



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 08/12/2014
Jurisdiction: City of Bend
Local file no.: PZ 13-0785
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/07/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 46 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE 001-14
(20171)
File No.: [17961]
Received: 8/7/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Bend

Local file no.: **PZ 13-0785**

Date of adoption: 8/6/14

Date sent: 8/8/14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5/13/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Amy Barry

Phone: 541-693-2114

E-mail: abarry@bendoregon.gov

Street address: 710 NW Wall Street

City: Bend

Zip: 97701-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from RS to CC 1.65 acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Article XII Stone Creek Master Planned Development 2.7.3000 added to Bend Development Code

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from RS	to RM	Acres: 48
Change from RS	to CC	Acres: 1.65
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Area of Special Interest (ASI) Acres added: Acres removed: 3

Location of affected property (T, R, Sec., TL and address): 181204CD01100, 181209B000100, 101, 102 & 200

List affected state or federal agencies, local governments and special districts: NA

Identify supplemental information that is included because it may be useful to inform DLCDC or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. NS-2223

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN MAP, ZONING MAP, AND DEVELOPMENT CODE TO CREATE THE 88 ACRE STONE CREEK MASTER PLANNED DEVELOPMENT. THE PROPERTY IS LOCATED SOUTH OF THE COID CANAL AND REED MARKET ROAD, NORTH OF BROSTERHOUS ROAD, AND EAST OF THE AMERICAN LANE INDUSTRIAL AREA.

Findings

- A. On December 19, 2013, Lands Bend Corporation initiated amendments to the Bend Area General Plan Map, Zoning Map, and Bend Development Code to create an 88 acre Stone Creek Master Planned Development, including a zone change of 48 acres from Residential Standard Density (RS) to Residential Medium Density (RM) in conformance with the General Plan designation; and General Plan and zoning map amendments to change 1.65 acres of RS designated land to Commercial Convenience (CC), and to reduce the size of the Area of Special Interest (ASI) from 5.4 acres to 2.4 acres.
- B. On June 9, 2014, the Planning Commission held a public hearing on the proposed Stone Creek Master Planned Development. The Planning Commission completed its deliberations and voted to recommend that the City Council adopt an ordinance amending the Bend Area General Plan and Zoning Map as contained in Exhibits A and B, and adopting the Stone Creek Master Planned Development code text with changes recommended by the Planning Commission as contained in Exhibit C, along with the conditions of approval in Exhibit D, and the findings in Exhibit E.
- C. The Bend City Council held a public hearing on July 16, 2014, to consider the Planning Commission recommendation.
- D. The requested amendments to the Bend Area General Plan Map, Zoning Map, and Bend Development Code approved by this Ordinance meet all applicable Development Code criteria, policies of the Bend Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

THE CITY OF BEND ORDAINS AS FOLLOWS:


- Section 1. The Bend Area General Plan Map, Zoning Map, and Bend Development Code are amended to create the 88 acre Stone Creek Master Planned Development as contained in Exhibits A, B, and C.
- Section 2. The conditions of approval in Exhibit D shall be met with subsequent development within the Stone Creek Master Planned Development area.
- Section 3. The City Council adopts the Findings in support of this ordinance as contained in Exhibit E.

First reading: July 16, 2014.

Second reading and adoption by roll call vote: August 6, 2014.

YES: Mayor Jim Clinton
Councilor Jodie Barram
Councilor Scott Ramsay
Councilor Mark Capell
Councilor Doug Knight
Councilor Sally Russell

NO: none




Jim Clinton, Mayor

Attest:



Robyn Christie, City of Bend Recorder

Approved as to form:



Mary Winters, City Attorney

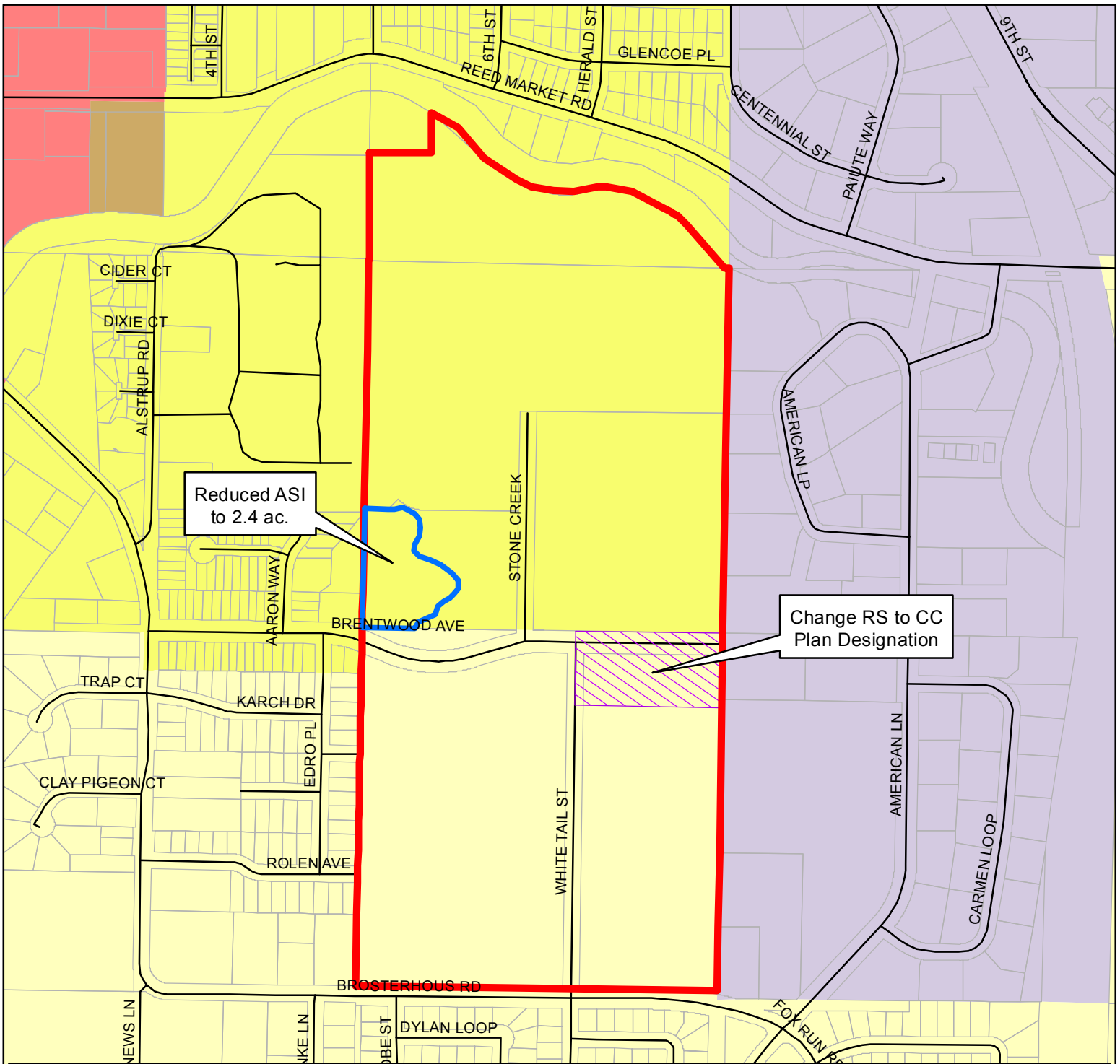











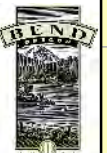
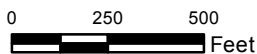


Exhibit A - Stone Creek Master Plan Comprehensive Plan Changes

- | | | | | |
|--|---|--|---|---|
|  Stone Creek Master Plan Area | Comprehensive Plan |  Zone Change RS to CC |  CG - Commercial General |  RL - Residential Low Density |
|  Reduced ASI |  IL - Industrial Limited |  Taxlots |  RM - Residential Medium Density |  RS - Residential Standard Density |
|  Roads |  RH - Residential High Density | | | |

This map is for reference purposes only. The information was derived from Deschutes County and City of Bend GIS. Care was taken in the creation of this map, but it is provided "AS IS." Please contact the City of Bend to verify map information or to report any errors. Map prepared by City of Bend GIS, January 2014
 Q:\GIS\GIS Projects\Zoning\GeneralPlanChanges



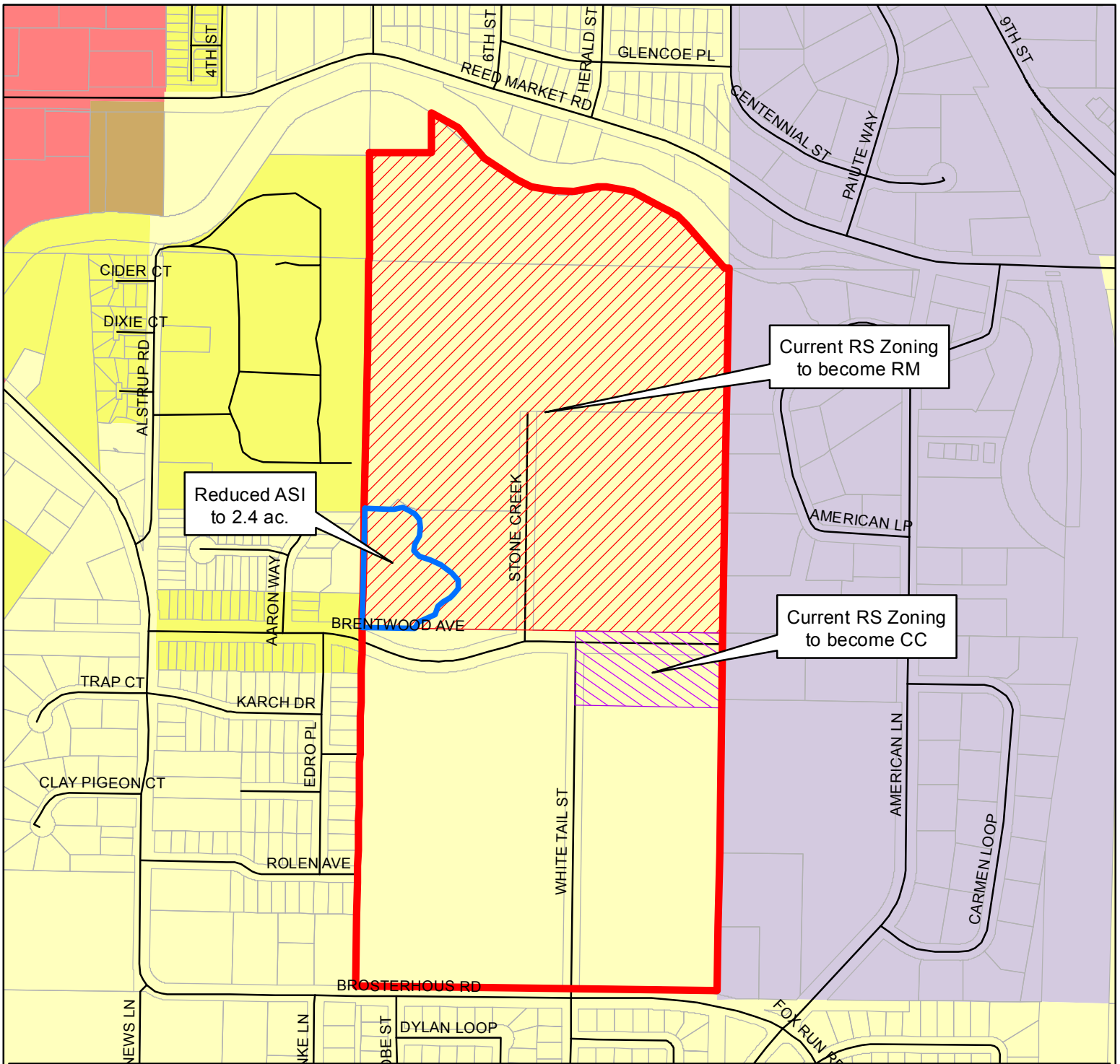


Exhibit B - Stone Creek Master Plan Zone Changes

- | | | | | | | |
|---|------------------------------|---|---|---|---|-----------------------------------|
|  | Stone Creek Master Plan Area | Zoning |  | CG - Commercial General |  | RL - Residential Low Density |
|  | Reduced ASI |  | IL - Industrial Limited |  |  | RM - Residential Medium Density |
|  | Zone Change, RS to CC |  | RH - Residential High Density |  |  | RS - Residential Standard Density |
|  | Zone Change, RS to RM |  | Taxlots | | | |
|  | Roads | | | | | |

This map is for reference purposes only. The information was derived from Deschutes County and City of Bend GIS. Care was taken in the creation of this map, but it is provided "AS IS." Please contact the City of Bend to verify map information or to report any errors. Map prepared by City of Bend GIS, January 2014
 Q:\GIS\GIS Projects\Zoning\GeneralPlanChanges

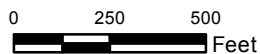


EXHIBIT C
Article XII
Stone Creek Master Planned Development

2.7.3000 Stone Creek Master Planned Development.

2.7.3010 Applicability. The area regulated by the Stone Creek Master Plan is approximately 88 acres of land south of Reed Market Road and north of Brosterhous Road. It is bounded on the north by the Central Oregon Irrigation District main lateral, to the east by the American Lane Industrial area, to the south by Brosterhous Road and to the west by the Sun Ranch Master Plan area and other residential subdivisions. Conditions of approval pertaining to the timing of required public infrastructure improvements are contained in Ordinance NS-xxxx.

2.7.3020 Purpose. The purpose of the Stone Creek Master Planned Development is to create a coordinated neighborhood with special development standards for the residential, commercial, recreational, and public institutional uses within the master plan area. The Master Plan Development objectives are to:

- Provide a variety and mixture of housing types and densities with compatible architectural styles in a coordinated neighborhood.
- Identify and coordinate street and utility locations.
- Provide a site for the construction of a public elementary school.
- Designate neighborhood open space for construction and maintenance of a public park.
- Establish design standards for street, sidewalks and building locations to create streetscapes that are safe and accessible for all modes.
- Provide an area for neighborhood commercial to reduce vehicle trips and create a mixed use residential neighborhood.
- Create safe and convenient pedestrian and bicycle circulation and trail connections.

The plan promotes the development of a mixed use neighborhood based on traditional planning principles with a network of connected streets, some narrower than required by Chapter 3.4, to help distribute local traffic evenly. A neighborhood park is provided to protect the ASI and provide community open space. Neighborhood commercial at the center of the neighborhood on Brentwood Avenue will reduce the use of automobiles while keeping the associated commercial traffic away from the residential areas.

2.7.3030 Permitted Uses. All residential uses described in BDC 2.1.200 for the RM zone shall be permitted in the residential areas of the Stone Creek Master Planned Development area. Uses as described in BDC 2.2.300 for the CC zone shall be permitted in the commercial area. The public school and park are permitted uses in the areas shown on the Stone Creek Master Plan overlay map.

2.7.3040 Development Standards. The special standards of the Stone Creek Master Plan area shall supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable standards of the underlying zone shall apply. An exception BDC 2.1.300.G *Residential Compatibility Standards* was granted for the lots along the west boundary, south of the future extension of Rolen Avenue.

A. Setbacks Standards.

Table 2.7.3040 – Setbacks

USE	Front	Side	Rear
Single Family Detached	10 feet, except garages shall be 20 feet	5 feet	5 feet
Duplex/Triplex	10 feet, except garages shall be 20 feet	5 feet	5 feet
Multifamily	10 feet, except garages shall be 20 feet	5 feet	5 feet
Single Family Attached (Townhomes)	5 feet, except garages shall be 20 feet	0 feet	0 feet
Neighborhood Commercial	10 feet	5 feet, when abutting residential	0 feet
Other Conditional Uses per 2.1.200	10 feet	0 feet	0 feet

B. Building Height. Building height requirements are based on use as follows:

1. Single family, duplex and triplex dwellings – 35 feet
2. Multifamily (more than three attached units) – 45 feet
3. School site – 45 feet
4. Commercial - 35 feet with additional 10 feet for residential above commercial
5. Park and community amenities – 35 feet

C. Building Mass and Scale. There is no minimum or maximum floor area ratio requirement. All single family dwellings, duplexes and triplexes shall have a maximum lot coverage of 60 percent. Multifamily housing, commercial and public uses shall have no maximum lot coverage.

D. Lot Area and Dimensions.

1. Single family detached and attached units shall meet the lot area and dimension requirements for the RM zone contained in BDC Table 2.1.500.
2. The minimum lot area for duplex units is 4,000 square feet, and 5,500 square feet for triplex units. Both duplex and triplex units shall have a minimum lot width of 30 feet and a minimum lot depth of 80 feet.
3. Two detached dwelling units are allowed on lots greater than 6,000 square feet.
4. There is no minimum lot area, width, or depth for multifamily housing, commercial, school, or park sites.

E. Density. Density may be averaged across the residential districts provided that the overall density for the entire master plan development area meets the minimum density requirement of 555 dwelling units (60 percent of the maximum density), and does not exceed the maximum density of 925 dwelling units.

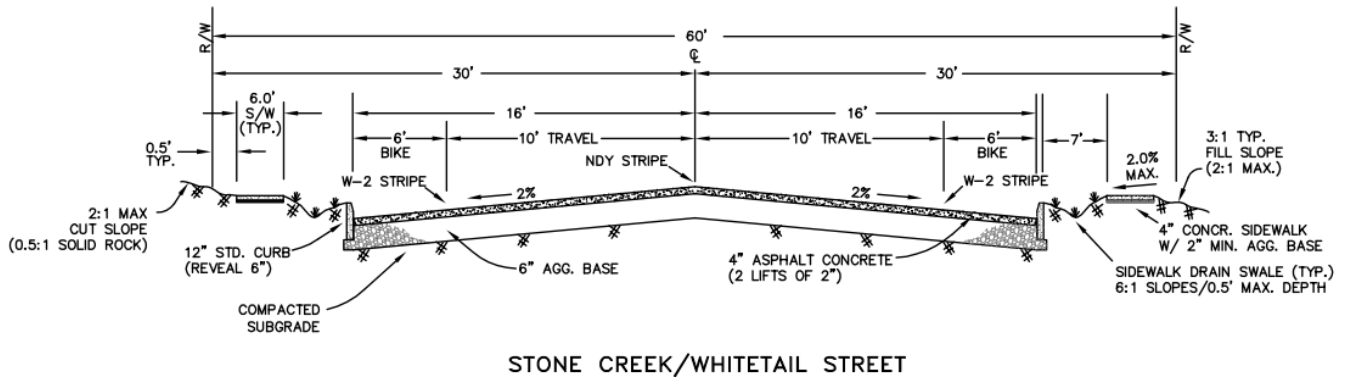
2.7.3050 Multifamily Development Areas. Multifamily housing may be located on platted lots, as zero lot line products, or as units in a condominium or apartment development with shared use of common facilities such as driveways, parking areas, sidewalks, entryways, pedestrian access corridors, open space and lawn areas. Multifamily housing need not have frontage on a public road so long as permanent legal access established through a non-revocable easement, with provisions for maintenance, is provided to each dwelling unit.

2.7.3060 Neighborhood Park. A neighborhood park shall be provided at the location depicted on Figure 2.7.3070.A.

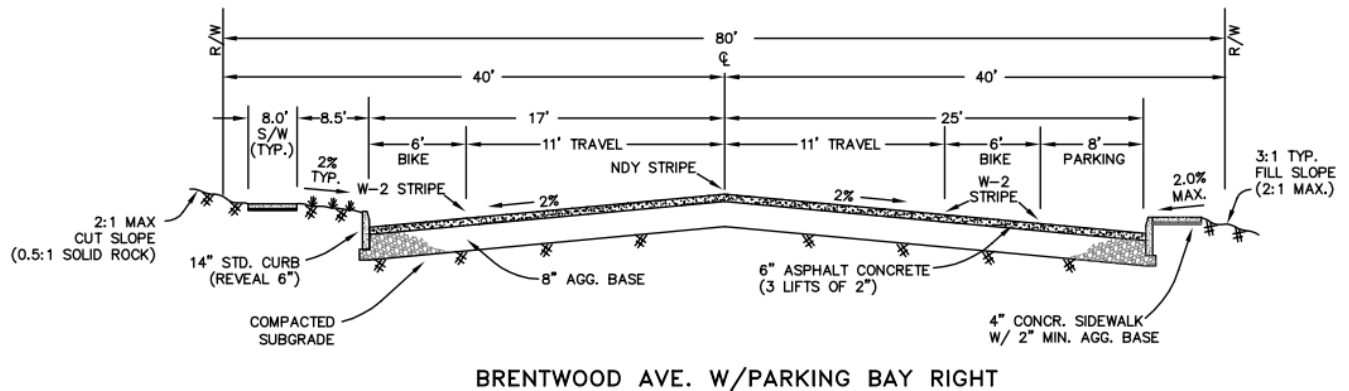
2.7.3070 Street and Pedestrian Standards. Street and pedestrian standards shall be consistent with the requirements of this Code, except as set forth below:

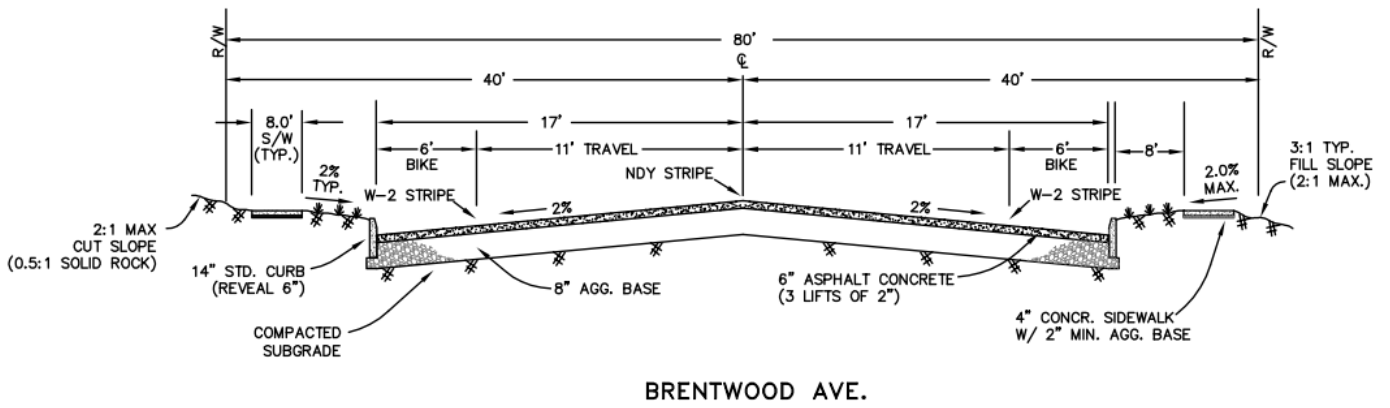
- A. Street Section 1 (Whitetail & Stone Creek Streets) - Neighborhood Collector.
Street Section 1 will be used on the primary north-south streets that connect Brosterhouse Road to the south, Brentwood Avenue in the center of the site, and the multifamily area at the north edge of the site along the canal. These streets will consist of 60 feet of public right-of-way with 10 foot vehicle travel lanes, 6 foot bike lanes, a 7+ foot landscape strip, and 6 foot wide sidewalks.

Street Section 1 (White Tail & Stone Creek)



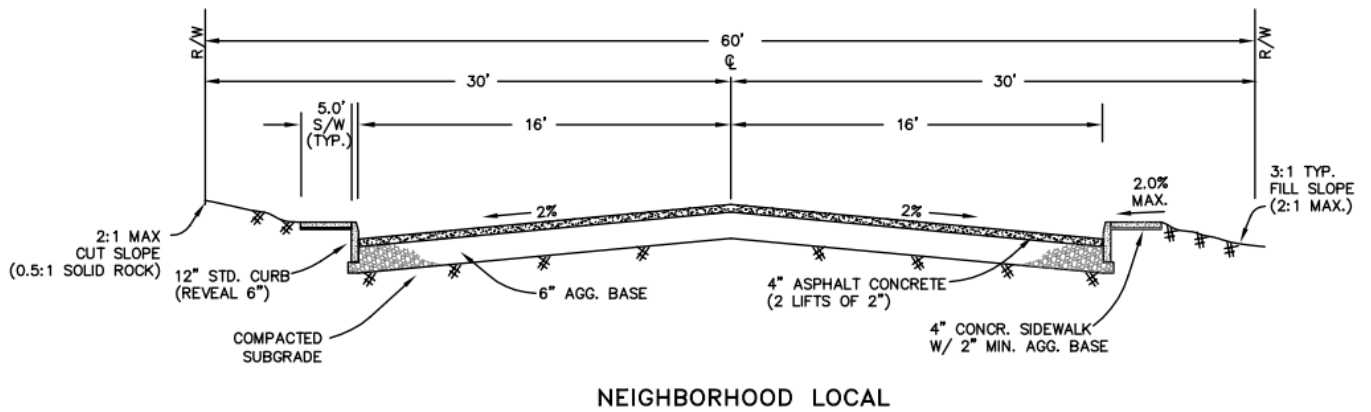
- B. Street Section 2A/2B (Brentwood) – Collector.
Brentwood Avenue, designated on the City’s TSP as a major collector road, connects the residential neighborhood to the west and is expected to extend beyond the site to the industrial area to the east in the future. On the Stone Creek site, Brentwood will connect the park, elementary school, and north-south streets, and will have an 80 foot right-of-way for its entirety through the site. Two street sections will be used for Brentwood Avenue. Both sections 2A and 2B will have 11 foot vehicle travel lanes, 6 foot bike lanes, and 8 foot wide sidewalks. Section 2A will have an 8 foot wide parking strip for parallel parking. Section 2B will have wider landscape strips. Landscape strips between the curb and sidewalk will vary from 11 to 15 feet in width.





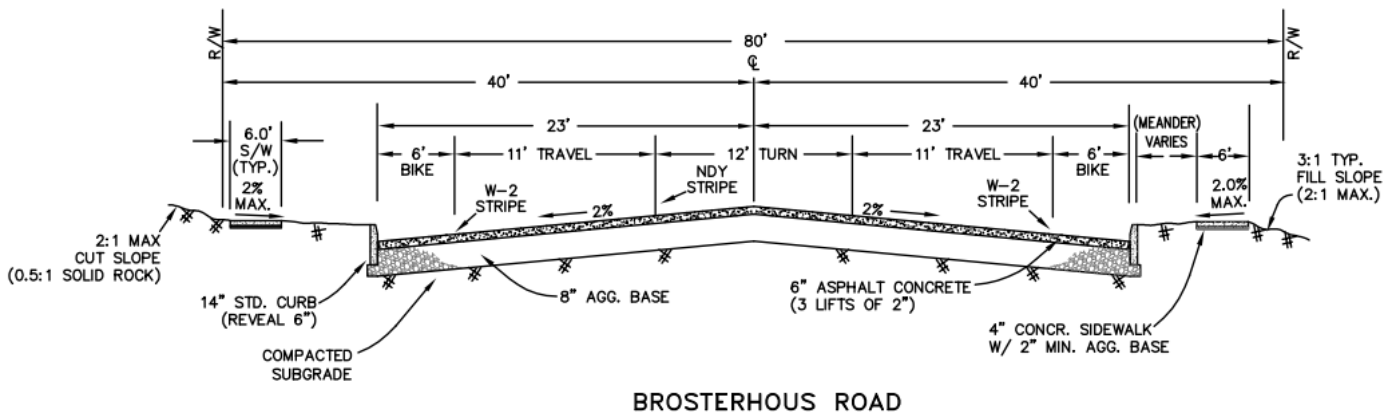
C. Street Section 3 - Local Residential.

The secondary east-west streets in the residential areas of the neighborhood will be standard, local residential streets consisting of 60 feet of public right-of-way with 8 foot vehicle travel lanes, 8 foot wide on-street parking, a 9 foot wide landscape strip, and 5 foot wide sidewalks.



D. Street Section 4 (Brosterhous Rd) – Collector.

Brosterhous Road is an existing City collector street located along the southern boundary of the site. The portion of this street adjacent to the Stone Creek Master Plan area consists of 80 feet of public right-of-way which will be improved to current City collector street standards with 11 foot wide vehicle travel lanes and a 12 foot wide eastbound left turn lane onto White Tail Street, 6 foot bike lanes, 11+ foot wide landscape strips, and 5 foot wide sidewalks.



E. Street Trees. Street trees shall be provided along all streets in conformance with the BDC 3.2.400 *Street Trees*.

Figure 2.7.3070.A

Stone Creek Master Plan Overlay

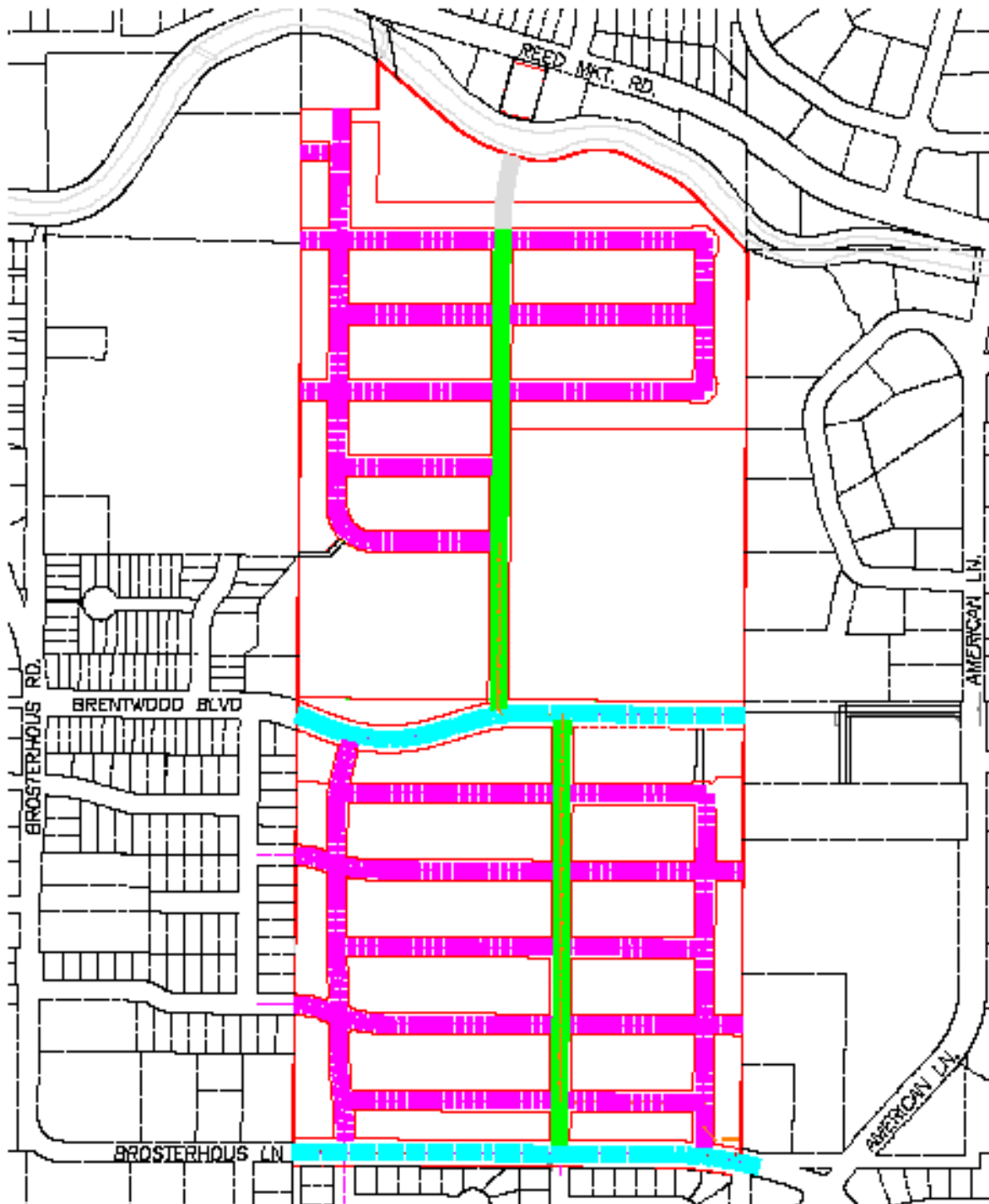


LEGEND

- Site Boundary
- Pedestrian Park Paths
- ← - - - → Bike Lane
- ◀ - - - ▶ Pedestrian Connections
- Single-Family Residential
- Multifamily Residential
- Park
- Rec Center
- School
- Commercial

↑ N

Figure 2.7.3070.B



ROADWAY CLASSIFICATION KEY




-  COLLECTOR
-  NEIGHBORHOOD COLLECTOR
-  LOCAL
-  POTENTIAL CONNECTION IF CANAL IS PIPED



EXHIBIT D
CONDITIONS OF APPROVAL

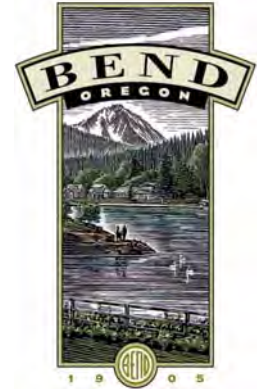
1. The developer will be allowed to build 100 single family homes (or EDUs) north of Brentwood Avenue while having only a single 12-inch water line feed. Additional development after 100 EDU's on the northern portion of the development will require a secondary water main connection to the City system.
2. All fire lines and domestic meters shall comply with the City standards and be included on the infrastructure plans. All final locations of fire hydrants and valves shall be reviewed and approved with the infrastructure plans. 12 inch water lines are required in Brentwood Avenue and Stone Creek Road as proposed. All other water lines shall be 8 inches unless otherwise approved by the City Engineer. All lines within each phase will be required to provide a looped system within each development phase with no dead end lines to the maximum extent practical. The follow water line connections are required to the existing system:

	STREET		STREET
1	Brentwood Extension	@	Brentwood Ave.
2	Proposed Street	@	Kira Dr.
3	Proposed Street	@	Rolen Ave.
4	Proposed Street	@	Kobe St.
5	White Tail St	@	Brosterhous Rd.
6	Proposed Street	@	Brosterhous Rd.
7	Brentwood Extension	@	Eastern Project Boundary
8	North End Secondary Connection**	@	TBD

3. All development north of Brentwood Ave shall be served by a gravity sewer system that flows to a main line in Stone Creek Street that discharges under the COID canal to Reed Market Road. All development south of Brentwood Ave shall be served by a gravity sewer system that will discharge to an interim lift station to be located in the SE corner of the development.
4. The gravity system south of Brentwood Avenue shall be designed such that it can discharge to the SE interceptor in the future. The engineer shall provide a preliminary design demonstrating that the design grades of the gravity system can discharge via a future gravity main in Brosterhous to the south and discharge into the existing main sewer line by the Sun Meadow lift station.
5. The interim lift station shall be designed to accommodate the flows for the master plan area south of Brentwood Avenue and the flows discharging to the Tri-Peaks station. The interim lift station shall pump via a force main to the gravity line in Stone Creek Street by the school that will convey flow to the north to Reed Market Road. The interim lift station shall be designed to the latest City Standards that have recently been developed in conjunction with an update to the City's Standards and Specifications. The engineer shall coordinate with Engineering to identify the design parameters for the station.

6. The applicant shall provide the following transportation system improvements to mitigate their impacts to the transportation system:
 - a) All streets within the Stone Creek Master Plan area shall be constructed to City Standards and Specifications and in accordance with the Stone Creek Master Plan Street and Pedestrian Standards. Timing for construction of streets shall be addressed with tentative plan review and approval.
 - b) Brosterhous Road shall be improved to City major collector street standards adjacent to the south boundary of the Stone Creek Master Plan area and in accordance with the Stone Creek Master Plan Street and Pedestrian Standards. Required improvements include a left turn lane at White Tail Street. These improvements shall be required with the first phase of development south of Brentwood Avenue.
 - c) US 97 SB Ramps - Prior to final plat approval for Phase E-1 or the platting of the 251st lot, the following improvements shall be completed as proposed:
 - Lane re-striping for a dual left turn lane.
 - Signal head changes in accordance with the ODOT Signal Design Manual including the current safety counter measures being promoted by ODOT such as reflective backplate tape and pedestrian countdown timer heads.
 - Update the signal controller to the current 2070 platform and adding communication devices to connect to the Central Signal Server to allow for operation evaluations and expedite timing changes as needed. Communication would be achieved via connection through the in place signal at 3rd St and Reed Market.
 - ADA Ramps to be in compliance with the pedestrian equipment.
 - d) US 97 NB Ramps - Prior to final plat approval for Phase E-1 or the platting of the 251st lot, the following improvements shall be completed as proposed:
 - Tighten the radius at the northbound ramp termini with Reed Market to improve sight distance by moving the stop bar closer to Reed Market.
 - Appropriate signage and striping including possible bike lane markings.
 - Associated ADA ramps with the curb return reconfiguration.
 - e) Reed Market/3rd Street - Applicant shall provide their proportionate share contribution of \$284,284 for transportation improvements in this corridor to mitigate their impacts to this intersection as proposed. The timing of the payments will be refined through the tentative plan review process, with a portion of the overall contribution to be paid with each phase of development, based on the trips generated in that phase.
7. All proposed public sidewalks, ADA ramps, and driveway aprons, and those contiguous with the site, are required to meet current City and PROWAG standards through the Public Infrastructure Plan review process.

**EXHIBIT E
FINDINGS IN SUPPORT OF
STONE CREEK MASTER PLANNED DEVELOPMENT
AMENDMENTS PZ 13-0785**



I. APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

City of Bend Development Code

- Chapter 2.1, Residential Districts (RS, RM)
- Chapter 2.2, Commercial Zoning Districts (CC)
- Chapter 2.7, Special Planned Districts
- Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
- Chapter 3.4, Public Improvement Standards
- Chapter 3.5, Other Design Standards
- Chapter 4.1, Land Use Review and Procedures
- Chapter 4.5, Master Planning and Development Alternatives
- Chapter 4.6, Land Use District Map and Text Amendments
- Chapter 4.7, Transportation Analysis

The Bend Area General Plan

Oregon Administrative Rules

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

II. PROCEDURAL FINDINGS:

PUBLIC NOTICE AND COMMENTS: The applicant held a neighborhood meeting on November 12, 2013 in accordance with the requirements of BDC 4.1.215.

Notice was provided to DLCD on January 9, 2014. Notices were also sent to City Departments and other affected agencies for comment.

Notice of the Planning Commission hearing for the proposed amendments was mailed on May 27, 2014.

On June 9, 2014 the Planning Commission held a public hearing on the proposed Stone Creek Master Planned Development. Other than the applicant's development team, and representatives from the Bend Park and Recreation District and the Bend La-Pine School District, no members of the public were present to testify at the hearing. The only written comments received were from the Old Farm District and Larkspur Neighborhood Association representatives, which were generally supportive of the master plan as proposed.

III. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA AND PROCEDURES

Chapter 4.5 Land Use District Map and Text Amendments

4.5.300 Master Planned Developments.

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

Development Plan shall be required in conformance with BDC 4.5.400, Master Planned Neighborhood Development.

FINDING: The subject properties total 88 acres. BDC 4.5.400 is addressed further on in these findings.

B. Review and Approval Process.

- 1. Review Steps. There are three required steps for Master Planned Development approval:**
 - a. Step 1 – the approval of a concept development plan. The concept development plan shall include an area plan that depicts the development site concept including the surrounding area within 500 feet, and a facilities plan for sewer, water and transportation, and park facilities;**
 - b. Step 2 – the approval of a tentative development plan. A tentative development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes, zoning designations and other features; and**
 - c. Step 3 – the approval of preliminary subdivision plat(s) and/or site development review application(s).**

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

The tentative development plan may be reviewed using the Type II procedure in accordance with BDC Chapter 4.1, Development Review and Procedures, and shall ensure substantial compliance with the approved/proposed MPD concept development plan.

In order to expedite the process, the review steps, notification and hearings may be combined. The applicant shall submit an application in conformance with the following provisions:

FINDING: The applicant's request includes steps 1 & 2. Once the Master Plan is adopted, tentative subdivision applications and/or site plan review applications for individual phases of development will be submitted as required to complete Step 3. This application for steps 1 & 2 is being processed as Type III procedure. Subsequent land division and site plan review applications will be processed as Type II procedures.

- a. The Master Planned Development shall include, but not be limited to, the informational requirements of BDC 4.3.200, General Requirements, as well as the following elements:**
 - i. Existing and planned major street network plans, including proposed arterial, collector and local street alignments within the master planned area and where the streets will connect with the existing street system.**
 - ii. Existing and planned water and sewer facilities to serve the master planned area, including line sizes, general location or routes and how the lines will tie into adjacent areas and facilities.**

- iii. Existing and planned pedestrian and bicycle corridors within the master planned area and where these facilities will connect with existing facilities.
- iv. Public and/or private parks, open space or common areas.
- v. Planned densities and types of uses within the affected area.
- vi. A written narrative that explains or describes:
 - (A) How the proposed water, sewer and street system will be adequate to serve the size and type of development and uses planned for this area;
 - (B) How the location and sizing of water and sewer facilities on site will be consistent with the existing and planned facilities;
 - (C) How adequate water flow volumes will be provided to meet fire flow and domestic demands; and
 - (D) The function and location of any private utility system.

FINDING: The above requirements are included in the plans, narrative, and proposed text submitted with the application. Sewer, water, and transportation system analyses were submitted which include proposed infrastructure to serve the master plan development. The analyses show that with the infrastructure improvements proposed, there will be adequate sewer, water, and transportation system capacity to serve the proposed development. These requirements are addressed in detail further on in these findings.

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

FINDING: Draft Development Code text (Exhibit C) was provided with special development standards intended to implement the proposed MPD.

- b. No application for a Master Planned Development shall be approved unless the applicant can explain in a written narrative how the following requirements are met:
 - i. The MPD contributes to orderly development and land use patterns in the area, will be compatible with adjacent developments and will not adversely affect the character of the area.
 - ii. The MPD will not create excessive demand on public facilities and services required to serve the development.
 - iii. The MPD contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities, and does not conflict with existing public access easements within or adjacent to the development.
 - iv. The MPD provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, designated areas of special interest, and other natural resources to the maximum degree practicable. Preservation shall be considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term prevent in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection shall not in itself be considered to prevent development.

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

FINDING: The above requirements are addressed in the applicant's narrative and analyses submitted with the application and are addressed in detail further on in these findings. The applicant's narrative notes that the proposal contributes to orderly development and land use patterns in the area by proposing development at densities and uses contemplated in the Bend Area General Plan and implemented through the Bend Development Code. An orderly extension of the existing street network is proposed to create continuous through streets meeting block length and block perimeter requirements to the maximum extent practical given existing industrial development to the east, existing residential development patterns and the ASI to the west, and the COID canal to the north. Bike lanes, sidewalks and pedestrian connections are proposed through the site consistent with the Bend Urban Area Bicycle and Pedestrian System Plan. The site has no streams, lakes or significant natural features other than the identified as an Area of Special Interest. The applicant plans to improve and preserve the ASI area by removing the waste and fill material and creating a public park with picnic and playground amenities and a soft surface trail system. Significant vegetation throughout the area will be preserved to the extent practical considering the development plans and the installation of the necessary infrastructure to serve the development. Per the sewer, water and transportation analyses submitted with the application, and based on the infrastructure proposed to be constructed with development, the MPD will not create excessive demand on public facilities and services required to serve the development. The proposed amendment to the General Plan and Zoning Maps and conformance with the applicable General Plan policies is addressed further on in these findings.

C. Applicability of BDC Title 3, Design Standards. The development standards of BDC Title 3 apply to all Master Planned Developments, unless otherwise specified as part of a MPD concept proposal.

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

1. Concept Development Plan Submission.

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

- i. **A statement of planning objectives to be achieved by the Master Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.**

FINDING: The planning objectives to be achieved by the Master Planned Development are detailed in the proposed code text and in the Stone Creek Master Plan graphics package submitted with the application.

- ii. **A concept schedule indicating the approximate dates when construction of the Master Planned Development and its various phases are expected to be initiated and completed.**

FINDING: The applicant anticipates construction of phase 5 by the end of 2018. The applicant proposes to complete the project in accordance with this schedule to the extent practical and as dictated by sales and market demand.

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

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

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

FINDING: The applicant submitted a Transportation Impact Analyses prepared by Chris Clemow and David Holt of Group Mackenzie, as well as City sewer and water analyses.

- b. **Additional Information. In addition to the general information described above, the concept development plan application shall include the following exhibits and information:**
 - i. **Site analysis map, as defined in BDC 4.2.300, Design Review;**
 - ii. **Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);**
 - iii. **Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);**
 - iv. **Landscape concept plan and tree preservation plan in accordance with BDC Chapter 3.2;**
 - v. **Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials);**
 - vi. **Sign concept plan (e.g., locations, general size, style and materials of signs);**
 - vii. **Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).**

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

FINDING: All of the above requirements were submitted with the application with the exception of proposed CCRs. The applicant's narrative states that there are no existing covenants and restrictions, and that they will develop and record CCRs in accordance with the Planned Communities Act, ORS 94.550 to provide for the establishment of a homeowners association and management of any common areas or amenities, shared parking or other shared facilities.

- 2. Concept Development Plan Approval Criteria. The applicant shall submit a narrative and plans detailing how the following criteria are satisfied. The City shall make findings demonstrating that all of the following criteria are satisfied when approving, or approving with conditions, the concept plan. The City shall make findings demonstrating that one or all of the criteria are not satisfied when denying an application:**
- a. Bend Area General Plan. All relevant provisions of the Bend Area General Plan are met except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.**

FINDING: The relevant provisions of the Bend Area General Plan are met and are addressed under BDC 4.6.300.

- b. Land Division Chapter. All of the requirements for land divisions, as applicable, shall be in conformance with BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments; except as proposed to be modified by the applicant in conformance with subsection (C)(1) of this section.**

FINDING: BDC Chapter 4.3 will be addressed when the applicant completes step 3 of the Master Plan approval process, with subsequent Type II Land Division applications for each phase of development.

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

FINDING: The proposed Stone Creek Master Plan development code text will supersede some of the requirements of BDC Chapter 2.0. In general, the proposed master plan conforms to the uses and development code standards for the RM and CC zones in Chapter 2.0, with the exception of allowing some minor deviations from floor area ratio, lot coverage, setbacks, and building height standards. Additionally, the proposed park, school, and multifamily development will be permitted outright, rather than requiring conditional use permit approval.

Likewise, the proposed Stone Creek Master Plan development code text will supersede some of the requirements of BDC Chapter 3.0. In general, the proposed master plan conforms with the development code standards of Chapter 3.0, although it establishes specific street

standards and blocks which will be applicable to the streets within in the master plan area. The relevant portions of Chapters 2.0 and 3.0 are addressed further on in these findings.

- d. **Requirements for Open Space. Public and private open space within a development is highly encouraged as a public benefit. Open space, consistent with the purpose of this chapter, shall be designated within a Master Planned Development when:**
 - i. **The Master Planned Development area is 40 acres or greater; or**
 - ii. **The applicant is seeking exceptions to Bend Area General Plan, zoning designations or the standard Development Code provisions and/or density.**
- e. **Standards for Open Space Designation. The following standards shall apply:**
 - i. **The open space area shall be shown on the concept development plan and recorded with the final plat or separate instrument; and**
 - ii. **The open space shall be conveyed in accordance with one of the following methods:**
 - (A) **By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;**

FINDING: A 6.15 acre neighborhood park is proposed as depicted on Figure 2.7.3070.A of the Master Plan. This park will protect and enhance the ASI that encompassed within the parcel created for the park. The developer is working with the Bend Metro Park and Recreation District (BPRD) on park design to comply with district standards. Upon construction of the park to district standards, the designated park land is intended to be transferred to Park District ownership. The Park District will then be responsible for ongoing park maintenance.

Additionally, several acres of open space will be provided on the school site with development of the recently approved Elementary school, which will be constructed and maintained by the Bend-La Pine School District.

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

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

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

FINDING: BCD 4.6.300(B) is addressed further on in these findings.

4.5.400 Master Planned Neighborhood Development.

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

FINDING: This section is applicable as the Stone Creek Master Plan encompasses 88 acres of land.

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

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

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

- 1. All lots have access to active or passive recreational areas or uses by walking or bicycling a distance not greater than one-fourth mile as measured along an existing or proposed trail or sidewalk route. Such areas or uses may include natural open space and developed and maintained park land located within adjacent neighborhoods. Trails or trail corridors are not to be considered as a recreational use/open space for the purpose of meeting this requirement.**

FINDING: The applicant proposes a 6.15 acre neighborhood park centrally located within the development, north of Brentwood Avenue and west of the proposed elementary school. This location was chosen to improve, protect, and preserve the ASI. The proposal includes removal of trash and fill material, restoration and enhancement of the ASI, with the ultimate goal of developing a neighborhood park and transfer of ownership to the Bend Park and Recreation District.

Additionally, several acres of open space and athletic fields will be provided on the school site with development of the recently approved Elementary school, which will be constructed and maintained by the Bend-La Pine School District.

These recreational use areas will be within ¼ mile of all of the lots within the Stone Creek Master Plan area. Sidewalks and/or trails will be provided connecting all lots with the park and school sites.

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

FINDING: The proposed commercial area is centrally located along the south side of Brentwood Avenue across the street from the school. All lots will have easy access to this area with the planned network of streets, bike lanes, sidewalks and trail connections. Most lots will be within ¼ of a mile from the neighborhood commercial uses, although the lots in the farthest corners may exceed ¼ mile as measured along pedestrian routes, due to the shape of the master plan area. The lots in the far north section will also have pedestrian routes to existing commercial development at 3rd Street and Reed Market Road which will be just over a ¼ of a mile from the north boundary of the Stone Creek Master Plan area, as well as commercial services north of Reed Market Road to the east. Therefore, this requirement will be met to the maximum extent practical.

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

FINDING: The subject property contains a total of 87.7 acres. The north 48.15 acres is designated RM on the comprehensive plan. This portion has been partitioned with 5.5 acres of public park and 12.5 acres for an elementary school. This leaves 30.15 available residential lands with a minimum RM density of 220 dwelling units and a maximum of 654 units.

The southern portion south of Brentwood is 39.5 acres of RS zoning, of which 1.65 acres is proposed to be rezoned CC, and 0.65 acres will be included with the park, leaving 37.2 acres of RS land, with a minimum density of 75 dwelling units and a maximum density of 271 units.

Therefore, in order to meet the requirement of providing 60 percent of the maximum density of the underlying zones, a minimum of 555 dwelling units are required. The proposed master plan contains a mix of single family residential lots, including approximately 20 lots that are sized to accommodate duplex, tri-plex, and ADU development, along with 5.7 acres of multifamily development area. The master plan provides for at least 412 lots, 125 multifamily dwelling units, and at least 20 duplex or triplex units for a total of 557 units, exceeding the minimum requirement.

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

FINDING: The project includes a 12.5 acre site for a 600 student elementary school which was recently granted Site Plan approval (PZ 14-0005), and a 6.15 acre planned public park. The applicant has agreements in place with the Bend La Pine School District and the Bend

Park and Recreation District for the development of those sites with a school and park and the ultimate transfer of these parcels to the respective districts.

- 3. The neighborhood shall contain at least 10 percent of the gross area as public space such as parks, pavilions, squares and plazas to encourage public gatherings.**

FINDING: The gross area of the site is 88 acres, requiring 8.8 acres to be utilized as public space. The area of park on site is roughly 6.15 acres (with an additional 1.0 acre off-site in the two adjacent ASI tracts). The school has roughly 7 acres open to public use when school is not in session. The commercial area contains a public plaza at 250 square feet and the multifamily development tracts will contain at least 10% public open space as a part of the subdivision development plans for those tracts. These total approximately 13.5 acres. As shown on the tentative plan and described herein, the proposal has over 10 percent of the gross area devoted to public open space.

- 4. The neighborhood shall provide easy access to regional employment, shopping and service located outside of the proposed neighborhood by providing opportunities for multi-modal transportation (e.g., transit nodes, multi-use pathways and trails).**

FINDING: Streets, sidewalks, bike lanes, and multi-use paths are planned within the development which cater to multi-modal transportation opportunities both within and outside of the development. A trail connection will be provided connecting to an existing bridge to the north over the COID canal which will provide a pedestrian pathway to Reed Market Road. Transit routes are located to the west at 3rd and Reed Market, and to the east at 15th and Reed Market.

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

FINDING: The proposed development is designed to be a fully integrated, mixed-use, pedestrian-oriented neighborhood, and includes all of the required neighborhood design elements, including logical street connectivity and multi-modal transportation facilities, a mix of residential dwelling unit types, commercial development, a public elementary school with play fields, and public open space including a neighborhood park and recreation center.

Chapter 4.6, Land Use District Map and Text Amendments

4.6.300 Quasi-Judicial Amendments.

B. Criteria for Quasi-Judicial Amendments.

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

OAR 660-009-0010

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

FINDING: OAR 660-009-0010 is not applicable as the proposed General Plan amendment from RS to CC is less than two acres.

Applicable Statewide Planning Goals:

FINDING: *Goal 1, Citizen Involvement*, is “To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” The City of Bend has developed a comprehensive public involvement process to ensure that citizens may be involved in land use issues and policies that affect their community. Specifically, the City has adopted a citizen involvement program in compliance with this Goal, codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC Section 4.1.215, which the applicant conducted on November 12, 2013. Notice of the public meeting was provided to owners of record of property located within 500 feet of the boundary of the overlay zone as well as the designated representative of the Old Farm and Larkspur Neighborhood Associations. Public Notice for this hearing was conducted in conformance with the notice requirements of Section 4.1.423-4.1.425 for Type III land use applications, which ensures that citizens are informed in three different ways about the public hearing: posted notice, individual mailed notice, and notice to the neighborhood association representative.

Goal 2, Land Use Planning, is “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” As required by Goal 2, the City of Bend has adopted criteria and procedures to evaluate and make decisions regarding land use applications. The City reviews Zone Change/Plan Amendment requests based on established regulations and policies and then prepares detailed findings. Such findings will allow a decision based on factual data, ultimately for City Council adoption. The City of Bend has adopted a land use procedure to render decisions as required by this Goal. Therefore, this goal is met.

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

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces is “To protect natural resources and conserve scenic and historic areas and open spaces.” The applicant’s narrative contends that this goal does not apply. However, the Master Plan area contains a mapped ASI which is proposed to be reduced. As such, the applicable Bend Area General Plan policies and applicable criteria and standards of the Bend Development Code pertaining to impacts and changes to an ASI are addressed further on in these findings.

Goal 6, Air, Water and Land Resources Quality is not applicable because the proposed changes will not have any impacts to air, water and land Resources Quality. Approval of the

Plan Map Amendment and Zone Change will not adversely affect air, water and land resources in applicable air sheds and river basins. The site once housed a heavy industrial use that would most likely not meet applicable current environmental standards. Future development will comply with city, state and federal environmental quality statutes, rules and standards.

Goals 7, Areas Subject to Natural Disasters and Hazards is not applicable because the subject properties are not within an identified natural hazard area, nor within an area identified for recreational use.

Goal 8, Recreational Needs is not applicable because the subject property is not in an area identified for recreational use or purposes (bike or pedestrian trail, park) nor has the site been identified for a destination resort development. However, a neighborhood park is planned for the development along the west boundary that will enhance the ASI and fulfill recreational needs for the purposes of the Master Planned Development.

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.” The proposed change in designation of 1.65 acres of land from Residential to Convenience Commercial will allow for a variety of commercial and retail uses that will serve residents of the Stone Creek Development and surrounding area. A change in designation will respond to the immediate and projected needs of the population in the vicinity.

Goal 10, Housing, is to “Provide for the Housing Needs of the citizens of the State”. The applicant’s narrative states that the City’s housing inventory will not be affected by the proposed Plan Map Amendment or Zone Change because the inventory does not include properties with the Commercial Convenience designation. However, the proposed amendment does change 1.65 acres of land designated for residential development to commercial land. The Bend Area General Plan encourages small scale commercial uses within residential neighborhoods and the Development Code actually requires commercial services in Master Plan Neighborhoods. The Development Code also requires Master Plan Neighborhoods to develop at a minimum of 60 percent of the required density for the zone. Therefore, the proposed change of 1.65 acres of residential land to commercial is negligible and will not negatively impact the residential buildable lands inventory for the City. The applicable Bend Area General Plan Polices and Development Code criteria area addressed in detail further on in these findings.

Goal 11, Public Facilities and Services, is “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” The Bend Area General Plan and a Development Code include provisions requiring efficient planning for public services. All necessary public facilities and services are currently available and either have adequate capacity to support the proposed development, or will be provided at the time of development.

Goal 12 Transportation, is “To provide and encourage a safe, convenient and economic transportation system.” This goal is implemented through the transportation element of the City’s General Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a Plan Map Amendment or Zone Change to demonstrate that the proposed change will not significantly affect a transportation facility. The Transportation Impact Analysis submitted by the applicant addresses compliance with City

transportation standards and the TPR. The applicant proposes on-site development of the transportation system and off-site transportation system mitigation measures to comply with City standards.

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

Goal 14 Urbanization, is “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.” The proposed amendment will not impact Goal 14 as the Stone Creek Master Plan area is located within the current City Limits and Urban Growth Boundary.

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

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

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

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

Bend Area General Plan

Chapter 1: Plan Management and Citizen Involvement

Development within the Urban Growth Boundary

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

FINDING: The applicant proposes to extend sewer, water and transportation facilities to and through the property to serve the proposed development.

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

6. *The city and county will encourage infill and redevelopment of the core area of the city.*

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

Refinement Plans

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

FINDING: The materials submitted with the Master Plan Development application include proposed texts and maps to be adopted into the Bend Development Code similar to a City initiated refinement plan. The proposed master plan includes sewer, water and transportation system improvements required to support the development as well as an elementary school site, public park and open space, convenience commercial uses, and a mix of residential housing types. The Master Plan also includes design guidelines for building design and alternative street standards specific to the master plan area.

Citizen Involvement

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

FINDING: The City of Bend has a comprehensive public involvement process to ensure that citizens may be involved in land use issues and policies that affect their community. The applicant has fulfilled every measure necessary to comply with this policy.

Chapter 2: Natural Features and Open Space

POLICIES

Natural features and open space

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

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

FINDING: There is a mapped ASI located in the southwest corner of the property identified as Tax Lot 100 on Map 18-12-9B, just north of the Brentwood Avenue extension. The applicant, in cooperation with Bend-La Pine Parks and Recreation District, plans an approximate 6 acre public neighborhood park that will include this ASI rock outcropping. As a part of the Stone Creek Master Planned Development, the applicant proposes a modification to the General Plan map and the zoning map to reduce the size of the ASI on the site from 5.4 acres to 2.4 acres. No portion of the area currently mapped ASI will not be used for private development but instead will be developed as a public park and designed with the intent and purpose of enhancing, improving and protecting the remaining ASI area.

The applicant's narrative notes that the entire ASI has been compromised and degraded by the presence of transient homeless campgrounds, tents, garbage, illegal dumping, and the placement of fill material in the rock outcroppings to create a bike ramp. Road access to the site from the west has allowed people to pull campers, vans and even shopping carts onto the site, further impacting the ASI. Consistent with Bend Park and Recreation District standards, the applicant proposes irrigated turf, a picnic shelter and playground in the park area. No structures, irrigation, or non-native materials are planned for the remaining 2.4 acre ASI area. For that area, the applicant plans to restore the ASI and create soft surface trails amongst the rock outcroppings to facilitate public access and enjoyment of the natural feature. This plan will preserve a significant stand of ponderosa and old juniper trees along the northern and eastern boundary of the remaining ASI and will result in a better protection of the resource as it allows for eventual public ownership and management by the Bend Parks and Recreation District. Therefore, the proposed Master Plan helps to implement the above General Plan policies.

Chapter 3: Community Connections

Parks and recreation facilities

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

FINDING: The applicant is working with BPRD to develop plans for an approximate 6-acre neighborhood park that will fulfill the above policies. The proposed neighborhood park is centrally located so that it is within a convenient distance of every residence in the Master Plan area as well as surrounding neighborhoods.

Urban Trails

20. *The trails designated on the Bicycle and Trail System map shall be the basis for developing a trail system that serves the recreational and transportation needs of the community.*
21. *The city, when practical, shall require connecting links to the urban trail system from all adjacent new developments.*

FINDING: The applicant proposes sidewalks, bike lanes, and trail connections in the locations and widths shown on the proposed street cross sections in accordance with the Bend Urban Area Bicycle and Pedestrian System Plan. The sidewalks, bike lanes and trails within the development will also connect to the existing pedestrian bridge across the COID canal to the existing primary multi-use path along the north side of the canal, adjacent to Reed Market Road. The design of the proposed trail system will sufficiently serve the recreational and transportation needs of the community.

Schools

22. *The Bend-La Pine School District shall participate in providing necessary street, pedestrian, and bike facilities adjacent to the school sites as new schools are erected.*
24. *The city shall require major new developments to reserve land for school purposes in conjunction with the Bend-La Pine School District's adopted plan for the type and location of future facilities.*

FINDING: These policies have been fulfilled as the Bend-La Pine School District is in the process of constructing a 600 student elementary school on 12.5 acre site as shown in the proposed Master Plan. The sewer, water, and street infrastructure, including bike lanes and sidewalks along Brentwood Avenue, White Tail Street and Stone Creek Street are also in the process of being constructed to provide safe multi-modal access to the school site from the surrounding neighborhoods, both within and outside of the Master Plan area.

Chapter 5: Housing and Residential Lands

Residential compatibility

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

8. *Neighborhood commercial shopping areas may be located within residential districts and shall have development standards that recognize the residential area.*
11. *Residential areas shall offer a wide variety of housing types in locations best suited to each housing type.*

FINDING: The proposed Convenience Commercial Zoning is centrally located within the development and is sited on the south side of Brentwood Avenue across from the proposed Elementary School. To the west, across Whitetail Street, is Phase D-1, which is proposed for multi-family development. East of the proposed Convenience Commercial zoning, is existing development within the Light Industrial Zone. To the south, within Phase E-4, are approximate 3,500 to 4,000 square foot lots that will be developed with single-family detached housing. Lot E-92 of Phase E-4 is the only proposed lot that abuts the proposed commercial zone as they share a common property line.

The proposed Convenience Commercial Zoning will be in harmony with both existing and proposed uses within and surrounding the development. In accordance with policy 5 above, development of the proposed Convenience Commercial lots will need to comply with all applicable development requirements for that zone. The location of the proposed Convenience Commercial zone is compatible with both proposed uses within the development and existing uses surrounding the site.

The proposed development proposes a variety of lot sizes and housing types internal to the development. The lots along the west and south boundaries of the Master Plan area are proposed to be developed with single family dwellings on lots similar in size to the lots in the adjacent residential subdivisions to the west, to provide compatibility with the surrounding neighborhoods.

Neighborhood appearance

13. *Above-ground installations, such as water and sewer pumping stations, power transformer substations or natural gas pumping stations, shall be screened and designed to blend with the character of the area in which they are located.*
14. *All new developments shall include trees, as practical, in the planter strip between the curb and sidewalk. Such trees shall be consistent with the city's Urban Forestry Plan.*
15. *Walls and fences along arterial or collector streets shall be subject to special design standards. The fence or wall, and the area between the fence or wall and the curb or pavement, shall be landscaped and maintained by abutting property owner(s) or homeowners association.*
16. *Walls and fences in the setback area between the front of the house and the adjacent street shall not exceed 3½ feet in height.*
17. *All residential development should respect the natural ground cover of the area insofar as possible, and existing and mature trees within the community should be preserved.*
18. *The city encourages flexibility in design to promote safety, livability and preservation of natural features. Lot sizes as small as 4,000 square feet may be applied for in the RS zone to meet these objectives.*
19. *To encourage flexibility in design and preservation of natural features in areas planned for medium density housing, lots as small as 2,500 square feet shall be allowed in the RM-10 and RM zoning districts.*

FINDING: The applicant intends to develop the Master Plan area so that it is aesthetically pleasing and compatible with residential uses through proper screening, appropriate materials, and the preservation of trees where practical. Lot sizes have been designed to provide flexibility in housing types and location and will meet the lot size requirements for the RM zone and will be developed with uses permitted in the RM zone at densities in the mid-range of the RS and RM zones. The applicant will establish a homeowner's association and CC&Rs to include provisions consistent with the above policies related to fences, walls and landscape maintenance responsibilities. The most significant natural features include the rock outcroppings and mature trees located in the area preserved for the park. The ASI designation protects the majority of these features and park design and construction will respect and protect the significant rocks and trees in the area surrounding the ASI.

Housing density and affordability

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

FINDING: Densities proposed by the Tentative Plan provide for proper relationships between proposed public facilities and services and population distribution. Rezoning of residential zoned land to match the General Plan designation is achieved through this Master Planned Development. The proposed Master Plan contains a mix of single family residential lots, including 20 some that are sized to provide duplex and triplex development, along with 5.7 acres of multifamily development area, and a 1.65 acre node of specialized commercial uses. Per policy #22 above, the park and school sites were deducted from the gross acreage of the property for the purpose of density calculations. With the proposed Master Plan in place, the design provides for at least 412 lots, 125 DU of multifamily, and 20 duplex or triplex units for a total of 557 units, exceeding the minimum density requirements.

Transportation connectivity

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

32. *Street widths on public residential local streets may vary depending on topography, anticipated traffic volumes, natural features that warrant protection, and existing street patterns in the neighborhood. Narrower streets may have limited on-street parking to ensure emergency vehicle access.*
33. *The city may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed traffic on local residential streets.*
34. *In all residential areas the city shall encourage the use of open space amenities such as landscaped traffic islands or extra-width planting strips.*
35. *Schools and parks may be distributed throughout the residential sections of the community, and every dwelling unit in the area should be within convenient distance of a school or a park.*
36. *Sidewalks shall be required in all new residential developments. Separated sidewalks shall be required, as practical, on streets that provide or will provide access to schools, parks, or commercial areas. However, an alternative system of walkways and trails that provide adequate pedestrian circulation may be approved.*
37. *Efforts shall continue to complete or connect existing walks along routes to schools, parks, or commercial areas.*
38. *Bikeways shall be considered as both a circulation and recreation element in the Plan, and adequate facilities should be obtained for this purpose in all new development.*
39. *Efforts shall be made to extend trails, pedestrian ways, and bikeways through existing residential areas.*
40. *To encourage connectivity and pedestrian access, residential block length shall not exceed 600 feet except for topographic constraints. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.*
41. *Residential local streets shall be developed whenever practicable to increase connectivity within and between neighborhoods.*
42. *Cul-de-sac and "hammer-head" residential streets may be allowed only where existing development, steep slopes, open space, or natural features prevent connections, or when the objectives of connectivity are met within the neighborhood.*
43. *Emergency equipment access shall be considered during any new residential development.*

FINDING: The proposed Master Planned Development accesses collector streets (Brentwood and Brosterhous) that will provide adequate access to both major and minor arterial streets. Commercial services and employment will be provided with the proposed Convenience Commercial zone, as well as public open space in the proposed neighborhood park and school site. A public elementary school is under construction within the Master Plan area with sidewalks and bike lane connections provided from the school to serve the surrounding neighborhoods as well as the proposed Master Plan area. This will achieve the goal of providing the maximum convenience to the highest concentrations of population.

Street widths on the proposed public residential local and collector streets are of a consistent width and only vary where traffic calming devices such as landscaped curb extensions will be provided. Sidewalks within the development vary between 5 feet and 8 feet and are separated by either landscape strips or on-street parking spaces. Bikeways are provided as both a circulation and recreation element and efforts have been made to extend trails, pedestrian ways, and bikeways throughout the development.

Residential block lengths within the subdivision do not exceed 600 feet, except where topographic conditions such as the ASI and COIC canal, or existing development to the east and west prevent additional street connections. Proposed residential local and collector streets are designed to increase connectivity within and between neighborhoods. No cul-de-sac or dead end streets are proposed. Adequate emergency equipment access will be provided with each phase of development.

Public utilities and services

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

FINDING: All residential, commercial, and public areas will be provided with City water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development. Residential development will be coordinated with other land use elements and community facilities within Stone Creek Master Planned Development. The applicant proposes underground utilities including electric power, telephone, and cable TV distribution, as well as service lines. Street lighting will be provided within the subdivision at the time of development and will be shielded to direct light downwards.

Refinement Plan Areas

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

FINDING: The Master Plan contains a total of 87.7 acres. The north 48.15 acres is designated RM on the comprehensive plan. This portion has been partitioned with 5.5 acres of public park and 12.5 acres under site plan application for an elementary school. This leaves 30.15 available residential lands with a minimum density of 220 units and a maximum density of 654 units for the RM zoned land.

The southern portion is 39.5 acres of RS zoning, of which 1.65 acres is proposed to be rezoned CC, and 0.65 acres will be included with the park, leaving 37.2 acres of RS land with a minimum density of 75 units, and a maximum density of 271 units for the RS zoned land.

The applicant plans a mix of residential uses resulting in at least 412 single family lots, 125 multifamily dwelling units and at least 20 duplex or triplex units for a total of at least 557 dwelling units. Although the Master Plan area included both RS and RM zoned land, the density will be averaged throughout the entire 88 acres of the Master Plan area.

Chapter 6: The Economy and Lands for Economic Growth

GOALS

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

Commercial Center Areas (p13)

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

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

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

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

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

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

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

Convenience Commercial areas should occur as centers on one or more properties together in a block or across the street from each other, rather than as commercial strips. Convenience centers should be located on arterial or collector streets, preferably at or near an intersection with another similar street, and have a site size up to five acres. In order that convenience

centers remain oriented toward serving nearby residential areas and do not expand to serve much larger parts of the community, commercial building floor areas should be limited to 35,000 to 55,000 square feet. The building design and site design should be compatible with the surrounding neighborhood. They should be spaced from one to one and one-half miles apart, and new locations should be based on a market study or other analysis that shows there is an adequate residential base or other conditions to support the uses.

POLICIES

Commercial Development

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

FINDING: As depicted on the Master Plan, Phase C-1 consists of 1.65 acres currently zoned and designated RS on the General plan, which is proposed to be changed to Commercial Convenience (CC) zone and General Plan designation. Although the proposed commercial area location is less than a mile from existing commercial properties along 3rd Street and Reed Market Road, many of the properties in the neighborhood would be more than a mile away from any commercial services as there are no other neighborhood commercial centers in this area. Because the commercial area is larger than ½ acre but less than 5 acres, it is more appropriate to develop it as Commercial Convenience rather than Neighborhood Commercial.

In addition to the proposed location being central to the Master Plan area, it is located in close proximity to the park, elementary school, and multifamily housing planned along Brentwood Avenue, which is a collector street. This location will encourage residents of the surrounding neighborhood to walk or bike to this central mixed use area, while also minimizing vehicle trips through the local residential neighborhood streets. Although it is recommended in the above plan text that a market study be performed to show adequate residential base or other conditions support the proposed commercial uses, it is logical that residents within and surrounding the development will frequent the proposed commercial uses as opposed to traveling along Brosterhouse, American Lane, Reed Market, and across the Railroad tracks to the nearest convenience commercial uses. Additionally, BDC 4.5.400 requires all lots in

Master Plan Neighborhoods to have easy access to neighborhood commercial services by walking or bicycling a distance not greater than one-fourth mile as measured along an existing or proposed sidewalk or pedestrian route.

Development of the commercial site will be subject to Site Plan and Design Review, which will ensure compatibility with the surrounding neighborhood. Only one residential lot in Phase E-4 will be adjacent to the south proposed commercial lot, and the lots in Phase E-4 are planned to be developed after the commercial area which is Phase C-1.

Chapter 7: Transportation Systems

6.9.1 TRANSPORTATION AND LAND USE

Policies:

- 1. Medium and high-density residential development shall be located where they have good access to arterial streets and be near commercial services, employment and public open space to provide the maximum convenience to high concentrations of population.*
- 3. The City shall consider potential land needs for long-range transportation system corridor improvements and related facilities including transit during the review of subdivisions, partitions, and individual site applications.*
- 7. The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.*

FINDING: The proposed street network for the Master Planned Development was designed to balance efficient vehicular access with safe, pleasant and convenient travel by pedestrians and cyclists. Multifamily and commercial convenience development are proposed along the south side of Brentwood Avenue, which is a collector street connecting to Brosterhous Road and American Lane, which in turn connect to the 3rd Street and Reed Market Road arterials. The applicant's transportation engineering team has worked closely with the City engineers to ensure that necessary improvements are made to Brosterhous Road and Brentwood Avenue through this development in accordance with Policy 3 above.

6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS

- 4. The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3rd Street, the Bend Parkway and the railroad.*
- 6. Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.*
- 7. Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.*

9. *The City's top priorities for pedestrian improvements are:

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

FINDING: Bike lane connections are proposed along Brentwood Avenue and Brosterhous Road (collector streets) adjacent to the Master Plan area, as well as along White Tail Street and Stone Creek Lane. Sidewalks are provided along both sides of all proposed streets. These proposed bike lanes and sidewalks will connect to the existing, and future, bicycle and pedestrian system existing outside of the proposed development (Brosterhous Road), as well as to the park, school and commercial sites in the Master Plan area. These sidewalks and bike lanes will also connect to the primary trail system along the north side of the canal adjacent to Reed Market Road as well. Bicycle parking facilities will be provided at all new multifamily residential, commercial, recreational, and institutional facilities.

6.9.6 STREET SYSTEM

Policies:

General:

1. *Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.*
2. *Where a subdivision or partition is adjacent to land likely to be divided in the future, streets, bicycle paths, and accessways shall continue through to the boundary line of the subdivision or partition in order to achieve connectivity within the grid system.*
4. *In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements.*

5. *The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.*
6. *Access control shall be part of the design standards for major collectors, arterials, principal arterials and expressways to ensure that adequate public safety and future traffic carrying capacity are maintained while at the same time preserving appropriate access to existing development and providing for appropriate access for future development. The city of Bend Arterial Access Policy (Street Policy No. 2) and the Access Management Policy (Street Policy No. 4) shall be reviewed and revised, and new street policies shall be adopted if necessary, to:...*
7. *City and state transportation system improvements shall comply with the Americans with Disabilities Act requirements.*
8. *Traffic signals or roundabouts shall be constructed in accordance with the design, spacing and standards adopted by the City and State.*
10. *The City shall consider the impact of improvements to or completion of existing facilities when considering the need for constructing new facilities.*

FINDING: The applicant's transportation engineer worked closely with the City Engineers to ensure that necessary improvements will be made to the adjacent Brosterhous Road and Brentwood Avenue collector streets, as well as proposed local streets within the Master Plan area, and off-site transportation system improvements to mitigate the transportation system impacts of the proposed development in accordance with applicable City standards and the policies above, including ADA requirements. Other than proposed street connections, no direct access is proposed to Brosterhous Road, and limited connections are proposed to Brentwood Avenue, including one driveway access approved for the school site, and potential access for the commercial site. Site access for the commercial site will be reviewed with subsequent land division and Site Plan Review applications.

The proposed development is adjacent to land likely to be developed in the near future. To the west, is property designated as the Sun Ranch Master Plan Area. The City recently received an application to modify this master plan (to be called Aspen Reserve) to include land divisions for a mix of housing types. Both the Stone Creek Master Plan and the Aspen Reserve Master Plan propose east/west grid streets which will align to provide connectivity between neighborhoods.

Residential Streets:

13. *Residential block lengths shall not exceed 600 feet without a connecting cross street. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.*
14. *A grid-like pattern of residential local streets shall be developed whenever practical in order to increase street connectivity within a neighborhood. A system of local streets shall be developed within a framework that is defined by the Bend Urban Area - Bicycle and Pedestrian System Plan (TSP: Map Exhibit B), as much as practical.*
15. *The City may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed and volume vehicular traffic on local residential streets.*

16. *Street widths on public residential local streets may vary depending on topography, anticipated traffic volume, natural features that warrant protection, and existing street patterns in the neighborhood. Right of way shall be a minimum of sixty (60) feet except in special circumstances. Narrower streets may have limited on-street parking to ensure emergency vehicle access.*
17. *New alleys should be developed to City standards and shall be maintained by the property owners.*
18. *Cul-de-sac or "hammer-head" residential streets may be allowed only where existing development, steep slopes, open space, or natural features prevent through street connections, or when the objectives of connectivity are met within the neighborhood.*

FINDING: Most residential block lengths within the subdivision will not exceed 600 feet and will be laid out on an east/west grid with good connectivity to surrounding neighborhoods. Exceptions to the maximum block length and block perimeter are required around the ASI and park area, and where existing industrial development to the east prevent additional east/west street connections. Additionally, the COID canal prevents street connectivity to the north, although the existing bridge across the canal in the northwest corner will provide pedestrian and bicycle connectivity north to the existing canal trail and Reed Market Road. No dead end, cul-de-sac, or hammer-head streets are proposed.

Raised pedestrian crossings are proposed near the elementary school, park, and the commercial area (along Stone Creek Lane and Brentwood Avenue) which will increase pedestrian safety and provide traffic calming. The above residential streets policies are met through this proposal.

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

Sanitary Sewer Facilities and Systems

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

Water Facilities and Systems

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

Storm Drainage Facilities and Systems

15. *Dry wells or storm drains with appropriate water quality treatment using landscaping, retention ponds or other approved treatment controls shall be used for surface drainage control.*
16. *The preservation and use of natural drainage ways for storm drainage shall be required in new developments as much as possible.*
17. *Due to the lack of a defined drainage pattern for most of the urban area, development shall contain storm drainage on-site. In instances where containing storm drainage on-site would be impossible or impact public safety, the City shall enter into a specific agreement with a private party to adequately address the storm drainage.*
18. *The use of disposal systems shall be coordinated with the Oregon Department of Environmental Quality and Water Resources Department to protect ground water.*

20. *Developments shall be designed to meet appropriate drainage quantity and quality requirements (e.g., meeting the requirements of the City's National Pollutant Discharge Elimination System MS4 Stormwater Permit, the City's Stormwater Master Plan and Integrated Stormwater Management Plan, and Total Maximum Daily Load requirements). Low impact site designs shall be encouraged.*
21. *Developments containing underground injection controls shall be designed, constructed, and maintained to meet the requirements of the Underground Injection Control program, including treatment; all underground injection controls shall be properly registered.*
22. *The City shall reduce the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating stormwater runoff controls into new development and redevelopment land use decisions. Controls may be required to minimize illicit discharges or pollutants of concern.*
23. *The City shall implement and enforce requirements for an erosion and sediment control program for public and private construction and post-construction activities.*
24. *All developments shall evaluate the potential of a land parcel to detain excess stormwater runoff and require incorporation of appropriate controls, for example through the use of detention facilities to address quantity, flow, and quality concerns.*
30. *As part of site approval, or as a condition on tentative maps, as necessary, the City shall require permanent stormwater pollution control site design or treatment measures or systems and an ongoing method of maintenance over the life of the project.*

FINDING: City water and sewer services will be extended and provided in the locations shown on the tentative plan, in conformance with City Standards and Specifications. City water and sewer capacity analyses indicate that with the proposed sewer infrastructure, there is adequate capacity to serve the development as proposed. Specific sewer and water infrastructure improvements required to serve the master plan area are addressed further on in these findings.

The applicant has provided schematic design to meet storm drainage requirements with this application. All final designs are subject to review and approval of the City engineer prior to commencement of construction, ensuring compliance with the Storm Drainage Facilities and Systems policies above. The proposed water, sewer and drainage improvements will be adequate to serve the size and type of development and uses planned for this area.

Chapter 9: Community Appearance **POLICIES**

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

FINDING: The applicant states that careful planning has gone into the layout, design and inclusion of amenities that will make Stone Creek a very attractive development. The objective of the Stone Creek Master Plan is to create aesthetically pleasing mixed-use neighborhood that includes single family and multifamily residential development, a public elementary school, a public neighborhood park with recreational uses, and Convenience Commercial zoned land conveniently located to the residents of the development, as well as citizens of nearby residential neighborhoods and the workforce of nearby light industrial and commercial businesses.

As a part of the Stone Creek Master Planned Development, the applicant proposes a modification to the General Plan map and the zoning map to reduce the size of the ASI on the site from 5.4 acres to 2.4 acres. The area currently mapped as ASI will not be used for private development, but instead will be developed as a public park and designed with the intent and purpose of enhancing, improving and protecting the remaining ASI area. This plan will preserve a significant stand of ponderosa and old juniper trees along the northern and eastern boundary of the remaining ASI, and will result in a better protection of the resource as it allows for eventual public ownership and management by the Bend Parks and Recreation District.

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

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

FINDING: The applicant proposes to construct sewer, water and transportation system improvements to provide adequate capacity to serve the proposed development.

Water: Adequate water system improvements are proposed to serve the domestic and fire suppression needs of the development as shown on the tentative plan, which include 12 inch water lines in Brentwood Avenue and Stone Creek Road and 8 inch water lines in all other streets within the master plan area. The water analysis indicates that capacity is available and adequate to serve the development. The location and sizing of water facilities on site are planned to be consistent with City Standards and Specifications and will be reviewed in detail through the public infrastructure plan review process.

Comments from the City Engineer note that the follow water line connections are required to the existing system:

	STREET		STREET
1	Brentwood Extension	@	Brentwood Ave.
2	Proposed Street	@	Kira Dr.
3	Proposed Street	@	Rolen Ave.
4	Proposed Street	@	Kobe St.
5	White Tail St	@	Brosterhous Rd.
6	Proposed Street	@	Brosterhous Rd.
7	Brentwood Extension	@	Eastern Project Boundary
8	North End Secondary Connection**	@	TBD

The developer will be allowed to build 100 single family homes (or EDUs) north of Brentwood Avenue while having only a single 12 inch water line feed. Additional development after 100 EDU's on the northern portion of the development will require a secondary water line connection to the City system. All lines within each phase will be required to provide a looped system within each development phase with no dead end lines to the maximum extent practical. All fire lines and domestic meters shall comply with the City standards and be included on the infrastructure plans. All final locations of fire hydrants and valves shall be reviewed and approved with the infrastructure plans.

Condition of approval: The developer will be allowed to build 100 single family homes (or EDUs) north of Brentwood Avenue while having only a single 12-inch water line feed. Additional development after 100 EDU's on the northern portion of the development will require a secondary water main connection to the City system. (Condition #1)

Condition of approval: All fire lines and domestic meters shall comply with the City standards and be included on the infrastructure plans. All final locations of fire hydrants and valves shall be reviewed and approved with the infrastructure plans. 12 inch water lines are required in Brentwood Avenue and Stone Creek Road as proposed. All other water lines shall be 8 inches unless otherwise approved by the City Engineer. All lines within each phase will be required to provide a looped system within each development phase with no dead end lines to the maximum extent practical. The follow water line connections are required to the existing system:

	STREET		STREET
1	Brentwood Extension	@	Brentwood Ave.
2	Proposed Street	@	Kira Dr.
3	Proposed Street	@	Rolen Ave.
4	Proposed Street	@	Kobe St.
5	White Tail St	@	Brosterhous Rd.
6	Proposed Street	@	Brosterhous Rd.
7	Brentwood Extension	@	Eastern Project Boundary
8	North End Secondary Connection**	@	TBD

(Condition #2)

Sewer: Sewer line extensions to serve the needs of the development will be provided in accordance with the locations shown on the tentative plan. The sewer analysis indicates that with the proposed sewer system improvements, capacity is available and adequate to serve the development. The location and sizing of sewer facilities on site are planned to be consistent with City Standards and Specifications and will be reviewed in detail through the public infrastructure plan review process.

Per the comments from the City Engineer, and as shown on the proposed utility plans, all development north of Brentwood Ave shall be served by a gravity sewer system that flows to a main line in Stone Creek Street that discharges under the COID canal to Reed Market Road. All development south of Brentwood Ave shall be served by a gravity sewer system that will discharge to an interim lift station to be located in the SE corner of the development.

The interim lift station shall pump via a force main to the gravity line in Stone Creek Street by the school that will convey flow to the north to Reed Market Road. The interim lift station shall be designed to the latest City Standards that have recently been developed in conjunction with an update to the City's Standards and Specifications. The applicant's engineer shall coordinate with the City Engineer to identify the design parameters for the station. The gravity system south of Brentwood Avenue shall be designed such that it can discharge to the SE interceptor in the future. The applicant's engineer shall provide a preliminary design demonstrating that the design grades of the gravity system can discharge via a future gravity main in Brosterhous to the south and discharge into the existing main sewer line by the Sun Meadow lift station. The interim lift station shall be designed to accommodate the flows for the master plan area south of Brentwood Avenue and the flows discharging to the Tri-Peaks station.

Condition of approval: All development north of Brentwood Ave shall be served by a gravity sewer system that flows to a main line in Stone Creek Street that discharges under the COID canal to Reed Market Road. All development south of Brentwood Ave shall be served by a gravity sewer system that will discharge to an interim lift station to be located in the SE corner of the development. (Condition #3)

Condition of approval: The gravity system south of Brentwood Avenue shall be designed such that it can discharge to the SE interceptor in the future. The engineer shall provide a preliminary design demonstrating that the design grades of the gravity system can discharge via a future gravity main in Brosterhous to the south and discharge into the existing main sewer line by the Sun Meadow lift station. (Condition #4)

Condition of approval: The interim lift station shall be designed to accommodate the flows for the master plan area south of Brentwood Avenue and the flows discharging to the Tri-Peaks station. The interim lift station shall pump via a force main to the gravity line in Stone Creek Street by the school that will convey flow to the north to Reed Market Road. The interim lift station shall be designed to the latest City Standards that have recently been developed in conjunction with an update to the City's Standards and Specifications. The engineer shall coordinate with Engineering to identify the design parameters for the station. (Condition #5)

Streets: Requirements for the provision of new streets, and improvements to the existing street system are addressed with the findings for Transportation Planning Rule compliance further on in these findings, and in the applicant's burden of proof and Transportation Impact Analysis. The applicant proposes to construct all streets needed to serve the proposed master plan area, as well as off-site transportation system improvements to mitigate the impacts from the proposed development on the surrounding transportation system.

Schools: The Bend-La Pine School District is in the process of constructing a 600 student elementary school on 12.5 acres within the development.

Parks and Libraries: The applicant in cooperation with Bend Parks and Recreation District, proposed to provide a 6 acre park to protect and enhance the existing ASI.

Fire and Police Protection: The property is within the City of Bend and is therefore served by City police and Fire departments.

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

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

FINDING: Other than the proposed zone change from RS to RM for the north half of the master plan area in conformance with the RM General Plan designation, the applicant does not believe that a mistake or inconsistencies in the Comprehensive Plan or Land Use District Map are reasons to justify the requested zone change and amendments. Rather there have been changes in the neighborhood or community that warrant the proposed amendments. Additionally, BDC 4.5.300 and 4.5.400 require a Master Neighborhood Development Plan for

projects consisting of one or more properties totaling 20 acres or larger. BDC 4.5.400.C requires that all lots within Master Planned Neighborhoods have easy bicycle and pedestrian access to neighborhood commercial services and active or passive recreational areas, a distance not greater than one-fourth mile. As a part of the Stone Creek Master Planned Development, the applicant proposes a modification to the General Plan and the zoning maps to include 1.65 acres of Convenience Commercial, and to reduce the size of the ASI on the site from 5.4 acres to 2.4 acres in conjunction with providing a 6+ acre public park to meet the a Master Neighborhood Development Plan requirements.

The property is located within an area of mixed uses. There are residential uses to the north, south, and west. There are industrial and commercial uses located to the east and north across Reed Market Road. The area surrounding the subject property has changed significantly since the initial zoning of the site, which was once considered to be on the periphery of town. The northern half of the subject property supported a single-family dwelling and the southern half previously supported the Bend Trap Club's trap field and club house.

The applicant's narrative notes that the availability of shopping, retail, and service related businesses, as well as a neighborhood park and school within a short walking distance is highly desirable in the current housing market, as it is both practical and economical. Other developments within Bend, such as Northwest Crossing, have received national recognition due to these factors. The applicant believes the proposed site is ideal for the master planned development as there is currently no existing mixed-use development nearby with similar amenities. Additionally, medium-density residential development as proposed, including a mixture of both single and multifamily residential uses, will help ease residential home demand until expansion of the City's UGB can be completed. The property to the west is a 20 acre site that previously received Master Planned Development approval, and is in the process of submitting a new development applications for residential development with a mix of housing types, but does not include any commercial zoning.

4.6.600 TRANSPORTATION PLANNING RULE COMPLIANCE

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

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

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- (b) Change standards implementing a functional classification system; or***
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified***

in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

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

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

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

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

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

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

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

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

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

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

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

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

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

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

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

Oregon Highway Plan (OHP) Policy 1F.6

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

- **OHP mobility targets;**
- **Community livability objectives;**
- **State and local economic development objectives;**
- **Safety for all modes of travel; and**
- **Opportunities to meet mobility needs for all modes of travel.**

FINDING: The proposed development is estimated to generate 680 total trips and 28 internal trips, for a total of 652 net new trips during the weekday PM peak hour. In addition to proposed local streets to serve the master plan area, the applicant proposes full collector street improvements on Brosterhous Road adjacent to the site, plus dedication and construction of Brentwood Avenue as a collector roadway between the west and east property lines of the subject property. Public Transit is within one-half mile on SE 3rd street and within one mile on Reed Market Road. Sidewalks and bike lanes are present throughout most of the study area and will be provided throughout the Stone Creek development.

As identified in the TIA Intersection Analysis section, the US 97 northbound and southbound ramps at Reed Market Road are anticipated to exceed the applicable ODOT mobility target in the 2018 post-development scenarios. In response to ODOT comments, a queuing analysis was performed to evaluate queue storage adequacy. The queuing analysis indicates all storage lanes are adequate to accommodate queue demand in both the pre and post development scenarios, except the US 97 southbound off-ramp left-turn lane. To mitigate the impacts of the proposed development at the southbound US 97 ramp, the applicant proposes to re-stripe the existing southbound shared through-right lane to allow dual left-turns onto Reed

Market Road. The proposed modification will include signal head changes in accordance with the ODOT Signal Design Manual, including reflective backplate tape and pedestrian countdown timer heads. The signal controller will be updated to the current 2070 platform with communication devices to connect to the central signal server. This will allow for operations evaluations and to expedite timing changes as needed. Communication would be achieved via connection through the in place signal at 3rd Street and Reed Market Road. In conjunction with these improvements, the ADA ramps will need to be upgraded to meet current standards.

Although the mobility target is exceeded for the northbound US 97 ramps at Reed Market Road, the queuing storage is adequate. The capacity deficiency is only for the northbound left-turn movement. The applicant proposes to tighten the radius and move the stop bar closer to the northbound ramp termini at Reed Market Road to improve sight distance, and to provide appropriate signage and striping including possible bike lane markings. The ADA ramps will need to be reconstructed to current standards and specifications in conjunction with the curb return reconfiguration.

OHP Policy 1F.6 directs ODOT to balance OHP mobility targets with community livability objectives, state and local economic development objectives, and the safety and mobility needs for all modes of travel. In accordance with the TPR and OHP Policy 1F.6, both the City and ODOT accept the proposed US 97 SB ramp mitigation, and will accept degraded operations at the US 97 NB ramps with the mitigation proposed. The final design elements for mitigation to both ramps will be determined during the infrastructure plan review process. The applicant proposes to complete these off-site ramp improvements prior to final plat approval for Phase E-1 or the platting of the 251st lot, whichever is first.

The 3rd Street and Reed Market Road intersection is also anticipated to exceed the City mobility target with the proposed development. The June 2006 Reed Market Corridor Study recommended a multi-lane roundabout for this intersection. Because the roundabout is not included in the current Bend CIP project list, no funding for this improvement has been identified. The applicant proposes to contribute their proportional share of the cost of this future improvement. Per BDC Chapter 4.7, proportionate share calculations are calculated based on the ratio of development trips to growth trips for the anticipated cost of the full Bend Urban Area Transportation System Plan intersection infrastructure.

$$\text{[Net New Trips/(Planning Period Trips – Existing Trips)] X Estimated Construction Cost} \\ = \text{Proportionate Share Contribution}$$

Based on this calculation, the proportionate share contribution would total to \$384,167. However, this intersection improvement is included on the Table C-1 – Fiscally Constrained SDC Project List which makes this improvement eligible for partial SDC credits. That list indicates that the Growth percentage is 26%. Therefore, it is appropriate to provide an SDC credit for 26% of the proportional share amount which would reduce the proportional share contribution to \$284,284. This payment is to be put into a City fund to be utilized for transportation improvements in this corridor. The allocation of these funds will be determined by the City. The timing of the payments will be refined through the tentative plan review process, with a portion of the overall contribution to be paid with each phase of development, based on the trips generated in that phase.

Condition of approval: *The applicant shall provide the following transportation system improvements to mitigate their impacts to the transportation system:*

- a) *All streets within the Stone Creek Master Plan area shall be constructed to City Standards and Specifications and in accordance with the Stone Creek Master Plan Street and Pedestrian Standards. Timing for construction of streets shall be addressed with tentative plan review and approval.*
- b) **Brosterhous Road** *shall be improved to City major collector street standards adjacent to the south boundary of the Stone Creek Master Plan area and in accordance with the Stone Creek Master Plan Street and Pedestrian Standards. Required improvements include a left turn lane at White Tail Street. These improvements shall be required with the first phase of development south of Brentwood Avenue.*
- c) **US 97 SB Ramps** - *Prior to final plat approval for Phase E-1 or the platting of the 251st lot, the following improvements shall be completed as proposed:*
 - *Lane re-striping for a dual left turn lane.*
 - *Signal head changes in accordance with the ODOT Signal Design Manual including the current safety counter measures being promoted by ODOT such as reflective backplate tape and pedestrian countdown timer heads.*
 - *Update the signal controller to the current 2070 platform and adding communication devices to connect to the Central Signal Server to allow for operation evaluations and expedite timing changes as needed. Communication would be achieved via connection through the in place signal at 3rd St and Reed Market.*
 - *ADA Ramps to be in compliance with the pedestrian equipment.*
- d) **US 97 NB Ramps** - *Prior to final plat approval for Phase E-1 or the platting of the 251st lot, the following improvements shall be completed as proposed:*
 - *Tighten the radius at the northbound ramp termini with Reed Market to improve sight distance by moving the stop bar closer to Reed Market.*
 - *Appropriate signage and striping including possible bike lane markings.*
 - *Associated ADA ramps with the curb return reconfiguration.*
- e) **Reed Market/3rd Street** - *Applicant shall provide their proportionate share contribution of \$284,284 for transportation improvements in this corridor to mitigate their impacts to this intersection as proposed. The timing of the payments will be refined through the tentative plan review process, with a portion of the overall contribution to be paid with each phase of development, based on the trips generated in that phase.*
(Condition of approval #6)

Other applicable Bend Development Code Chapters

BDC Title 2 Land Use Districts

2.1, Residential Districts (RS, RM)

2.2, Commercial Zoning Districts (CC)

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

2.1.200 Permitted Land Use. (RS, RM)

2.2.300 Permitted and Conditional Uses. (CC)

FINDING: The Stone Creek Master Plan text allows the uses described in 2.1.200 for the RM zone for all residential development within the master plan area. Although schools and parks require conditional use permit approval under 2.1.200, they will be permitted outright in the areas designated on the Stone Creek Master Plan overlay map. The uses listed in the table in 2.1.100 for Commercial Convenience districts will be permitted in the Commercial area.

2.1.300 Building Setbacks.

Table 2.1.300 - Typical Residential District Setbacks

	*Front	*Rear	*Side
RS	10 feet, except garages shall be set back 20 feet	5 foot minimum	*3 foot/5 foot minimum
RM	10 feet, except garages shall be set back 20 feet	5 foot minimum. Rear yard shall increase 0.5 foot for each foot by which the building height exceeds 20 foot when abutting the RS Zone or existing single-family housing.	5 foot minimum. The sum of the side yard shall increase 0.5 foot for each foot by which the building height exceeds 20 foot when abutting the RS Zone or existing single-family housing

Table 2.2.400 Commercial Zoning District Development Standards

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

Proposed Stone Creek MPD standards:

USE	Front	Side	Rear
Single Family Detached	10 feet, except garages shall be 20 feet	5 feet	5 feet
Duplex/Triplex	10 feet, except garages shall be 20 feet	5 feet	5 feet
Multifamily	10 feet, except garages shall be 20 feet	5 feet	5 feet
Single Family Attached (Townhomes)	5 feet, except garages shall be 20 feet	0 feet	0 feet
Commercial Area	10 feet	5 feet, when abutting residential	0 feet
Other Conditional Uses per 2.1.200	10 feet	0 feet	0 feet

2.1.

2.1.300.G. Residential Compatibility Standards. The following standards shall apply to new lots or parcels created through either a subdivision and/or partition platted after February 20, 2004:

1. **Purpose.** The residential compatibility standards in this section are intended to provide added protection to residentially zoned properties and existing neighborhoods from potential impacts sometimes associated with increased residential density development.
2. **Applicability.** The residential compatibility standards shall apply to all RS zoned development properties that are abutting existing residential property, excluding land in the RM and RH Zoning Districts, which have a lot size of 8,000 square feet or greater.

FINDING: The residential compatibility standards will not apply for the majority of the proposed lots in the Stone Creek Master Plan as the north half of the master plan area will be zoned RM, and the lots in the residential subdivisions adjacent to the RS zone area are less than 8,000 square feet in size. The only lots which would be subject to the residential compatibility standards are those along the west boundary, south of the future extension of Rolan Avenue, adjacent to tax lot 18-12-09BC-603, which is just under an acre in size. If the residential compatibility standards were applied to the lots adjacent to this parcel, the lots would be required to be a minimum of 15,000 square feet in size. The proposed lots are 4,536 to 6,034 square feet in size. Therefore, although only 6 lots would be impacted, the Stone Creek Master Plan includes an exemption to the Residential Compatibility Standards of 2.1.300.G above.

2.1.400 Building Mass and Scale.

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

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

Table 2.2.400 Commercial Zoning District Development Standards for CC.

No maximum lot coverage or Floor Area Ratio

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

FINDING: As with the residential compatibility, the floor area ratio (FAR) requirements of 2.1.400 would not apply to the residential land within the Stone Creek Master Plan area as the adjacent residential subdivisions were all platted after 1998, with the exception of the Sun Ranch Master Plan area to the northwest, and the parcel to the west at the southwest boundary of the site which are not within platted subdivisions. Therefore, there will not be any FAR limitations for the Stone Creek Master Plan. The CC zoned area within the master plan will meet all CC zone requirements of BDC 2.2.

2.1.500 Lot Area and Dimensions.

Residential Use	Lot Area	Lot Width/Depth
Single-Family Detached Housing	RS 4,000 sq ft RM 3,000 sq ft	40 ft width, 80 ft depth 30 ft width, 80 ft depth
Duplex	RS 8,000 sq ft RM 4,500 sq ft	40 ft width, 80 ft depth 30 ft width, no min depth
Triplex	RS 10,000 sq ft RM 6,500 sq ft	40 ft width, 80 ft depth 30 ft width, no min depth
Single-Family Attached Housing (townhomes)	RS & RM 2,000 sq ft per unit	20 ft width, 80 ft depth
Multi-Family	RS – not allowed RM 2,500 sq ft for first unit, 2,000 sq ft each additional unit	30 ft width, 80 ft depth

FINDING: There are no minimum lot size requirements for the CC zone in Chapter 2.2. The applicant proposes to follow the lot area and dimension requirements for the RM zone throughout the development with the following exceptions and clarifications:

- *Single family detached and attached units shall meet the lot area and dimension requirements for the RM zone contained in BDC Table 2.1.500.*
- *The minimum lot area for duplex units is 4,000 square feet, and 5,500 square feet for triplex units. Both duplex and triplex units shall have a minimum lot width of 30 feet and a minimum lot depth of 80 feet.*
- *Two detached dwelling units are allowed on lots greater than 6,000 square feet.*
- *There is no minimum lot area, width, or depth for multifamily housing, commercial, school, or park sites.*

2.1.600 Residential Density

FINDING: The permitted residential densities will be averaged across the developable residential acreage. As stated in previous findings, A minimum of 555 dwelling units are required in order to meet the requirement of at least 60 percent of the maximum density for the master plan area. The proposed master plan provides for at least 412 lots, 125 DU of multifamily, and 20 duplex or triplex units for a total of 557 units, exceeding the minimum density requirement, but well under the maximum density requirements for the RS and RM zones.

2.1.700 Maximum Lot Coverage

Residential Zone	Lot Coverage
RS	50% for single-story homes 35% for all other uses
RM	40%

FINDING: There is no maximum lot coverage limitation for the CC zone in Table 2.2.400. The applicant proposes a maximum lot coverage of 60 percent for single family dwellings, duplexes and triplexes, and no maximum lot coverage for multifamily, commercial, or public uses in the Stone Creek Master Plan area.

2.1.800 Building Height.

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

- 1. Buildings within the UAR, RL, RS, RM-10 and RM Districts shall be no more than 30 feet in height.**
- 2. Buildings within the RM Zone on lots created after December 1998 shall be no more than 35 feet in height.**
- 3. Buildings within the RH Districts may be no more than 45 feet in height.**

Table 2.2.400

Maximum Building Height CC Zone – 35 ft

FINDING: The applicant proposed the following alternate building height limitations for the Stone Creek Master Plan area:

- Buildings created as part of this Master Plan shall have the following height requirements based on use:
 - Single family dwellings – 35 feet
 - Duplexes and Triplexes – 35 feet
 - Multifamily (more than three attached units) – 45 feet
 - All other non-residential uses– 45 feet

At the public hearing, the Planning Commission recommended that commercial buildings be limited to 35 feet in height as allowed in the CC zone, with an additional 10 feet of building height allowed for residential units above commercial development. The proposed Stone Creek Master Planned Development code text (Exhibit C) was changed to reflect this recommendation by the Planning Commission, which the applicant found acceptable.

2.1.900 Architectural Design Standards. (RS, RM)

2.1.1000 Multi-Family Residential Districts. (RS, RM)

2.2.500 Site Layout and Building Orientation. (CC)

2.2.600 Commercial Design Review Standards. (CC)

2.2.700 Pedestrian Amenities. (CC)

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

Chapter 2.7 Special Planned Districts

2.7.700 Upland Areas of Special Interest Overlay Zone.

B. Applicability.

- 1. Affected Property.** The procedures and requirements of the Upland Areas of Special Interest Overlay Zone apply to any real property designated as having an ASI as mapped on the Bend Area General Plan Map and the City Zoning Map. These standards shall be in addition to the standards of the underlying zone.

2. **Activities Subject to Review. Unless specifically exempted from review as described in subsection (B)(3) of this section, activities subject to review and which require a permit shall include all development on properties described below:**
 - a. **Partitioning and subdividing of land.**
 - b. **New structural development.**
 - c. **Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.**
 - d. **Site modifications including grading, excavation or fill, installation of new utilities, construction of roads, driveways, or paths.**
 - e. **Removal of trees or cutting or clearing of any native vegetation within the Upland Area of Special Interest.**

FINDING: There is a mapped ASI located in the southwest corner of the property, just north of the proposed Brentwood Avenue extension. Therefore, the provisions of this chapter are applicable. As a part of the Stone Creek Master Planned Development, the applicant proposes a modification to the General Plan map and the zoning map to reduce the size of the ASI on the site from 5.4 acres to 2.4 acres. Any part of the area currently mapped ASI will not be used for private development but instead will be developed as a public park and designed with the intent and purpose of enhancing, improving and protecting the remaining ASI area.

The applicant notes that the entire ASI has been compromised and degraded by the presence of transient homeless campgrounds, tents, garbage, illegal dumping, drug use and the placement of fill material in the rock outcroppings to create a bike ramp. The road access to the site from the west has allowed people to pull campers, vans and even shopping carts onto the site, further impacting the ASI. The applicant proposes to move the boundary of the ASI to the contour line as shown on the submitted site survey maps, to be combined with non ASI land park development. Consistent with Bend Park and Recreation District standards, the applicant proposes irrigated turf, a picnic shelter and playground in the park area outside of the adjusted ASI boundary. No structures, irrigation or non-native materials are planned for the remaining 2.4 acre ASI area. The applicant proposes to restore the remaining ASI and create soft surface trails amongst the rock outcroppings to facilitate public access and enjoyment of the natural feature. This plan will preserve a significant stand of ponderosa and old juniper trees along the northern and eastern boundary of the remaining ASI. The applicant believes this plan will result in a better protection of the resource as it allows for eventual public ownership and management by the Bend Parks and Recreation District.

C. ASI Review Process. For all activity subject to the Upland Area of Special Interest Overlay review, the following shall apply:

1. **The ASI Review shall be processed as a “Land Use Permit” as defined in BDC Chapter 4.1, Development Review and Procedures. When practicable, the ASI Review shall be processed concurrently with other land use permits.**
2. **The ASI Review application is subject to the provisions of this chapter.**
3. **The ASI Review application shall be filed on a form provided by the City and shall be accompanied by a filing fee, drawings and information specified in this chapter.**

FINDING: The request to amend the ASI within the Stone Creek Master Planned Development is being processed concurrently with the Master Planned Development application. Chapter 2 of the Bend Area General Plan contains goals and policies related to the preservation of natural features identified as Upland Areas of Special Interest. Specifically, the General Plan at page 2-5 states: “Because these Areas of Special Interest are small and the scale of the Plan Map is large, the indication on the Map represents the approximate location of the area. More detailed contour maps have been developed and the sites inventoried to determine the specific boundaries of the Areas of Special Interest.” The applicant requests that the General Plan Map and the Zoning Map be revised to reduce the size of the ASI by approximately 3 acres, from 5.4 acres to 2.4 acres. The remaining 2.4 acres ASI area would be protected as a part of the adjacent park development and public access to it improved with a soft surface trail system.

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

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

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

FINDING: No structures are proposed within 25 feet of the remaining 2.4 acre ASI.

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

FINDING: No roads are proposed within the remaining ASI. The applicant does propose soft surface trails as shown on the Circulation, Pedestrian Connection and Landscape Plans in the Stone Creek Master Plan. Additionally, the applicant has granted a temporary pedestrian access easement across the northern boundary of the park parcel until such time as equivalent public access is dedicated.

3. Utilities and Drainage Facilities. Public and private utilities or drainage facilities may be placed underground within an Upland Area of Special Interest when it is shown that no other practicable alternative location exists. If allowed, the applicant shall demonstrate that:

- a. **No other practicable access exists or access from an off-site location through the use of easements is not possible;**
- b. **The corridor necessary to construct utilities shall be the minimum width practicable;**
- c. **Removal of existing trees and native vegetation shall be avoided unless absolutely necessary.**

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

FINDING: With the ASI reduction, there are no utilities or drainage facilities planned for the remaining 2.4 acre ASI area.

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

FINDING: The applicant plans to restore the remaining ASI by removing non-native fill material to the extent practical, clearing out garbage and debris and removing noxious weeds. These activities will be performed to improve and protect the ASI and will be done with as minimal disturbance to the ASI as possible.

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

FINDING: The applicant plans turf and underground irrigation in the adjacent park area, but no non-native plant material or irrigation is proposed in the remaining 2.4 acre ASI area.

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

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

- F. Areas of Special Interest Mitigation Standards.** The development activities listed in subsections (B) and (D) of this section may trigger a requirement for mitigation. When a proposed development impacts an Upland Area of Special Interest by grading, excavation, or fill, the placement of impervious surfaces, or by the removal of vegetation, a mitigation plan prepared by a qualified professional shall be submitted to the Review Authority. The mitigation plan shall include the following:
1. The location of the impact, the existing conditions and area size of the resource prior to impact, the location and size of the proposed mitigation area, and a proposed mitigation plan that represents a 1:1 replacement value;
 2. All proposed vegetation planted within the mitigation area shall be native to the region and similar to the vegetation removed. Species to be planted in the mitigation area shall replace those impacted by the development activity at a 2:1 ratio;
 3. Additional mitigation measures may be required based on the nature of the impact such as:
 - Site reclamation.
 - Screening of structures, cuts or fills.
 - Increased vegetative quantities and/or sizes.

FINDING: The original ASI boundary was approximately 6.4 acres, of which 5.4 acres are located within the master plan area. The applicant proposes to reduce the ASI by 3 acres to facilitate the development of a 6+ acre public park. The applicant is working with Bend Park and Recreation District to develop the park and ultimately transfer it to the Park District. The applicant plans to restore the remaining ASI by removing nonnative fill material to the extent practical, clearing out garbage and debris and removing noxious weeds. There will be no structures, impervious surfaces, removal of native vegetation, grading, excavation or fill, utilities or drainage facilities in the remaining ASI area. The applicant does propose soft surface trails around the edge of the ASI, as shown on the Circulation, Pedestrian Connection and Landscape Plans in the Stone Creek Master Plan.

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

2. **ASI Analysis Methodology.** The City shall evaluate potential Upland Areas of Special Interest using the 1999 Natural Areas Scoring System (NASS) developed by the Bend Urban Land Survey team. The NASS is a numerical ranking which represents the relative values of a natural resource site. The following nine criteria and scoring system are used to determine the total assessment score:

Criteria	Score	Explanation
Existing Site Use	6	Undeveloped
	4	Minor development
	2	Significant development
	0	Development that substantially reduces open space value
Habitat Value	6	Supports a broad diversity of bird and/or animal life
	4	Supports moderate diversity of bird and/or animal life
	2	Limited habitat value
	0	Almost no habitat value

Criteria	Score	Explanation
Trees and Vegetation	6	Mature trees, quality riparian vegetation or other significant vegetation
	4	Some trees, other lower quality vegetation
	2	Little significant vegetation
	0	Almost no vegetation
Natural Features	6	Uncommon or outstanding natural features
	4	Natural features of good quality
	2	Natural features are not distinctive
	0	Almost no natural features
Conflict with Adjacent Land Use	6	No conflicts
	4	Slight conflicts
	2	Moderate conflicts
	0	Severe conflicts
Wildlife Linkages	6	Quality connections to other wildlife areas
	4	Some connections
	2	Minor connections
	0	No connections
Scenic Resources	6	Highly attractive scenic resources
	4	Moderately attractive
	2	Limited scenic value
	0	Unattractive
Public Access	6	Potential for high use
	4	Potential for moderate use
	2	Low potential for use
	0	No potential for use
Type of Water Present	6	Has a variety of flows
	4	Year-round water source of good quality
	2	Seasonal water
	0	No water or low quality water source

H. Delineation of New Upland Areas of Special Interest. The ASI delineation is a more precise determination of the location of the designated area. The delineation is determined by several factors including but not limited to the topographical contours, the presence of significant trees and an on-site field location conducted by the Review Authority.

- 1. Topography. The boundary of the designated area will be determined to be at the toe of the slope or slope transition for upland features as illustrated on an adopted map specific to each ASI unless otherwise determined by the Review Authority based on field observation.**
- 2. Significant Trees. The ASI boundary may include significant trees as defined in this code measured at the outer edge of the tree canopy based on aerial photos and field observation.**
- 3. Evaluation Methodology. A potential new site within the “Upland Feature” category would be evaluated using the following method:**

Upland features are natural areas consisting of geologic features and/or vegetation that provide visual and spatial breaks in the developed landscape.

4. Upland Features.

a. Use the following three criteria:

i. Scenic Resources.

ii. Existing Site Use.

iii. Natural Features.

b. Apply the NASS scoring system for these criteria.

c. The combined score must total a minimum of 10 points.

Proposed new sites in the Upland feature category with a minimum score of 10 points would be subject to a second review using all nine NASS criteria. Under the second review, the site must total a minimum of 20 points to be further considered for adoption as an Upland Area of Special Interest.

FINDING: This application is not for a new ASI. However, because the applicant proposes to change the boundary of an existing ASI, the above standards and criteria apply in re-evaluating the existing ASI.

The ASI designation protects natural resources that have been mapped for protection by the City. The ASI designations implement Goal 5. They do this by adopting a rating system to determine whether properties should be protected in the City's development code. The ASI on the subject property is designated ASI # 3 and was rated in 1999.

The applicant's narrative states that a site specific review of the subject property makes it clear that protection of the entire area that was originally mapped as the ASI is no longer merited nor in the public interest. The established rating categories are discussed below.

EXISTING SITE USE: The existing site use of the ASI was originally rated as a 5. That means that the property falls between the two categories of having "undeveloped" and "minor development" affecting the site. The applicant notes that since 1999 when the property was rated, significant additional development has occurred around the subject property which negatively impacts the site and the value of the ASI. The properties to the west and southwest have developed with residential subdivisions with no homeowners association to own or manage the portions of ASI located within them. New development in the area has reduced the open space value by adding noise, light, traffic, and an industrial business environment to the area. There has been a significant impact to this ASI designated area by transient people using it as a campground. However, portions of the ASI remain substantially undeveloped, specifically the area proposed to remain designated as ASI which has significant rock outcroppings and mature stands of native trees which have value. Therefore, the portion of the ASI to remain is rated 5, but the value of the portions proposed to be removed from the ASI designation have either been compromised or were of less significant value to begin with.
ASI to remain: 5

Portion to be removed: 2

HABITAT VALUE: The habitat value of the property was originally rated as a 4. That rating means that the property supports moderate diversity of bird and/or animal life. The applicant notes that the presence of an irrigation canal along the northern property boundary may have resulted in the initial rating. The area immediately adjacent to the canal has natural vegetation that is attractive to wildlife. The canal itself is not located on the subject property and the little

habitat value offered by this area can be protected by canal setbacks and the stringent landscaping standards in the City Code. The applicant notes that the habitat value of the large Ponderosa trees and the prominent rocky knob have been compromised with the current transient and dumping activities but will be enhanced, restored and preserved with the applicant's plan. The majority of the ASI is currently used by transients as a camping ground and the applicant believes the area has almost no habitat value today, noting that the owls, deer and wildlife observed on this site in 1999 are not present today. Restoration of the remaining portion of the ASI would have a positive impact to the habitat value of that portion of the ASI, and the reduction of the area as proposed would not have a significant negative impact to the remaining ASI area, particularly as it will be developed as a public park.

ASI to remain: 4

Portion to be removed: 2

TREES AND VEGETATION: The trees and vegetation value of the property was originally rated as a 5. This means the area falls between the rating of having "mature trees, quality riparian vegetation or other significant vegetation" and having "some trees and other lower quality vegetation." The modified ASI area will allow for the continued preservation of large stands of trees along the northern and eastern boundaries of the remaining ASI. Significant stands of trees in the area proposed to be removed from the ASI would still be retained with development of the proposed public park. The area proposed to be removed from the ASI could be rated a 2, but the remaining portion of the ASI should be rated a 4.

ASI to remain: 4

Portion to be removed: 2

NATURAL FEATURES: The City applied a rating of 4 to the ASI in 1999 for natural features because it contained a large rock outcrop that is distinctive in the ASI. The rating description for this specific ASI lists the significant rocky knob as the main natural feature of note. This "knob" is the predominate portion of the ASI and would remain designated as an ASI under the present proposal and the smaller portion of the ASI that is proposed to be reduced in size is separate from this ridge area. The portion of the ASI to be removed does not have natural features that are distinctive and therefore should be rated a 2.

ASI to remain: 4

Portion to be removed: 2

EXISTING/ANTICIPATED CONFLICTS WITH ADJACENT LAND USES: The original rating gave the subject property a 4 for conflicts with adjacent land uses. The presence of both industrial and residential development in the area, coupled with the increased transportation access, have impacted the open space values and degraded the ASI with transient usage, garbage dumping and the introduction of fill onto rock outcroppings for bike ramps. The impacts that have occurred to the ASI over the years warrant a reduction of the area as proposed by the applicant. With the mitigation proposed for the remaining ASI area, the rating for the remaining area would remain as a 4.

ASI to remain: 4

Portion to be removed: 2

WILDLIFE LINKAGES TO OTHER SITES: In 1999, the City applied a score of 2 to the subject ASI for providing minor wildlife linkages to other sites. This rating was determined prior to the much of the industrial development to the east and the residential subdivisions to the west and southwest, both factors which further isolate this ASI from other wildlife areas. Due to these

factors, there is a complete absence of wildlife linkages from the ASI site to other sites. With development that has occurred and further development that is likely to occur, there will be no linkages from the ASI to other wildlife areas.

ASI to remain: 0

Portion to be removed: 0

SCENIC RESOURCES: The site received a rating of 4 in 1999 based on the “attractive views within the site including trees, meadows and the rocky knob.” The applicant notes that this has changed since 1999 with the presence of transient homeless camps and garbage. The significant industrial, residential and transportation infrastructure development in the area has changed the scenic value dramatically. The portion of the ASI proposed to remain still contains the rocky outcroppings which provide a scenic resource to the properties surrounding the ASI. The portion to be removed from the ASI has stands of trees which will continue to have some scenic value if preserved with the park.

ASI to remain: 4

Portion to be removed: 2

PUBLIC ACCESS: The area was given a rating of 4, moderate potential for public access in 1999 as the site is somewhat accessible from existing roads, trails, and neighborhoods. Since this evaluation, the property to the west and southwest have been developed with residential subdivisions, increasing the visibility and vehicular access to the property. Unfortunately, this has caused the site to be used as a transient camp, garbage dump, and other undesirable uses. Restoration and protection of this area through the applicant’s plan would result in the remaining ASI having a moderate to high potential for public use. This standard will be enhanced with the construction of adjacent streets and trails in the park area.

ASI to remain: 4

Portion to be removed: 4

TYPE OF WATER PRESENT: The ASI was originally rated 2 for presence of seasonal water due to the irrigation ditch at the east edge of the ASI. This ditch is dry and has not been used in years. Any remaining irrigation deliveries in the vicinity of the ASI, with the exception of the main COID canal farther to the north, are planned to be piped.

ASI to remain: 0

Portion to be removed: 0

A site must have a rating of 20 to qualify for ASI protection. In 1999, the total score for the subject ASI was 34. Many of the factors that merited a rating of 34 in 1999 have been altered or no longer exist for the subject property. Based on the revised evaluation above, the total score for the portion of the ASI proposed to remain should be 29, and the portion to be removed should be 16.

The City’s rating system considers property for inclusion in an ASI if it has a rating of 10 for the three criterion: Scenic Resources, Existing Site Use and Natural Features. If sites achieve a score of 10 on the three selected criteria, a complete review of all the above criteria is appropriate. For these three items, the portion of the ASI to remain scores 13, while the portion proposed to be removed from the ASI boundary scores only 6.

Additionally, when the ASI boundaries were first mapped, the technology used to define the boundaries was much less advanced than what is available today with aerial imaging and two foot mapped contour lines. Prior to submittal of this application, City Planning staff walked the

ASI area with the applicant's survey to make a better determination of portions of the site worthy of protection. The current proposed ASI boundary is the result of that site visit and further survey work done by the applicant's engineer. The new boundary area follows the toe of the steeper slopes, rock outcroppings, and significant stands of trees. Therefore, the requested reduction to the ASI designated area is justified. Allowing modification of the ASI designation on the subject property using the rating system created to determine significance is in compliance with Goal 5. It demonstrates that the portion of the property to be removed from the ASI designated area lacks Goal 5 resources that merit protection under the City's acknowledged criteria for making Goal 5 decisions. Although a portion of the site will be removed from the ASI designation, that portion will be developed as a public park, preserving many of the stands of significant trees in that portion of the site, as well as providing enhancements of the scenic resources worth preserving with the remaining ASI, along with pedestrian and bicycle access to the site and roads and parking surrounding the site, making it more accessible for enjoyment of the surrounding community.

BDC Title 3, Design Standards

Chapter 3.0, Development Standards Administration

Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation

Chapter 3.2, Landscaping, Street Trees, Fences and Walls

Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking

Chapter 3.4, Public Improvement Standards

Chapter 3.5, Other Design Standards

Chapter 3.6, Special Standards for Certain Uses

Chapter 3.7, Wireless and Broadcast Communication Facilities

FINDING: Overall, the Stone Creek Master Plan will be subject to the standards in the above chapters of the BDC for all new development. The only exceptions are that the street plan and street standards of the Stone Creek Master Plan will supercede the lot, parcel and block design standards in Section 3.1.200, and the transportation improvement standards for streets in Section 3.4.200.

Additionally, BDC 2.7.970 *Sun Ranch Special Development Standards*, has an adopted street plan for the property north of Brentwood Avenue and west of the Stone Creek Master Plan area. The existing adopted Sun Ranch street plan does not quite align with the east/west street grid proposed with the Stone Creek Master Plan. However, the applicant has been working with the development group for the Sun Ranch property to develop new street alignments as proposed. On May 21, 2014, a Completeness Check application was submitted by Hoviss Development (PZ 14-0379) which includes proposed amendments to BDC 2.7.970 to align the Sun Ranch (now proposed to be called Aspen Reserve) streets to match the alignments proposed for Stone Creek. Therefore, the proposed Stone Creek street alignments shall set the alignment for future street connections on surrounding sites as shown in Figure 2.7.3070.B.

IV. CONCLUSIONS:

Based on the above findings, the proposed General Plan and Zoning Map amendments, and the BDC text amendment to create the Stone Creek Master Planned Development, meet all applicable BDC criteria, policies of the Bend Urban Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.