



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: September 10, 2015

Jurisdiction: City of Bend

Local file no.: PZ 12-0531

DLCD file no.: 005-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/03/2015. 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 39 days prior to the first evidentiary hearing.

Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

DLCD Contact

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



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

FOR DLCD USE

File No.: 005-15 {23861}
9/3/2015
Received: ~~9/4/2015~~

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 12-0531**

Date of adoption: 09/02/2015

Date sent: 9/3/2015

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): 6/18/2015

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:

Yes - approximately 1 acre south of Bronzewood Avenue was excluded from the Plan Amendment and Zone Change and will remain RS. See Exhibits A and B of Ordinance.

Local contact (name and title): Amy Barry, Senior Planner

Phone: 541-693-2114

E-mail: abarry@bendoregon.gov

Street address: 710 NW Wall St

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:

N/A

For a change to a comprehensive plan map:

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

Change from RS	to RM	25 acres.	A goal exception was required for this change.
Change from RS	to ME	6.2 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Addition of Article XIII Wildflower Master Planned Development to the Bend Code Title 10 Development Code

For a change to a zoning map:

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

Change from RS	to RM	Acres: 25
Change from RS	to ME	Acres: 6.2
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation: Wildflower MPD Acres added: 33 Acres removed:

Location of affected property (T, R, Sec., TL and address): 18-12-03CB-01000, 01100, 01200; 750 and 850 SE 15th St

List affected state or federal agencies, local governments and special districts: N/A

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

ORDINANCE NO. NS-2250

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN MAP, ZONING MAP, AND DEVELOPMENT CODE TO CREATE THE 33 ACRE WILDFLOWER MASTER PLANNED DEVELOPMENT INCLUDING GENERAL PLAN AND ZONING MAP AMENDMENTS OF 26 ACRES FROM RESIDENTIAL STANDARD DENSITY (RS) TO RESIDENTIAL MEDIUM DENSITY (RM), AND 6.2 ACRES FROM RS TO MIXED EMPLOYMENT (ME). THE PROPERTY IS LOCATED ON THE EAST SIDE OF 15TH STREET BETWEEN WILSON AND BRONZEWOOD AVENUES.

Findings

- A. On December 31, 2012, Wilson Heights Partners, LLC submitted a Type III Quasi-judicial application for General Plan, Zoning Map, and Development Code Amendments to create the 33 acre Wildflower Master Planned Development (WFMPD). The master plan includes a mix of single-family detached, single-family attached, multifamily, and cottage housing, as well as commercial development, open space, Areas of Special Interest (ASI) and multi-modal trails. The request includes a General Plan Amendment and Zone Change of 26 acres from Residential Standard Density (RS) to Residential Medium Density (RM), and 6.2 acres from RS to Mixed Employment (ME).
- B. On July 27, 2015, the Planning Commission held a public hearing on the proposed WFMPD. Three letters were received, and multiple neighbors testified at the hearing expressing concerns. In response to the concerns raised at the hearing, the Planning Commission voted to recommend exclusion of the area south of Bronzewood Avenue from the zone change. This portion of the WFMPD is just under 1 acre, and is surrounded on three sides by RS zoned single-family dwellings. The Planning Commission also recommended a change to the proposed WFMPD code text for the Wildflower Glen Housing District to restrict the area south of Bronzewood to be subject to the RS zone development standards and permitted uses.
- C. The Planning Commission completed its deliberations and voted to recommend that the City Council adopt an ordinance to create the 33 acre Wildflower Master Planned Development, including General Plan and Zoning Map amendments of 26 acres from Residential Standard Density (RS) to Residential Medium Density (RM), and 6.2 acres from RS to Mixed Employment (ME), as contained in Exhibits A and B which include changes recommended by the Planning Commission; and the addition of Article XIII Wildflower Master Planned Development to the Bend Development Code as contained in Exhibit C, which also includes changes recommended by the Planning Commission; along with the conditions of approval in Exhibit D and the findings in Exhibit E.
- C. The Bend City Council held a public hearing on August 19, 2015, to consider the Planning Commission recommendation.
- D. The requested amendments to the Bend Area General Plan Map, Zoning Map, and Bend Development Code approved by this Ordinance meet all applicable Development Code criteria, policies of the Bend Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend Area General Plan Map, Zoning Map, and Bend Development Code are amended to create the 33 acre Wildflower Master Planned Development as contained in Exhibits A, B, and C.
- Section 2. The conditions of approval in Exhibit D shall be met with subsequent development within the Wildflower Master Planned Development area.
- Section 3. The City Council adopts the Findings in support of this ordinance as contained in Exhibit E.

First reading: August 19, 2015.

Second reading and adoption by roll call vote: September 2, 2015.

Yes: Jim Clinton, Mayor
Sally Russell
Doug Knight
Barb Campbell
Casey Roats
Victor Chudowsky

No: none



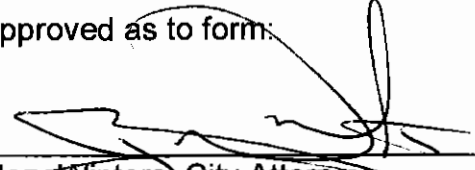
Jim Clinton, Mayor

Attest:



Robyn Christie, City of Bend Recorder

Approved as to form:











Mary Winters, City Attorney

Exhibit A. General Plan Map Amendments

PZ-12-531 Wildflower Master Planned Development Plan Amendment and Zone Change



Legend

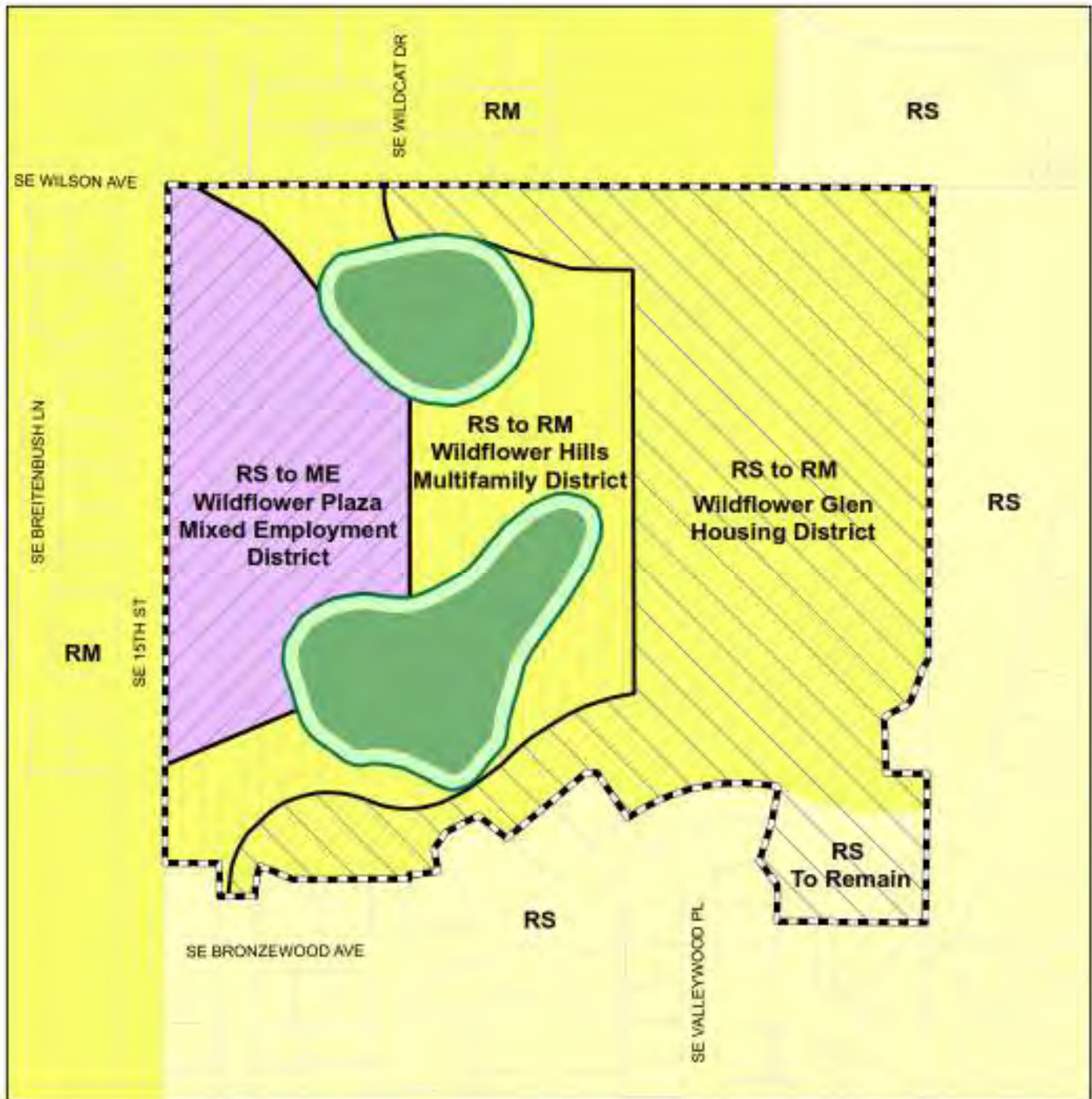
-  Upland ASI
-  ME - Mixed Employment
-  25-ft ASI Buffer
-  PF - Public Facilities
-  **Wildflower MPD**
-  RM - Residential Urban Medium Density
-  MPD Boundary
-  RS - Residential Urban Standard Density









Map of Proposed General Plan Map Amendments
 Prepared July 29, 2015 by R. Ruppel, City of Bend
 Planning Division, Community Development Dept.

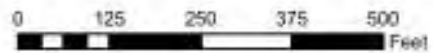
Exhibit B. Zoning Map Amendments

PZ-12-531 Wildflower Master Planned Development Plan Amendment and Zone Change



Legend

- | | |
|--|---|
|  MPD Overlay District |  ME - Mixed Employment |
|  Upland ASI |  RM - Residential Urban Medium Density |
|  25-ft ASI Buffer |  RS - Residential Urban Standard Density |



Map of Proposed General Plan Map Amendments
 Prepared July 29, 2015 by R. Ruppel, City of Bend
 Planning Division, Community Development Dept.

EXHIBIT C
Article XIII
Wildflower Master Planned Development

2.7.3100 Wildflower Master Planned Development.

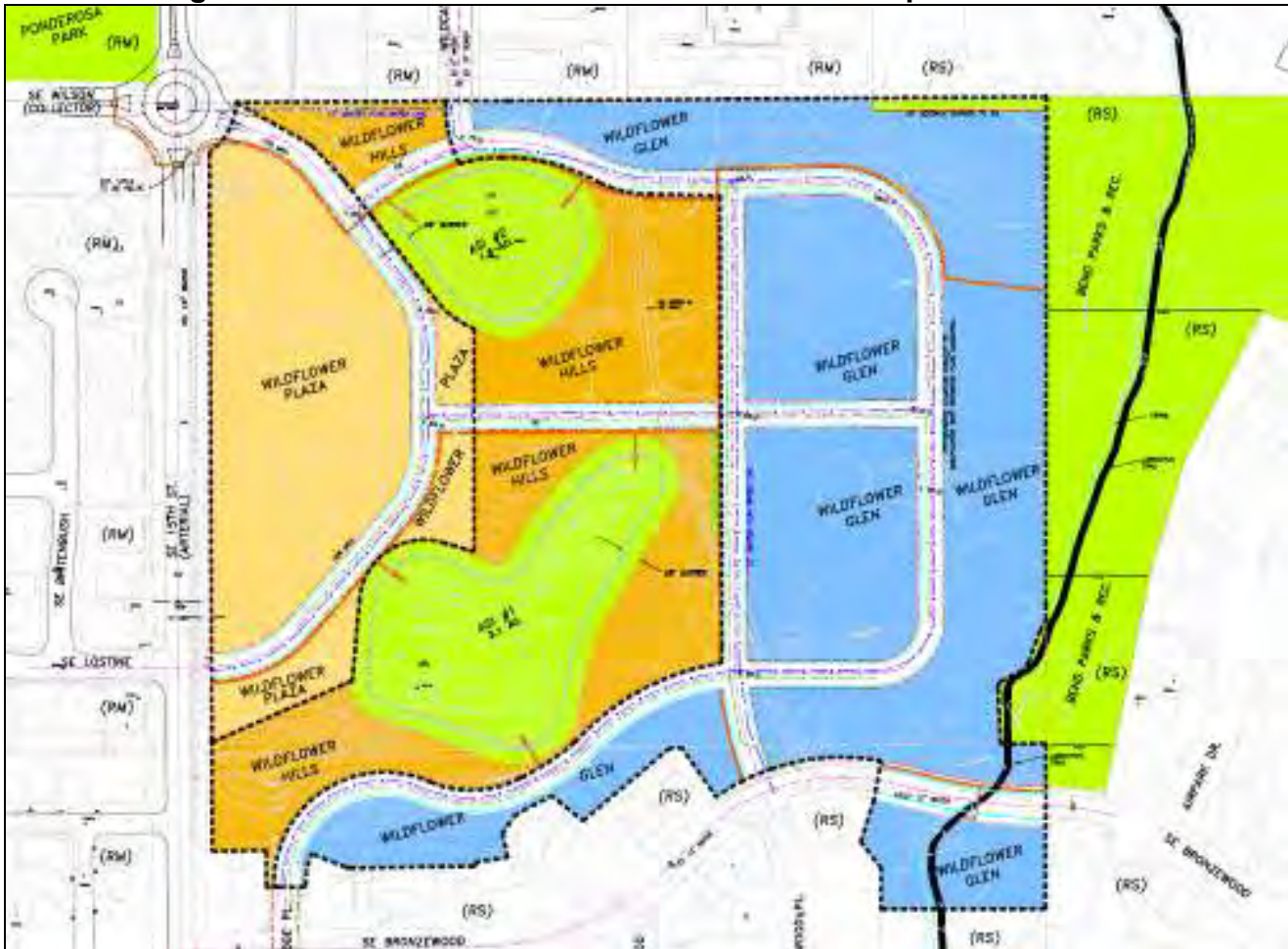
2.7.3110 Applicability. The area regulated by the Wildflower Master Plan is approximately 33 acres of land east of SE 15th Street, west of the Pinewood Natural Area, and south of the future extension of SE Wilson Avenue. The area contains two mapped Upland Areas of Special Interest (ASI). Conditions of approval pertaining to the timing of required public infrastructure improvements are contained in Ordinance NS-2250.

2.7.3115 Purpose. The purpose of the Wildflower Overlay Zone and Districts is to implement the Wildflower Master Development Plan and the Bend Urban Area General Plan policies and to create overlay standards for the residential and commercial areas within the Wildflower Master Development Plan boundaries. The overlay zone standards and districts will:

- Provide housing types consistent with the RM zone
- Protect ASI's and trees
- Locate higher density housing adjacent to the ASI's and 15th Street
- Create opportunities for community commercial and small scale businesses in selected locations to foster a mixed-use residential neighborhood
- Promote pedestrian and other multi-modal transportation options, including key trail connections and separated sidewalks
- Create an interconnected system of private and public streets with standards appropriate to the enclave nature of the site
- Create safe and attractive streetscapes that will meet emergency access requirements and enhance pedestrian and bicycle access.

2.7.3125 Districts. The special standards of the Wildflower overlay districts shall supersede the standards of the underlying zone unless as noted in this Chapter. Where no special standards are provided, the applicable standards of the underlying zone shall apply.

Figure 2.7.3125 Wildflower Master Planned Development Districts



2.7.3130 Wildflower Glen Housing District. The purpose of the Wildflower Glen Housing District is to provide a transitional area between existing residential development and proposed development. This area will include a variety of housing types. Smaller lots with greater lot coverage will allow for preservation of trees in open space areas. This area is primarily on the eastern portion of the Wildflower MPD and adjacent to existing single family homes.

A. Permitted Uses. Permitted uses shall be as contained in BDC Table 2.1.200 for the Residential Medium Density Zone (RM) or otherwise allowed in the RM zone, except the area south of Bronzewood Avenue which is restricted to uses permitted in the RS zone.

B. Development Standards. The lot size and development standards of the RM zone shall apply to all uses, except the area south of Bronzewood Avenue which is subject to the RS zone lot sizes and development standards.

C. Density. The maximum density is 21.7 units per acre.

2.7.3135 Wildflower Hills Multifamily Housing District. The purpose of the Wildflower Hills Housing District is to provide higher density housing development, three attached units and greater, adjacent the two ASI's in order to take benefit of the topography, shielding, and buffering effect of the ASI's and commercial node. Townhomes, apartments, and other forms of attached housing will allow a diversity of housing types and a mix of residential density.

A. Permitted Uses. Permitted uses shall be as contained in BDC Table 2.1.200 for the Residential Medium Density Zone (RM). In addition to these uses, the following uses are also permitted;

1. Community Buildings and recreational facilities.
2. Live-work units.
3. Ground floor service commercial when more than 10 upper story residential units are developed within the same structure.

B. Development Standards. The lot size and development standards of the RM zone shall apply except as listed below:

1. **Building Height.** The maximum building height is 55 feet.
2. **Lot Coverage.** There is no maximum lot coverage.

C. Density. The maximum density is 42 units per acre, which includes the density transfer from the protected ASI's.

2.7.3140 Wildflower Plaza Mixed Employment (ME) District. The purpose of the Wildflower Plaza ME District is to provide a service commercial area for nearby residents. Residential units may be developed primarily on upper stories of commercial structures. The topography in this area makes understory parking possible in certain areas. The nearby ASI's and commercial node areas provide a shielding and buffering effect on the higher density development in the Wildflower Hills Multifamily Housing District.

A. Permitted Uses. Permitted uses shall be as contained in BDC Table 2.3.200 for the Mixed Employment District (ME), with the following exceptions and additional uses;

1. No drive-through windows allowed except for Coffee Huts with a maximum size of 100 square feet.
2. Animal clinics, fully enclosed, may be allowed for small animals – no large farm animals.
3. Temporary activities such as Farmer's Markets, specialty events, art walks, festivals, and holiday events on private property or in plazas.

B. Development Standards. The lot size and development standards of the ME zone shall apply except as listed below:

1. **Building Height.** The maximum building height is 55 feet.
2. **Lot Coverage.** There is no maximum lot coverage.

C. Density. There is no minimum or maximum density for the Wildflower Plaza ME District.

2.7.3145 Site Plan and Design Review. Type II Site Plan and Design Review is required for most development as specified under BDC Chapter 4.2, except as specified in this section. Type I Minimum Development Standards Review is required for ADUs, duplexes, triplexes, or townhomes in the Wildflower Master Planned Development. Type II Site Plan Review is required for Cottage Housing if a Type II Tentative Plan for individual cottage lots is not proposed or required.

A. Accessory Dwelling Units. Accessory Dwelling Units shall meet the standards contained in BDC 3.6.200.B.

B. Duplexes and Triplexes. Duplexes and Triplexes shall meet the standards contained in BDC 3.6.200.H.

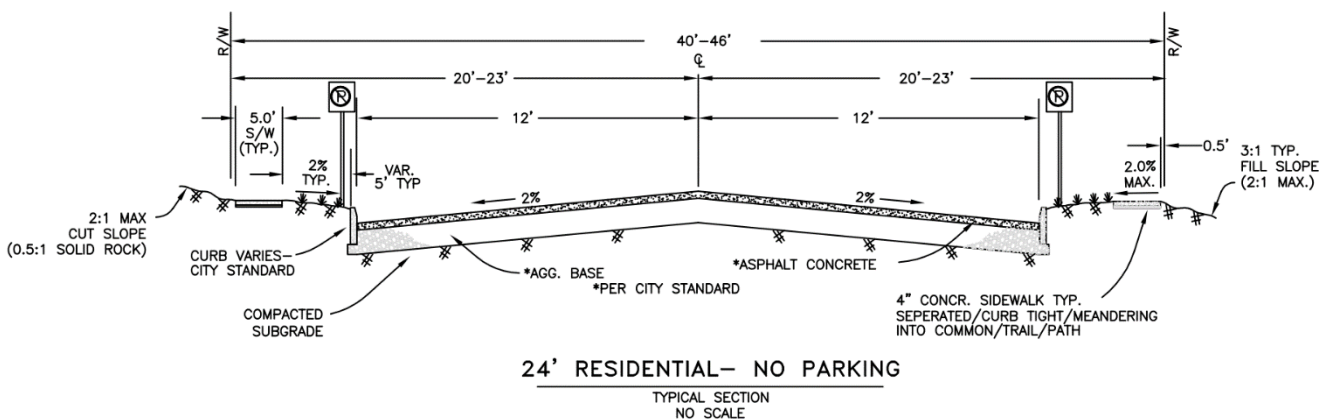
C. Townhomes. Townhomes shall meet the standards contained in BDC 3.6.200.D.

D. Cottage Housing. Cottage housing shall meet the standards contained in BDC 4.5.600.

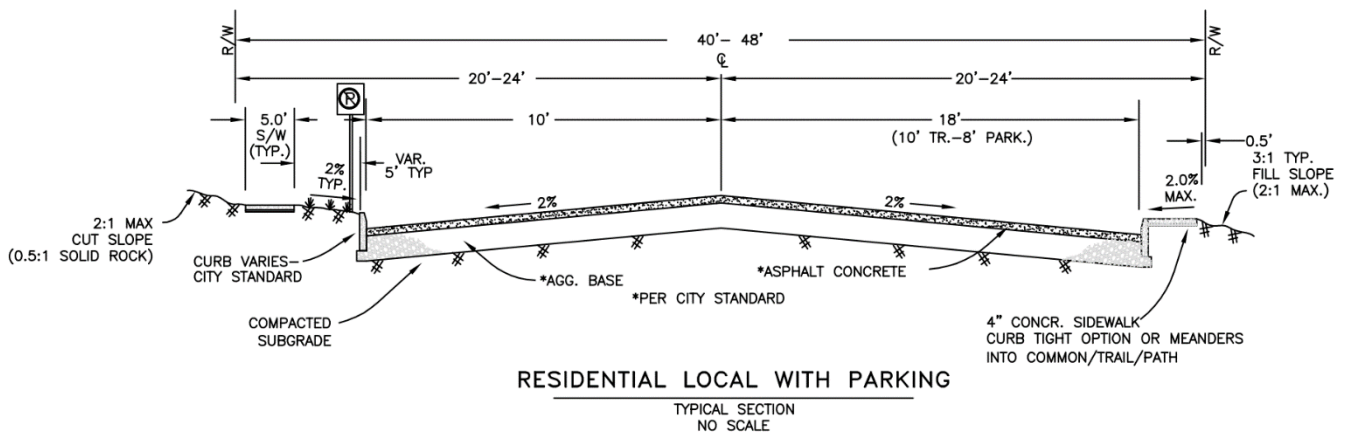
2.7.3150 Street and Pedestrian Standards. The Wildflower Master Planned Development has limited access constrained by two ASI's, topographical constraints to the west, the Pinewood Natural Area to the east, and existing development to the north and south. Internal roads will be private, constructed to City Standards and Specifications, with public access consistent with BDC 3.4.200 Table D. Sidewalks will be provided on both sides of the street, separated from the roadway where feasible to provide a buffer between the curb and sidewalk. Street and pedestrian standards shall be consistent with the requirements of this code as set forth below, except that variations may be approved through the Tentative Plan Review and/or Site Plan Review processes to allow for meandering of sidewalks and variation in landscape buffer widths where necessary to develop drainage swales and/or preserve existing topography and trees.

A. Private Road Standards.

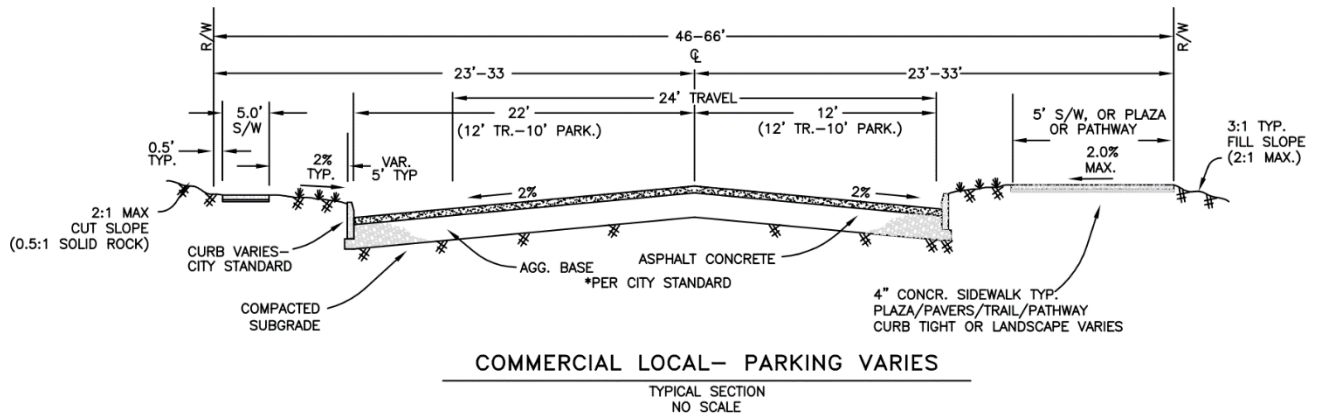
1. Residential "No Parking" – Two-way travel road 24 feet in width, with no on-street parking, and standard curbing. Sidewalks will be a minimum of 5 feet in width on both sides of the street, with a 5 foot wide landscape buffer between the curb and sidewalk. Sidewalk location may meander, with a variable width landscape buffer to fit the need given trees, topography, drainage, and driveway access. The overall width of the street tract and public access easements may vary depending on the width of the landscape buffers.



2. Residential with parking one side – Two-way travel road 28 feet in width, with parking on one side, and standard curbing. Sidewalks will be a minimum of 5 feet in width on both sides of the street, with a 5 foot wide landscape buffer between the curb and sidewalk. Sidewalk location may meander, with a variable width landscape buffer to fit the need given trees, topography, drainage, and driveway access. The overall width of the street tract and public access easements may vary depending on the width of the landscape buffers.



- Commercial – Two way travel road 24-44 feet in width with alternate sections varying from no parking, to parking on one or both sides of the street, with standard curbing. Sidewalks will be a minimum of 5 feet in width on both sides of the street, with a 5 foot wide landscape buffer between the curb and sidewalk. Sidewalk location may meander, with a variable width landscape buffer to fit the need given trees, topography, drainage, on-street parking, and driveway access. The overall width of the street tract and public access easements may vary depending on the width of the landscape buffers and parking.



B. Public Street Standards.

- Bronzewood Drive within the Wildflower Master Planned Development shall be dedicated as a 60 foot public right of way, built to City local residential street standards and specifications. A raised pedestrian crossing shall be constructed to City standards for the Larkspur Trail, including the appropriate striping and signage.
- 15th Street is an existing arterial street with bicycle lanes. Right of way shall be dedicated along the west boundary of the Wildflower Master Planned Development to provide 50 feet from centerline of the street, with additional right of way as needed to construct the roundabout at 15th and Wilson. Sidewalks shall be constructed at the property line with a minimum width of 6 feet and a standard landscape buffer provided between the curb and sidewalk in conformance with City arterial street standards.

C. Connector Trail.

1. The connector trail between the Coyner and Larkspur Trails shall be constructed from Ponderosa Park at the 15th Street/Wilson Avenue intersection to the existing BPRD Larkspur Trail located to the east in the Pinewood Natural Area. The final alignment and timing of the construction of this trail will be determined through the Land Division and/or Site Plan Review process, in coordination with the City and BPRD. In locations where the connector trail is integrated into the street system, the minimum sidewalk width shall be 8 feet. Where the trail is separated from the sidewalk system, the trail shall be constructed to BPRD standards and shall be located within a 20 foot wide public access easement dedicated to BPRD.

**EXHIBIT D
CONDITIONS OF APPROVAL**

1. All fire lines and domestic meters shall comply with City standards and be included on the infrastructure plans. All final locations of fire hydrants and valves shall be reviewed and approved with the infrastructure plans. The final configuration of all on-site waterlines shall be determined at the time of future Subdivision and Site Plan Review applications. All water lines shall be 8 inches as shown on the master plan, unless otherwise approved by the City Engineer. All lines will be required to provide a looped system within each development phase with no dead end lines to the maximum extent practical. The follow water line connections are required to the existing system:

	STREET		STREET
1	SE 15 th Street	@	Wilson Ave
2	SE 15 th Street	@	SE Lostine
3	SE Bronzewood Ave	@	SE Blackridge PI
4	SE Bronzewood Ave	@	SE Valleywood PI
5	SE Wildcat Dr	@	Northern Property Line

2. The applicant shall provide the following transportation system improvements to mitigate the development impacts to the transportation system:
 - a) All streets within the WFMPD shall be constructed to City Standards and Specifications and in accordance with the WFMPD Street and Pedestrian Standards. Timing for construction of streets shall be addressed with Site Plan Review or Land Division applications.
 - b) **Wilson Ave/15th Intersection Improvements** – The applicant proposes to construct a roundabout at this intersection to mitigate the impacts of the proposed development. The final design of this intersection shall conform to the City of Bend’s “Roundabout Evaluation and Design Guidelines,” dated April 2010, as updated at the time of development.
 - i. All costs for the design, ROW acquisition, and construction shall be the responsibility of the applicant. The City will provide assistance with ROW acquisition if the applicant cannot secure the necessary ROW. All costs to the City for acquisition shall be reimbursed by the applicant.
 - ii. Prior to the approval to the first phase of the development, the applicant shall submit the 30% design plans for this intersection improvement and the final form of the intersection improvement shall be approved by the City.
 - iii. The construction of the intersection improvement shall be completed at the time that 100 residential p.m. peak hour trips are generated, or prior to occupancy of the first commercial building. The timing of the completion of the improvements shall be refined through the Site Plan Review or Land Division approval process.
 - iv. The applicant shall be entitled to SDC credits for this intersection improvement based on the most current approved City methodology.
 - v. The applicant’s analysis indicated an all-way stop could be implemented as an interim improvement at this intersection that may improve intersection operations. At this time, the City would prefer not to install an all-way stop as an interim mitigation. However, if monitoring of the intersection indicates operational or safety needs that would warrant the interim condition of the all-way stop, the City shall request in writing to the applicant to design and construct the interim improvements. The applicant shall install the required interim improvements within 30 days of receiving

written notice by the City. The costs for all interim improvements are not be eligible for SDC credits.

- c) **15th Street Sidewalk** – Prior to occupancy for any commercial development within the Wildflower Plaza ME District, the applicant shall dedicate right of way as proposed to provide 50 feet of right of way from centerline of 15th Street, and reconstruct the adjacent sidewalk at the property line, with a minimum width of 6 feet, separated from the curb by a standard landscape strip.
- d) **Bronzewood Avenue Extension** – The portion of SE Bronzewood Ave located within the project boundaries shall be dedicated and constructed to a City local street standard with the first phase of development. Construction shall include the adjacent sections of the Larkspur Trail as shown on the Access and Site Circulation Plan (Sheet C1) to BPRD standards. Where the Larkspur Trail crosses Bronzewood Avenue, a raised pedestrian crossing shall be provided per City standards including the appropriate striping and signage.



- e) **Larkspur Trail Connection** –With the first phase of development, the applicant shall construct the connector trail from Ponderosa Park at the 15th/Wilson intersection to the existing BPRD Larkspur Trail located to the east of the subject property. In locations where the trail is integrated into the street system (sidewalk), the minimum sidewalk width shall be 8 feet. Where the trail is not located within the street section (sidewalk), the trail shall be constructed to BPRD standards and shall be located within a 20 foot wide public access easement dedicated to BPRD. The timing of the construction and final alignment for this trail shall be determined through future Land Division and Site Plan Review applications.
- f) **Wilson Ave/SE 9th Street Intersection Improvements** – Prior to final plat approval or issuance of the first commercial building permit, the applicant shall provide a \$54,570 payment in-lieu of interim improvements at the Wilson Ave/SE 9th Street intersection. No further mitigation shall be required by the applicant for any other improvements at this intersection.

**EXHIBIT E
FINDINGS IN SUPPORT OF
WILDFLOWER MASTER PLANNED DEVELOPMENT
AMENDMENTS PZ 12-0531**

I. APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

City of Bend Development Code

- Chapter 2.1, Residential Districts (RS, RM)
- Chapter 2.3, Mixed-Use Zoning Districts (ME)
- Chapter 2.7, Special Planned Districts
- Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
- Chapter 3.4, Public Improvement Standards
- Chapter 4.1, Land Use Review and Procedures
- Chapter 4.5, Master Planning and Development Alternatives
- Chapter 4.6, Land Use District Map and Text Amendments
- Chapter 4.7, Transportation Analysis

The Bend Area General Plan

Oregon Administrative Rules

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

II. PROCEDURAL FINDINGS:

PUBLIC NOTICE AND COMMENTS: The applicant held a series of neighborhood public meetings for this project in accordance with BDC 4.1.215. The original neighborhood meeting was held on June 14, 2010. A second meeting was held on March 5, 2012, followed by the applicant's attendance at the April 23, 2012 Larkspur Neighborhood Association meeting. Most recently, the applicant held another neighborhood meeting on May 14, 2014, as the processing of the application was delayed due to ongoing discussions with the City regarding additional information needed to review and process the application.

Notice of the proposed amendments was sent to DLCD on June 18, 2015. A Notice of Land Use Action was posted on the property on June 23, 2015. Notice for the public hearing before the Planning Commission was mailed on July 6, 2015. Notices were sent to City Departments and other affected agencies for comment.

On July 27, 2015, the Planning Commission held a public hearing on the proposed WFMPD. Three letters were received, and multiple neighbors testified at the hearing expressing concerns. The primary concern was that the WFMPD proposal did not include specific development proposals. Due to the wide range of housing options and density allowed in the RM zone, there was concern about the potential types of development and density that could occur, particularly around the perimeter of the master plan area in the proposed Wildflower Glen Housing District.

Other concerns had to do with the through connection of Bronzewood Avenue and proposed extension of Valleywood Place north across Bronzewood into the WFMPD. Neighbors expressed concern that the additional streets and connections will result in a significant increase in traffic through the neighborhood, changing the character of the neighborhood.

III. FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA AND PROCEDURES

Chapter 4.5 Land Use District Map and Text Amendments

4.5.300 Master Planned Developments.

A. Applicability. The Master Planned Development designation may be applied over any of the City's land use districts for any property or combination of properties three acres or greater in size. For projects consisting of one or more properties totaling 20 acres or larger at the date of adoption of this code, a Master Neighborhood Development Plan shall be required in conformance with BDC 4.5.400, Master Planned Neighborhood Development.

FINDING: The subject properties total 32+ 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 and 2, although the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes have not been identified at this time. 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 steps 2 and 3. This application for steps 1 and 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 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 further on in this report. The applicant's narrative notes that the proposal contributes to orderly development and land use patterns in the area by extending and improving public utility systems within and abutting the site and developing transportation links throughout the site, including connections to the Larkspur Trail through the site. Land use patterns will be primarily residential except for the ME node (which also is intended to have residential uses) that will serve the surrounding area as well as the subject property. The mapped ASI on the site will be preserved and enhanced as a feature within the master plan area.

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 development to the north, and the Pinewood Natural Area to the east. Bike lanes, sidewalks, and pedestrian connections are proposed adjacent to and 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 ASI. The applicant plans to preserve and enhance the ASI with development of the site. Significant vegetation throughout the area will be preserved to the extent practical considering the development plans and the installation of the necessary infrastructure to serve the development. Per the sewer, water and transportation analyses submitted with the application, and based on the infrastructure proposed to be constructed with development, the MPD will not create excessive demand on public facilities and services required to serve the development. The proposed amendment to the General Plan and Zoning Maps and conformance with the applicable General Plan policies are addressed further on in this report.

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 WFMPD includes a street system plan with specific standards for different types of streets proposed to serve the development. This street plan meets the requirements Title 3, *Design Standards* to the maximum extent practical. The proposed street 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 standards in Chapter 3.4, with variations in street widths. Where the 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 WFMPD 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.

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 provided the following concept schedule with approximate dates for the various phases of the Wildflower Master Planned Development:

Year	Phase	Expected Outcome
2015	1	Approval of Concept Plan, Text Amendments and Zone Changes
2016	2	Prepare Infrastructure Plans-Subdivision Plans
2016	3	Obtain property line adjustment, if needed, for ME area
2016	4	Submit for site plan approval for ME area
2016-25	6-10	RM zone development

Table 1. Anticipated Construction Timeline.

Year	Anticipated Site Activity
2015	Complete entitlements/approval
2016	Begin grading, infrastructure, utilities
2017	Begin residential construction
2018	40 residential units Wildflower Glen 60 apartment units Wildflower Hills
2019	40 residential Wildflower Glen 50 apartment units Wildflower Hills
2020	40 residential units Wildflower Glen 60 apartment units Wildflower Hills 34,000 SF retail in Wildflower Plaza
2021	40 residential units Wildflower Glen 38 apartment units Wildflower Hills 34,000 SF retail in Wildflower Plaza
2022	40 residential units Wildflower Glen
2023	40 residential units Wildflower Glen
2024	40 residential units Wildflower Glen
2025	40 residential units Wildflower Glen

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 Analysis (TIA) prepared by Kittleson & Associates, 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 building envelopes and sign concept plans. The applicant's narrative states that there are no existing covenants and restrictions, and that they will develop and record CCRs in accordance with the Planned Communities Act, ORS 94.550 to provide for the establishment of a homeowners association and management of any common areas or amenities, shared parking or other shared facilities.

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

FINDING: The relevant provisions of the Bend Area General Plan are met and are addressed 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 for each phase of development.

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

FINDING: The proposed WFMPD code text will supersede some of the requirements of BDC Chapter 2.0. In general, the proposal conforms to the standards for the RM and ME zones in Chapter 2.0, with the exception of deviations from lot coverage and height standards for the Wildflower Plaza and Wildflower Hills Multifamily Housing Districts. Additionally, community buildings, live-work units, and ground-floor service commercial uses with residential units above will be permitted in the Wildflower Hills Multifamily Housing District, along with a higher density due to density transfer from the ASI.

Likewise, the proposed code text will supersede some requirements of BDC Chapter 3.0. In general, the master plan conforms with the BDC standards, although it establishes specific street standards and blocks which will be applicable to the streets within in the master plan area. The relevant portions of Chapters 2.0 and 3.0 are addressed further on in this report.

- d. Requirements for Open Space. Public and private open space within a development is highly encouraged as a public benefit. Open space, consistent with the purpose of this chapter, shall be designated within a Master Planned Development when:**
 - i. The Master Planned Development area is 40 acres or greater; or**
 - ii. The applicant is seeking exceptions to Bend Area General Plan, zoning designations or the standard Development Code provisions and/or density.**
- e. Standards for Open Space Designation. The following standards shall apply:**
 - i. The open space area shall be shown on the concept development plan and recorded with the final plat or separate instrument; and**
 - ii. The open space shall be conveyed in accordance with one of the following methods:**
 - (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: The site is less than 40 acres. However, the request includes exceptions to standard Development Code provisions and densities. The plan includes 4.7 acres of ASI areas which will be retained and enhanced as open space, as well as extensions of the Coyner and Larkspur Trails. These areas are shown on the concept master plan.

The extension of Coyner Trail will be conveyed by easement to the BPRD. The ASI will be owned and maintained by the property owner or HOA since neither BPRD nor the City expressed interest in owning them. A separate tract for the ASI will be created with future subdivision review and approval.

- 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 addressed at the time of submittal of a Tentative Plan.

- 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 properties total less than 40 acres. However, the proposed master plan contains many of the elements required for a master planned neighborhood development, including planned open space and neighborhood commercial uses within ¼ mile to be connected to the planned residential areas by sidewalks and trails. Additionally, a mix of housing types are proposed that are anticipated to achieve more than 60 percent of the maximum gross density designated for the RM zone. The neighborhood will also provide easy access to regional employment, shopping and service located outside of the proposed neighborhood by providing opportunities for multi-modal transportation including regional trails through the neighborhood, and access to bike lanes and a transit corridor with bus stops along 15th Street adjacent to the site.

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 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. The original neighborhood meeting for this project was held by the applicant on June 14, 2010. A second meeting was held on March 5, 2012, followed by the applicant’s attendance at the April 23, 2012 Larkspur Neighborhood Association meeting. Most recently, the applicant held another neighborhood meeting on May 14, 2014, which the applicant conducted on November 12, 2013. Notice of the public meeting was provided to owners of record of property located within 500 feet of the boundary of the overlay zone as well as the designated representative of the Old Farm and Larkspur Neighborhood Associations.

Public notice for this hearing before the Planning Commission was provided in conformance with the notice requirements of BDC 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. Public notice is also provided for subsequent hearings before the City Council.

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

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

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces is “To protect natural resources and conserve scenic and historic areas and open spaces.” The master plan area contains a mapped ASI which is proposed to be preserved. As such, the applicable criteria and standards of the Bend Development Code pertaining to impacts and changes to an ASI will be addressed with future development applications.

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. 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. The only identified recreation need is a trail connection through the site shown on the Bend Area Bicycle and Pedestrian Systems Map in the TSP. That trail will be constructed with development of the master plan area.

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

OAR 660-009-0010

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

FINDING: OAR 660-009-0010 is not applicable as the proposed General Plan amendment is for lands currently designated Residential Standard Density. The applicant proposes to add to the inventory of employment lands by changing the designation of 6.2 acres from RS to ME.

Goal 10, Housing, is to “Provide for the Housing Needs of the citizens of the State”.

660-008-0010 Allocation of Buildable Land.

The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

FINDING: The applicant proposes to change the designation of 26 acres from RS to RM, allowing a higher density of development with a greater mix of housing types, and anticipates that additional housing units will be proposed above some of the commercial ME development. Therefore, the proposal will not reduce the inventory of buildable land available for housing.

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 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 with adequate capacity 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 General Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a Plan Amendment to demonstrate that the proposed change will not significantly affect a transportation facility. The applicant’s TIA 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. The TPR is addressed in detail further on in this report.

Goal 13 Energy, is “To conserve energy.” The applicant's proposal satisfies this goal because it will facilitate increased density of residential development near a major arterial street and transit route, potentially reducing the number and distance of vehicle trips for residents.

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 WFMPD is located within the current City Limits and Urban Growth Boundary.

Goals 15 through 19 are not applicable because the subject property does not include any of these features or resources.

4.6.300 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 WFMPD 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

Managing Growth

The transportation- land use connection

To support a cost effective and balanced land use and transportation system during the 20-year planning horizon the General Plan provides for:

- adding medium density housing around the new commercial centers to support the centers and offer more opportunities for people to live close to services;*
- designing more efficient and creative residential developments that also allow for more compact growth, including the use of neighborhood refinement plans to guide such development;*
- supporting residential "in-fill" development, while assuring compatibility with existing residential neighborhoods;*

FINDINGS: The proposal will allow RM density residential development for the RM zone master plan areas, as well as additional residential units in the upper stories within the proposed ME node. The master plan area is located adjacent to 15th Street which is a transit corridor providing service to other areas of the City. Adding higher density housing around the new ME node offers opportunities for people to live close to services and employment opportunities. The proposal results in efficient use of land by allowing for compact growth, while assuring appropriate buffers for compatibility with the existing residential neighborhoods.

Policies

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 location in an existing urban area encourages alternate forms of transportation. The site is ideally located to facilitate use of multi-modal facilities with connections to regional trail systems, and bike lanes and mass transit routes adjacent to the site along 15th Street. Providing a variety of housing types at higher densities in close proximity of schools, parks, and other recreation facilities, as well as providing commercial uses within the neighborhood, will help reduce trips and vehicle miles traveled.

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 application include proposed text and maps to be adopted into the BDC similar to a City initiated refinement plan. The master plan includes proposed sewer, water, and transportation system improvements required to support the development, as well as open space, commercial uses, and a mix of residential housing types. Conceptual design guidelines for building design have been drafted and the proposed code text includes alternative street standards specific to the master plan area.

Citizen Involvement

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

FINDING: As previously stated, the City of Bend has a comprehensive public involvement process including applicant meetings with neighborhood groups, Planning Commission and City Council hearings, and posted and mailed public notice to ensure that citizens may be involved through the planning process in land use issues and policies that affect their community.

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.*

FINDING: The subject property contains an ASI which is proposed to be preserved, maintained, and enhanced. The site contains many trees which will be preserved to the greatest extent practicable given the need to develop roads, utilities, home sites, parking, etc. Alternative smaller width street designs are proposed for some of the interior local streets which will allow a greater degree of preservation of trees and natural landscape.

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.*
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: Comments from BPRD note that the site is located within Park Service Area 22 of the BPRD Neighborhood Parks Plan and that the site is served by Ponderosa Park to the northwest, and the Bend Senior Center and Larkspur Park to the south. In addition, the Pinewood Natural Area abuts the site to the east.

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 Larkspur Trail is located along the eastern boundary of the subject property. The Coyner Trail extends northwest from the intersection of Wilson and 15th. The BPRD and City trail plans identify a future connector trail that would link the Larkspur and Coyner trails across the subject site. The applicant and BPRD have been in talks for several years regarding this connector trail. The applicant intends to provide an interim trail and easement pending the outcome of this application, which could be relocated with future development applications.



Extension of Coyner Trail as generally coordinated with BMPRD – Final location to be determined through site plan and subdivision approval.

Schools

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: The site is located in close proximity to two elementary schools and Bend High School. The site is not identified as a potential school site by the Bend-La Pine School District.

Chapter 5: Housing and Residential Lands

Residential compatibility

1. Future development and local development standards shall recognize and respect the character of existing areas.

FINDING: The proposed higher density multifamily uses were specifically placed near the existing RM zones and ASI to reduce impacts to adjacent properties with lower density development (Wildflower Hills District). This helps to improve access between higher density development, transit, parks, and the ME node. The RM zone extends around the ME node and abuts existing RM at the north edge of the property. There is also existing RM zoning to the west across 15th Street. The Wildflower Glen District will have a mix of housing types at mid-range RM zone density, to provide a transition from the standard density single-family development to the south.

Three letters were received, and multiple neighbors testified at the Planning Commission hearing expressing concerns. The primary concern was that the WFMPD proposal did not include specific development proposals. Due to the wide range of housing options and density allowed in the RM zone, there was concern about the types of development and density that could occur, particularly around the perimeter of the master plan area in the proposed Wildflower Glen Housing District, and potential compatibility impacts to the surrounding single family dwellings.

In response to the concerns raised at the hearing, the Planning Commission recommended exclusion of the area south of Bronzewood Avenue from the zone change. This portion of the WFMPD is just under 1 acre, and is surrounded on three sides by RS zoned single-family dwellings. The Planning Commission also recommended a change to the proposed WFMPD code text for the Wildflower Glen Housing District to restrict the area south of Bronzewood to be subject to the RS zone standards and permitted uses.

The Planning Commission considered the existing Pinewood Natural Area along the east boundary of the master plan area to be a sufficient buffer for the single-family dwellings to the east. The Commission also considered the possibility of requiring additional restrictions for the portion of the Wildflower Glen Housing District abutting the single-family dwellings on the north side of Bronzewood Avenue, but ultimately determined that the narrow, irregular shape of that area, combined with the curves in the future street, would limit the options for development, and that further restrictions for that area were not warranted.

Other concerns had to do with the through connection of Bronzewood Avenue and proposed extension of Valleywood Place north across Bronzewood into the WFMPD. Neighbors expressed concern that the additional streets and connections will result in a significant increase in traffic through the neighborhood, changing the character of the neighborhood. However, due to existing development patterns, the Pinewood Natural Area, and the airstrip to the northwest, the nearest east-west connections for this entire sector are Bear Creek Road $\frac{3}{4}$ of a mile to the north, and Reed Market Road $\frac{1}{4}$ mile to the south. The Planning Commission recognized that this street is a critical connection in this area, being the only east-west connection through to the neighborhoods to the east.

The ME node was placed closest to the transportation/transit corridor along 15th Street. The applicant stated that comments from the pre-application public meetings indicated that there is a need and desire for services and shopping within walking distance in the neighborhood, with plazas, cafes, and places to connect with other people. The most specific comment was a desire for a more traditional grocery store within a short distance to eliminate the need to drive to 3rd Street or the Forum Shopping Center at 27th Street for groceries.

Based on these findings and the changes recommended by the Planning Commission, the proposed master plan recognizes and respects the character of existing surrounding neighborhoods.

- 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.*

FINDING: As stated in the previous finding, the proposed district boundaries are designed such that the higher density multifamily development will be toward the center, with medium density residential development adjacent to existing residential development. The changes recommended by the Planning Commission for the area south of Bronzewood Avenue further ensure a compatible transition between future development and existing adjacent single-family dwellings. Residential compatibility will be further addressed with future development applications.

- 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.*

FINDING: The proposed master plan will allow more flexibility in design, and RM zoning will allow for a wide variety of housing types, from detached single-family dwellings to multi-story multifamily development. Public involvement processes will be utilized at each stage of development to provide for neighborhood participation in the development review process.

- 4. Private and public nonresidential uses are necessary and should be permitted within residential areas for the convenience and safety of the people. Such facilities shall be compatible with surrounding developments, and their appearance should enhance the area.*
- 5. Of necessity, nonresidential uses will have to abut residential areas in different parts of the community. In these instances, any nonresidential use shall be subject to special development standards in terms of setbacks, landscaping, sign regulations, and building design.*
- 8. Neighborhood commercial shopping areas may be located within residential districts and shall have development standards that recognize the residential area.*

FINDING: The applicant proposes to designate 6.2 acres of the site as ME and create the Wildflower Plaza ME District to allow commercial uses to serve the master plan area and surrounding neighborhoods. Aside from the small convenience store at the northwest corner of 15th and Reed Market, there are no commercial services in the vicinity. The ME node was placed adjacent to 15th Street to provide a buffer from surrounding residential neighborhoods, and safe and convenient multi-modal access from surrounding neighborhoods. Specific setbacks and design will be addressed through the Site Plan and Design Review process.

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

FINDING: The applicant's proposal is consistent with this policy because it will facilitate development of the subject property with a greater variety of housing options in an area lacking in diversity of housing choices. Existing development surrounding the subject property consists primarily of single-family residences to the south, with duplexes, four-plexes, and a multifamily complex in the RM zone to the north. The applicant's proposal will provide additional RM density development with units ranging from cottages to apartment buildings.

Neighborhood appearance

- 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.*

FINDING: Street trees will be required to be provided as development occurs and the street tree requirements in the BDC will be addressed with future development applications.

- 15. Walls and fences along arterial or collector streets shall be subject to special design standards. The fence or wall, and the area between the fence or wall and the curb or pavement, shall be landscaped and maintained by abutting property owner(s) or homeowners association.*

16. *Walls and fences in the setback area between the front of the house and the adjacent street shall not exceed 3½ feet in height.*

FINDING: No fences are proposed at this time. Fences will be reviewed at the time of development for conformance with development code standards that implement these policies.

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: The development code standards implement these policies. The applicant intends to preserve as much of the natural ground cover and existing trees as possible. Conformance with development code standards that implement these policies will be addressed with future development applications. Lot sizes will be consistent with the requirements of the RS, RM and ME zones.

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.*

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.*

FINDING: The General Plan notes that RM areas are generally located adjacent to commercial development and along major transportation corridors (Pg. 5-21). The WFMPD is located adjacent to 15th Street (minor arterial), and is in close proximity to Reed Market Road (major arterial) to the south, and Wilson Avenue (collector street) to the northwest, all of which are major transportation corridors. The WFMPD proposes to designate 6.2 acres of the site adjacent to 15th Street as ME for commercial and mixed use development, and the remainder 26+ acres of the site as RM, with the exception of less than one acre on the south side of Bronzewood Avenue which the Planning Commission recommended remain RS. This area has a need for a better mix of housing types and can support the increase in density. The applicant proposes higher density in the Wildflower Hills District near the center of the site, where density from the ASI can be transferred to allow higher density multifamily development in close proximity to planned commercial uses, open space and the multi-modal 15th Street transit corridor. Ponderosa and Larkspur Parks and the Bend Senior Center are also in close proximity to serve this neighborhood.

32. *Street widths on public residential local streets may vary depending on topography, anticipated traffic volumes, natural features that warrant protection, and existing street patterns in the neighborhood. Narrower streets may have limited on-street parking to ensure emergency vehicle access.*

FINDING: Interior residential streets are anticipated to have low traffic volumes and are proposed to be narrower to help preserve natural features. The narrower streets will have limited on-street parking to ensure adequate emergency vehicle access.

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.*

FINDING: The subject property is within convenient walking distance to Ponderosa Park to the northwest, and Larkspur Park which is less than ¼ mile to the south. Nearby elementary schools are located just north of Ponderosa Park, and to the southwest in the Stone Creek Master Planned Development, and sidewalks and trails connect to the school sites.

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.*

FINDING: The BDC requires sidewalks to be constructed with all new developments. The proposed street sections for the WFMPD include sidewalks on both sides of all future streets. Portions of some of the internal local streets may have curb tight sidewalks to help preserve trees and natural features.

15th Street adjacent to the site provides access to schools, parks, and commercial areas. Although there is existing sidewalk along 15th Street adjacent to the site, comments from the Engineering Division note that the existing sidewalk is only 5 feet wide and curb tight. The sidewalk along 15th Street adjacent to the site will need to be reconstructed with development of the adjacent proposed ME district so that it is 6 feet wide and separated from the curb with a landscape strip to meet current City arterial street standards.

With development, the applicant will also provide a trail connection through the site between the Coyner and Larkspur trails which will provide complete connections through existing and proposed neighborhoods to nearby parks, schools, and 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.*

FINDING: There are existing bike lanes adjacent to the site along 15th Street. Typically, bike lanes are only included on collector and arterial streets.

39. *Efforts shall be made to extend trails, pedestrian ways, and bikeways through existing residential areas.*

FINDING: As previously noted, the applicant proposes a trail connection through the site between the Coyner and Larkspur trails which will provide connections through existing and proposed neighborhoods to nearby parks, schools, and commercial areas. Sidewalks will be provided on both sides of the streets within the development, and traffic volumes on the interior local streets are anticipated to be low enough to accommodate bike users.

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 Pinewood Natural Area to the east and existing development to the north and south limit street connections. Topographical constraints, street spacing requirements along arterial streets, and the future roundabout at 15th and Wilson limit the number of feasible connections west to 15th Street. However, the proposed network of streets, blocks, and trails will substantially meet the above standards. Where street connections are not feasible, additional pedestrian access will be provided with development of the site. The Fire Department found the street plan and connectivity to be generally acceptable as proposed and will provide further review and comments with future development applications.

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.*

FINDING: City water and sewer services, as well as public and private utilities, will be extended as shown on the master plan with future development of the site.

45. *Residential development shall be coordinated with other land use elements and community facilities which are consistent with projected housing densities.*

FINDING: The master plan contains open space areas and a mix of residential and commercial districts which will be consistent with the projected housing densities. There are parks and schools within walking distance and the master plan will result in a complete neighborhood with good multi-modal connectivity to the surrounding community.

46. *Electric power, telephone, and cable TV distribution and service lines shall be located underground in new developments. Efforts shall be made to place existing utility lines underground in established residential areas.*
47. *Street lighting shall be provided in all new subdivisions at the time of development. Street light fixtures shall be shielded to direct light down.*

FINDING: All new utilities and street lighting will be reviewed with future development applications for conformance with the BDC standards that implement these policies.

Refinement Plan Areas

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

FINDING: The maximum density allowed in the RM zone is 21.7 units per acre, which would allow a maximum of 575 dwelling units in the Wildflower Hills and Wildflower Glen (RM zone) districts. The Wildflower Hills District would allow a maximum density of 42 units per acre. However, approximately half of the Wildflower Hills District is an ASI (4.7 acres) which is undevelopable and will remain as open space. With the density transfer from the ASI to the developable 4.6 acres in this district, the average overall density in this district will be at or under 21.7 units per acre.

The maximum density of the Wildflower Glen District is set at 21.7 units per acre, but the applicant anticipates that development in this district will be in the mid-range of the allowed RM zone density. Therefore, although certain areas of the master plan will allow densities over what is allowed in the RM zone, the overall density of the RM zone areas within the WFMPD will average 21.7 units or less, and will therefore comply with the General Plan and BDC density limitations for RM development.

Chapter 6: The Economy and Lands for Economic Growth

GOALS

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

(General Text)

The Economic Lands Study found an inventory of about 585 acres of buildable land for retail and service uses in 2000. However, the study also found a shortfall in the amount of commercial land available to meet a 20-year need. (Pg. 6-9)

Commercial Center Areas (Pg. 6-12)

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

- *buildings closer to the sidewalk*
- *limited vehicle access points*
- *shared parking facilities*
- *parking distributed around buildings*
- *walkways for pedestrian access*
- *uses that serve the neighborhood*
- *smaller monument signs*
- *buildings on site in scale with each other*

FINDING: The proposed amendment of 6.2 acres from RS to ME helps alleviate the projected shortfall of retail and commercial service land in an area with very little commercial land available, without eliminating the planned use of the land as residential, as the applicant anticipates that some of the commercial development will have multifamily dwelling units above. The applicant's market analysis shows a need for both rental units and service and

specialty commercial uses in the trade area. The market analysis is supplemented by a newer 1-mile study that identifies a defined trade area showing the number of households nearby and the lack of service commercial uses needed to support over 7,000 residents. The data shows few choices for shopping needs such as grocery stores and personal services in this area. Desired commercial development such as the Fred Meyer or Forum Shopping Centers are close to 2 miles away. Below are specific policies from Chapter 6 applicable to the proposal.

POLICIES

Mixed Use Development

19. The City may designate other areas for mixed use development to encourage a variety of jobs and services close to residential areas.

FINDING: This policy of the General Plan gives the City the authority to designate areas of town as mixed use when it can be demonstrated that such a request is in conformance with the applicable sections of the Development Code and General Plan. The applicant submitted an application for a Mixed Employment designation and provided data in a narrative that supports the requested change. The proposal would encourage new jobs and retail services in an established neighborhood that has limited options nearby for the delivery of goods and services. Therefore the proposal is in conformance with this policy statement.

Commercial Development

21. No new strip commercial development or extensions of the commercial designations shall be permitted along arterial or collector streets.

FINDING: The proposal is for mixed-use development and not the extension of a CC zone. The ME designation will encourage employment opportunities within the neighborhood and provide needed goods and services that will support the neighborhood.

23. Zoning for commercial centers other than those shown on the Plan Map shall meet the location and size standards in the Plan text in addition to the Plan amendment and/or zone change criteria.

FINDING: There are no specific size and location standards in the Plan text for ME commercial centers. As stated in policy #19 above, the City may designate other areas for mixed use development to encourage a variety of jobs and services close to residential areas

24. All commercial developments shall be subject to special development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.

27. Commercial developments that abut residential zones or residential uses shall be subject to special setback and screening provisions.

FINDING: These policies are implemented by the BDC design review standards required to be met for all development in the Commercial and Mixed-Use Districts.

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

FINDING: The proposed ME zone abuts 15th Street which is a designated arterial street. All access to future development sites will be required to be from proposed internal local streets. No direct access will be permitted to 15th Street. Specific access points will be reviewed through the Site Plan and Design Review process as future development is proposed.

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.*
- 6. The City shall continue to explore mixed use zoning as one of the land use patterns that will promote fewer vehicle trips and shorter trip lengths.*
- 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 master plan includes both ME commercial mixed use and residential districts to provide commercial services, employment, and public open spaces to serve both the existing and proposed residential neighborhoods. The proposed amendments will allow higher density, compact development in an area with good multi-modal transportation options. The transit corridors and bike lanes on 15th and Reed Market, and the proposed connections to the Coyner and Larkspur trails will help reduce vehicle trips and reduce trip lengths. Therefore the proposed amendments meet the above policies.

6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS

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

FINDING: There are existing bike lanes along 15th Street adjacent to the site which will provide convenient access to the proposed commercial district from surrounding neighborhoods. The sidewalk system is developed surrounding the site, and sidewalks are proposed to be constructed on both sides of the internal streets with development. The applicant requests special street standards that will allow some of the internal local street sidewalks to be curb tight to allow maximum preservation of natural vegetation and trees throughout the site.

Comments from the City Engineer note that with development of the commercial district, the applicant will be required to reconstruct the sidewalk along 15th Street to be property tight, with a landscape strip to provide a buffer between the sidewalk and arterial street.

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: The Development Code standards implement this policy by require bike parking to be installed for all commercial and multifamily development.

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 City, school district and park district worked together in developing the Bend Area Bicycle and Pedestrian System Plan which is part of the TSP. This plan shows a connector trail through the site connecting the Coyner and Larkspur Trails. This trail is incorporated into the master plan and will be constructed with development in coordination with the City and BPRD who will ultimately accept and maintain the trail once it is completed.

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.*
- 6. Access control shall be part of the design standards for major collectors, arterials, principal arterials and expressways to ensure that adequate public safety and future traffic carrying capacity are maintained while at the same time preserving appropriate access to existing development and providing for appropriate access for future development. The city of Bend Arterial Access Policy (Street Policy No. 2) and the Access Management Policy (Street Policy No. 4) shall be reviewed and revised, and new street policies shall be adopted if necessary, to:*

8. *Traffic signals or roundabouts shall be constructed in accordance with the design, spacing and standards adopted by the City and State.*

FINDING: The applicant's transportation engineer worked closely with the City Engineers to ensure that proposed local streets within the master plan area, and off-site transportation system improvements to mitigate the impacts of the proposed development, will be constructed in accordance with applicable City standards and the policies above, including ADA requirements. Other than proposed street connections, no direct access is proposed to 15th Street. Individual site access will be reviewed with subsequent Land Division and Site Plan Review applications.

Residential Streets:

13. *Residential block lengths shall not exceed 600 feet without a connecting cross street. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.*
14. *A grid-like pattern of residential local streets shall be developed whenever practical in order to increase street connectivity within a neighborhood. A system of local streets shall be developed within a framework that is defined by the Bend Urban Area - Bicycle and Pedestrian System Plan (TSP: Map Exhibit B), as much as practical.*
15. *The City may require adjustment to the street pattern or installation of traffic calming devices in order to discourage high speed and volume vehicular traffic on local residential streets.*
16. *Street widths on public residential local streets may vary depending on topography, anticipated traffic volume, natural features that warrant protection, and existing street patterns in the neighborhood. Right of way shall be a minimum of sixty (60) feet except in special circumstances. Narrower streets may have limited on-street parking to ensure emergency vehicle access.*

FINDING: 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 development to the north, and the Pinewood Natural Area to the east. Bike lanes, sidewalks, and pedestrian connections are proposed adjacent to and through the site consistent with the Bend Urban Area Bicycle and Pedestrian System Plan. The proposed local street widths vary to allow maximum protection of existing natural features in the area, with some rights of way proposed to be less than 60 feet in width. Narrower streets may have parking limited to one side, or no parking for some sections, but will be of adequate width to ensure emergency vehicle access.

Chapter 8: Public Facilities and Services

Sewer Collection Facilities

1. *All new development within the Urban Growth Boundary should be connected to City sewer.*

Water Facilities and Systems

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

FINDING: City water and sewer services will be extended with future development and will be reviewed for conformance with City Standards and Specifications through the Site Plan Review and Land Division approval processes. 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.

Storm Drainage Facilities and Systems

21. *Due to the lack of a defined drainage pattern for most of the urban area, development shall, to the extent practicable, contain and treat storm drainage onsite. In instances where containing storm drainage on-site would not be safe or practicable, the developer shall enter into a formal and recorded arrangement with the City or a private party to adequately address the storm drainage off site such as a regional control.*
22. *The use of stormwater disposal systems shall be coordinated with the Oregon Department of Environmental Quality and Water Resources Department to protect ground water and surface water.*
24. *All public and private stormwater facilities shall be designed and operated in accordance with the City's Stormwater Master Plan and shall meet appropriate drainage quantity and quality requirements, including, but not limited to, the requirements of the City's National Pollutant Discharge Elimination System (NPDES) MS4 Stormwater Permit, Integrated Stormwater Management Plan, WPCF UIC Permit and any applicable Total Maximum Daily Load requirements (TDML) requirements. Underground injection and surface discharges to the Deschutes River or Tumalo Creek shall only be approved when other alternatives, such as retention basins or bioinfiltration swales, are not reasonably available. Low impact site designs shall be a required part of all new development and redevelopment projects.*
26. *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.*
27. *The City shall implement and enforce requirements for an erosion and sediment control program for public and private construction and post-construction activities.*
28. *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.*
34. *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.*
36. *The City shall require the following stormwater protection measures for all new development and redevelopment proposals during the planning, project review, and permitting processes:*
37. *The City shall work to reduce transportation-related sources of water pollution, particularly in stormwater pollution. Any means and actions that result in a reduction in vehicle-miles-traveled would benefit congestion and reduce both air and water pollution.*

FINDING: These policies are implemented by Title XVI. Grading, Excavation and Stormwater and the Central Oregon Stormwater Manual (COSM). Conformance with Title XVI and COSM will be reviewed with subsequent development applications.

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 proposed master plan incorporates the mapped ASI within the plan area as open space for preservation. BDC 2.7.700 *Upland Areas of Special Interest Overlay Zone* implements this policy and will be addressed with future development applications.

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: A preliminary plan for the extension of streets, sewer, and water systems throughout the master plan area was provided with the application. These improvements are generally acceptable as proposed but final design will be reviewed with subsequent development applications. The sewer and water analyses submitted with the application show that there is adequate capacity in the system to accommodate the proposed improvements and anticipated levels of development. This criterion will be met.

Water: Comments from the City Engineer note that water line connections to the existing system will be required with future development. The City Engineer recommends the following condition of approval:

Condition of approval: *All fire lines and domestic meters shall comply with the City standards and be included on the infrastructure plans. All final locations of fire hydrants and valves shall be reviewed and approved with the infrastructure plans. The final configuration of all on-site waterlines shall be determined at the time of future Subdivision and Site Plan Review applications. All water lines shall be 8 inches as shown on the master plan, unless otherwise approved by the City Engineer. All lines will be required to provide a looped system within each development phase with no dead end lines to the maximum extent practical. The following water line connections are required to the existing system:*

	STREET		STREET
1	SE 15 th Street	@	Wilson Ave
2	SE 15 th Street	@	SE Lostine
3	SE Bronzewood Ave	@	SE Blackridge Pl
4	SE Bronzewood Ave	@	SE Valleywood Pl
5	SE Wildcat Dr	@	Northern Property Line

Sewer: Comments from the City Engineer note that the final locations of all sewer lines and manholes will be determined at the time of future subdivision and site plan applications. The applicant proposes to relocate the existing north-south City sewer line that bisects the property into a new alignment within the project’s proposed road system. The City does not object to this proposal and will defer the final review and design of this sewer line to the future subdivision and site plan applications.

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 narrative and TIA. 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 subject property is located within the boundaries of the Bend-La Pine School District. The Bend-La Pine School District is currently completing constructing a 600 student elementary school to the southwest in the Stone Creek Master Plan area, as well as a middle school on the west side of town adjacent to NorthWest Crossing which will increase the capacity throughout the district. The district accommodates growth and development within its boundaries through a variety of measures.

Parks and Libraries: The subject property is located within the BPRD's boundaries. In addition to the preservation of the ASI as open space, the applicant will construct a trail to connect the Coyner and Larkspur Trails, which will also provide access to Ponderosa Park to the northwest, and Larkspur Park and the Bend Senior Center to the south. Additionally, park systems development charges (SDCs) will be collected at the time of development.

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

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: The Bend Area General Plan (Comprehensive Plan) shows a deficit of RM and commercial employment lands. Thus, there is an unmet public need for additional higher density residential zoning and additional ME zoning to maintain required land inventories. The applicant notes that comments received at the neighborhood meeting indicate a desire for restaurants, cafes, grocery stores, and personal services within walking distance of surrounding neighborhoods. There are very few of the desired amenities within a 1-mile radius of the subject property. The mini-mart at Reed/15th generally supplies gasoline, cold case beverages, beer, soda, candy, fast foods, newspapers, and lottery tickets but not the services and items that are in demand by families. The community is best served by complete neighborhoods that provide recreation space, diversity in housing type, and services that do not require longer travel trips. The build-out of the surrounding areas is a change that warrants a different perspective for infill development of one of the last large parcels in the area. The General Plan encouragement of mixed-use and infill development suits the site well.

Mistake or Inconsistency

The applicant does not claim there was a mistake in the original RS designation and zoning of the subject property.

Change in Neighborhood or Community

Several changes in neighborhood or community have occurred since the comprehensive plan was adopted in 1998 that justify the proposed plan amendment and zone change from RS to RM and ME.

The 2006 Creation and Recent Funding for Expansion of the City's Transit Service
The Hearings Officer agreed in PZ11-140 Daly Estates that the City's creation of transit service and recent funding to expand that service constitutes a change in the community that justifies amendments to the General Plan. As discussed in Daly and here in this case, the subject property is located adjacent to a transit corridor, providing an alternate means of transportation for residents of RM-density development on the subject property who do not have a vehicle.

Urban Infill at a Higher Density in Appropriate Locations Identified Through City's UGB Expansion Project

The City is currently in the process of expanding the UGB to provide a 20 year buildable supply of land for development. With the UGB expansion process, the City is exploring measures for more efficient use of land within the existing UGB, including opportunities for redevelopment and infill development at greater densities where practical and desirable, along with commercial nodes to serve existing and proposed neighborhoods. The Hearings Officer found in Daly that while historically, a lower-density development pattern occurred under the 1998 comprehensive plan, the analysis of its consequences represents a change in the community that justifies the proposed plan amendment and zone change from RS to RM.

Decrease in Affordable Housing

The applicant's narrative references the City's 2005 *Housing Needs Analysis*, the 2006 *Central Oregon Workforce Housing Needs Assessment*, the City's 2007 *City of Bend Residential Lands Study*, and a document entitled *Dark Before the Storm: A Picture of Low Income Renters' Housing Needs before the Great Recession from the 2005-2007 American Community Survey*. These documents summarize population, income, housing, and residential land data and show that before the recent economic downturn there was a need for additional housing - particularly affordable housing - in Bend and Deschutes County. This need is evident once again with the recent increase in housing and economic development which is occurring in Bend and Central Oregon with the upswing in the economy, and a lack of available housing; particularly, affordable housing.

Although the City clearly anticipated in 1998 that there would be a need for additional housing as the city's population, the need for housing availability and affordability with the recent recession and economic recovery represents a change in community that justifies proposed plan amendment and zone change from RS to RM. With additional residential development, there is also a need for commercial development within walking and biking distance to serve the existing and proposed neighborhoods in this area which justifies the proposed plan amendment from RS to ME.

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;

FINDING: The applicant's transportation analysis states that based on the incremental traffic increase from RS to the proposed mixed zoning, the functional classification of all the adjacent roadways will not be affected with the proposed zone change.

(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

FINDING: All of the intersections that were shown to exceed performance standards in the TIA with the existing zoning will continue to exceed performance standards with the proposed rezone. The additional traffic generated from the proposed rezone does not create the failure.

(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.

FINDING: All of the intersections shown in the TIA to exceed performance standards under the existing zoning will show an incremental degradation with the additional trips from the proposed plan amendment and zone change. Accordingly, a significant effect is created by the proposed plan amendment and zone change.

(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.

FINDING: Subsections (b), (d), and (e) apply to the proposed plan amendment and zone change. Measures to address the known system performance needs are currently incorporated into the City's TSP and supporting SDC fee schedule. As the improvements are shown to accommodate existing zoning traffic as well as the incremental increase from the zone change, the significant effect is mitigated with the planned projects identified through the City's TSP and SDC efforts.

Additional infrastructure improvements are proposed by the applicant to mitigate the anticipated impacts resulting from the proposed development. These improvements include reconstruction of the primary access at the intersection of 15th Street and Wilson Avenue to a single lane roundabout with a new eastern leg serving the site, extension of Bronzewood Avenue to improve the local roadway system, and Bronzewood trail junction treatments that will maintain safety and function of the trail system.

Improvements to the Wilson Avenue bicycle lanes and trail system provide mitigation for the incremental degradation experienced at the 9th Street/Wilson Avenue intersection. The trails will link the site and the surrounding neighborhoods with the schools, improve multi-modal travel opportunities, and improve the pedestrian system. These improvements are consistent with Section (e) to satisfy the above TPR requirements. The specific proposed improvements are discussed in detail below.

The May 26, 2015 memo from the applicant's transportation engineer states that the net transportation effect of the rezone is an overall increase in site-generated trips, as summarized within Table 2 of the February 18, 2014 TIA. The change from RS to RM results in a relatively small increase in peak hour trips (+41). Although the allowable commercial uses within the ME zone are limited to those that will serve the adjacent neighborhoods, the trip rates used in the analysis are the same as those used for a regional shopping center. Factors that reflect walking and cycling to the retail from the surrounding neighborhoods were not applied, although typical pass-by rates based on information contained in Trip Generation (2012, ITE) were included. The potential retail trips comprise the majority of the peak hour trip increase associated with future anticipated development (+147).

The specific timeline for construction of the Wildflower development is not currently known and will be market driven. To provide an understanding of transportation costs and revenue over time, the applicant provided estimates based on an aggressive development scenario; full build-out of the site could extend from the ten years shown to as long as twenty years depending on market conditions. The specific housing mix could also be modified (or the unit number reduced) based on the mix of residential product types.

Table 1. Anticipated Construction Timeline.

Year	Anticipated Site Activity
2015	Complete entitlements/approval
2016	Begin grading, infrastructure, utilities
2017	Begin residential construction
2018	40 residential units Wildflower Glen 60 apartment units Wildflower Hills
2019	40 residential Wildflower Glen 60 apartment units Wildflower Hills
2020	40 residential units Wildflower Glen 60 apartment units Wildflower Hills 34,000 SF retail in Wildflower Plaza
2021	40 residential units Wildflower Glen 39 apartment units Wildflower Hills 34,000 SF retail in Wildflower Plaza
2022	40 residential units Wildflower Glen
2023	40 residential units Wildflower Glen
2024	40 residential units Wildflower Glen
2025	40 residential units Wildflower Glen

For simplification, revenue projections and off-site improvement costs for Wildflower are based in 2015 dollars. The purpose of these estimates is to understand how revenue will be generated over time based on the anticipated construction timeline. Table 2 reflects SDC estimates based on City SDC Table C-2 as amended on August 23, 2011. Ordinance NS-2121 establishes that SDC fees will be collected at time of building permit; accordingly, Table 2 assumes that SDCs are collected the year prior to occupancy for residential and commercial uses. Estimates in Table 2 assume residential development in Wildflower Hills is apartments and residential development within Wildflower Glen is condominium-townhomes.

Table 2. Estimated SDC Revenue.

Year Use	Wildflower Glen (Residential Units)	Wildflower Hills (Apartment Units)	Wildflower Plaza (Retail SF)	Estimated Annual SDC
2015	0	0	0	\$0
2016	0	0	0	\$0
2017	0	0	0	\$258,000
2018	40	60	0	\$258,000
2019	40	60	0	\$630,300
2020	40	60	34,000	\$572,340
2021	40	39	34,000	\$92,400
2022	40	0	0	\$92,400
2023	40	0	0	\$92,400
2024	40	0	0	\$92,400
2025	40	0	0	\$0
Total				\$2,088,240

Wilson/15th Street Roundabout

The need to improve the unsignalized intersection of Wilson Avenue/SE 15 Street is identified within the Bend TSP. The City's identification of a roundabout rather than a traffic signal at this intersection is a reflection of its "Roundabout-first" policy. A draft conceptual layout of the intersection is provided to understand the general footprint and its potential impacts; further refinement of this design will be required to better inform right-of-way needs, provide consistent entry speeds, address grades, and refine the eastern approach angle.



Conceptual roundabout layout option.

Any required right-of-way will be the responsibility of the applicant to obtain, but the City can assist the acquisition process if needed, given the identification of this intersection on the City's adopted TSP. However, costs for this acquisition will be the responsibility of the developer, subject to any SDC reimbursement available at the time.

While conversion of the Wilson Avenue/SE 15th Street intersection to all-way stop-control was shown to improve intersection operations and safety, City staff indicated a preference to retain the existing stop-sign control only on Wilson Avenue until the roundabout is constructed to reduce throw-away costs or additional delays to the SE 15th Street corridor, particularly with the anticipated fall 2015 reopening of the Reed Market corridor. However, if monitoring of the intersection indicates operational or safety needs the City reserves the ability to require the developer to implement the all-way stop as an interim measure.

Construction of the roundabout will be required with the 100th weekday p.m. peak hour trip generated by the Wildflower development, or sooner if commercial development occurs. The applicant estimates that the roundabout will cost \$2.5 million excluding right-of-way. Right-of-way costs are not known and will be further developed as part of the intersection design plans.

Costs associated with the roundabout construction were previously estimated at \$1,300,000 as part of the City's SDC methodology. The need for the roundabout was shown to be largely attributable to existing traffic (non-growth). As the responsibility for "growth trips" to improve the intersection is small, the City's reimbursement methodology at this time shows that only 22% of improvement costs are SDC creditable.

Comments from the City Engineer concur with the transportation analysis, proposed mitigation, and concept design for the roundabout at 15th and Wilson, and note that the applicant will be entitled to TSP SDC credits for this intersection improvement based on the most current approved City methodology at the time the improvements are proposed to be constructed. The City Engineer recommends that the following conditions of approval be required:

Wilson Ave/15th Intersection Improvements – *The applicant proposes to construct a roundabout at this intersection to mitigate the impacts of the proposed development. The final design of this intersection shall conform to the City of Bend's "Roundabout Evaluation and Design Guidelines," dated April 2010, as updated at the time of development.*

- i. *All costs for the design, ROW acquisition, and construction shall be the responsibility of the applicant. The City will provide assistance with ROW acquisition if the applicant cannot secure the necessary ROW. All costs to the City for acquisition shall be reimbursed by the applicant.*
- ii. *Prior to the approval to the first phase of the development, the applicant shall submit the 30% design plans for this intersection improvement and the final form of the intersection improvement shall be approved by the City.*
- iii. *The construction of the intersection improvement shall be completed at the time that 100 residential p.m. peak hour trips are generated, or prior to occupancy of the first commercial building. The timing of the completion of the improvements shall be refined through the Site Plan Review or Land Division approval process.*
- iv. *The applicant shall be entitled to SDC credits for this intersection improvement based on the most current approved City methodology.*
- v. *The applicant's analysis indicated an all-way stop could be implemented as an interim improvement at this intersection that may improve intersection operations. At this time, the City would prefer not to install an all-way stop as an interim mitigation. However, if monitoring of the intersection indicates operational or safety needs that would warrant the interim condition of the all-way stop, the City shall request in writing to the applicant to design and construct the interim improvements. The applicant shall install the required interim improvements within 30 days of receiving written notice by the City. The costs for all interim improvements are not be eligible for SDC credits.*

Comments from the City Engineer note that the existing sidewalk along the east side of SE 15th Street does not meet current City Standards as it is curb tight and only 5 feet wide. Therefore, with development of the Wildflower Plaza (ME) phase, the applicant will be required to reconstruct the sidewalk to current City standards, which would relocate the sidewalk at the property line with a minimum width of 6 feet, separated from the curb by a landscape buffer.

15th Street Sidewalk – *Prior to occupancy for any commercial development within the Wildflower Plaza ME District, the applicant shall dedicate right of way as proposed to provide 50 feet of right of way from centerline of 15th Street, and reconstruct the adjacent sidewalk at the property line, with a minimum width of 6 feet, separated from the curb by a standard landscape strip.*

Bronzewood Avenue Extension

The applicant proposes to complete the missing section of Bronzewood Avenue through the site. Comments from the City Engineer recognize that this section of roadway and trail connectivity is critical to this area for efficient on-site and off-site circulation. The City Engineer recommends the following condition of approval for the Bronzewood Avenue extension:

Bronzewood Avenue Extension – *The portion of SE Bronzewood Ave located within the project boundaries shall be dedicated and constructed to a City local street standard with the first phase of development. This construction shall include the adjacent sections of the Larkspur Trail as shown on the Access and Site Circulation Plan (Sheet C1) to BPRD standards. Where the Larkspur Trail crosses Bronzewood Avenue, a raised pedestrian crossing shall be provided per City standards including the appropriate striping and signage.*



Larkspur Trail Connection

The trail connection between Ponderosa Park and the Larkspur Trail will serve as a key regional trail connection between major east Bend residential neighborhoods and area schools. The desire for this connection was envisioned by the applicant's team and provided as a voluntary improvement and element of the master plan.

Comments from BPRD note that the applicant has been working with BPRD for several years regarding this trail connection. The most recent discussion involved the establishment of an interim trail connection that could be relocated during future site plan development and review. BPRD requests that the City land use process recognize the development of an interim trail and relocatable easement as an important public facility and make it a condition of approval if the land uses are in fact approved. BPRD will continue to work with the applicant on satisfactory easement language and an interim trail alignment.

The City Engineer concurs with the applicant's analysis and proposed trail connection, and recommends the following condition of approval for the connector trail:

Larkspur Trail Connection – *With the first phase of development, the applicant shall construct the connector trail from Ponderosa Park at the 15th/Wilson intersection to the existing BPRD Larkspur Trail located to the east of the subject property. In locations where the trail is integrated into the street system (sidewalk), the minimum sidewalk width shall be 8 feet. Where the trail is not located within the street section (sidewalk), the trail shall be constructed to BPRD standards and shall be located within a 20 foot wide public access easement dedicated to BPRD. The timing of the construction and final alignment for this trail shall be determined through future Land Division and Site Plan Review applications.*

Wilson Avenue/SE 9th Street Intersection

The Wilson Avenue/9th Street intersection is the most complex improvement need identified in the TIA. The City's 2003 SDC report identified this intersection as a future traffic signal. However, the subsequent "roundabout first" policy results in preference for a roundabout. It is unclear whether ODOT Rail has jurisdictional authority over the intersection as part of the BNSF rail approach, particularly given queuing that extends beyond the rail line today. No discussions pertaining to this intersection have yet occurred between BNSF and the City or developer. The proximity of the rail lines to this intersection will have a significant impact on future intersection designs.

The intersection has been a priority improvement for the City for many years and is identified as currently deficient. If the City were to construct a roundabout at this intersection, the applicant estimates costs to be approximately \$3 million. Although a roundabout would reduce queues relative to the current all-way stop-controlled intersection, ODOT Rail may still require

some type of interconnect/communication between the roundabout approaches and the crossing to avoid a situation where a vehicle could become trapped on the tracks. There may be lower-cost pull-out treatments, but any design would require approval of ODOT Rail who has historically preferred signalization. Either a signal or a roundabout would likely require additional right-of-way, and costs associated with either option could be highly variable.

Costs for any long-term improvement at the intersection would be entirely SDC creditable (Table C-1 identifies the improvement need as fully “growth” related). However, the SDCs anticipated to be generated by the proposed WFMPD are already allocated to the proposed construction of the roundabout at 15th and Wilson. The proposed zone change does not require improvements at 9th and Wilson, as funding has already been identified based on the adopted SDC funding. However, the City’s Master Plan requirements would necessitate improvements to satisfy City concurrency timing with development.

In addition to the long-term needs, there are other issues with the intersection associated with the atypical lane configuration, higher than typical crash rate, and lack of pedestrian and bicycle accommodations. Discussion between the applicant’s transportation engineer and City staff identified a range of interim improvements (non-SDC creditable) that could be provided in lieu of ultimate improvements, given the financial burden being required at the Wilson Avenue/SE 15th Street intersection. Exhibit 4 illustrates interim treatments at Wilson Avenue/9th Street, proposed by the applicant.



Exhibit 4. Interim Wilson Avenue/9th Street improvements

- *Install new curb ramps (including curb, gutter, and drainage) on the southern intersection approaches (the northern approach ramps were reconstructed in late March 2015). New southern curb ramps will reinforce the single-lane northbound approach.*
- *Restripe the east-west lanes to provide a dedicated left-turn lane and a shared through/right turn lane. This will allow motorists in both directions to stay in the through lane to continue straight on Wilson Avenue.*
- *Provide bike lanes on Wilson Avenue that extend to the intersection (widening planned for fall 2015 along 9th Street will also provide continuous north-south bicycle lanes).*
- *Restripe all four crossings with higher visibility “piano key” striping. The increased thermoplastic is intended to make the intersection more visible; further improvements could include the addition of a supplemental stop bar (not shown in Figure 4) that would encourage motorists to leave the crossings clear for pedestrians.*
- *Completion of missing sidewalk segment between Centennial Street and the sidewalks east of SE 9th Street.*
- *Improvements to storm grate elevations and design along the Wilson Avenue corridor between SE 15th Street and SE 9th Street to match the surrounding grade and include a bicycle-compliant storm inlet design.*

The City Engineer agrees that improvements to this intersection are complex due to the proximity of the railway crossing, determination of the final intersection form (signal or roundabout), significant ROW constraints, and costs. The intersection improvement is currently included on the City's Transportation SDC list with a 100% growth related factor. The applicant's proposed interim mitigation would improve safety and operations at this intersection. Based on negotiations with the applicant, the City agrees that a payment in-lieu of the proposed interim intersection improvements is appropriate to mitigate the impacts of future development of the master plan area. The applicant provided a cost estimate for these improvements totaling \$54,570 (pg. 18 of the May 26, 2015 supplemental memo). The City would incorporate the proposed design changes into current and potential future City projects and planned street maintenance in this area. Therefore, the City Engineer recommends the following condition of approval for mitigation of the impacts to this intersection;

Wilson Ave/SE 9th Street Intersection Improvements – Prior to final plat approval or issuance of the first commercial building permit, the applicant shall provide a \$54,570 payment in-lieu of interim improvements at the Wilson Ave/SE 9th Street intersection. No further mitigation shall be required by the applicant for any other improvements at this intersection.

Other applicable Bend Development Code Chapters

BDC Title 2 Land Use Districts

2.1, Residential Districts (RS, RM)

2.2, Commercial Zoning Districts (CC)

FINDING: The standards of the WFMPD are proposed to supersede the standards of the underlying zone where they vary. Where no special standards are provided, the applicable standards of the underlying zone shall apply. The WFMPD standards are proposed to deviate from the requirements of BDC 2.1 as described below.

2.1.200 Permitted Land Use. (RS, RM)

FINDING: In addition to the uses permitted in the RM zone, community buildings and recreational facilities, live-work units, and ground floor service commercial with at least 10 dwelling units above are allowed in the Wildflower Hills District.

2.3.200 Permitted and Conditional Uses. (ME)

Permitted uses for the Wildflower Plaza ME District are the same as those allowed under BDC Table 2.3.200 for the ME zone, with the following exceptions and additional uses;

- No drive-through windows allowed except for Coffee Huts with a maximum size of 100 square feet.
- Animal clinics, fully enclosed, may be allowed for small animals – no large farm animals.
- Temporary activities such as Farmer's Markets, specialty events, art walks, festivals, and holiday events on private property or in plazas.

2.1.300 Building Setbacks. (RS, RM)

2.1.400 Building Mass and Scale. (RS, RM)

2.1.500 Lot Area and Dimensions. (RS, RM)

2.1.600 Residential Density. (RS, RM)

2.1.800 Building Height. (RS, RM)

FINDING: The development standards for the Wildflower Glen Housing District are the same as those for the RM zone. However, with the changes recommended by the Planning Commission, the portion of the district south of Bronzewood Avenue would remain RS and be subject to the development standards of the RS zone.

The development standards for the Wildflower Hills Multifamily Housing District are also the same as the RM zone, except that the maximum building height is 55 feet, and there is no maximum lot coverage. The density allowed in the Wildflower Hills Multifamily Housing District is also increased to 42 units per acre, to allow the density to be transferred from the 4.7 acres of ASI within this district. Although higher density is allowed on individual lots in the Wildflower Hills district, the overall density of the district will remain at or below 21.7 units per acre when averaged with the undeveloped ASI areas.

2.3.300 Development Standards (ME)

FINDING: There is no density limit for ME designated land. The development standards for the Wildflower Plaza ME District are the same as those for the ME zone, except that the maximum height limit is 55 feet rather than 45 feet, and there is no maximum lot coverage limitation.

2.1.900 Architectural Design Standards. (RS, RM)

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

2.3.400 Building Orientation (ME)

2.3.500 Architectural Standards. (ME)

FINDING: The applicable design standards of the RS, RM and ME zones shall apply based on the underlying zoning in accordance with BDC Chapter 4.2 *Site Plan and Design Review*.

Chapter 2.7 Special Planned Districts.

2.7.700 Upland Areas of Special Interest Overlay Zone.

B. Applicability.

- 1. Affected Property.** The procedures and requirements of the Upland Areas of Special Interest Overlay Zone apply to any real property designated as having an ASI as mapped on the Bend Area General Plan Map and the City Zoning Map. These standards shall be in addition to the standards of the underlying zone.
- 2. Activities Subject to Review.** Unless specifically exempted from review as described in subsection (B)(3) of this section, activities subject to review and which require a permit shall include all development on properties described below:
 - a. Partitioning and subdividing of land.**
 - b. New structural development.**
 - c. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.**
 - d. Site modifications including grading, excavation or fill, installation of new utilities, construction of roads, driveways, or paths.**
 - e. Removal of trees or cutting or clearing of any native vegetation within the Upland Area of Special Interest.**

FINDING: There is a mapped ASI #4 located in the Wildflower Hills Multifamily Housing District. Development within this district is required to meet the standards and criteria of this section, which will be addressed through the Land Division and Site Plan Review processes.

BDC Title 3, Design Standards

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 WFMPD will be subject to the standards in the above chapters of the BDC for all new development. The only exceptions are that the street plan and street standards of the WFMPD will supersede the block design standards in Section 3.1.200, and the transportation improvement standards for streets in Section 3.4.200.

IV. CONCLUSIONS:

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