cases, those fire flows were confirmed to be available within the domestic water supply system.

Drainage on the site from streets and improvements will typically be accommodated by standard catch basins and drywells, in conformance with City of Bend standards. Any future construction of facilities or buildings must be approved by the City and will conform to City standards. The typical soil profile on the property consists of volcanic ash materials, including pumice and cinders. The soil profile is extremely permeable and ideally suited for storm water disposal through approved City of Bend facilities. In all cases, the drainage design for all public improvements must be reviewed and approved by the City of Bend Engineering Department, prior to any construction.

The reconfiguration of Discovery Park includes the retention of a natural drainage channel that is designed to accommodate floodwater. The re-contoured landscape will create a water feature engineered to hold floodwater from a 100-year flood event without damage to adjacent developed land or infrastructure

The evidence provided by the applicant shows that with appropriate conditions of approval for future development, there will be adequate public facilities, services and transportation networks to support the proposed uses. These criteria are met.

**4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Section 4.6.600; Transportation Planning Rule Compliance.**

The applicant's narrative indicates that there have been significant changes in circumstances since the original adoption that have precipitated this proposal.

Planning Commission Findings

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In order to make the NorthWest Crossing Overlay District maps more readable and efficient, a part of this proposal is to delete the individual Figures 2.7.320(A) through 2.7.320(K) to be consolidated into a single color coded NorthWest Crossing Overlay Zone Map, Figure 2.7.330(C). This map will also further delineate the public parks, both existing (east of Mt Washington Drive) and proposed (Discovery Park), that were otherwise illustrated on the individual Figures 320(A) through (K).

As discussed in previous findings, the size of Discovery Park has increased significantly (19 acres up to 34 acres) in response to a geotechnical analysis that was not available at the time the original conceptual planning for this area was done. The extensive amount of loose fill discovered in the geotechnical analysis, and the resulting expansion of the park, has further led to the proposed amendments to Figure 2.7.330(A), the NorthWest Crossing Street Type Plan. The other amendments to the locations of the various zones and overlay districts are also made in response to the changes in the Discovery Park quadrant, or as a response to changes in market conditions. The rezoning of Lot 506 from CL to RS with a Cluster Housing Overlay is an example of the latter, as it will provide a smaller and more affordable housing option in NorthWest Crossing.

All of the proposed changes are of little consequence outside of NorthWest Crossing since the total number of acres for the various zones remains nearly equal. Given the ongoing long-term success of NorthWest Crossing through both up and down market cycles, the applicant believes the proposed amendments will serve to improve and refine the overall project in such a way as to ensure its continued success in the future, thus meeting the City's goal of assuring the orderly pattern and sequence of growth through a well-planned mixed-use community. The proposal complies with these criteria.

#### **4.6.600 TRANSPORTATION PLANNING RULE COMPLIANCE**

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

##### ***Plan and Land Use Regulation Amendments***

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- (b) Change standards implementing a functional classification system; or***
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably***

*limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

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

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

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

The applicant submitted a traffic impact letter from Kittelson & Associates to address the provisions of Statewide Planning Goal 12. Kittelson's analysis concludes that the applicant's proposal remains consistent with the trip generation estimates within the initial master plan for NorthWest Crossing. As such, the proposal does not significantly affect existing or planned transportation facilities per the Transportation Planning Rule, and no additional analyses are necessary to support the proposed rezone and comprehensive plan amendments. Further analysis of internal circulation, safety, and access routes may be required as part of any subsequent site plan or tentative plan applications.

#### **IV. CONCLUSIONS:**

On the basis of the record, the proposed Bend Area General Plan Map, Zoning Map, and Development Code text amendments meet all applicable Development Code criteria, policies of the Bend Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.



DEPT OF  
APR 22 2013  
LAND CONSERVATION  
AND DEVELOPMENT

**CITY OF BEND**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
710 NW WALL STREET  
BEND, OR 97701

TO:

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