



# Oregon

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Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: 10/31/2014  
Jurisdiction: City of Bend  
Local file no.: PZ 14-0511  
DLCD file no.: 005-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/28/2014. 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 less than 35 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](mailto:plan.amendments@state.or.us)



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

FOR DLCD USE

File No.: 005-14 {22397}

Received: 10/28/2014

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 14-0511**

Date of adoption: 10/15/14

Date sent: 10/28/2014

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): 8/5/14

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](mailto: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	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.			
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



## ORDINANCE NO. NS-2227

AN ORDINANCE AMENDING BEND DEVELOPMENT CODE ARTICLE IX, 2.7.970 SUN RANCH SPECIAL DEVELOPMENT STANDARDS, REPLACING IT WITH THE ASPEN RESERVE MASTER PLANNED DEVELOPMENT. THE PROPERTY IS LOCATED SOUTH OF THE COID CANAL AND EAST OF ALSTRUP ROAD.

### Findings

- A. On July 3, 2014, Hoviss Development initiated amendments to the Bend Development Code to replace the Sun Ranch Special Development Standards with the Aspen Reserve Master Planned Development on 20 acres of RM zoned land south of the COID canal, east of Alstrup Road, and west of the Stone Creek Master Planned Development. The master plan includes 65 single-family lots and two multifamily lots totaling 7 acres, for a total of 20 acres.
- B. On September 8, 2014, the Planning Commission held a public hearing on the proposed Aspen Reserve Master Planned Development, with public notice provided in accordance with BDC 4.1.400. The Planning Commission completed its deliberations and voted to recommend that the City Council adopt an ordinance amending the Bend Development Code with the proposed Aspen Reserve Master Planned Development code text with changes recommended by the Planning Commission as contained in Exhibit A, along with the conditions of approval in Exhibit B, and the findings in Exhibit C.
- C. The Bend City Council held a public hearing on October 1, 2014, to consider the Planning Commission recommendation, with public notice provided in accordance with BDC 4.1.400.
- D. The requested amendments to the Bend Development Code approved by this Ordinance meet all applicable Bend Development Code criteria, policies of the Bend Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.
- E. The conditions of approval contained in Exhibit B shall supercede the conditions of approval referenced in Ordinance NS-2071, as contained in the Hearings Officer Findings and Decision for City files PZ 06-749, PZ 06-751, and PZ 07-228.

### THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. Bend Development Code Article IX, 2.7.970 Sun Ranch Special Development Standards is amended to be replaced with the Aspen Reserve Master Planned Development as contained in Exhibit A.
- Section 2. The conditions of approval contained in Exhibit B shall supercede the conditions of approval referenced in Ordinance NS-2071, as contained in the Hearings Officer Findings and Decision for City files PZ 06-749, PZ 06-751, and PZ 07-228.
- Section 3. The City Council adopts the Findings in support of this ordinance as contained in Exhibit C.

First reading: October 1, 2014.

Second reading and adoption by roll call vote: October 15, 2014.

YES: Mayor Jim Clinton  
Councilor Jodie Barram  
Councilor Mark Capell  
Councilor Victor Chudowsky  
Councilor Doug Knight  
Councilor Sally Russell

NO: none

*Jodie D. Barram for Jim Clinton*  
*Mayor Pro Tem*  
\_\_\_\_\_  
Jim Clinton, Mayor

Attest:

*Robyn Christie*

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

Approved as to form:

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

**EXHIBIT A**  
**Article IX. Aspen Reserve Master Planned Development**

**2.7.0950 Aspen Reserve Master Planned Development.**

**2.7.0955 Applicability.** The area regulated by the Aspen Reserve Master Plan is approximately 20 acres of land east of Alstrup Road and north of Brosterhus Road. It is bounded on the north by the Central Oregon Irrigation District main lateral, to the east by the Stone Creek Master Planned Development, to the south by the Island Park residential subdivision, and to the west by Alstrup Road. Conditions of approval pertaining to the timing of required public infrastructure improvements are contained in Ordinance NS-2227.

**2.7.0960 Purpose.** The purpose of this section is to create the Aspen Reserve Master Development Plan. In addition, the Master Planned Development creates overlay development standards that will supersede the development standards of the underlying RM, Medium Density Residential District within the plan boundaries. The Master Plan Development objectives are to:

- Provide a variety and mixture of housing types and densities in a coordinated neighborhood.
- Identify and coordinate street locations.
- Designate neighborhood open space.
- Establish design standards for street, sidewalks and building locations to create streetscapes that are safe and accessible for all modes.
- Create safe and convenient pedestrian and bicycle circulation and trail connections.

**2.7.0965 Permitted Uses.** Only detached single-family dwellings, with or without accessory dwelling units, shall be permitted in the Single Family Overlay District. Only multifamily housing shall be permitted in the Multi Family Overlay District. The overlay districts are shown on the Aspen Reserve Master Plan Overlay Map, Figure 2.7.980.

**2.7.0970 Development Standards.** The special standards of the Aspen Reserve 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.

**A. Setbacks Standards.** Setback standards are as listed in Table 2.7.0970. All single-family lots (except lots 11 through 16 along the north boundary) shall be exempt from solar setback standards.

**Table 2.7.0970 – Setbacks**

Use	Front	Side	Rear
Single Family Detached	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

Note: Multifamily development that abuts RS zoned or designated property on the periphery of the master plan boundary, the rear and side yard setbacks shall increase beyond the minimum stated in 2.7.0970 by one half foot for each foot by which the building height exceeds 20 feet.

Where a street or alley is at the periphery of the master plan, the width of the right of way or easement shall be included in the setback measurement.

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

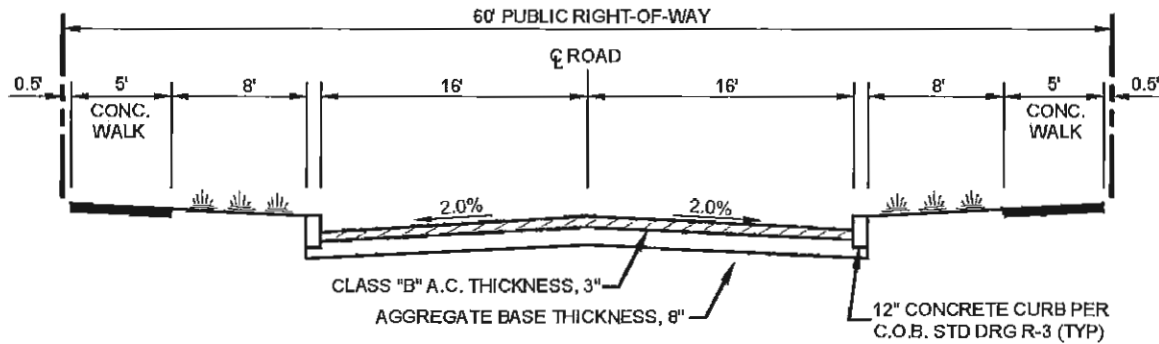
1. Single-family dwellings – 35 feet
2. Multifamily (more than three attached units) – 45 feet

C. Density. The maximum number of dwelling units shall be 285 (65 single family and 220 multifamily). Density may be averaged across the residential districts provided that the overall density for the entire master plan development area meets the RM zone density requirement of 7.3 to 21.7 units per acre.

**2.7.0975 Street Improvement Standards.** Street improvement standards shall be consistent with the requirements of this Code, except as set forth below:

A. Street Section 1– Public Local Streets.

This section shall be used for all public streets within the development. These streets will consist of 60 feet of public right-of-way with 8 foot vehicle travel lanes, 8 foot wide on-street parking, 8 foot landscape strips, and 5 foot wide sidewalks.

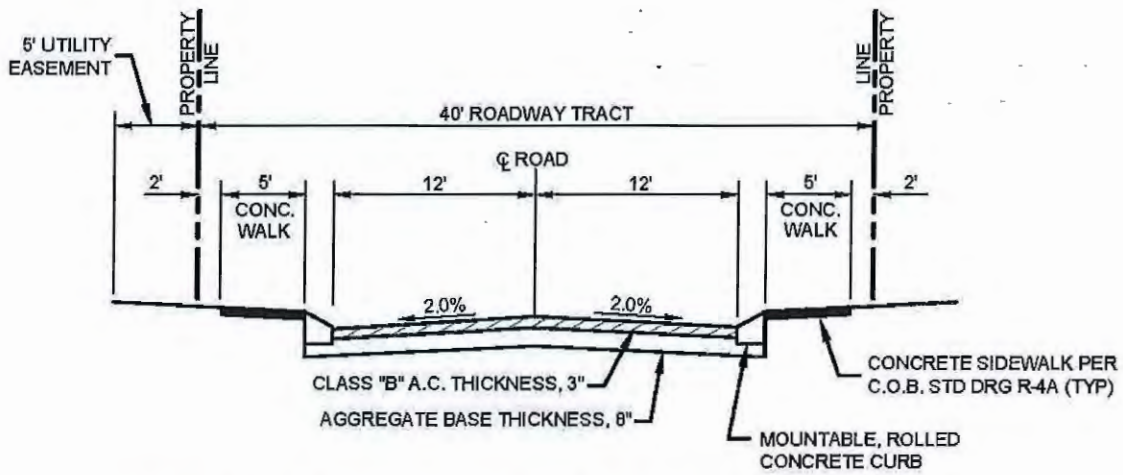


**STREET SECTION 1 - PUBLIC LOCAL STREET**

NOT TO SCALE

B. Street Section 2 – Private Local Street.

This street will consist of a 40 foot roadway tract, 12 foot vehicle travel lanes, no on-street parking, mountable rolled curbs, and 5 foot wide sidewalks.

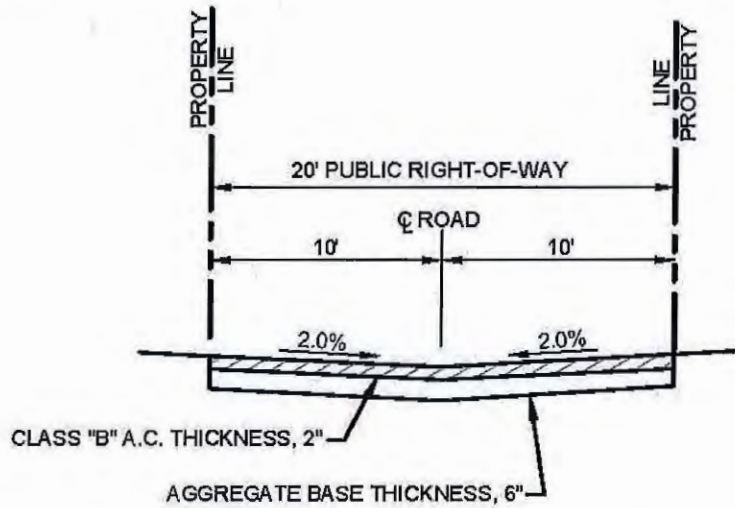


### STREET SECTION 2 - PRIVATE LOCAL STREET

NOT TO SCALE

#### C. Street Section 3 – Public Alleys.

The public alleys shall consist of 20 feet of public right-of-way with 10 foot vehicle travel lanes, no on-street parking, and no sidewalks.



### STREET SECTION 3 - PUBLIC ALLEY

NOT TO SCALE

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



Figure 2.7.0980  
Aspen Reserve Master Plan Overlay Map

- SINGLE-FAMILY DISTRICT
- MULTI-FAMILY DISTRICT
- OPEN SPACE
- PUBLIC LOCAL STREET
- PRIVATE LOCAL STREET
- PUBLIC ALLEY
- PEDESTRIAN ACCESS



## EXHIBIT B CONDITIONS OF APPROVAL

1. The applicant shall provide the following transportation system improvements to mitigate their impacts to the transportation system:
  - a.) All streets within the Aspen Reserve Master Plan area shall be constructed to City Standards and Specifications and in accordance with the Aspen Reserve 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 as shown on the tentative plan, including a south/west bound left turn lane at Alstrup Road, and street widening as needed to accommodate the vehicle lanes, bike lanes, and a 6 foot wide sidewalk along the east side of the street. These improvements shall be required with the first phase of development.
  - c.) **Alstrup Road** shall be improved to City local residential street standards from the north boundary of the Aspen Reserve Master Plan area to Brosterhous Road, with 5 feet of right of way dedication along the east side, curb on both sides of the street, 36 feet of street pavement, 6 foot wide sidewalks along the east side of the street, and realignment of the Alstrup Road/Brosterhous Road intersection as shown on the tentative plan. With the first phase of development, the applicant shall propose a final mitigation (i.e. parking facility and/or landscaping) in the abandoned portion of the existing Alstrup Road from the new alignment to Brosterhous Road. The property will remain City right-of-way. Consideration should be given to parking for the existing lots 18-21 of the Island Park subdivision.
  - d.) **US 97 SB Ramps** - Prior to occupancy of any portion of Phase 2 (multifamily development), 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.
  - e.) **US 97 NB Ramps** - Prior to occupancy of any portion of Phase 2 (multifamily development), 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.
  - f.) **Reed Market/3<sup>rd</sup> Street** - Applicant shall provide their proportionate share contribution of \$134,245 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 and site plan review processes, with a portion of the overall contribution to be paid with each phase of development, based on the trips generated in that phase.

**DURATION OF APPROVAL:** Per BDC 4.5.300.D.2, within three years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a tentative development plan, in conformance with the requirements of this chapter. If Ordinance 2227  
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the tentative development plan is not submitted within three years, the Master Planned Development concept plan shall expire.

**EXHIBIT C  
FINDINGS IN SUPPORT OF  
ASPEN RESERVE MASTER PLANNED DEVELOPMENT  
AMENDMENTS PZ 14-0511**

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

City of Bend Development Code

- Chapter 2.1, Residential Districts (RM)
- 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

**I. PROCEDURAL FINDINGS:**

**PUBLIC NOTICE AND COMMENTS:** The applicant held a neighborhood meeting on December 23, 2013 in accordance with the requirements of BDC 4.1.215.

Notice was provided to DLCD on August 5, 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 September 8, 2014 the Planning Commission held a public hearing on the proposed Aspen Reserve Master Planned Development. Other than the applicant's development team, only one member of the public was present to testify at the hearing, primarily with concerns expressed over tree removal. The only written comments received were from the Old Farm District Neighborhood Association representative, which was generally supportive of the master plan as proposed, but expressed concerns from the neighborhood about the corner of Alstrup and Brosterhous, and requested that all transportation SDCs associated with the Aspen Ridge development remain in the Brosterhous corridor to be utilized for construction of turn lanes, bike lanes and sidewalks between 3rd Street and the Alstrup/Brosterhous intersection.

**II. 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 20 acres. BDC 4.5.400 is addressed further on in this report.

**B. Review and Approval Process.**

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

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

The tentative development plan may be reviewed using the Type II procedure in accordance with BDC Chapter 4.1, Development Review and Procedures, and 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 this staff report.

- 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 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 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 residential development patterns, the ASI to the southeast, and the COID canal to the north. 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 Area of Special Interest to the southeast.

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. Conformance with the applicable General Plan policies are addressed 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 Aspen Reserve Master Plan includes a street system plan with specific standards for 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. 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 Aspen Reserve Master Planned Development 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 the applicant's narrative.

- 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 has submitted a tentative plan for Phase I, to be processed once the Master Plan amendment becomes effective. Phase I consists of 65 lots for single family residential development, two larger lots for multi-family development, and three common area tracts, along with construction of the proposed street, sewer and water infrastructure to support the entire master plan area. Phase II will consist of a Site Plan Review application for the multi-family development which will be submitted within five years of the date the master plan amendment becomes final.

- 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 Ferguson & Associates, Inc., 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 architectural concept plans. The applicant is not proposing any specific architectural requirements for the detached single family homes. The multi-family units will be subject to site plan approval per BDC 4.2.200. As part of that process, the applicant will submit architectural drawings per BDC 4.2.200.E.4 that show the architectural style, building heights, and general materials. At this time, the applicant is not proposing any signs other than the minimum traffic control and street name signs required by the City.

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

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

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

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

- 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 Aspen Reserve Master Planned 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 zone in Chapter 2.0, with the exception of allowing a higher building height limitation of 45 feet for multi-family dwellings, and exempting most single family lots from solar setback standards.

Likewise, the proposed Aspen Reserve Master Planned 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 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.**

**FINDING:** The master planned development area is less than 40 acres. However, the applicant is seeking exceptions to the building height standards of the Development Code. Therefore, these standards are applicable.

- 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:**
    - (B)By leasing or conveying title (including beneficial ownership) to a corporation, owners association or other legal entity. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.**

**FINDING:** Three open space tracts are proposed within the master plan area, ranging from 2,586 square feet to 8,564 square feet. There will also likely be some open space provided with the development of the multi-family phase of development as well. Additionally, a trail connection will be provided to connect to the 6 acre park planned just to the southeast within the Stone Creek Master Planned Development.

- 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 meets 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 this report.

#### 4.5.400 Master Planned Neighborhood Development.

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

**FINDING:** This section is not applicable as the Aspen Reserve Master Planned Development area totals less than 40 acres.

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

##### 4.6.300 Quasi-Judicial Amendments.

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

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

##### ***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 December 23, 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 District Neighborhood Association. 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

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City reviews such 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." There is a mapped ASI to the southeast of the master plan area which is planned as park area in the Stone Creek Master Planned Development. An approximately 200 square foot sliver of this ASI is located in the southeast corner of the Aspen Reserve Master Planned Development area. A soft trail connection is planned in this portion of the ASI to connect to the park, ASI, school site and surrounding neighborhoods. The Aspen Reserve Master Plan proposes to continue this trail through to connect to the sidewalk along the future extension of Aaron Way. Any improvements within or directly adjacent to this sliver of ASI within the Aspen Reserve Master Planned Development area will be reviewed for conformance with the criteria and standards of BDC 2.7.700 *Upland Areas of Special Interest Overlay Zone* through the Site Plan Review process for the proposed multifamily development on that portion of the site.

*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. 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 adjacent to the southeast in the Stone Creek Master Planned Development.

*Goal 9, Economic Development* is not applicable as the master plan area does not include or propose any economic lands.

*Goal 10, Housing*, is to "Provide for the Housing Needs of the citizens of the State". The proposed master plan area will be developed with a mix of single family and multi-family dwellings in conformance with the RM plan designation of the master plan area.

*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 amendment will not impact use of energy. However, with planned street and multi-modal connections to the Stone Creek Master Plan area to the east, the close proximity of a planned public park, elementary school, and commercial uses 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 Aspen Reserve Master Planned Development 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 Aspen Reserve 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 including walking, biking, and mass transit. Proximity to a mix of planned 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 text 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. The Master Plan also includes design guidelines for 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 Bend Development Code includes 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 all measures to ensure compliance with this policy.

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

### **POLICIES**

#### *Natural features and open space*

6. *The city and county shall review proposed developments that include Areas of Special Interest and natural features identified on the Plan Map to ensure they follow the policies of this Plan.*
7. *Major rock outcrops, stands of trees, or other prominent natural features identified in the General Plan shall be preserved as a means of retaining the visual character and quality of the community.*
8. *Natural tree cover should be retained along streets in new developments to retain the natural character of Central Oregon within the urban area as the community grows.*
9. *All residential development should respect the natural ground cover of the area, and the city and county shall work with developers to preserve mature trees within the subdivision.*
12. *The city shall develop flexible subdivision and development standards that make it easier for developers to provide open space within a neighborhood.*

15. *The Bend Metro Park and Recreation District shall designate areas in parks with significant natural values as undeveloped, managed open spaces for natural habitat, educational, aesthetic and passive recreational use, and provide opportunities for trails, observation platforms, boardwalks, and interpretive signage.*
17. *The Bend Metro Park and Recreation District shall acquire park sites and open space lands where possible to establish pedestrian, bikeway and greenway linkages between parks, open spaces, neighborhoods, and schools.*

**FINDING:** The applicant's tentative plan shows that existing trees and rock outcroppings will be preserved to the maximum extent practical, except where trees will need to be removed for construction of required infrastructure and lot development. A new public park is planned with the adjacent Stone Creek Master Planned Development, and therefore no additional park sites are needed in this neighborhood.

There is a mapped ASI to the southeast of the master plan area which is planned as park area in the Stone Creek Master Planned Development. An approximately 200 square foot sliver of this ASI is located in the southeast corner of the Aspen Reserve Master Planned Development area. A trail connection is planned in this portion of the ASI to connect to the park, ASI, school site and surrounding neighborhoods. The Aspen Reserve Master Plan proposes to continue this trail through to connect to the sidewalk along the future extension of Aaron Way. Any improvements within or directly adjacent to this sliver of ASI within the Aspen Reserve Master Planned Development area will be reviewed for conformance with the criteria and standards of BDC 2.7.700 *Upland Areas of Special Interest Overlay Zone* through the Site Plan Review process for the proposed multi-family development on that portion of the site.

### **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.*
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:** A new public park is planned with the adjacent Stone Creek Master Planned Development, and therefore no additional park sites are needed in this neighborhood. This new park will be directly adjacent to the southeast corner of the Aspen Reserve Master Plan area and a trail connection will be provided for convenient access to the park.

#### *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 and trail connections in the locations and widths shown on the proposed street cross sections and tentative plan, in accordance with the Bend Urban Area Bicycle and Pedestrian System Plan. The sidewalks and trails within the

development will also connect to the planned sidewalks and trails in the Stone Creek Master Planned Development and to the 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 sidewalk and 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 a 600 student elementary school is under construction on a 12.5 acre site to the east in the Stone Creek Master Planned Development. Sidewalks and trails in the Aspen Reserve Master Plan area will connect with those planned in the Stone Creek Master Plan area to provide safe multi-modal connectivity to the new elementary school.

### **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.*
- 11. Residential areas shall offer a wide variety of housing types in locations best suited to each housing type.*

**FINDING:** The proposed development proposes a variety of lot sizes and mix of housing types internal to the development. The north half of the master plan area is proposed to be developed with single family dwellings on lots similar in size to the lots in nearby residential subdivisions. Multifamily dwellings are planned for the south half of the master plan area. Adjacent platted lots to the south, and planned lots to the east are smaller lots for single family dwellings. The Planning Commission recommendation added additional setback requirements for multifamily dwellings adjacent to RS zoned or designated property on the periphery of the master plan boundary, to provide a compatible transition between single-family and multifamily development based on the height of the multifamily dwellings.

#### *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.*
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.*
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:** Most of the above policies have been codified in the Bend Development Code and will be required to be met with subsequent land division and site plan review processes. The applicant intends to develop the area so that it is aesthetically pleasing and compatible with residential uses through proper screening, appropriate materials, and the preservation of trees where practical. Lots will meet the 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 RM zone. The applicant will establish a homeowner's association and CC&Rs to include provisions consistent with the above policies related to fences, walls and landscape maintenance responsibilities.

#### *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:** The minimum number of units required to meet the RM zone density standards for the 20 acre master plan area is 146 units (7.3 units/ac x 20 acres = 146 units). Phase one will create a total of 65 detached single-family homes. The applicant notes that the minimum number multi-family units in phase two will be 81 in order achieve the minimum overall required density. Based on traffic analysis submitted by the applicant, a maximum density of 302 units was assumed, which is well under the maximum density of 434 dwelling units allowed for 20 acres of RM land (21.7 units/ac x 20). The proposed density is well within the range allowed for the RM zone, and allowing ADUs for the single family dwellings would not exceed the density allowed by the General Plan or Development Code.

*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.*
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 has indirect accesses to Brosterhaus Road to the southwest, and to Brentwood Avenue to the south, both of which are collector streets that will provide adequate access to both major and minor arterial streets. Commercial services and employment are in close proximity along Reed Market Road and 3<sup>rd</sup> Street, as well as the planned commercial development in Stone Creek to the east. Public open space and a planned park are directly adjacent to the southeast and a trail connection is proposed from Aaron Way. A public elementary school is under construction within the Stone Creek Master Plan area with sidewalks and bike lane connections provided from the school to serve the surrounding neighborhoods. These amenities and multi-modal facilities will achieve the goal of providing the maximum convenience to the highest concentrations of population. Street widths on the proposed public residential local streets are of a consistent width to meet City Standards and Specifications and match existing street sections in the Island Park subdivision to the south and the planned street sections for Stone Creek to the west. The proposed private street serving lots 32-41 meets the BDC standards for private streets. Sidewalks will be provided on both sides of all proposed public and private streets.

Residential block lengths within the master plan area will not exceed 600 feet, except where topographic conditions such as the ASI and COID canal prevent additional street connections. Proposed 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:** The proposed development 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. All utilities will be provided underground prior to platting of the lots with the subdivision review process. Street lighting will be provided within the subdivision at the time of development and will be shielded to direct light downwards.

**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. The streets will connect to Brosterhouse Road (collector), which in turn connects to 3<sup>rd</sup> Street (arterial), providing good access to nearby commercial services and employment. The streets and sidewalks connect to planned streets, sidewalks and bike lanes in the Stone Creek Master Plan area to provide easy multi-modal access to the planned park, school and commercial development which will be located just east of the Aspen Reserve development.

**6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS**

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

*be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.*

7. *Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.*
9. *The City's top priorities for pedestrian improvements are:
  - a) Sidewalks and trail system in-fill and school walking routes,
  - b) Retro fitting existing sidewalks along select collectors and arterials into property tight sidewalks and
  - c) The construction of pedestrian-oriented improvements (other than regular sidewalks, e.g., curb extensions) and elimination of pedestrian barriers.These projects will be identified and prioritized in the CIP.*

**FINDING:** Sidewalks are proposed on both sides of all streets within the master plan area. Sidewalks and bike lanes are proposed along the east side of Brosterhous Road adjacent to the proposed realignment of the Alstrup/Brosterhous Road intersection.

As with the Stone Creek Master Plan, the applicant is working with City staff to explore the possibility of utilizing their transportation system SDCs to provide additional multi-modal improvements for the Brosterhous Road corridor between Alstrup Road and 3<sup>rd</sup> Street. These are high priority off-site improvements which would provide a complete street system for this collector street connection to 3<sup>rd</sup> Street, benefitting not only the proposed Aspen Reserve development, but the surrounding neighborhoods as well.

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.*

**FINDING:** Bicycle parking facilities will be required for the multi-family residential development through the Site Plan Review process, in conformance with the bicycle parking standards of BDC 3.3.600.

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:** The Stone Creek Master Plan development team coordinated with the Park District for the design of the park which will be constructed just southeast of the Aspen Reserve Master Plan area. The park will include a system of trails in addition to sidewalk along the streets around the perimeter of the park. The Aspen Reserve Master Plan continues this trail system from the park along the south boundary of the multi-family development area to connect to the sidewalk along Aaron Way.

Additionally, the northern most street in the Aspen Reserve area will connect to planned streets and sidewalks in Stone Creek which in turn connect to the trail along the COID canal and pedestrian bridge connecting to Reed Market Road.

### **6.9.6 STREET SYSTEM**

#### **i) 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.*
- 7. City and state transportation system improvements shall comply with the Americans with Disabilities Act requirements.*

**FINDING:** The applicant's transportation engineering team worked closely with the City Engineers to ensure that necessary improvements will be made to Alstrup Road and Brosterhous Road, 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.

The proposed development is adjacent to the recently approved Stone Creek Master Planned Development. Both Stone Creek and Aspen Reserve propose primarily 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.*
- 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 due to the COID canal to the north, and the ASI and existing development patterns to the south. No dead end, cul-de-sac, or hammer-head streets are proposed. The proposed streets and alleys will be public facilities built to meet the BDC standards and City Standards and Specifications, with the exception of the short private street proposed to serve lots 32-41 which will have sidewalks on both sides but a narrow street width with no on-street parking.

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

##### *POLICIES*

##### *Sanitary Sewer Facilities and Systems*

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

##### *Water Facilities and Systems*

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

##### *Storm Drainage Facilities and Systems*

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

23. *The City shall implement and enforce requirements for an erosion and sediment control program for public and private construction and post-construction activities.*
24. *All developments shall evaluate the potential of a land parcel to detain excess stormwater runoff and require incorporation of appropriate controls, for example through the use of detention facilities to address quantity, flow, and quality concerns.*
30. *As part of site approval, or as a condition on tentative maps, as necessary, the City shall require permanent stormwater pollution control site design or treatment measures or systems and an ongoing method of maintenance over the life of the project.*

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

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 site is relatively flat with the exception of the southwest corner which contains approximately 200 square feet of the mapped ASI to the southeast. The applicant's tentative plan shows that they will preserve the existing trees to the maximum extent practical as the area develops.

#### **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. 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.

*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.

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

*Schools:* The Bend-La Pine School District is constructing a 600 student elementary school on 12.5 acres in the Stone Creek Master Planned Development just east of Aspen Reserve.

*Parks and Libraries:* A 6 acre park is planned directly southeast of Aspen Reserve in the Stone Creek Master Planned Development. A direct trail connection to the park is proposed along the south boundary of the Aspen Reserve Master Plan area.

*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:** A zone change was approved in 2007 for consistency with the RM General Plan designation. Per BDC 4.5.300, properties totaling 20 acres or more are required to create a Master Planned Development. The proposed Aspen Reserve Master Planned Development encompasses and the previously adopted Sun Ranch Master Development Plan. However, in order to match the street alignments approved for Stone Creek, and to provide a mix of housing types, the applicant proposes this amendment to BDC 2.7.950 to replace the Sun Ranch Master Development Plan with the proposed Aspen Reserve Master Planned Development. The adoption of the Stone Creek Master Planned Development and changes in the housing market since 2007 constitute a change in the neighborhood and community which warrant the proposed amendments.

**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.*

*(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

*(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*

*(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*

*(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

## **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 Aspen Reserve Master Planned Development will amend and replace the existing Sun Ranch Master Development Plan adopted in 2007. Likewise, the conditions of approval for this amendment will replace the conditions of approval in the Hearings Officer decision for the Sun Ranch Master Development Plan, Tentative Plan, and Zone Change (City files PZ 06-749, PZ 06-751, and PZ 07-228) which were adopted by reference in Ordinance NS-2071 for the Sun Ranch Master Development Plan and Zone Change.

Concurrent with the adoption of the Sun Ranch Master Development Plan was a zone change from RS to RM in conformance with the RM General Plan Map designation of the property. The zone change and amendment to the Bend Development Code for the Sun Ranch master plan were contained in the same ordinance (NS-2071), with one set of conditions of approval as contained in the Hearings Officer decision. There were several conditions of approval pertaining to requirements for off-site transportation system mitigations that were required for the zone change, but were based on the previous development plan for 432 multifamily dwelling units.

At a maximum, the applicant's current proposal for the Aspen Reserve Master Planned Development will have half the number of dwelling units, and therefore a significantly reduced trip generation, resulting in a reduced impact to the transportation system. Additionally, some of the required off-site improvements, such construction of the new American Lane alignment and canal crossing have since been undertaken by the City through the GO Bond Reed Market Road Corridor project. Some of the pro-rata share contributions that were included were for improvements that are also now part of the City GO Bond project. Therefore, it is appropriate to re-evaluate the conditions of approval that were tied to the zone change and previous Sun Ranch Master Plan.

With this application, the applicant provided a new TIA based on the current Aspen Reserve Master Plan. The applicant's TIA and the findings in this report reflect all of the changes that have occurred since the zone change and Sun Ranch Master Development Plan were adopted in 2007. Additionally, OAR 660-012-0060, the Transportation Planning Rule (TPR) has since been amended.

The applicant's narrative notes that the RM zoning is consistent with the City of Bend's Comprehensive Plan (the Bend Area General Plan). The City of Bend has an acknowledged Transportation System Plan (TSP), the RM zoning is consistent with the adopted TSP, and subsection (9)(c) does not apply. Accordingly, the applicant believes that under OAR 660-12-0060(9), the City may find that the zone change does not "significantly affect an existing or planned transportation facility".

However, the applicant's TIA estimated approximately the same pm peak hour trip generation

impacts to the US northbound and southbound ramps at Reed Market Road as the Stone Creek Master Planned Development which was just recently approved. With the Stone Creek Master Planned Development, it was determined that the trips generated did result in an impact to the ramps and improvements were proposed to mitigate those impacts. Therefore, because the applicant's trip generation impacts are similar to those of Stone Creek, and those trips were shown to impact the NB and SB parkway ramps at Reed Market Road, the applicant proposes the same mitigation for the ramps that were approved for the Stone Creek Master Planned Development, as detailed in Exhibit B.

The US 97 northbound and southbound ramps at Reed Market Road were 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 indicated 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 3<sup>rd</sup> 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 with Phase II of their development which encompasses the multifamily overlay district.

The 3<sup>rd</sup> 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, but no funding for this improvement has been identified. The applicant proposes to contribute their proportional share of the cost of this future improvement with each phase of development. 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 TSP intersection infrastructure.

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

Based on this calculation, the proportionate share contribution would total to \$181,412. 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 \$134,245. 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 and site plan review processes, with a portion of the overall contribution to be paid with each phase of development, based on the trips generated in that phase.

**Other applicable Bend Development Code Chapters**

**2.1, Residential Districts (RM)**

**FINDING:** The standards of the Aspen Reserve Master Planned Development will 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 Aspen Reserve MPD standards deviate from the requirements of BDC 2.1 as described below.

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

**FINDING:** The proposed master plan text restricts development in the Single Family Overlay District to single family dwellings, and multifamily apartment buildings and condominiums in the Multi Family Overlay District. The overlay districts are shown on Figure 2.7.980.

**2.1.300 Building Setbacks.**

Table 2.1.300 - Typical Residential District Setbacks (RM zone)

	<b>Front</b>	<b>Rear</b>	<b>Side</b>
Single-Family Detached Dwellings	10 feet, except garages shall be set back 20 feet	5 foot minimum.	5 foot minimum.
Multifamily dwellings	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.

***Proposed Aspen Reserve MPD standards:***

Use	Front	Side	Rear
Single Family Detached	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

*Note: Multifamily development that abuts RS zoned or designated property on the periphery of the master plan boundary, the rear and side yard setbacks shall increase beyond the minimum stated in 2.7.0970 by one half foot for each foot by which the building height exceeds 20 feet. Where a street or alley is at the periphery of the master plan, the width of the right of way or easement shall be included in the setback measurement.*

**FINDING:** The Planning Commission added additional setback requirements contained in the note above for multifamily dwellings adjacent to RS zoned or designated property on the periphery of the master plan boundary. The additional setback is based on the height of the multifamily dwellings, to provide a compatible transition between single-family and multifamily development.

**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.**

**FINDING:** This section does not apply as the master plan area does not abut lots in a subdivision platted prior to December 1998.

**2.1.500 Lot Area and Dimensions.**

Residential Use	Lot Area	Lot Width/Depth
Single-Family Detached Housing	RM 3,000 sq ft	30 ft width, 80 ft depth
Multi-Family	RM 2,500 sq ft for first unit, 2,000 sq ft each additional unit	30 ft width, 80 ft depth

**FINDING:** The applicant proposes to follow the lot area and dimension requirements for the RM zone throughout the development.

**2.1.600 Residential Density**

**FINDING:** The minimum density required for the RM zone is 7.3 units per acre, or 146 units for 20 acres. The applicant proposes 65 single family residences on individual lots, and a

minimum of 81 multifamily dwelling units to meet the minimum density requirement. A maximum density of 285 dwelling units is proposed (65 single-family dwellings and 220 multifamily dwelling units), which is consistent with the pm peak hour trips analyzed in the TIA, and well within the maximum density of 434 units allowed for 20 acres of RM zoned development.

**2.1.700 Maximum Lot Coverage**

Residential Zone	Lot Coverage
RM	40%

**FINDING:** No alternative lot coverage standards are proposed for the Aspen Reserve Master Plan.

**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.**
  - 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.**

**FINDING:** The applicant proposes to maintain the 35 foot height limit for lots in the single-family district but to allow a 45 foot height limit for the multifamily district to allow three story multifamily dwellings in order to meet the density requirements.

**2.1.900 Architectural Design Standards.**

**2.1.1000 Multi-Family Residential Districts.**

**FINDING:** These sections only apply to the multifamily district.

**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**

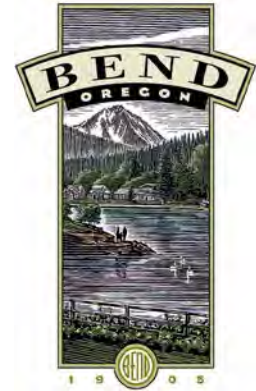
**FINDING:** Overall, the Aspen Reserve Master Plan will be subject to the standards in the above chapters of the BDC for all new development, with exceptions as described below.

The street plan and street standards of the Aspen Reserve Master Plan will supercede the lot, parcel and block design standards in BDC 3.1.200, and the transportation improvement standards for streets in BDC 3.4.200. In general, the local residential streets and alleys will be located in standard width rights of way, and will meet City Standards and Specifications for Ordinance 2227

local residential streets. A narrower private street is proposed to serve lots 32 through 41 but will also meet City Standards for a private local residential street with no on-street parking.

Solar setback standards of BDC 3.5.400.C only apply along north property lines. The north property line of the proposed multifamily lots is adjacent to proposed public streets and therefore the solar setback requirements would be met. Single-family lots 17 through 21, 27 through 31, and 37 through 41 are also adjacent to streets and would meet solar setback requirements. Likewise, lots 1 through 10 are adjacent to the COID canal and therefore would also meet the solar setback requirements. Lots 42 through 65 are located on north/south oriented streets, and would be exempt because their north/south lot dimension will be less than 80 feet. Therefore, solar setbacks would only apply to lots 11 through 16, 22 through 26, and 32 through 36. Of these lots, only lots 11 through 16 border land outside of the Aspen Reserve Master Plan area. The proposed Aspen Reserve Master Planned Development code text exempts all single-family lots, except lots 11 to 16, from the solar setback standards.





## Notice of Decision

### Bend City Council

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**Date of Notice:** October 28, 2014

**Date of Decision:** October 15, 2014

**Case Number:** PZ-14-0511 (Ordinance No. NS-xxx)

**Applicant:** Hoviss Development – Aspen Reserve Master Planned Development

#### **Nature of the Application:**

Type III Quasi-judicial Amendment to Bend Development Code (BDC) 2.7.970 Sun Ranch Special Development Standards to create the Aspen Reserve Master Planned Development.

#### **Decision:**

On October 15, 2014, the Bend City Council adopted Ordinance NS-2227, amending BDC Article IX, 2.7.970 Sun Ranch Special Development Standards, replacing it with the Aspen Reserve Master Planned Development. The action taken by the Bend City Council is a final action.

The adopted changes go into effect on November 14, 2014.

#### **Appeal:**

Any party may appeal this decision to the Land Use Board of Appeals.

#### **Questions:**

If you have any questions concerning this matter, please contact Amy Barry by phone at (541) 693-2114 or by e-mail at [abarry@ci.bend.or.us](mailto:abarry@ci.bend.or.us).