PONDEROSA DRAFT DEVELOPMENT CODE

2.7.5000 Ponderosa Master Planned Development.

2.7.5010 Purpose.

The purpose of the Ponderosa Master Planned Development is to implement the policies of Chapter 11 – Growth Management of the Bend Comprehensive Plan (BCP) regarding the Southwest Expansion Area, and to create a new, housing-focused community with opportunities for neighborhood-scale commercial. The development standards will:

A. Create the opportunity for a complete community with housing in close proximity to employment and commercial services that are scaled to serve the frequent needs of neighborhood and area residents.

B. Ensure capacity for a minimum of 251 housing units, including a minimum of 39 townhomes and 146 multi-unit, duplex, triplex, and/or quadplex units across the Master Plan.

C. Provide a mix of housing types for owners and renters of multiple lifestyles and income levels, including at least 125 housing units or 25% of all housing units approved by the City, whichever is greater, of deed-restricted affordable housing.

D. Establish design standards for streets and blocks in order to create safe, functional, and attractive streetscapes.

E. Create safe, attractive, and efficient pedestrian routes and other multi-modal transportation options.

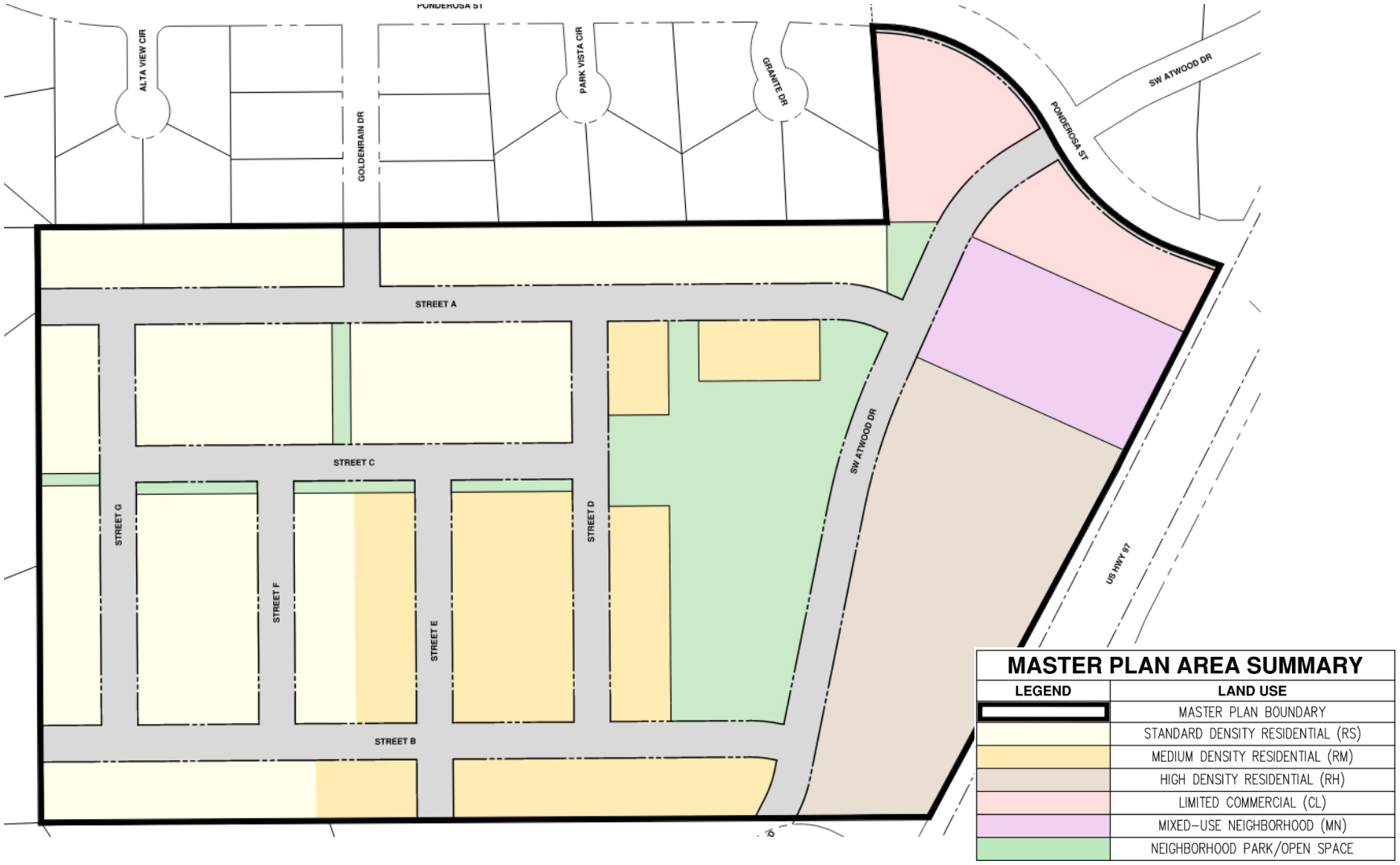
F. Preserve open space for a neighborhood-scale park and trail system.

2.7.5020 Applicability.

A. The Ponderosa Master Planned Development standards apply to the property identified in Figure 2.7.5020. The special standards of the Master Plan supersede the standards of the underlying zones and other applicable standards of the Bend Development Code. Where there is a conflict between the provisions of the Ponderosa Master Plan and those of the underlying zone or other portions of the Development Code, the provisions of this district will control. The final determination of the zone or district boundary will be established at the time of subdivision platting and right-of-way dedication.

B. Local road and open space locations in Figure 2.7.5020 are conceptual. Final location and acreage will be established with subdivision and/or site plan approval. The minimum required area for open space is 4.07 acres.

Figure 2.7.5020 – Ponderosa Master Plan



2.7.5025 Definitions.

A. **Lot line, front** means the property line abutting a street or open space tract.

1. **Primary front lot line** means the shortest front lot line abutting a street or open space. If there is more than one such lot line of equal length, then the applicant or property owner must choose which lot line is to be the primary front lot line.
2. **Secondary front lot line** means all other front lot lines abutting a street except the primary front lot line.

2.7.5030 Review Procedures.

The following review procedures are applicable to uses and structures within the Ponderosa Master Planned Development:

A. Single-unit detached dwellings, accessory dwelling units, townhomes, duplexes, triplexes, quadplexes, single room occupancies with six or fewer units, and cottage cluster developments, see BDC 4.2.400, Minimum Development Standards Review.

B. All other uses are subject to BDC 4.2.500, Site Plan Review or BDC 4.2.600, Design Review pursuant to BDC 4.2.200. BDC 3.6.200.I, Residential Uses within Commercial Districts does not apply.

2.7.5040 Residential Zoning Districts.

A. Where no special standards are provided, the applicable standards of the underlying zone apply.

B. *Residential Density and Housing Mix.* Based on the zoning implementing the required land use designations in the Southwest Expansion Area, the Ponderosa Master Plan must ensure capacity for a minimum of 251 housing units, including a minimum of 39 townhomes and 146 multi-unit, duplex, triplex, and/or quadplex units.

1. *Affordable Housing Requirements*.
   a. At least 125 affordable housing units or 25% of all housing units approved by the City, whichever is greater, must be provided.
   b. The construction of all required affordable units must have commenced before the city issues certificates of occupancy to the last 15 percent of market rate units.

C. *Setbacks.*

Table 2.7.5040 - Setbacks

	Primary Front	Secondary Front	Rear	Side
RS, RM, RH	10 ft.*	8 ft.*	5 ft.**	5 ft., except 8 ft. when side abuts an alley

***** Garages and/or carports must maintain a minimum front setback of 20 feet.

****** Garages and/or carports that access an alley must have a driveway with a minimum length of 18 feet.

1. Setback exceptions in the underlying zone apply.

D. *Maximum Lot Coverage.* The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Residential Lot Coverage

Residential Zone	Lot Coverage
Standard Density Residential (RS) Medium Density Residential (RM)	50% for lots with 2+ story detached dwelling units 55% for lots with single-story detached dwelling units and single-story accessory structures 60% for lots with townhomes, duplexes, triplexes, quadplexes, and multi-unit

E. Floor area ratio does not apply to any uses.

F. *Fences.* On lots with more than one frontage, only one front setback area restriction applies relative to the three and one-half feet fence height restriction in BDC 3.2.500(C). The fence along the nonfront designated area must not exceed six feet in height from the area subject to the front setback to the rear property line.

G. Multi-Unit Housing must meet the applicable standards in BDC 2.1.900 Architectural Standards and BDC 2.1.1000 Multi-Unit Residential Districts (RM, RH), except as modified below:

1. *Design Standards.*

   a. All building elevations except building end elevations must provide doors, porches, balconies, terraces, and/or windows for a minimum of 30 percent of each full and partial building story.

   b. Half of the building end elevations for each building must provide doors, porches, balconies, terraces, and/or windows for a minimum of 20 percent of each full or partial building story.

   c. Street-facing elevations located within 50 feet of a front lot line must provide doors, porches, balconies, terraces, and/or windows for a minimum of 40 percent of each full and partial building story. Elevations fronting Highway 97 are not street-facing for the purposes of this subsection.

Exceptions:

i. Building elevations unable to meet the requirements of 2.7.5040.G.1.c due to maximum opening percentage as required by building code must be within 5 percent of the maximum opening area allowed per building code.

ii. Accessory structures (i.e., community building or clubhouse, trash enclosures, maintenance sheds, and bicycle parking storage enclosures) are exempt from 2.7.5040.G.1.

Building end elevations are the two building elevations with the smallest area. For example, the North Elevation is one of the two building end elevations for the building shown below:

North Elevation

East Elevation

2. Orientation Standards. A minimum of one building must have an entrance facing the street or common open space when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation. For this standard, entrance includes the opening to a breezeway or other entry corridor leading to individual units.

3. On-Site Pedestrian Walkways. On-site pedestrian walkways must have a minimum width of five feet. EV charging stations, EV charging station protection, and parking stall signage may encroach up to one foot within the five foot minimum width.

2.7.5050 Commercial Limited.

A. Where no special standards are provided, the applicable standards of the CL Zone apply.

B. *Permitted Uses.*

1. All uses listed as permitted or conditionally permitted in the underlying zone are permitted.

2. Income qualified housing in which:

a. Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing

Stability Council based on information from the United States Department of Housing and Urban Development; or

b. The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

c. Whose affordability is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

C. Income qualified housing must meet the applicable RH zone standards for the housing type in 2.7.5040.

2.7.5060 Mixed Neighborhood.

A. Where no special standards are provided, the applicable standards of the MN Zone apply.

B. *Permitted Uses.*

1. All uses listed as permitted or conditionally permitted in the underlying zone are permitted.

2. Income qualified housing in which:

a. Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or

b. The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

c. Whose affordability is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

C. Income qualified housing must meet the applicable RH zone standards for the housing type in 2.7.5040.

2.7.5070 Special Street Standards.

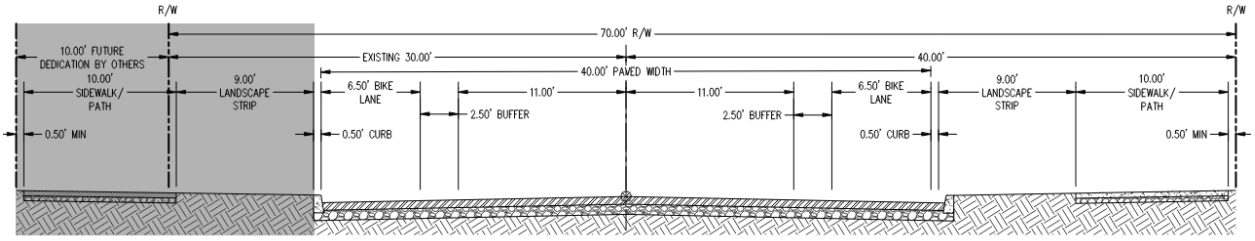
A. Figure 2.7.5070 depicts the street type, tentative street location and alignment in the Ponderosa Master Planned Development and the standards to correspond to each street type. The precise street alignment will be established through the land division process. The Ponderosa Master Planned Development Street Type Plan and the Ponderosa Master Planned Development Street Standards, Figure 2.7.5070, will be applied to the Ponderosa Master Planned Development as illustrated except when an alternate standard is permitted under this section or through the land division process. All city streets must be constructed to the

structural street section, based on the street classification, in conformance with the City of Bend Standards and Specifications.

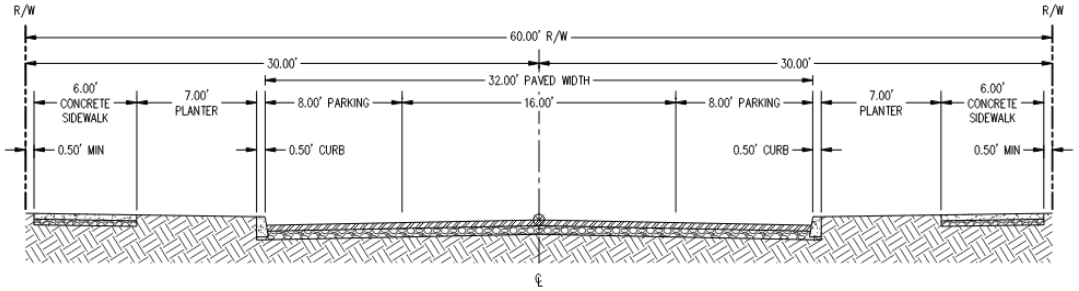
B. Any City street standard adopted after the effective date of the ordinance codified in this chapter, which permits a lesser street standard, may be applied to the Ponderosa Master Planned Development during the land division process.

Figure 2.7.5070 – Ponderosa Street Type Plan and Standards

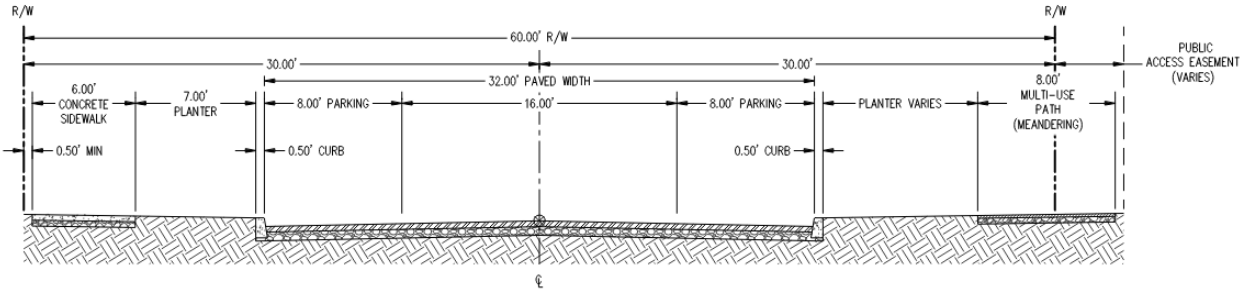
STREET LEGEND AND SPECIFICATIONS									
LEGEND	STREET TYPE	RIGHT-OF-WAY	PAVEMENT WIDTH	TRAVEL LANE	BIKE LANE	PARKING WIDTH	PLANTER WIDTH	MULTI-USE PATH WIDTH	SIDEWALK WIDTH
	2 LANE COLLECTOR	80 FT	40 FT	11 FT	6.5 FT	N/A	9 FT	10 FT	10 FT
	32' LOCAL ROAD	60 FT	32 FT	16 FT	N/A	8 FT	7 FT	N/A	6 FT
	32' LOCAL ROAD WITH MULTI-USE PATH	60 FT	32 FT	16 FT	N/A	8 FT	VARIES	8 FT	6 FT
	36' LOCAL ROAD WITH MULTI-USE PATH	60 FT	36 FT	10 FT	N/A	8 FT	5 FT	10 FT	6 FT



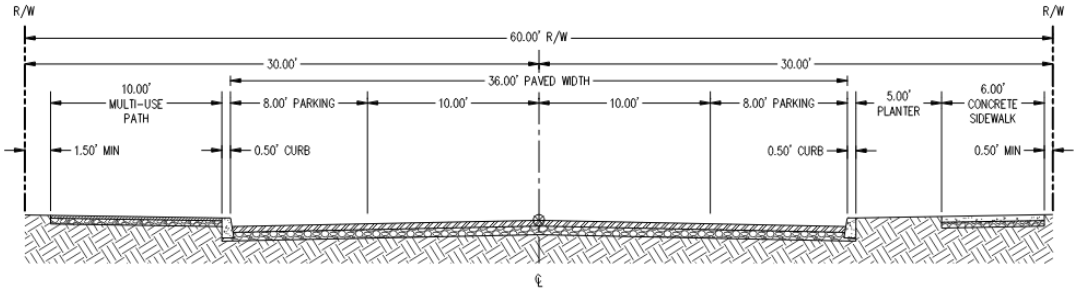
2-LANE COLLECTOR – NO PARKING
PUBLIC



32' LOCAL ROAD – PARKING BOTH SIDES
PUBLIC



32' LOCAL ROAD – PARKING BOTH SIDES WITH MULTI-USE PATH
PUBLIC



36' LOCAL ROAD – PARKING BOTH SIDES WITH MULTI-USE PATH
PUBLIC

2.7.5080 Transportation Mitigation Plan.

A. *Applicability.* The following Transportation Mitigation Plan applies to all development within the Ponderosa Master Planned District. The Transportation Mitigation Plan is adopted and implemented pursuant to BDC 4.7.600(D)(1).

B. *Alternate Transportation Design Standards.* Transportation facilities within the Ponderosa Master Planned District must comply with the standards set forth in BDC 2.7.5070 and Figure 2.7.5070. For all new internal streets, a minimum ¾ width street must be constructed along the applicable street frontage, prior to the plat of each abutting phase.

C. *Transportation Mitigation.* The following transportation mitigation measures must be constructed pursuant to the deadlines set forth in Table 2.7.5080 below.

Table 2.7.5080

Mitigation Requirements	Trigger
Construct a mini roundabout at the intersection of Ponderosa Street and SW Atwood Drive in compliance with City of Bend roundabout guidelines or as otherwise approved during right-of-way permit review. The roundabout and all adjacent sidewalks/paths must be within dedicated City of Bend right-of-way.	Prior the final plat of the first phase
Payment of a proportionate share contribution in the amount of $8,338 towards the improvements at the Murphy Road / SW Brookswood Boulevard roundabout.	Prior the final plat of the first phase
Payment of a proportionate share contribution in the amount of $409,563 towards the construction of the future Lodgepole Drive / SW Brookswood Boulevard roundabout.	Proportionate payment to be made prior to platting of each phase
Extend SW Atwood Drive south from Ponderosa Street through Street A with a 10-foot multi-use path along the west side in accordance with City of Bend Standards.	Prior to the final plat of the first residential phase (Phases 1-5)
Construct Goldenrain Drive from Street A to Ponderosa Street.	Prior to the final plat of the first residential phase (Phases 1-5)
Restripe Ponderosa Street/Lodgepole Drive from the property boundary to Mahogany Street to include minimum 11-foot travel lanes with 5-foot bike lanes with 2-foot buffer on each side. Final striping and signage design shall be determined during right of way permit review.	Prior to the final plat of the first residential phase (Phases 1-5)

Mitigation Requirements	Trigger
Construct a minimum 8-foot-wide multi-use path westward from SW Atwood Drive to and through the neighborhood park and the western property boundary, to meet the Low Stress Network Neighborhood Greenway requirements. The 8-foot wide path within the neighborhood park must be completed prior to the final plat of the final residential phase.	Prior to the final plat of each abutting residential phase (Phases 1-5)
Improve Ponderosa Street, along the property frontage.	Prior to the final plat of each abutting phase
Widen Ponderosa Street to accommodate a northbound left-turn lane at the Ponderosa Street/Poplar Street intersection OR construct a mini-roundabout as an alternate mitigation, in compliance with City of Bend roundabout guidelines or as otherwise approved during right of way permit review. The mini-roundabout will not require right-of-way dedication from adjacent property owners and striping may be used in lieu of raised splitter islands. Construct a north-south pedestrian crossing with accessible ramps on the west side of the Ponderosa Street/Poplar Street intersection. The roundabout and all adjacent sidewalks/paths must be within City of Bend right of way. Along the west side of Lodgepole Drive, between Poplar Street and Mahogany Street, construct missing curb, sidewalks, and pedestrian curb ramps at a minimum 8-foot-wide width to meet City of Bend collector standards.	Prior to the final plat of the fourth residential phase (Phases 1-5), regardless of order
Coordinate with CET and ODOT for a future mobility hub location within the ODOT property described as 181218DD 6801 & 6802. If a bus stop is desired by CET within the master plan area, one will be constructed at a location determined by CET prior to the final plat containing the bus stop location. Depending on the location of a bus stop, frontage improvements may be required and will be determined at time of right-of-way permit or site plan review. The pad will be constructed in conformance to City of Bend standards and PROWAG guidelines.	Prior to the final plat of the last residential phase (Phases 1-5)

2.7.5090 Future Capacity Reservation.

A. The Ponderosa Master Plan reserves infrastructure capacity (sewer, water, and transportation) through and including Month, Day, 2040, for all site plan review and subdivision applications filed pursuant to the phasing plan through Month, Day, 2040. Site plan review and

subdivision applications submitted after Month, Day, 2040, will be subject to new utility and transportation analyses.

Exhibit B

Ponderosa Comprehensive Plan Text Amendment

(Underlined text is proposed to be added. ~~Strikethrough~~ text is proposed to be deleted.)

Bend Comprehensive Plan

Chapter 11: Growth Management

Southwest:

11-116 This area (identified on Figure 11-7) shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

- The minimum number of affordable housing units ~~shall~~ must be 125 housing units or 25% of all housing units approved by the City, whichever is greater.

- No less than 10% of the required affordable housing units must be affordable to households earning up to 30% of the area median income. The remainder of the required affordable housing units must be affordable to households earning up to 60% of the area median income. ~~Affordable housing units shall be affordable to households earning up to 30% of the area median income.~~

- Prior to issuance of any building permits for structures on property that is designated for affordable housing units, the property owner must record a restrictive covenant against all lots or tracts that include affordable housing ~~Guarantees, in a form acceptable to the City, shall be in place~~ to ensure that affordable housing units will meet the affordability requirements of this policy 11-116 for not less than 50 years.

- Planning and phasing requirements for affordable housing units ~~shall~~ must be ~~established~~ set forth in the master plan for the Southwest UGB Expansion Area identified on Figure 11-7 ~~in a form acceptable to the City~~.

EXHIBIT C

FINDINGS FOR PONDEROSA MASTER PLAN DEVELOPMENT CODE

COMMUNITY DEVELOPMENT

PROJECT NUMBER:	PLSPD20240372 (Master Plan)
HEARING DATE:	February 19, 2025
APPLICANT/ OWNER:	Ponderosa Pine Estates, LLC 475 NE Bellevue Drive, Suite 210 Bend, OR 97701
LAND USE CONSULTANT:	Joey Shearer, AICP AKS Engineering & Forestry, LLC
DEVELOPMENT CONSULTANT:	Jerry Jones Macher Development, LLC
LEGAL COUNSEL:	Steven Hultberg Radler White Parks & Alexander, LLC
TRANSPORTATION CONSULTANT:	Joe Bessman, PE Transight Consulting, LLC
LOCATION:	West of US Hwy 97, south of Ponderosa Street, within the Southwest Urban Growth Boundary (UGB) Expansion Area 19888 ROCKING HORSE RD, BEND, OR 97702; Tax Lots 181218DD06800; 181218DD06900; and 181219A000100
REQUEST:	Application for the Ponderosa Master Plan, a major community master plan for approximately 40.7 acres. This involves amending Bend Development Code (BDC) Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans to add a new Master Plan. (Type III Quasi-Judicial Review by City Council)
STAFF REVIEWERS:	Aaron Henson, AICP, Senior Planner (541) 383-4885; ahenson@bendoregon.gov Bridget Mason, PE, Senior Project Engineer (541) 323-5973, bmason@bendoregon.gov

APPLICABLE REVIEW CRITERIA, STANDARDS AND PROCEDURES:

Bend Development Code (BDC)

Criteria

Chapter 4.5, Master Plans

Standards

Chapter 2.1, Residential Districts
Chapter 2.2, Commercial Zoning Districts
Chapter 2.3, Mixed-Use Zoning Districts
Chapter 2.8, Urbanizable Area District
Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
Chapter 3.4, Public Improvement Standards
Chapter 4.7, Transportation Analysis

Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan

Chapter 11, Growth Management

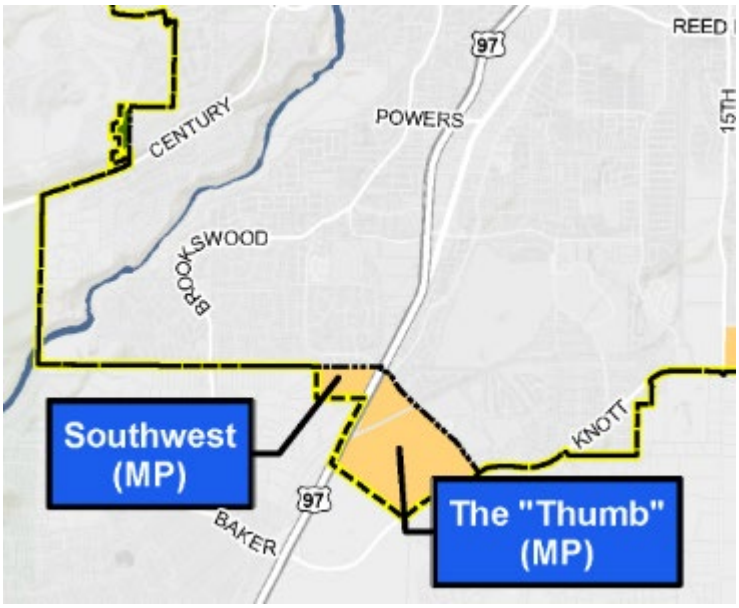
Oregon Administrative Rules

Chapter 660 Division 12 - Transportation Planning

Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

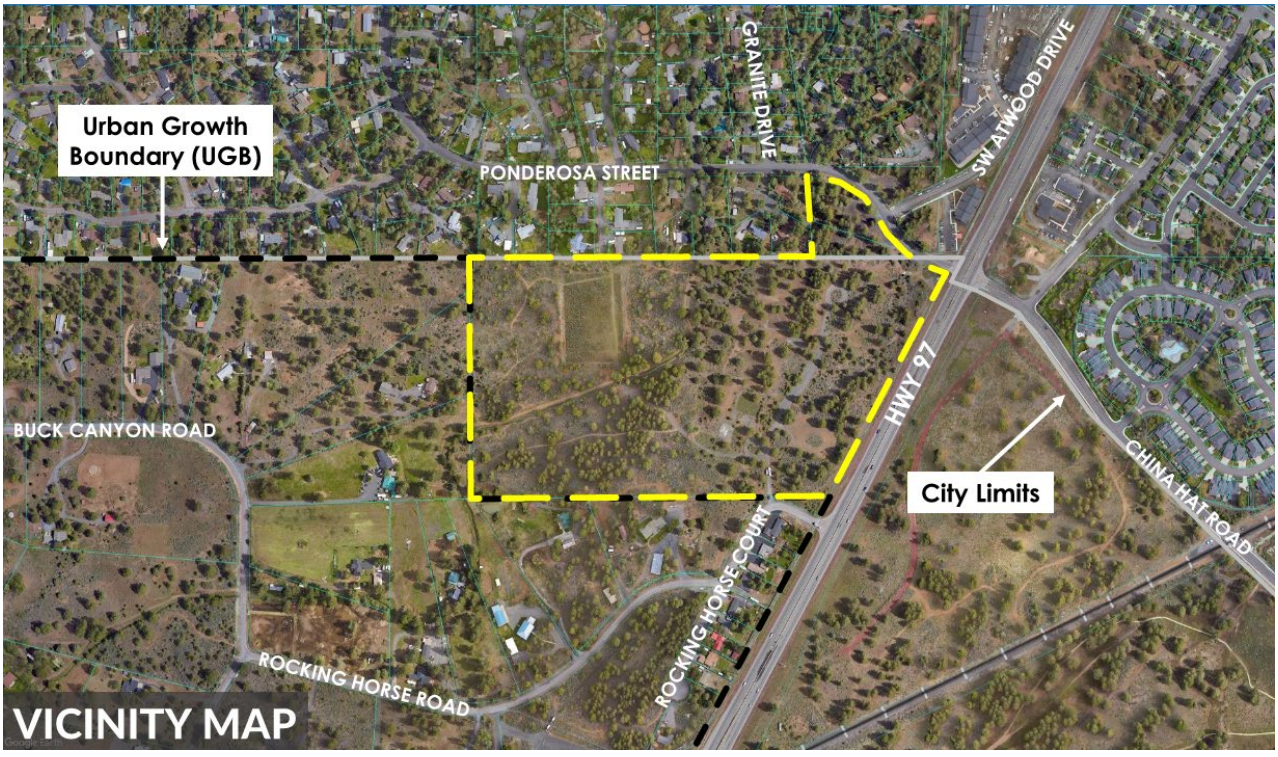
FINDINGS OF FACT:

1. **LOCATION:** The Ponderosa Master Plan encompasses the entire Southwest Urban Growth Boundary (UGB) Expansion Area (shown below) plus two adjacent tax lots to the northeast. The site is bounded generally by US Hwy 97 to the east and Ponderosa Street to the north. Brighton Circle, Alta View Circle, Goldenrain Drive, Park Vista Circle, and Granite Drive all end near the northern boundary of Tax Lot 100. To the south and west, the Ponderosa Master Plan abuts land within the County's jurisdiction that is subdivided into large lots and developed with single-unit dwellings.



2. **SITE DESCRIPTION:** The site is relatively flat, and existing vegetation is typical of the south side of Bend and includes coniferous trees of varying heights and maturities. A former Arnold Irrigation District canal crosses through the master plan area. This canal has been abandoned and the canal easement has been released. No other irrigation facilities or water rights exist on the property.

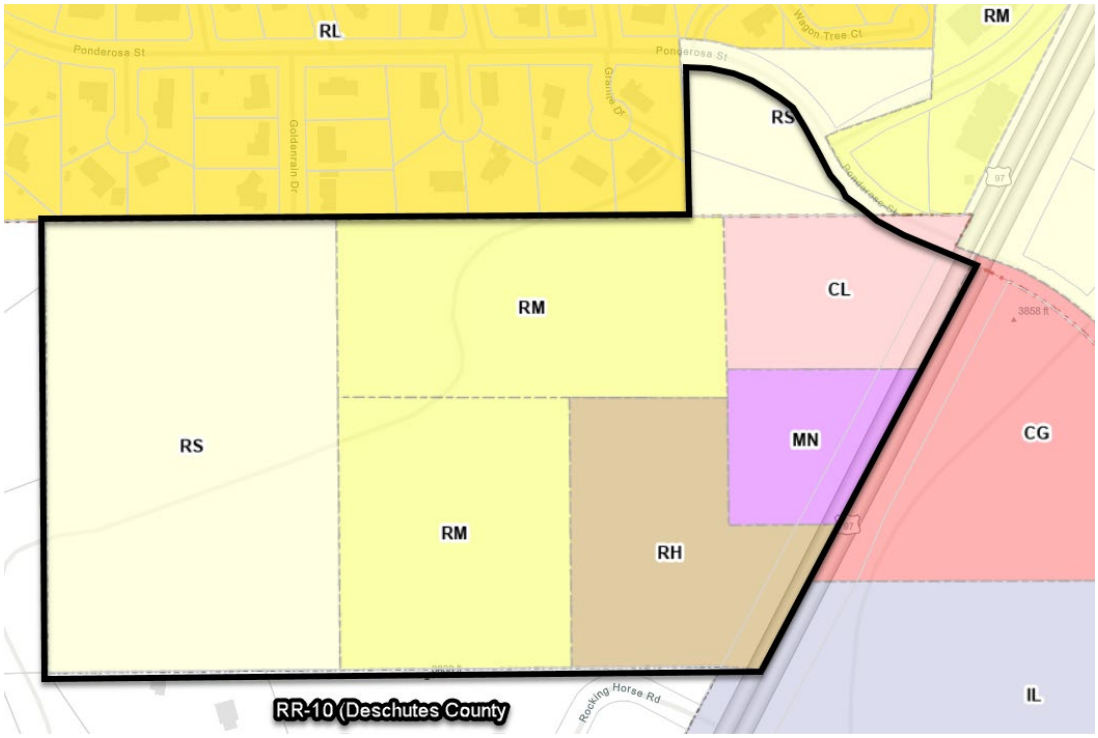
Vicinity Map



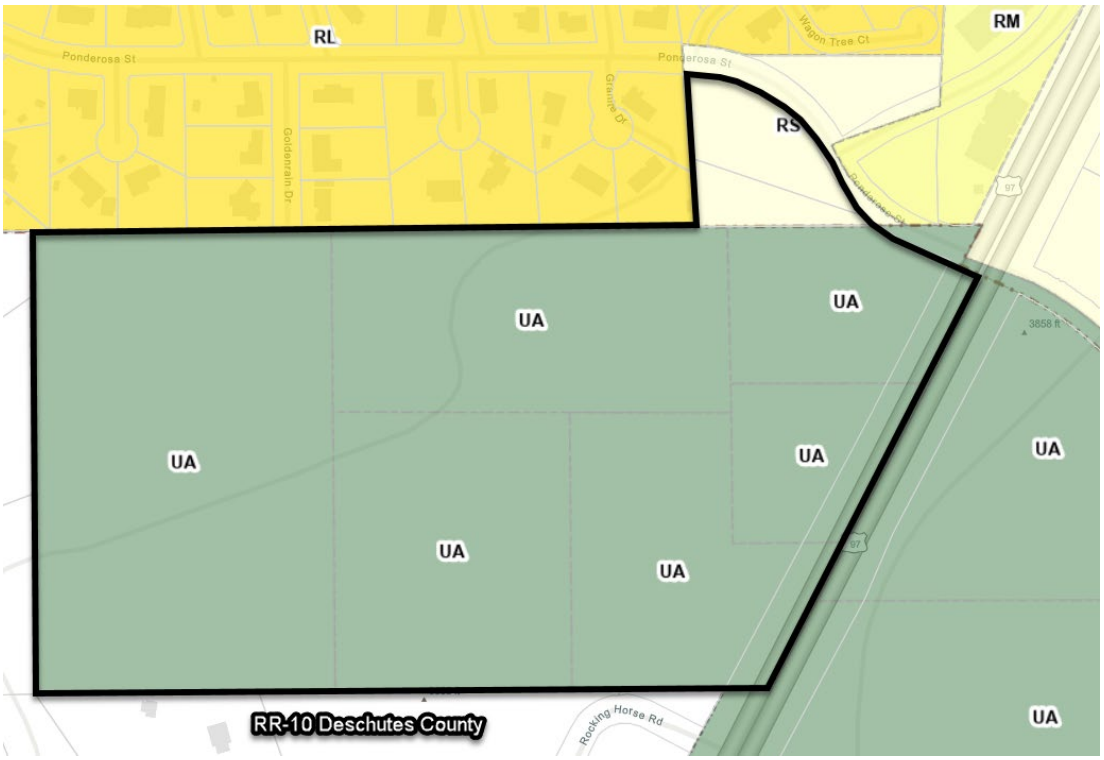
3. **ZONE AND PLAN DESIGNATION:** Tax Lots 6800 and 6900 along Ponderosa Street are located within the Bend City Limits and zoned Standard Density Residential (RS). Tax Lot 100 along US Hwy 97 is currently outside the City Limits but within the UGB. Tax Lot 100 carries an Urban Area (UA) zoning designation and five Comprehensive Plan designations, including Residential Standard Density (RS), Residential Medium Density (RM), Residential High Density (RH), Mixed-Use Neighborhood (MN), and Commercial Limited (CL).

   Land to the north is within the City Limits and zoned Residential Low Density (RL) and Standard Density Residential (RS). Land to the west and south is outside of the UGB and zoned Rural Residential (RR-10) within Deschutes County. Land across Hwy 97 to the east is within the City's UGB and zoned UA, with Comprehensive Plan designations of General Commercial and Light Industrial.

Existing Comprehensive Plan Designations

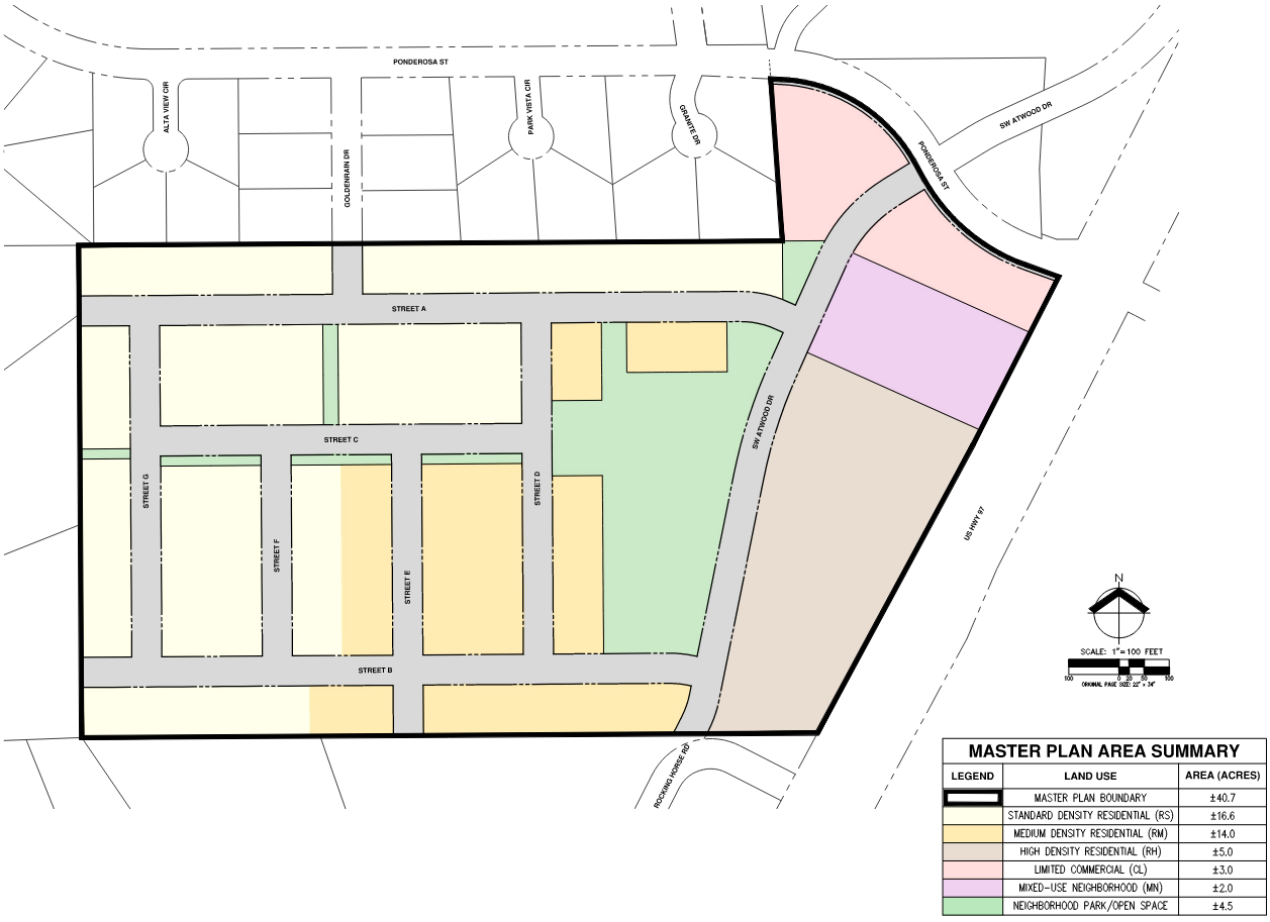


Existing Zoning Designations



4. **PROPOSAL:** The applicant proposes a Major Community Master Plan to be known as the Ponderosa Master Planned Development located on ± 40.7 acres, ± 38.7 acres of which fall within the Southwest UGB Expansion Area. The application includes amendments to both the text and maps in BDC Chapter 2.7 to provide specific development provisions, maps, and diagrams of the new districts, roadways, and trails. The Ponderosa Master Plan will create a new mixed-use community in southwest Bend comprised of ± 371 new homes, a ± 3.8-acre neighborhood park, and neighborhood-scale commercial opportunities, consistent with the Bend Comprehensive Plan (BCP) policies for the Southwest UGB Expansion Area.

Proposed Master Plan



MASTER PLAN AREA SUMMARY		
LEGEND	LAND USE	AREA (ACRES)
	MASTER PLAN BOUNDARY	±40.7
	STANDARD DENSITY RESIDENTIAL (RS)	±16.6
	MEDIUM DENSITY RESIDENTIAL (RM)	±14.0
	HIGH DENSITY RESIDENTIAL (RH)	±5.0
	LIMITED COMMERCIAL (CL)	±3.0
	MIXED-USE NEIGHBORHOOD (MN)	±2.0
	NEIGHBORHOOD PARK/OPEN SPACE	±4.5

The Ponderosa Master Plan includes rearranging the location of the existing Comprehensive Plan Map designations to create a diverse and interconnected community that meets the identified BCP policies for this area (BCP Chapter 11). The development will occur in a series of phases over time dependent upon market demand.

As described by the applicant in the submitted narrative, the key components of the Ponderosa Master Plan include:

- Variety of Needed Housing, Including Affordable Housing: The Master Plan provides capacity for approximately 371 homes, including ± 42 townhomes and ± 194 affordable apartment units, supporting the City Council goal to increase the supply of deed-restricted affordable housing.

- Approximately 4.5 acres of Open Space: The Master Plan preserves ±11 percent of land in permanent open space tracts, including a ± 3.8-acre neighborhood park that is planned to be owned and maintained by Bend Park and Recreation District (BPRD). A network of multiuse paths measuring more than two-thirds of a mile connect homes to open spaces and beyond.

- Neighborhood-Scale Commercial: ± 1.3 acres of commercial land frames the primary entrance into the Ponderosa Master Planned Development with frontage on two higher order streets, SW Atwood Drive and Ponderosa Street. It is anticipated that future commercial uses will be neighborhood in scale and provide the potential for goods and services to be located within easy walking or biking distance for future residents as well as existing, surrounding neighborhoods.

- Transportation System Improvements: The planned transportation improvements, internal circulation system, and street cross sections will support the mix of residential uses within the Ponderosa Master Plan, while also improving connectivity and the functionality of critical transportation facilities on the southwest side of Bend, including:

    - Ponderosa Street/Atwood Drive Mini-Roundabout: Construction of a mini-roundabout at the primary gateway into the community will provide traffic calming and an enhanced crossing connecting pedestrians to the north side of Ponderosa Street.
    - Lodgepole Drive/Poplar Street Mini-Roundabout: The conversion of the Poplar Street/Lodgepole Drive intersection to a mini-roundabout will provide traffic calming and improved pedestrian access while minimizing impacts to adjacent driveways.
    - Ponderosa Street Improvements: Improvements to Ponderosa Street, including restriping from US 97 to Mahogany Street and adding buffered bicycle lanes, keeping existing curbing on both sides of the street, and a 10-foot-wide multiuse path along the property frontage. From Poplar Street to Mahogany Street, an 8-foot-wide sidewalk along the west side of Lodgepole Drive will provide a new pedestrian connection.
    - Goldenrain Drive Improvements: Rebuilding Goldenrain Drive to local street standards with an 8-foot-wide multiuse path provides an important secondary connection to Ponderosa Street and extends the City's Low Stress Network through the site.

- Low Stress Network: Multiuse paths along the Ponderosa Street project frontage, the west side of SW Atwood Drive extension through the site, Goldenrain Drive, and the south side of proposed Street C provide safe connections to the proposed neighborhood park, multi-unit residential site, and commercial areas within the Ponderosa Master Plan, and will connect outward to existing and planned facilities. An 8-foot-wide sidewalk along the west side of Lodgepole Drive between Poplar Street and Mahogany Street will provide a missing segment of pedestrian infrastructure enhancing safe multimodal connections.

5. **CONCURRENT APPLICATIONS:** The applicant has applied for a concurrent amendment to Bend Comprehensive Plan (BCP) Policy 11-116 to facilitate affordable housing in the Ponderosa Master Plan by guaranteeing at least 125 homes or 25% of the approved homes (whichever is greater) are affordable to households earning up to 60% of the area median income (AMI), and by guaranteeing that at least 10% of the affordable homes are available to families earning up to 30% of AMI (PLTEXT20240374). The applicant has also applied for annexation of Tax Lot 100 into the Bend City limits (PLANX20240371), to be reviewed concurrently and considered by the City Council.

6. **PUBLIC NOTICE AND COMMENTS:** In accordance with BDC 4.1.215, the applicant held a neighborhood meeting on August 13, 2024, via Zoom. Documentation of the public meeting, including a signed verification of compliance form from the Southwest Bend Neighborhood District representative, a roster of the Zoom meeting attendees, copies of materials provided to neighbors within 500-feet of the site, and copies of the mailing list were submitted with the application. Over two dozen people attended the virtual public meeting, which lasted for more than one hour. Concerns identified by attendees included impacts to transportation facilities, utilities, schools, trees, and wildlife. Other questions were raised regarding future opportunities for public input, the planned neighborhood park, anticipated commercial uses, affordable housing, and project timing / phasing.

   On December 18, 2024 and January 31, 2025, the applicant posted “Proposed Development” signs along the frontages of the subject property, visible from adjacent public rights of way. These notices were posted for more than 10 days prior to the public hearings on January 13, 2025 (Planning Commission) and February 19, 2025 (City Council). On December 24, 2024 and February 5, 2025, the Bend Planning Division mailed notices of the Planning Commission and City Council public hearings for this application to surrounding owners of record and addresses of property within 500 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Southwest Bend and Southeast Bend Neighborhood District representatives. The public hearing notices were mailed more than 10 days prior to each evidentiary hearing, in accordance with BDC 4.1.423. There were two evidentiary hearings for this application; one before the Bend Planning Commission on January 13, 2025, and another before the City Council on February 19, 2025.

The Bend Planning Division received several written comments from the public. Various agencies were also sent notice, and their comments are contained in the project file. The required notice to the Department of Land Conservation and Development (DLCD) was provided on December 9, 2024, 35 days prior to the first public hearing as required.

7. **APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application was submitted on June 26, 2024. The application was deemed incomplete on July 18, 2024. Additional information was submitted in October, November, and December and the application was deemed complete on December 9, 2024. In accordance with BDC 4.1.430, applications for major master plans are exempt from the 120-day review time limitation for final decision.

8. **RECORD:** The documents in CityView for PLSPD20240372 are made part of the record and are placed before the Planning Commission for consideration during the proceedings on the project. The documents are available for review and can be viewed in the Online Permit Center Portal at www.permitcenter.bendoregon.gov on the City of Bend website by opening the portal and selecting the Application Search link under the Planning & Historic header and entering the project number PLSPD20240372 in the search bar to find the project.

APPLICATION OF THE CRITERIA:

Bend Development Code

Chapter 4.5, Master Planning and Development Alternatives

4.5.100 Master Plan General Provisions.

B. Applicable Standards and Criteria. There are three categories of master plans (community master plan, institutional master plan, and employment master plan) each with a distinct set of standards and criteria. The determination of master plan category will be made by the City based on the most prominent use(s) proposed by the master plan or development proposal. Each master plan or development proposal must only fall into one master plan category and only the standards and criteria applicable to the category of master plan determined by the City are applicable to a proposed master plan or development proposal.

FINDING: The Ponderosa Master Plan contains ± 40.7 acres, of which ± 35.5 acres are designated for residential use, ± 2.0 acres are designated for mixed-use neighborhood use, and ± 3.0 acres are designated for commercial use. Therefore, the most prominent uses within the Ponderosa Master Plan are residential uses, and the project will be reviewed as a Major Community Master Plan. The standards and criteria for the Community Master Plan are addressed below in Section 4.5.200 of the Bend Development Code.

C. Uses. The uses are the same as those permitted within the zoning district except as follows:

1. **Density transfers may be permitted as part of a major community master plan 20 acres or larger, or as part of a major employment or major institutional master plan in an opportunity area that is 20 acres or larger; however, the density must comply with the density standards in BDC 4.5.200(E)(3);**

FINDING: No density transfers are proposed in the Ponderosa Master Plan. The project meets the applicable density standards in BDC 4.5.200(E)(3) by demonstrating that the Southwest UGB Expansion Area will contain the housing unit count and mix required by BCP Policy 11-115. The applicable criteria are met.

2. **Uses in the zoning district may be modified and may prohibit uses or include uses not permitted when consistent with the Bend Comprehensive Plan designation's characteristics; and**

FINDING: With annexation into the Bend City limits, Tax Lot 100 will be re-zoned from its current Urbanizable Area (UA) designation to residential (RS, RM & RH), commercial (CL), and mixed-use neighborhood (MN) zones reflecting the Comprehensive Plan designations associated with the Southwest UGB Expansion Area. With approval of the Ponderosa Master Plan, Tax Lots 6800 & 6900 will be re-zoned from their current RS designation to commercial (CL). Most of the uses in the new zoning districts will be consistent with the Comprehensive Plan designation's characteristics. However, the uses in some of the new zoning districts will be modified by the Ponderosa Master Plan Development Code text. For example, Income- Qualified Housing will be expressly allowed within the MN zone and part of the CL zone, as allowed under Senate Bill 8 (ORS 197A.445, effective January 1, 2022). Income-Qualified Housing in these zones must meet the applicable RH zone standards for the housing type. This criterion will be met.

3. **Private recreational facilities and private open space areas in compliance with BDC 4.5.200(E)(4) are permitted as part of a community master plan.**

FINDING: BDC 4.5.200(E)(4) requires a minimum of 10 percent of the gross area as public or private open space. The submitted Preliminary Open Space and Trail Plan shows ± 4.5 acres of open space (± 11 percent), including a ± 3.8-acre neighborhood park. The applicant has submitted a letter from the Bend Park and Recreation District (BPRD) documenting the coordination between the applicant and BPRD. Open space areas not transferred to BPRD will be owned and maintained by a homeowners' association (HOA), in compliance with BDC 4.5.200(E)(4). Further findings of compliance with BDC 4.5.200(E)(4) are described below. This criterion is met.

D. Consistency with ORS 227.178. A major master plan is an amendment to an acknowledged Comprehensive Plan and/or land use regulation and is therefore not subject to the 120-day review period under ORS 227.178. The City will use all reasonable resources to render a final decision on all major master plans within 180 days of receiving a complete application. Approval or denial of the major master plan application will be based on the standards and criteria at the time the major master plan was first submitted to the City.

FINDING: The applicant acknowledges that the Ponderosa major community master plan is not subject to the 120-day review period specified in ORS 227.178.

E. Submittal Requirements. The following information must be submitted as deemed applicable by the Community and Economic Development Director based on the size, scale, and complexity of the master plan:

FINDING: BDC 4.5.100(E) provides for the specific contents of the Master Plan. The submitted project narrative and related exhibits, as listed below, address and provide the submittal requirements for the master plan.

Exhibit C:	Ponderosa Major Community Master Plan (Sheets P01-P08)
Exhibit G:	Bend Parks and Recreation District Coordination Letter
Exhibit H:	Bend-LaPine School District Coordination Letter
Exhibit I:	Arnold Irrigation District Correspondence
Exhibit K:	Utility Availability Letters
Exhibit L:	Transportation Impact Analysis
Exhibit M:	Traffic Analysis Memo
Exhibit N:	Ponderosa Draft Development Code
Exhibit Q:	Utility Availability Memo
Exhibit R:	Avion Will-Serve Letter

4.5.200 Community Master Plan.

A. Purpose. The community master plan is intended to provide complete neighborhoods with varied housing options, services, and amenities needed for daily living, including public schools, parks and open spaces, shops, and services, all within a convenient walking or biking distance. The community master plan is also intended to provide convenient access to public transportation and employment areas.

B. Applicability.

1. Community master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.

2. Community master plans are required for any property or combination of adjacent properties under common ownership totaling 20 acres or larger at the date of adoption of this code, unless exempted below.

FINDING: BCP Policy 11-112 requires master planning for the Southwest UGB Expansion Area. The subject property comprises ± 40.7 acres, and therefore, a community master plan is also required per BDC 4.5.200.B.2.

C. Review Process.

1. Needed Housing. If the community master plan includes needed housing as

defined by State statutes, the written narrative submitted with the community master plan application must clearly state whether the applicant is electing to use a process with clear and objective standards (minor master plan) or is electing to use a deviation process with changes proposed to one or more of the Bend Development Code standards and/or zoning district requirements and/or with changes proposed to the Bend Comprehensive Plan Map designations and/or zoning (major master plan).

FINDING: The Ponderosa Master Plan includes needed housing as defined by Oregon Revised Statute (ORS) 197.303(1)(a). The applicant elects to use a deviation process to modify one or more Bend Development Code standards and rearrange the location of existing Comprehensive Plan land use designations. Therefore, a major master plan is proposed.

3. **Major Community Master Plans. Major community master plans are processed as follows:**

   a. **Step 1. The Planning Commission makes a recommendation to the City Council on an application for a major community master plan. The text of a major community master plan must be included in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans, in compliance with BDC Chapter 4.6, Land Use District Map and Text Amendments. The City Council is the final review authority on such applications (Type III process).**

   b. **Step 2. Upon approval of the major community master plan, and prior to the commencement of Step 3, the applicant must submit a final major community master plan to the City in an electronic format specified by the City. The final major community master plan must depict the proposal as approved and must incorporate all conditions of approval contained in the decision. The major community master plan denotation for the subject site will be shown on the Zoning Map. The denotation on the Zoning Map may be added or removed administratively by staff upon approval or withdrawal of the major community master plan.**

   c. **Step 3. The approval of a land division(s) and/or site plan review application(s) (Type II process).**

FINDING: The applicant acknowledges the three-step process described above and is seeking to compress the time schedule by providing all information necessary for the approval of Steps 1 and 2 concurrently. The applicant also intends to submit subdivision and/or site plan applications upon approval of the master plan.

D. Community Master Plan Approval Criteria.

1. **Minor or Major Community Master Plan. The City may approve, approve with conditions, or deny a proposed minor or major community master plan**

application based on meeting all of the following criteria:

a. The community master plan complies with subsection (E) of this section, Standards and Regulations.

FINDING: The Ponderosa Master Plan is designed to comply with the standards and regulations of subsection (E) below.

b. Existing water and sewer facilities have adequate capacity to serve the proposed development in compliance with the Collection Systems Master Plan and the Water System Master Plan, latest editions, or adequate facilities will be installed prior to occupancy or use.

FINDING: The Utility Availability Memo issued by the City of Bend Private Development Engineering Division (PRSWA202206582) (Exhibit Q) is submitted as part of this application. It shows that existing sewer facilities have adequate capacity to serve the properties within the Ponderosa Master Plan or adequate facilities will be installed concurrent with construction and prior to occupancy or use. Furthermore, Exhibit R includes a "will serve" letter from Avion Water Company, which provides water services to this area. The applicable criteria are met.

c. The community master plan complies with BDC Chapter 4.7, Transportation Analysis.

Chapter 4.7, Transportation Analysis

4.7.300 Process.

A. The following steps describe the process for assessing the transportation system:

Step 1. The applicant must submit a Transportation Facilities Report in accordance to BDC 4.7.400. If the proposed development includes needed housing, the Transportation Facilities Report must clearly state whether the applicant is electing to use a review process for the transportation analysis with clear and objective standards (Clear and Objective Track) or is electing to allow the City Engineer to modify or waive the required information (Discretionary Track). All other proposed developments must use the Discretionary Track.

Step 2. The City Engineer will review and evaluate the Transportation Facilities Report in accordance to BDC 4.7.400(C) to determine if a Transportation Impact Analysis is required. If a Transportation Impact Analysis is not required, the applicant may submit a development application including the Transportation Facilities Report. If a Transportation Impact Analysis is required, Step 3 is triggered. Step 1 and Step 3 may be combined.

Step 3. If required, the applicant must submit a Transportation Impact Analysis in accordance with BDC 4.7.500.

Step 4. If no significant impacts are identified, the applicant may submit a development application including the Transportation Impact Analysis and must pay a proportionate share contribution required under BDC 4.7.700, Proportionate Share Contribution. Proposed developments with significant impacts will be required to propose mitigation in compliance with BDC 4.7.600, Significant Impacts and Mitigation Measures, as part of the development application and pay a proportionate share contribution required under BDC 4.7.700, Proportionate Share Contribution. If mitigation measures have been determined for any significant impacts, then the applicant must include the Transportation Impact Analysis with the mitigation measures identified as part of a development application.

FINDING: The submitted Transportation Impact Analysis (TIA) (Exhibit L) for the Ponderosa Master Plan was prepared by Transight Consulting LLC and includes supplemental analysis responding to City and County staff questions. Exhibit L also includes a formal response to comments received from Deschutes County (in Exhibit V). The TIA was prepared in accordance with BDC 4.7.500 and includes proposed mitigation measures in compliance with BDC 4.7.600.

4.7.600 Significant Impacts and Mitigation Measures.

E. Timing of Improvements.

2. Development proposals within Master Planned Developments or Special Planned Areas, as described in BDC Chapter 4.5, Master Planning and Development Alternatives, where a Transportation Mitigation Plan has been approved, must refer to the Plan for the extent and timing of improvements.

F. Mitigation Measures. Mitigation measures must consider all users and mitigate the impacts of the proposed development.

FINDING: A Traffic Analysis Memo (TAM) issued by the City of Bend provides a list of required transportation mitigations and their timing, and addresses compliance with BDC Chapter 4.7 (Exhibit M). Specific Transportation Mitigation Requirements that will be codified in BDC 2.7.5080 are included in Exhibit N. In addition, an annexation agreement is being prepared to identify the specific timing, responsibilities, and costs for the public facilities and services necessary to serve the property. The Annexation application (PLANX20240371) for the subject property has been submitted for concurrent review by the City Council.

The *proposed* text of BDC 2.7.5080, *Transportation Mitigation Plan*, is as follows:

A. Applicability. The following Transportation Mitigation Plan applies to all development within the Ponderosa Master Planned District. The Transportation Mitigation Plan is adopted and implemented pursuant to BDC 4.7.600(D)(1).

B. Alternate Transportation Design Standards. Transportation facilities within the Ponderosa Master Planned District must comply with the standards set forth in BDC 2.7.5070 and Figure 2.7.5070. For all new internal streets, a minimum ¾ width street must be constructed along the applicable street frontage, prior to the plat of each abutting phase.

C. Transportation Mitigation. The following transportation mitigation measures must be constructed pursuant to the deadlines set forth in Table 2.7.5080 below.

Table 2.7.5080

Mitigation Requirements	Trigger
Construct a mini roundabout at the intersection of Ponderosa Street and SW Atwood Drive in compliance with City of Bend roundabout guidelines or as otherwise approved during right-of-way permit review. The roundabout and all adjacent sidewalks/paths must be within dedicated City of Bend right-of-way.	Prior the final plat of the first phase
Payment of a proportionate share contribution in the amount of $8,338 towards the improvements at the Murphy Road / SW Brookswood Boulevard roundabout.	Prior the final plat of the first phase
Payment of a proportionate share contribution in the amount of $409,563 towards the construction of the future Lodgepole Drive / SW Brookswood Boulevard roundabout.	Proportionate payment to be made prior to platting of each phase
Extend SW Atwood Drive south from Ponderosa Street through Street A with a 10-foot multi-use path along the west side in accordance with City of Bend Standards.	Prior to the final plat of the first residential phase (Phases 1-5)
Construct Goldenrain Drive from Street A to Ponderosa Street with an 8-foot-wide multi-use path on the west side.	Prior to the final plat of the first residential phase (Phases 1-5)
Restripe Ponderosa Street/Lodgepole Drive from the property boundary to Mahogany Street to include minimum 11-foot travel lanes with 5-foot bike lanes with 2-foot buffer on each side. Final striping and signage design shall be determined during right of way permit review.	Prior to the final plat of the first residential phase (Phases 1-5)

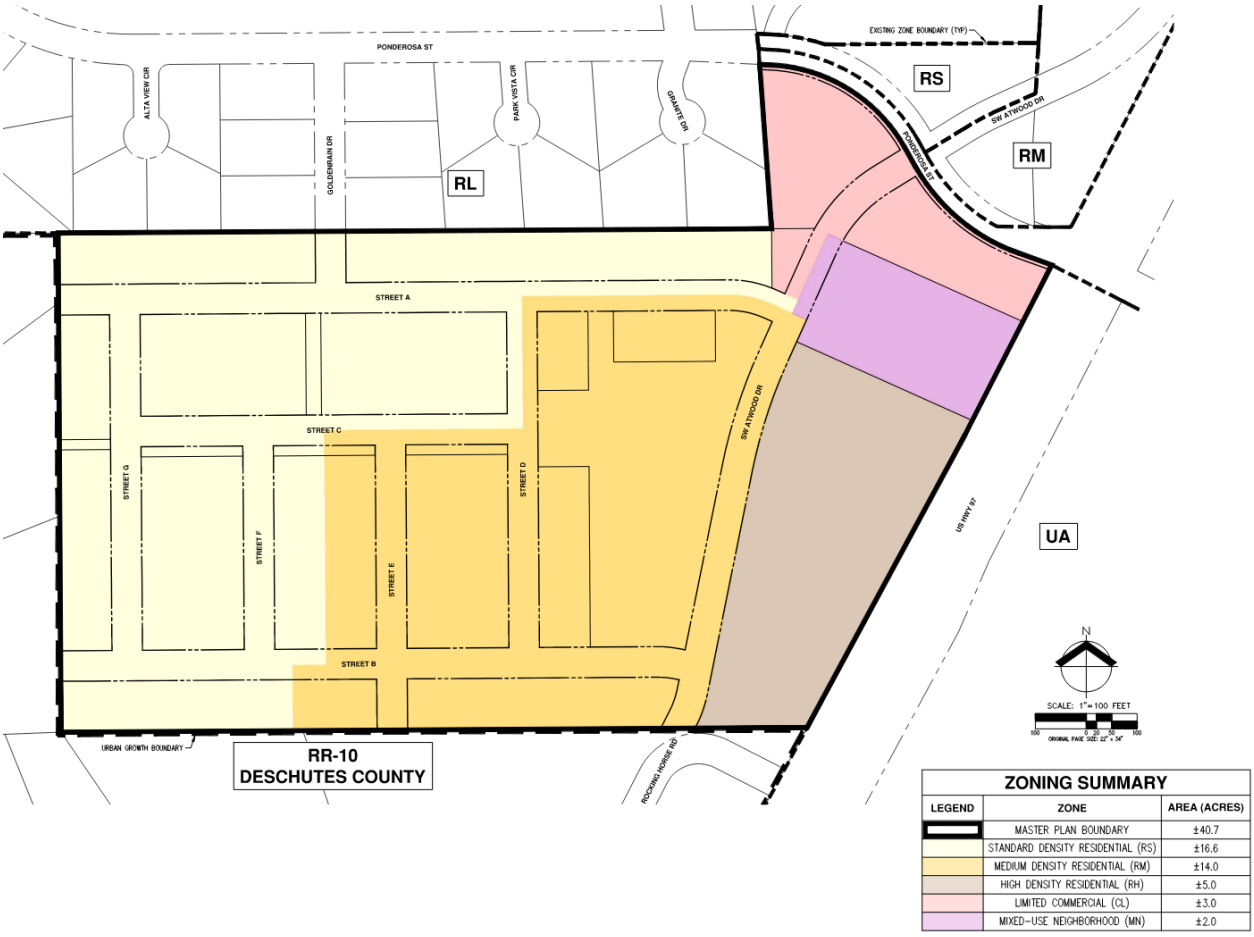
Mitigation Requirements	Trigger
Construct a minimum 8-foot-wide multi-use path westward from SW Atwood Drive to and through the neighborhood park and the western property boundary, to meet the Low Stress Network Neighborhood Greenway requirements. The 8-foot wide path within the neighborhood park must be completed prior to the final plat of the final residential phase.	Prior to the final plat of each abutting residential phase (Phases 1-5)
Improve Ponderosa Street, along the property frontage.	Prior to the final plat of each abutting phase
Widen Ponderosa Street to accommodate a northbound left-turn lane at the Ponderosa Street/Poplar Street intersection OR construct a mini-roundabout as an alternate mitigation, in compliance with City of Bend roundabout guidelines or as otherwise approved during right of way permit review. The mini-roundabout will not require right-of-way dedication from adjacent property owners and striping may be used in lieu of raised splitter islands. Construct a north-south pedestrian crossing with accessible ramps on the west side of the Ponderosa Street/Poplar Street intersection. The roundabout and all adjacent sidewalks/paths must be within City of Bend right of way. Along the west side of Lodgepole Drive, between Poplar Street and Mahogany Street, construct missing curb, sidewalks, and pedestrian curb ramps at a minimum 8-foot-wide width to meet City of Bend collector standards.	Prior to the final plat of the fourth residential phase (Phases 1-5), regardless of order
Coordinate with CET and ODOT for a future mobility hub location within the ODOT property described as 181218DD 6801 & 6802. If a bus stop is desired by CET within the master plan area, one will be constructed at a location determined by CET prior to the final plat containing the bus stop location. Depending on the location of a bus stop, frontage improvements may be required and will be determined at time of right-of-way permit or site plan review. The pad will be constructed in conformance to City of Bend standards and PROWAG guidelines.	Prior to the final plat of the last residential phase (Phases 1-5)

3. **Major Community Master Plan. In addition to the approval criteria in subsection (D)(1) of this section the City may approve, approve with conditions, or deny a proposed major community master plan application based on meeting all of the following criteria:**

    a. **The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the**

master plan application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section. Any other changes to the plan designations and density/housing numbers, or other changes to the Comprehensive Plan Map designations, require a Comprehensive Plan and Zoning Map amendment to be processed concurrently in accordance with BDC Chapter 4.6, Land Use District Map and Text Amendments.

FINDING: The applicant proposes to rearrange the Comprehensive Plan and Zoning Map designations (RS, RM, RH, CL, and MN) consistent with the proposed street system network as shown on Sheet P06, and below.



ZONING SUMMARY		
LEGEND	ZONE	AREA (ACRES)
	MASTER PLAN BOUNDARY	±40.7
	STANDARD DENSITY RESIDENTIAL (RS)	±16.6
	MEDIUM DENSITY RESIDENTIAL (RM)	±14.0
	HIGH DENSITY RESIDENTIAL (RH)	±5.0
	LIMITED COMMERCIAL (CL)	±3.0
	MIXED-USE NEIGHBORHOOD (MN)	±2.0

Rearranging the Comprehensive Plan designations within Tax Lot 100 (outside the City limits) and Tax Lots 6800 and 6900 (inside the City limits) falls within the parameters provided in BDC 4.5.200.D.3.a., and the Ponderosa Master Plan either retains the same total area of Plan designations or is within one percent of the same total acreage.

The Preliminary Zoning Map (Sheet P06, Exhibit C) shows the amount of residential, commercial, and mixed-use neighborhood plan designations are consistent with BCP

Policies 11-114 and 11-115. Housing density and mix are addressed in findings regarding compliance with BCP Policies 11-114, 11-115, and 11-116, below. Subsection (E)(3) is also addressed below. The applicable criteria are met.

b. The applicant has demonstrated that the standards and zoning district requirements contained in BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, are capable of being met during site plan or land division review, except as proposed to be modified by the applicant as part of a major community master plan. Where the applicant has proposed deviations to the above standards and/or zoning district requirements, the applicant has demonstrated: (*see following page for criteria*)

FINDING: The Ponderosa Draft Development Code (Exhibit N) contains minor deviations to BDC Title 2 (Land Use Districts) appropriate for this specific site and context, and to implement applicable BCP policies. Proposed deviations are reviewed further below.

Future Subdivision and Site Plan Review applications will provide the required details demonstrating compliance with the applicable provisions of Title 3 (Design Standards). However, the Ponderosa Master Plan (Exhibit C) shows that applicable requirements of BDC Title 3 are capable of being met as follows, except as modified in BDC Chapter 2.7, Special Planned Districts.

Chapter 3.1 – Lot, Parcel, and Block Design, Access, and Circulation
The Preliminary Street Circulation Plan (Sheet P07, Exhibit C) shows the preliminary street and block design and the general circulation scheme. As planned, a future land division or site plan review can meet the applicable standards in Chapter 3.1.

Chapter 3.2 – Landscaping, Street Trees, Fences, and Walls
The Preliminary Open Space and Trail Plan (Sheet P04, Exhibit C) shows open space, trails, and conceptual street tree locations. Fences and walls will be addressed in future land use applications, as necessary. The applicant recognizes the value and importance of incorporating trees and other existing vegetation into new neighborhoods. However, necessary site grading, construction of public street infrastructure, underground utility connections, and storm drainage facilities often jeopardize the health of existing vegetation and preclude the preservation of significant trees. Consequently, in addition to required street tree plantings that will be required with future subdivision and site plan review approvals, it is anticipated that on-site landscaping associated with the future neighborhood park, the multi-unit residential project, and the single-unit dwellings will incorporate additional trees into the overall landscape of the neighborhood. Future land use applications will address tree preservation in detail, as required in BDC Chapter 3.2.

Chapter 3.3 – Vehicle Parking, Loading, and Bicycle Parking
Compliance with BDC Chapter 3.3 will be reviewed during future Site Plan Review (for multiunit residential and commercial/mixed-use neighborhood development) or building permit review (for single-unit and duplex, triplex, and quadplex homes). As proposed, compliance with this section can be met with the proposed land uses and configuration.

Chapter 3.4 – Public Improvement Standards

The applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Ponderosa Master Plan as they are built out over the next decade and beyond. An annexation agreement will identify needed infrastructure and formalize the sequencing and financing mechanisms. The Ponderosa Master Plan (Exhibit C) shows that public facilities - including sanitary sewer, potable water, and transportation facilities - are capable of serving the project, which is confirmed by the Private Development Engineering Division's Utility Availability Memo (Exhibit Q) and the Transportation Analysis Memo (Exhibit L). Ongoing coordination with BPRD and Bend-La Pine Schools is documented in Exhibits G and H, respectively. Future land use applications will address public improvement standards in detail for the project scope proposed at that time, as required in BDC Chapter 3.4. The preliminary plans and exhibits show that applicable requirements are capable of being met.

i. **That granting a deviation to the BDC standards and/or zoning district requirements will equally or better meet the purpose of the regulation proposed to be modified; or**

ii. **That granting a deviation to the BDC standards and/or zoning district requirements is necessary due to topographical constraints or other unique characteristics of the property or specific development type proposed by the master plan; and**

iii. **That any impacts resulting from the deviation are mitigated to the extent reasonably practical.**

FINDING: The Ponderosa Master Development Plan will be codified in BDC Chapter 2.7 and establish unique standards for each plan district that help ensure efficient use of land, an appropriate housing mix, and land use compatibility across the entire master plan. Draft Bend Development Code language creating the Ponderosa Master Planned Development in BDC Chapter 2.7 is included in Exhibit N.

In the commercial and mixed-use districts, the proposed code contains deviations to explicitly allow Income-Qualified Housing as a permitted use (pursuant to ORS 197.308). Specifically, the proposed code allows Income-Qualified Housing in the CL and MN zones, and requires it to meet the applicable development standards of the RH zone.

In the residential zoning districts, the proposed code contains deviations from the underlying BDC standards to create a cohesive site and architectural arrangement that provides a wide range of housing types, styles, and price points to meet applicable goals of the Comprehensive Plan. Specifically, the Draft Development Code contains deviations from the underlying BDC standards primarily to facilitate an effective site plan and architectural design for the future multi-unit residential development that equally or better meets the purpose of the underlying standards, as explained below.

Residential Setbacks

BDC 2.1.300(A) states that residential “setbacks provide private outdoor living space, building separation for fire protection/security, building maintenance, and sunlight and air circulation. The setback standards encourage placement of residences close to the street for public safety and neighborhood security.” The planned 2-foot reduction in secondary front setbacks (from 10 feet to 8 feet) for the RS, RM and RH zones is mitigated by a community design that includes ± 4.5 acres of open space for public outdoor living space, additional building separation, and sunlight and air circulation. The proposed deviations to the typical setback standards have been previously approved for the Petrosa, Easton, Stevens Ranch, and Caraway Master Plans. On balance, the deviations will equally or better meet the purpose of the underlying standards.

Residential Lot Coverage and Floor Area Ratio

While no purpose of the lot coverage standards is explicitly stated in BDC 2.1.700, they are generally understood to ensure adequate space is provided for the type of residential uses and structures, appropriate to the scale and character of the surrounding neighborhood. In the absence of an explicit purpose stated for lot coverage standards, it should be noted that BDC 2.1.100 provides broader guiding principles of the residential districts, including: “Accommodate a range of housing needs, including owner-occupied and rental housing.” In a master planned community, strategically integrating different types of homes, including those of different sizes on smaller or narrower lots, helps define the scale and character of the surrounding neighborhood as inherently appropriate for a range of housing.

The proposed code increases the maximum lot coverage for lots with single-story detached dwelling units and single-story accessory structures in the RS and RM zones by 5%, from 50% to 55%. It increases the maximum lot coverage for lots with 2+ story detached dwelling units in the RS and RM zones by 5%, from 45% to 50%. It also sets a maximum lot coverage of 60% in both the RS and RM zones for lots with townhomes, duplexes, triplexes, quadplexes, and multi-unit residential, which is the same lot coverage that currently applies citywide in the RM zone. Lastly, the proposed code explicitly states that floor area ratio does not apply to any residential uses in the Ponderosa Master Plan. On balance, the deviations will equally or better meet the purpose of the underlying standards.

Residential Design and Architectural Standards

The Ponderosa Draft Development Code (Exhibit N) contains two deviations to BDC 2.1.900 (Architectural Design Standards) related to residential design and orientation standards to allow for a multi-unit residential community that fits its unique setting. The design deviation allows for slight changes to the percentage of architectural features (doors, porches, balconies, terraces, and/or windows) required to be applied to building ends associated with the multi-unit residential development.

The “regular” design standards in BDC 2.1.900.C.2.a. require ALL building elevations to provide doors, porches, balconies, terraces and/or windows for a minimum of 30% of each full and partial building story, and a minimum of 40% is required for street-facing elevations located within 50 feet of a front lot line. The proposed design standards require all building elevations except end elevations to provide doors, porches, balconies, terraces and/or windows for a minimum of 30% of each full and partial building story. The proposed design standards require that half of the building end elevations for each building must provide doors, porches, balconies, terraces and/or windows for a minimum of 20% of each full and partial building story. For street-facing elevations located within 50 feet of a front lot line, the proposed design standards require doors, porches, balconies, terraces and/or windows for a minimum of 40% of each full and partial building story, but elevations fronting Hwy 97 are not treated as street-facing elevations.

The proposed decrease in architectural features on building ends is necessary due to the specific development type, namely the multi-unit residential community, in the Ponderosa Master Plan. Apartment building ends are limited in available openings due to unit layout with restrooms located near demising walls and fire separation distance between buildings. Fortunately, the slight reduction in architectural features along building ends will be mitigated by an interior layout that separates back of house services (such as restrooms, storage, maintenance rooms, etc.) which are grouped along one façade to limit their impact on additional façades.

The “regular” orientation standards in BDC 2.1.900.C.2.b. require at least one building to have an entrance facing the street or be oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street. The proposed orientation standards require at least one building to have an entrance facing the street or common open space when a direct pedestrian walkway is provided between the building entrance and the street. For this standard, the proposed code also clarifies that the term “entrance” includes the opening to a breezeway or other entry corridor leading to individual dwelling units.

The building orientation deviation is necessary due to the specific development type, namely the multi-unit residential community, in the Ponderosa Master Plan. As is typical with modern apartment communities, the apartment building’s dwelling unit entrances are accessed from a shared breezeway to provide common circulation, safety, and shelter. The planned community center building’s entrance faces the future extension of Atwood Drive, with the internal circulation drive aisle between it and the community center building. The impact of this orientation deviation is mitigated by improved pedestrian access and overall site walkability in and around the central common courtyard, including allowing direct connections from the community center to the common open space/ courtyard. Therefore, impacts resulting from these deviations are mitigated to the extent reasonably practicable and are necessary to accommodate the density and maximize the efficient use of the land.

On-Site Pedestrian Walkways

The Ponderosa Draft Development Code (Exhibit N) contains a deviation to BDC 3.1.300 related to on-site pedestrian walkway widths. The deviation would allow required EV charging stations, EV charging station protection, and parking stall signage a limited encroachment, up to one foot, within the five-foot minimum sidewalk width. Essentially, this would enable required EV charging equipment and accessible parking signage to be located outside of the required parking stall depth, while maintaining sufficient sidewalk width that would continue to meet required ADA Standards. This limited encroachment allows for a scenario where sidewalks have a uniform width, even along areas fronting EV ready and/or accessible spaces, and a constant sidewalk edge for a more consistent pedestrian access arrangement around the community. Therefore, impacts resulting from these deviations are mitigated to the extent reasonably practicable, and on balance, this deviation will equally or better meet the purpose of the underlying standard.

In summary, the proposed deviations from current BDC standards are necessary to prioritize meeting anticipated demands for housing, including deed-restricted affordable housing, as well as integrating the City's objectives for housing diversity. Consistent with the requirement, these deviations support a project that provides benefits that equally or better meet the purpose of the modified regulations or are necessary due to both the unique location characteristics of the property and the specific development types proposed by the Ponderosa Master Plan.

Chapter 2.8 - Urbanizable Area (UA)

The Southwest UGB Expansion Area is currently zoned UA. After Planning Commission review of the Ponderosa Master Plan, it is anticipated that City Council will review the Annexation Application and the Major Community Master Plan Application. Upon approval of the Annexation and Major Community Master Plan, the Ponderosa Master Plan property would be automatically re-zoned as shown on the Preliminary Zoning Map (Sheet P06, Exhibit C). Applicable procedures are addressed in BDC Title 4; master planning is addressed in the findings for BDC Chapter 4.5, and map amendments are addressed in the findings for BDC Chapter 4.6. The applicable criteria are met.

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

As shown on the Preliminary Street Circulation Plan (Sheet P07, Exhibit C), the applicant has indicated proposed street and block design and the general circulation scheme. As shown in concept, the proposed master plan can meet the standards of BDC Chapter 3.1 during future land division and site plan review.

Chapter 3.2 – Landscaping, Street Trees, Fences and Walls

The proposed Preliminary Open Space and Trail Plan (Sheet P04, Exhibit C) shows proposed open space, paths and conceptual street tree locations within the master plan. Existing trees are shown on the underlying aerial map of the Existing Conditions map (Sheet P02, Exhibit C). Regulated trees, as defined by this section, will be required to be

identified with future Subdivision and/or Site Plan Review applications, and subject to the standards applicable at the time of application submittal. Future land use applications will address tree preservation in detail, as required in Chapter 3.2. Required landscaping will be addressed in future Site Plan Review for commercial, park and multi-unit residential development. Street tree and planter strip plantings will be required with future Subdivision and Site Plan Reviews. Any potential fences or walls will also be addressed in future Subdivision and/or Site Plan Reviews. Compliance with this chapter can be met.

Chapter 3.3 – Vehicle Parking, Loading and Bicycle Parking

Compliance with this section will be reviewed during future Site Plan Review (for multi-unit residential or commercial development) or building permit review (for duplex/triplex/ fourplex or single-unit housing). As proposed, compliance with this section can be met with the proposed land uses and overall site configuration.

Chapter 3.4 – Public Improvement Standards

As noted elsewhere in this report, required infrastructure (water, sewer and transportation) will be provided concurrent with each phase of development. The proposed Utility Plan (Sheet P09) shows how City sewer will be provided to the blocks within the Ponderosa Master Plan. The City-issued Utility Availability Memo (PRSWA202206582, Exhibit Q) indicates sewer capacity will be available for buildout of the Ponderosa Master Plan and the associated mitigation for sewer improvements. Finally, a Transportation Analysis Memo (PRTFR202208789, Exhibit M) outlined the transportation mitigation and timing of improvements necessary for the Ponderosa Master Plan, which will be codified in BDC Chapter 2.7. Details of compliance with Chapter 3.4 will be reviewed during future land use applications, but the applicant has shown that the standards in this section can be met.

Figure 2.7.5070 and the Proposed Street Cross Sections in Exhibit N show the various street standards within the Ponderosa Master Plan. The code includes a 2-lane collector street (Ponderosa Street), one 36’ wide local road with multi-use path (SW Atwood Drive), one 32’ wide local road with multi-use path (Street C), and other 32’ wide local streets, including Goldenrain Drive. These street sections propose slight variations to the street cross-sections in the City Standards and Specifications, to specifically address the project location and type of development proposed. Street structural sections will remain consistent with the City Standards and Specifications.

The Ponderosa Master Plan will have a path system not only within the right of way, but also through path systems that will deviate from the right of way to provide low stress public travel to and through the project’s open spaces.

Finally, Cascades East Transit (CET) does not currently provide service this far south, but the project applicant and CET have discussed the possibility of locating a future Mobility Hub on the north side of Ponderosa Street. No specific decisions have yet been made on transit routing, but CET is aware of the project.

D. Community Master Plan Approval Criteria. (*continued*)

3. Major Community Master Plan.

c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:

i. Approval of the request is consistent with the relevant Statewide planning goals that are designated by the Planning Director or designee; and

The Ponderosa Master Planned Development includes an amendment to the BCP text to modify Policy 11-116, and a rearrangement of the locations of the existing Comprehensive Plan Map designations. Because the rearranged locations of land use designations retain the same total acreage (or within one percent) and density/housing numbers as the existing plan designations, a concurrent Comprehensive Plan Map amendment is not required (see BDC 4.5.200(D)(3)(a)). The relevant Statewide Planning Goals are addressed below.

660-15-0000 Statewide Planning Goals and Guidelines

Goal 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The process includes a public meeting to be held by the applicant before submitting the application to the City, followed by a public hearing before the Planning Commission, and ultimately, a hearing before the City Council as the final review authority. As noted above, the applicant held a neighborhood public meeting on August 13, 2024. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. As noted above, property owners of record and addresses within 500 feet of the subject property as well as the designated representatives of the Southwest Bend and Southeast Bend Neighborhood Districts were notified of the Planning Commission hearing via mail, and public hearing notice signs were posted around the edges of the subject property.

An initial public hearing before the Bend Planning Commission will precede a second public hearing before the City Council. The public involvement procedures identified in the Development Code are being followed, which will ensure compliance with Statewide Planning Goal 1.

Goal 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: This Goal is applicable to the application for a master plan rearranging the locations of the Comprehensive Plan designations, which is subject to BDC 4.5.200(D)(3)(c) in lieu of the typical quasi-judicial criteria in BDC 4.6.300. The City will review and process this application consistent with the procedures detailed in BDC Chapter 4.1, including consideration of any public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established. The other two substantive requirements of Goal 2 are also satisfied. First, the application provides an adequate factual basis for the City to approve the application because it describes the site and its physical characteristics and applies those facts to the relevant approval criteria. Second, Goal 2 requires coordination of the application by the City with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected governmental entity to comment on the application, and the City's incorporation of the comments to a reasonable extent. Coordination of this application has been accomplished in two ways: by the applicant prior to submittal of the application, and by the City in the review process for the application.

Staff notes that the Bend Park and Recreation District (BPRD) submitted comments stating that the District has no planned trails within the proposed development, but supports the proposed multiuse path through the subdivision and along the future park frontage. BPRD also clarified that the District's Comprehensive Plan has been recently updated, and the proposed development is located in BPRD's park search area #41. District staff recently met with the developer to discuss a future park within the subdivision. A tract of ± 3.6 acres is proposed to be a neighborhood park, to be owned, maintained and operated by BPRD. The District has pledged to work with the developer on an agreement for acquisition and development of the future park.

Goal 3, Agricultural Lands: To preserve and maintain agricultural lands.

Goal 4, Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

FINDING: Goals 3 and 4 do not apply as the subject property is not comprised of designated agricultural lands or forest lands.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: In the 2016 UGB expansion decision, the Bend City Council found that the subject properties do not include any of the following Goal 5 resources: riparian corridors, wetlands, Federal Wild and Scenic Rivers, State Scenic Waterways, groundwater resources, approved Oregon Recreation Trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, and cultural areas. Those findings note that the

City relied on the inventory included in the Deschutes County Comprehensive Plan and available information from state and federal sources to make this determination. Furthermore, the subject property does not include current City inventories of natural resources, scenic and historic areas, and open spaces. Therefore, Goal 5 is satisfied.

Goal 6, Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

FINDING: The subject properties are identified in the BCP as appropriate for residential, commercial, and mixed-use neighborhood uses. With the proposal, the Ponderosa Master Plan reconfigures the location of Comprehensive Plan designations while maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-114 through 11-116. Therefore, net impact to air, water, and land resources will be negligible. Furthermore, the BDC has established standards, requirements, and procedures for reviewing applications involving natural resources, including the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI). The subject properties are not located within the WOZ and do not contain any ASIs. Future land use applications for projects within the master plan will continue to be reviewed in accordance with these standards and requirements. Therefore, Goal 6 will be satisfied.

Through the 2016 Bend UGB expansion, the City also found that the UGB expansion satisfied Goal 6 for several reasons:

- "The proposal does not include new areas along the Deschutes River or Tumalo Creek; the proposed efficiency measures and areas for expansion direct growth away from these areas.
- The proposal will maintain and improve the quality of air resources because it has been designed to reduce the growth of vehicle miles traveled (VMT), which will help in limiting or avoiding new greenhouse gas emissions from auto and truck traffic.
- The planned housing mix makes a shift from single-family detached, to more attached housing types, which studies have shown typically consume less energy than single-family dwellings."

The adopted Comprehensive Plan policies applicable to the Ponderosa Master Plan ensure compliance with Goal 6.

Goal 7, Areas Subject to Natural Hazards: To protect people and property from natural hazards.

FINDING: The subject properties are identified in the BCP as appropriate for residential, commercial, and mixed-use neighborhood uses. With the proposal, the Ponderosa Master Plan reconfigures the location of Comprehensive Plan designations while maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-114 through 11-116. For the purposes of Goal 7, floods, landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires are considered natural hazards.

In the 2016 Bend UGB expansion decision, the City purposefully avoided including lands subject to natural hazards such as floods and landslides. The land within the Ponderosa Master Plan does not contain any lands where Goal 7 natural hazards have been identified or mapped. Therefore, Goal 7 is satisfied.

Goal 8, Recreational Needs: To satisfy the recreational needs of citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The subject properties are identified in the BCP as appropriate for residential, commercial, and mixed-use neighborhood uses. With the proposal, the Ponderosa Master Plan reconfigures the location of Comprehensive Plan designations while maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-114 through 11-116.

The total amount of planned open space is ± 4.5 acres (± 11 percent of gross master plan acres). An important component of the overall master plan design is a new ± 3.8-acre neighborhood park located adjacent to the extension of SW Atwood Drive. The neighborhood park will provide recreational opportunities for residents of all ages and will be well connected to the planned multiuse path network and sidewalks throughout the Ponderosa Master Plan. The applicant has coordinated with BPRD on the planned park and BPRD continues to work with the applicant and its representatives on the provision of a future park within the master-planned area. According to the applicant, BPRD supports the tentative layout of the park and will provide additional details to the City of Bend and the applicant as the project progresses and when a future Site Plan Review application is submitted for development of the park. Therefore, Goal 8 is satisfied.

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

FINDING: In the 2016 Bend UGB expansion findings, the City found compliance with Goal 9 as stated in part below:

> *The Council finds that the proposal satisfies Goal 9 because through the UGB expansion and related set of efficiency measures, the city will ensure an adequate supply of land for economic opportunities in Bend by providing needed types and amounts of employment lands in suitable locations as required by Goal 9, and documented in the EOA and Urbanization Report.*

The subject properties are identified in the BCP as appropriate for commercial and mixed-use neighborhood uses. The Ponderosa Master Plan reconfigures the location of BCP land use designations, slightly, while maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-114 and 11-115.

The reconfiguration of the two parcels located outside of the Southwest UGB Expansion Area but within the Ponderosa Master Plan, from residential to commercial, will provide adjacency benefits to the nearby higher-order streets to better support the anticipated neighborhood-scale commercial uses. The Preliminary Zoning Map (Sheet P06, Exhibit C) shows the location of the CL designation and corresponding CL zoning district. Within the Ponderosa Master Plan, the ± 3-acre CL portion is shifted slightly to the north to frame the southwest corner of Ponderosa Street and US Hwy 97, taking advantage of both collector streets and access to both sides of SW Atwood Drive. The location and configuration of the commercial and mixed-use neighborhood areas are thoughtfully interrelated and will work together to facilitate creating a complete community that encourages economic activity as envisioned in the BCP for this area. Therefore, Goal 9 is satisfied.

Goal 10, Housing: To provide for the housing needs of the citizens of the state.

FINDING: The subject properties were included as part of the City's Goal 10 inventory of land for needed housing when the City of Bend expanded its UGB in 2016. The subject properties are identified in the BCP as appropriate for residential uses. The Ponderosa Master Development Plan reconfigures the location of Comprehensive Plan designations while maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-114 through 11-116. The proposed configuration of residential plan designations will facilitate a mix of needed housing types – both rental and owner-occupied – across a range of income levels and price points.

Consistent with BCP Policy 11-115, the master plan sets the stage to ensure that the Southwest UGB Expansion Area provides capacity for a minimum of 240 housing units, including at least 39 (±16 percent) townhomes and at least 144 units (±60 percent) of multi-unit and duplex/triplex/quadplex housing. The Southwest UGB Expansion Area, consistent with the BCP, requires at least 125 deed-restricted affordable housing units or 25 percent of all housing units approved by the City, whichever is greater. In this case, capacity is provided within the Ponderosa Master Plan for ±194 units of affordable units, pursuant to future subdivision and site plan review applications.

The proposed phasing plan (Sheet P05, Exhibit C) identifies the affordable housing areas in the Master Plan as phases MF1 and MF2. These areas are likely to be developed first, even though the RS and RM areas are identified as Phases 1 through 5. The requested concurrent Text Amendment to BCP Policy 11-116 (PLTEXT20240374) does not change the minimum number of affordable housing units required for the Southwest UGB Expansion Area, but rather proposes a different mix of affordability thresholds for the units to ensure an economically feasible project at this site over the long term. With the proposed text amendment, ±90 percent of the required affordable housing units will be affordable to households earning up to 60 percent of Area Median Income (AMI), and ±10 percent of the required affordable units will be affordable to households earning up to 30 percent AMI. Therefore, Goal 10 is satisfied.

Goal 11, Public Facilities and Services: 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.

FINDING: The City included the subject property in its evaluation of Goal 11 compliance during its 2016 UGB expansion in 2016 and found Goal 11 to be satisfied. The subject properties are identified in the BCP as appropriate for residential, commercial, and mixed-use neighborhood uses. With the proposal, the Ponderosa Master Plan reconfigures the location of Comprehensive Plan designations while maintaining the applicable gross areas, intensities, unit count, and housing mix contemplated in BCP Policies 11-114 through 11-116. The applicant, City staff, and utility service providers have worked to identify the infrastructure necessary to serve the variety of planned uses within the Ponderosa Master Plan. As part of City staff's review of the Ponderosa Master Plan, the Private Development Engineering Division (PDED) completed a Utility Availability Memo (Exhibit Q) and a Traffic Analysis Memo (Exhibit M). The sequencing and financing mechanisms for the needed infrastructure are currently being outlined and formalized in an Annexation Agreement with the City, which will be considered by City Council concurrently with this Master Plan proposal (PLANX20240371). The Preliminary Utility Plan (Sheet P09) shows how public sewer facilities are available and planned to be extended to and throughout the project site. Avion Water Company has also provided a letter (Exhibit R) indicating that it is willing and able to serve potable water to the site. With the Annexation Agreement, Goal 11 is satisfied.

Goal 12, Transportation: To provide and encourage a safe, convenient and economic transportation system.

FINDING: The Transportation Planning Rule (TPR) (OAR 660-012-0000) implements Goal 12 and states the purpose is "to provide and encourage a safe, convenient and economic transportation system." The TPR also supports mobility and accessibility, the availability of multimodal choices, efficient flow of freight, protection of existing and planned transportation facilities, and coordination among service providers. For areas not yet annexed into the City, the TPR is addressed at the time of annexation, under BDC 4.9.600.

The Preliminary Street Circulation Plan (Sheet P07, Exhibit C) shows how transportation networks, including bike and pedestrian facilities, are planned throughout the Ponderosa Master Plan. The planned transportation improvements, internal circulation system, and street cross-sections will support residential uses within the Ponderosa Master Plan while also improving connectivity and the functionality of critical transportation facilities on the southwest side of Bend. The proposed mitigation measures and timing also are codified in Table 2.7.5080 of the proposed Bend Development Code Text (Exhibit N).

The Transportation Analysis (Exhibit L) prepared by Transight Consulting includes the TIA and supplemental analysis responding to City and County questions. Exhibit L also

includes a formal response to comments received from Deschutes County (in Exhibit V). To address the impacts of urbanizing the Southwest UGB Expansion Area, an associated Annexation Agreement will identify the specific timing, responsibilities, and allocation of costs to serve the property with necessary infrastructure. With the Annexation Agreement, which will be reviewed concurrently with this master plan by the City Council, Goal 12 will be satisfied.

Goal 13, Energy Conservation: Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

FINDING: Goal 13 generally imposes obligations on local governments to develop plans and implementing measures that conserve energy. In 2016, Council found that the 2016 UGB expansion, which brought the subject properties into the City's UGB, satisfied Goal 13 because it was designed to conserve energy by directing more growth in housing and employment to opportunity areas inside the existing UGB, considering energy in the evaluation and arrangement of land uses in the UGB expansion areas (subject properties), and ensuring that the areas added to the UGB are well connected to the transportation system.

The Ponderosa Master Plan will accommodate a diverse mix of housing, employment and open space/park uses, as well as commercial services, providing multi-use paths and trails to enhance connections to surrounding areas, and reduce reliance on the automobile by making walking, bicycling and using transit more possible with shorter trips. The proposed offsite improvements to other adjacent streets will also enhance walkability in the surrounding neighborhood. Therefore, Goal 13 is satisfied.

Goal 14, Urbanization: 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.

FINDING: During the City's 2016 UGB expansion process, the City demonstrated a need to amend the UGB to accommodate future urban population and job growth within the Bend UGB, through several analyses, including the Urbanization Report and the UGB Scenario Evaluation Report. The City inventoried its buildable lands for both housing and employment and forecasted future needs for housing and employment based on the 20-year population forecast, determining that a UGB expansion was necessary. The 2016 UGB expansion, which included the subject property (Southwest UGB expansion area), was adopted in 2016. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway
Goal 16, Estuarine Resources
Goal 17, Coastal Shorelands
Goal 18, Beaches and Dunes
Goal 19, Ocean Resources

FINDING: Goals 15 through 19 are not applicable to the proposed Master Plan because the subject properties do not include any of the noted features and are not located within the coastal or Willamette Valley regions.

4.5.200.D.3.c. Major Community Master Plan *(continued)*

ii. Approval of the request is consistent with only the relevant policies of the Bend Comprehensive Plan Chapter 11, Growth Management, that are designated by the Planning Director or designee.

FINDING: As part of the UGB expansion process that concluded in December 2016, the City brought 2,380 acres of land into the UGB in order to continue to provide a 20-year supply of residential, commercial, and industrial land. The process took more than a decade, with 70 public meetings, three technical advisory committees, and dozens of citizen volunteers. The Southwest UGB expansion area is one of the nine designated expansion areas illustrated in Figure 11-7 of the Comprehensive Plan. Along with the UGB lands, the City adopted new BCP policies in Chapter 11 - Growth Management intended to guide the development of the expansion areas. The BCP policies specific to the Southwest UGB Expansion Area are discussed below.

Bend Comprehensive Plan Chapter 11, Growth Management

Specific Expansion Area Policies

Area-specific policies for land added to the UGB established in 2016 are intended to guide the development of Area Plans (including Master Plans) for expansion areas (see Figure 11-7). These areas are also subject to policies in this Chapter regarding urbanization and annexation.

Polices 11-112 through 11-119 are specifically applicable to the Southwest UGB expansion area:

11-112 Master planning is required for this area. The master plan(s) must be consistent with both master plan standards in the development code and policies 11-113 through 11-119 below.

FINDING: The ± 40.7-acre Ponderosa Master Plan includes all of the Southwest UGB Expansion Area (along with two additional parcels within the City limits) and represents the master planning for this area. Policies 11-113 through 11-119 are addressed below.

11-113 Within the area identified on Figure 11-7, the central planning concepts are to: provide affordable housing opportunities; increase the mix of housing and land uses in the area to increase the completeness of the existing neighborhoods inside the UGB; and provide compatible transitions to adjacent development.

FINDING: The Ponderosa Master Plan is designed to provide a mix of affordable and market-rate housing opportunities near commercial services that are scaled to serve the needs of neighborhood and area residents. This type of community is one that considers transportation options and connectivity, mixed and efficient uses of land, healthy environments, jobs and commercial activity, and residents who help define a unique character and sense of place. The proposed location of the RS zoned area along the northern boundary of the Ponderosa Master Plan will also help provide a good transition from the existing RL zoned area to the north, and to the internal RM zoned area. The Master Plan also provides RS and RM zoning abutting the existing RR-10 zoned areas in the County, rather than higher density RH, MN, or CL zoning that would be less compatible.

Near the geographical center of the Ponderosa Master Plan is a new ± 3.8-acre neighborhood park, intended to provide numerous recreational opportunities for residents and visitors of all ages. The neighborhood park will be well connected to multi-use paths and is envisioned to include a mix of lawn and natural landscapes and high-quality recreational amenities, with the ultimate design to be refined with additional input from BPRD, as indicated in Exhibit G.

The Ponderosa Master Plan will contain a variety of housing types to serve a diverse housing market. Planned housing types include multi-unit residential apartments, townhomes, urban rear-loaded homes, and traditional front-loaded homes. Policy 11-115 requires a minimum mix of townhomes and potential for middle housing within the Master Plan. This variety will accommodate a wide spectrum of future residents in regard to age, lifestyle, income, and socioeconomic character.

While specific commercial uses are not known at this time, the northeast corner of the Ponderosa Master Plan will provide ample land for a variety of neighborhood scale commercial uses allowed in the CL Zone, adjacent to Ponderosa Street and close to the commercial corridor adjacent to US Hwy 97. Moving to the southeast, the commercial area will transition to the mixed-use neighborhood area (MN Zone), intended to allow for a broader mix of uses, including additional higher density residential units. The policy is met.

11-114 This area shall provide for a mix of residential and commercial uses, including 26 gross acres of residential plan designations, 8 gross acres of residential and/or public facility plan designations, 3 gross acres of commercial plan designations, and 2 gross acres of mixed use plan designations (excluding existing right of way).

FINDING: At the time the subject site was added to the UGB, Comprehensive Plan designations were assigned (RS, RM, RH, MN, and CL) in acreages that fulfill this policy. The Preliminary Zoning Plan (Sheet P06, Exhibit C) shows a mix of RS, RM, RH, MN, and CL designations totaling ± 35.6 gross acres of residential designations (including ± 2.08 acres of RS already within the City limits and ± 4.5 acres planned for a neighborhood park and open space), ± 3 gross acres of commercial designation, and ± 2 acres of mixed-use

neighborhood designation – all within ±1 percent of the listed residential, commercial, and mixed-use neighborhood Comprehensive Plan designation areas. The policy is met.

11-115 In order to provide sufficient housing capacity and mix, the residential plan designations must include 14 gross acres of RS, 14 gross acres of RM, and 5 gross acres of RH. Acreages exclude existing right of way. The acreage of RM includes roughly 8 acres for an elementary school site, which may be designated PF if land has been acquired by the school district at the time of the master plan. Alternatively, the master plan may demonstrate that this area will provide capacity for a minimum of 240 housing units, including at least 16% townhomes and at least 60% multi-unit and duplex/triplex/quadplex housing types.

FINDING: BCP Policy 11-115 outlines two pathways for providing sufficient housing capacity and mix. The first pathway is based on the listed residential plan designations. Although the applicant did not elect to use this pathway, the Preliminary Zoning Map (Sheet P06, Exhibit C) provides ± 16.6 gross acres of RS (including ± 2.08 acres of RS already within the city limits - Tax Lots 6800 and 6900), ± 14.0 gross acres of RM, and ± 5 gross acres of RH. Land for an elementary school site has not been acquired by the school district at the time of the master plan submittal, and thus the 8 acres of potential PF is included as RM. The second pathway is based on showing that the Southwest UGB Expansion Area can provide capacity for at least 240 housing units, including at least 16 percent (39 units) townhomes and 60 percent (144 units) multiunit, duplex, triplex, or quadplex housing. The applicant elected to use the second pathway.

The Ponderosa Master Plan has been designed to contain a variety of housing types to serve a diverse housing market. Planned housing types include townhomes, urban rear-loaded homes, traditional front-loaded homes, and multi-unit residential units. Many of these housing types constitute the so-called “missing middle” that sits between detached single-unit homes and mid-rise apartments. This variety will accommodate a wide spectrum of future residents in regard to age, income, and socioeconomic character.

The table below shows the mix of housing planned for the Southwest UGB Expansion Area and the larger Ponderosa Master Plan, based on the conceptual lot layout shown on the Preliminary Master Plan (in Exhibit C). The table summarizes the minimum housing units and mix required for the Southwest UGB Expansion Area under BCP Policy 11-115 and the standard master plan requirements for the two tax lots already within City Limits. Generally, it is anticipated that the RS zoning district will contain most of the project’s detached single-unit homes, the RM zoning district will contain most of the townhomes, and the RH and MN and a portion of the CL (east of the SW Atwood Drive extension) zoning districts will contain the multiunit residential units.

Planned Housing Capacity Mix

	Minimum Total Units	Minimum Detached Single-Unit	Minimum Townhomes	Minimum Multi/Duplex/ Triplex/Quad
Southwest Expansion Area	240	N/A	39 (16%)	144 (60%)
Tax Lots 6800 & 6900	11	N/A	2 (10%)	
Minimum Density Totals	251	N/A	39-41	144-146
	Total Units	**Detached Single-Unit**	**Townhomes**	**Multi-Unit**
Ponderosa Master Plan	**±371**	**±135**	**±42**	**±194**

While the specific housing type and mix of uses will be finalized upon subsequent tentative subdivision and/or future Site Plan Review, the Preliminary Master Plan (in Exhibit C) and the table above show that the Southwest UGB Expansion Area can provide at least 240 housing units, including at least 39 townhomes and 144 units of duplex, triplex, quadplex, or multiunit residential housing. Therefore, the policy is met.

11-116 This area (identified on Figure 11-7) shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

- **The minimum number of affordable housing units shall be 125 housing units or 25% of all housing units approved by the City, whichever is greater.**
- **Affordable housing units shall be affordable to households earning up to 30% of the area median income.**
- **Guarantees, in a form acceptable to the City, shall be in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.**
- **Planning and phasing requirements for affordable housing units shall be established, in a form acceptable to the City.**

FINDING: Submitted conceptual plans show that the Ponderosa Master Plan can provide capacity for ±194 units of affordable housing within the RH, MN, and CL zoning districts – nearly 70 units more than the minimum required by this Bend Comprehensive Plan policy. The concurrent proposed Text Amendment to BCP Policy 11-116 does not change the minimum number of affordable housing units required by the City for the Southwest UGB Expansion Area, but rather provides an appropriate mix of affordability thresholds to ensure a successful and economically feasible project at this location over the long term. With the proposed text amendment, ±90 percent of the required affordable housing units will be affordable to households earning up to 60 percent of Area Median Income (AMI), and ±10 percent of the required affordable units will be affordable to households earning up to 30 percent AMI.

According to the applicant, the text amendment is necessary to provide any housing on this property. Without the amendment, no project is currently viable within this expansion area. Home First Development Partners, an experienced affordable housing developer, submitted a letter (Exhibit S), explaining why the quantity of required units affordable to households earning 30 percent AMI is not feasible at this location. According to Home First, projects serving exclusively or predominantly 30 percent AMI (and lower) residents require several elements to be successful, including a walkable neighborhood close to public transportation, medical care/preventative care, mental health/behavioral health care, low-cost groceries, and social service providers. In addition, predominantly 30 percent AMI projects require a robust operating budget to absorb significantly higher expenses. Unfortunately, 30 percent AMI rents are not typically sufficient to cover operating costs, so project-based rent assistance is necessary, and this assistance is in short supply and increases the cost of construction, requiring a deep subsidy from state or federal government. Ultimately, these factors make building affordable housing that is exclusively or predominantly for 0-30 percent AMI residents extremely expensive, complex, and often economically infeasible.

However, the applicant understands the importance of providing an opportunity for 30 percent AMI affordable housing, which would provide housing, for example, for a family of four making up to $31,400, which is the approximately the income of a household of this size working full-time on minimum wage. The proposed BCP text amendment recognizes the need within the community for this deeply affordable 30 percent AMI housing, but that level of affordability is not feasible in and of itself. The proposed amended BCP policy allows the majority of required affordable housing to be provided to households earning 60 AMI, which is also greatly needed in the community, and results in an economically feasible housing project at this location over the long term.

While the design and configuration of the affordable housing will ultimately be specified through the future Site Plan Review application, guarantees, in a form acceptable to the City, will ensure that these affordable housing units will meet the affordability requirements for at least 50 years. The proposed phasing plan (Sheet P05, Exhibit C) identifies the affordable housing areas in the Master Plan as phases MF1 and MF2. These areas are likely to be developed first, even though the RS and RM areas are identified as Phases 1 through 5. The proposed BDC text also ensures that the construction of all required affordable units must commence before the City allows occupancy of the last 15 percent of the market-rate housing units. If the associated BCP text amendment is approved by Council, the proposed Ponderosa Master Plan will meet this policy.

11-117 Coordination with Bend Park and Recreation District is required in order to address provision of parks and/or trails within this area.

FINDING: Exhibit G is a letter from BPRD documenting the early coordination between the applicant and BPRD. The Ponderosa Master Plan is located in Park Search Area #41. BPRD staff recently met with the developer to discuss a future park within the subdivision.

An approximate 3.6-acre tract is proposed to be a neighborhood park, to be owned, maintained and operated by the district. The District will work with the developer on an agreement for acquisition and development. BPRD has no planned trails within the proposed development, but supports the proposed multiuse path through the subdivision and along the park frontage. BPRD has requested that the Draft Development Code (Exhibit N) text allow for an optional 8-foot-wide, curb-tight sidewalk where on-street parking will be allowed along the park frontages to provide additional flexibility should the District acquire the property. This option is provided for within the street cross-sections (Exhibit N). Lastly, Tax Lot 181219A00100 is currently located outside of BPRD's district boundary, but the applicant has entered into an agreement consenting to the annexation of their property into the Park District. The policy is met.

11-118 Coordination with the Bend-La Pine Schools District is required during area planning for this subarea.

FINDING: Exhibit H is a letter from Bend-La Pine Schools indicating that it has been provided an opportunity to review the Ponderosa Master Plan and has no comments on the project. This policy is met.

11-119 Coordination with other special districts and utility providers is required within this area.

FINDING: Exhibit I is a letter from Arnold Irrigation District indicating that no facilities or water rights currently exist within the Ponderosa Master Plan. Exhibit R is a letter from Avion Water Company indicating that it is willing and able to serve the development. Exhibit K includes "letters of intent to serve" from various other utility providers, including PacifiCorp, Cascade Natural Gas, LUMEN, and TDS/Bend Broadband. This policy is met.

4.5.200.D.3. Major Community Master Plan. ***(continued)***

d. If the major community master plan proposal contains a zone change request to bring the zoning into compliance with the Bend Comprehensive Plan designation, the zone change is subject to the approval criteria of BDC 4.6.300(C).

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

FINDING: Prior to future development of the subject property, the land within the Ponderosa Master Plan must be annexed into the City of Bend. An annexation application

(PLANX20240371) has been submitted concurrently with this Master Plan proposal and will be considered with this application by the City Council. Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the zoning district that implements the proposed Comprehensive Plan Map designations.

e. If the major community master plan proposal contains a proposed amendment to the Bend Comprehensive Plan Map or text, the amendment is subject to the approval criteria of BDC 4.6.300(B).

FINDING: The Ponderosa Master Plan includes an amendment to the BCP text, and a rearrangement of the locations of the Comprehensive Plan designations, which maintain continuity in the residential, commercial, and mixed-use neighborhood designations outlined in BCP Policy 11-114. Pursuant to BDC 4.5.200(D)(3)(a), rearranging the Comprehensive Plan designations is allowed in conjunction with a master plan without triggering BDC 4.6.300(B) so long as the area of the Plan designations in the master plan is within one percent of the area of the corresponding existing Comprehensive Plan designation. The proposed BCP text amendment (PLTEXT20240374) is reviewed separately for compliance with this criterion. The criteria applicable to the Master Plan are met.

E. Standards and Regulations. Minor and major community master plans must comply with the following standards:

1. Access to Commercial Goods and Services. Access to commercial goods and services must be provided in compliance with the following standards:

a. The community master plan must have access to commercial goods and services by walking or biking a distance not greater than a one-half mile radius measured from all points along the perimeter of the master plan boundary to any land planned, zoned or developed for one or more such services. Such commercial uses may be provided within nearby neighborhoods or nonresidential districts as long as the minimum distance standard is met. In satisfying such distance standard, commercial goods and services that are not accessible by walking or biking because of physical or geographic barriers (e.g., rivers, Bend Parkway, canals, and railways) may not be used. Except for minor community master plans that are proposing needed housing as defined by state statutes, the Review Authority may find that this provision is met when the commercial uses are located further away than one-half mile but the purpose and intent of providing reasonable access to the commercial uses has been met.

FINDING: The Ponderosa Master Plan includes ±3 acres of commercial land and ±2 acres of mixed-use neighborhood land. The entirety of the Ponderosa Master Plan boundary is within ±0.5 miles of land providing commercial goods and services. CG-zoned land is also located approximately ¼ mile north of the Ponderosa Master Plan boundary and west of US Hwy 97 within the City Limits. The criteria are met.

2. **Multimodal Connections. Multimodal connections must be provided on site in compliance with the City of Bend Transportation System Plan (TSP) and the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, latest editions, and the existing and planned trail systems adjacent to the community master plan must be continued through the entire community master plan.**

FINDING: The extension of SW Atwood Drive (proposed local street) forms the primary north-south corridor through the Ponderosa Master Plan, while Street A (local) and Street B (local) provide key east-west routes through the master plan, along with Street C (local). The Preliminary Street Circulation Plan (Sheet P07, Exhibit C) shows a 10-foot-wide multiuse path along the west side of SW Atwood Drive. An 8-foot-wide multiuse pathway running east-west is shown meandering along the south side Street C, continuing through the park to SW Atwood Drive. An 8-foot-wide multiuse pathway is also shown running north-south from the northern boundary of the master plan at Goldenrain Drive to Street C. The Ponderosa Master Plan provides opportunities for vehicular, pedestrian, and bicycle connections through the master plan and to adjacent lands, consistent with the TSP.

BPRD commented that its Parks, Recreation, and Green Spaces Comprehensive Plan has been recently updated. BPRD's updated Comprehensive Plan includes new park search areas, one of which includes the subject property. An approximate 3.6-acre tract is proposed to be a neighborhood park, to be owned, maintained and operated by the Park District. BPRD commented that it has no planned trails within the proposed development, but it supports the proposed multiuse path through the subdivision and along the future park's frontage. The criteria are met.

3. **Housing Density and Mix. Community master plans 20 acres or larger must provide a mix of housing types and achieve minimum housing densities in conformance with the standards of subsections (E)(3)(a) and (b) of this section. To the extent that the Bend Comprehensive Plan Chapter 11, Growth Management, proposes a different mix of housing and/or density standards in the specific expansion area policies, then those policies apply.**

FINDING: The Ponderosa Master Plan meets the applicable density standards in BDC 4.5.200(E)(3) by showing that the Southwest Expansion Area (along with the two existing tax lots that together comprise the Ponderosa Master Plan) will contain the housing unit count and mix prescribed in BCP Policies 11-114 through 11-116. Housing density and mix are addressed further in the response to BCP Policies 11-114 through 11-116, above. The applicable criteria are met.

4. **The community master plan must contain a minimum of 10 percent of the gross area as public or private open space such as parks, pavilions, squares and plazas, multi-use paths within a minimum 20-foot wide corridor, areas of special interest, tree preservation areas, or public and private recreational facilities and must comply with the following:**

    a. **The open space area must be shown on the conceptual site plan and recorded with the final plat or separate instrument.**

FINDING: The Preliminary Master Plan (Sheet P03, Exhibit C) shows ±4.5 acres (±11 percent of the total gross area) of open space. BPRD has acknowledged the ongoing communication and coordination between the applicant and BPRD regarding a future neighborhood park. Any park or open space areas not transferred to BPRD are planned to be owned and maintained by the HOA, and will be addressed in subsequent review of a Subdivision and/or Site Plan Review application. The criteria are met.

    b. **The open space must be conveyed in accordance with one of the following methods:**

        i. **By dedication to the Park District or City as publicly owned and maintained open space. Open space proposed for dedication to the Park District or City must be acceptable with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities; or**

        ii. **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.) acceptable to the City. Private open space must be located in a tract and include an open space easement.**

FINDING: The Preliminary Master Plan (Sheet P03, Exhibit C) shows ±4.5 acres (±11 percent of total gross area) of open space, including the ±3.8-acre neighborhood park. BPRD has acknowledged the ongoing communication and coordination between the applicant and BPRD regarding the future neighborhood park. Park or open space areas not transferred to BPRD are planned to be owned and maintained by the HOA, in compliance with BDC 4.5.200(E)(4), and will be addressed in subsequent review of a Subdivision and/or Site Plan Review application. The criterion is met.

    c. **Adequate guarantee must be provided to ensure permanent retention of common open space and recreation areas which may be required as conditions of approval.**

FINDING: Exhibit G is a letter from BPRD acknowledging the ongoing communication and

coordination between the applicant and BPRD regarding the future neighborhood park. Park or open space areas not transferred to BPRD are planned to be owned and maintained by the HOA, in compliance with BDC 4.5.200(E)(4). If it occurs, BPRD's acquisition of the neighborhood park will be established in the final development agreement between the applicant and BPRD. HOA-owned and maintained open space will be designated as tracts (or similar) on the final subdivision plat for each corresponding phase. The criterion is, or can be, met.

d. The open space must be open to the public and must not be fenced-off unless it is related to a park or approved public or private recreational facility including, but not limited to, tennis courts, swimming pools, driving ranges and ball fields.

FINDING: The applicant has acknowledged this requirement.

F. Duration of Approval.

1. An approved community master plan will remain valid indefinitely unless withdrawn by all owner(s) of property within the community master plan. The City may deny withdrawal when a switch to otherwise applicable standards would not be in the public interest because of sufficient development under the community master plan. Standards and regulations identified in the approved community master plan will control all subsequent site development as long as the approved community master plan is valid. If alternative standards and regulations are not specifically identified in the approved community master plan, the applicable City standard at the time any development application is submitted will apply.

2. The duration of approval for a community master plan must coincide with the timeline outlined in the approved phasing plan and in accordance with the time frames studied in the transportation analysis and water and sewer capacity analysis for the community master plan. Site plan review or land division applications submitted consistent with or earlier than as provided in an approved phasing plan will not require an updated transportation analysis and water and sewer capacity analysis as part of the development application. Infrastructure capacity may be reserved for the community master plan site for up to 15 years or as specified in an approved phasing plan.

3. The time period set forth in this subsection (F) will be tolled upon filing of an appeal to LUBA and must not begin to run until the date that the appellate body has issued a final order.

FINDING: The applicant requests the maximum approval duration, as allowed by this section. The time frame studied in the transportation analysis extends to 2040, and the

Sewer Analysis Application assumed an open-ended timeline to achieve full buildout. The transportation mitigation timing will be codified and implemented in phases.
The Preliminary Phasing Plan (Sheet P05, Exhibit C) will also be supplemented by an approved Annexation Agreement detailing the various triggers and timelines for infrastructure improvements, as well as reserved capacity.

Proposed Phasing Plan

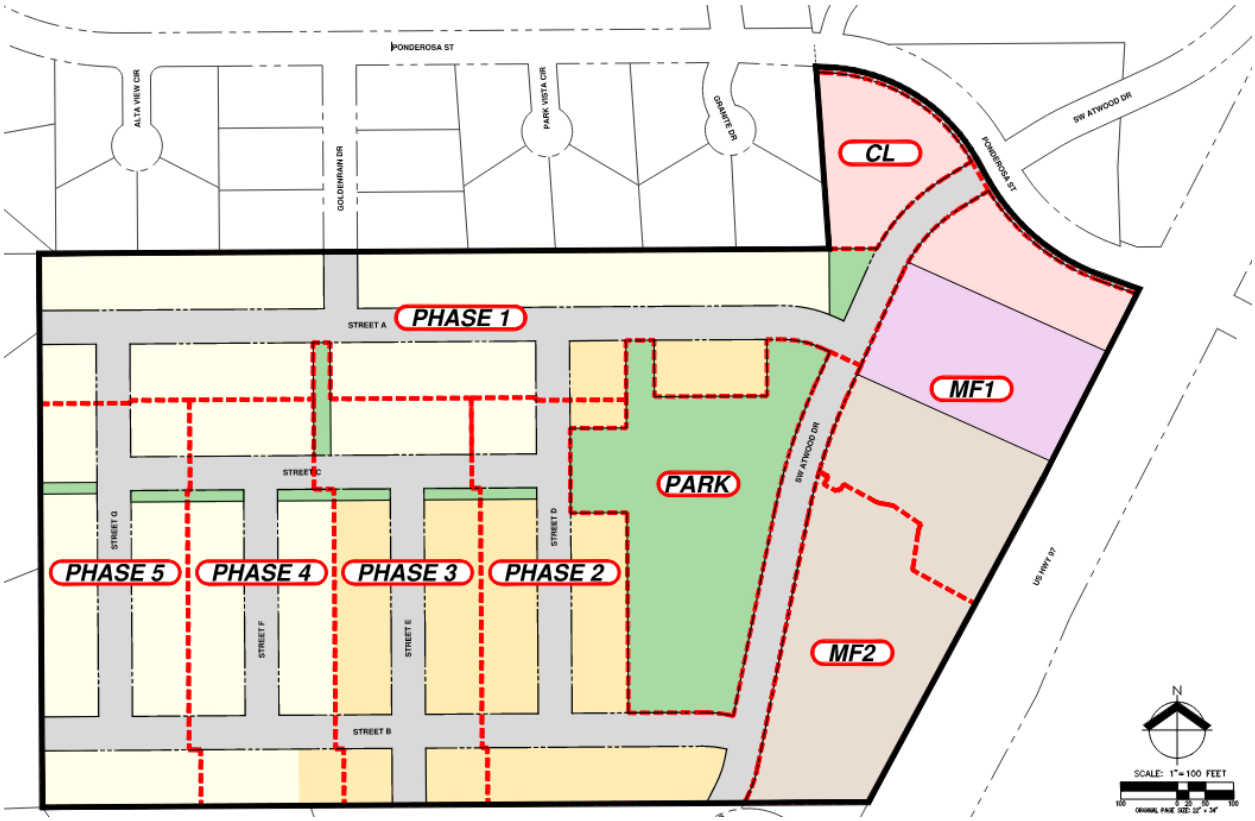


EXHIBIT D
FINDINGS FOR PONDEROSA COMPREHENSIVE PLAN TEXT AMENDMENT

COMMUNITY DEVELOPMENT

PROJECT NUMBER: PLTEXT20240374
(Comprehensive Plan Text Amendment)

HEARING DATE: February 19, 2025

APPLICANT/ OWNER: Ponderosa Pine Estates, LLC
475 NE Bellevue Drive, Suite 210
Bend, OR 97701

LAND USE CONSULTANT: Joey Shearer, AICP
AKS Engineering & Forestry, LLC

DEVELOPMENT CONSULTANT: Jerry Jones
Macher Development, LLC

LEGAL COUNSEL: Steven Hultberg
Radler White Parks & Alexander, LLC

LOCATION: 19888 ROCKING HORSE RD, BEND, OR 97702; 181219A000100; West of US Highway 97, south of Ponderosa Street, within the Southwest Urban Growth Boundary (UGB) Expansion Area

REQUEST: Application to amend the text of Bend Comprehensive Plan Policy 11-116 pertaining to affordable housing in the Southwest UGB Expansion Area. (Type III Quasi-Judicial Review by City Council)

STAFF REVIEWER: Aaron Henson, AICP, Senior Planner; (541) 383-4885; ahenson@bendoregon.gov

APPLICABLE CRITERIA AND PROCEDURES:

Bend Development Code

Criteria
Chapter 4.6, Land Use District Map and Text Amendments

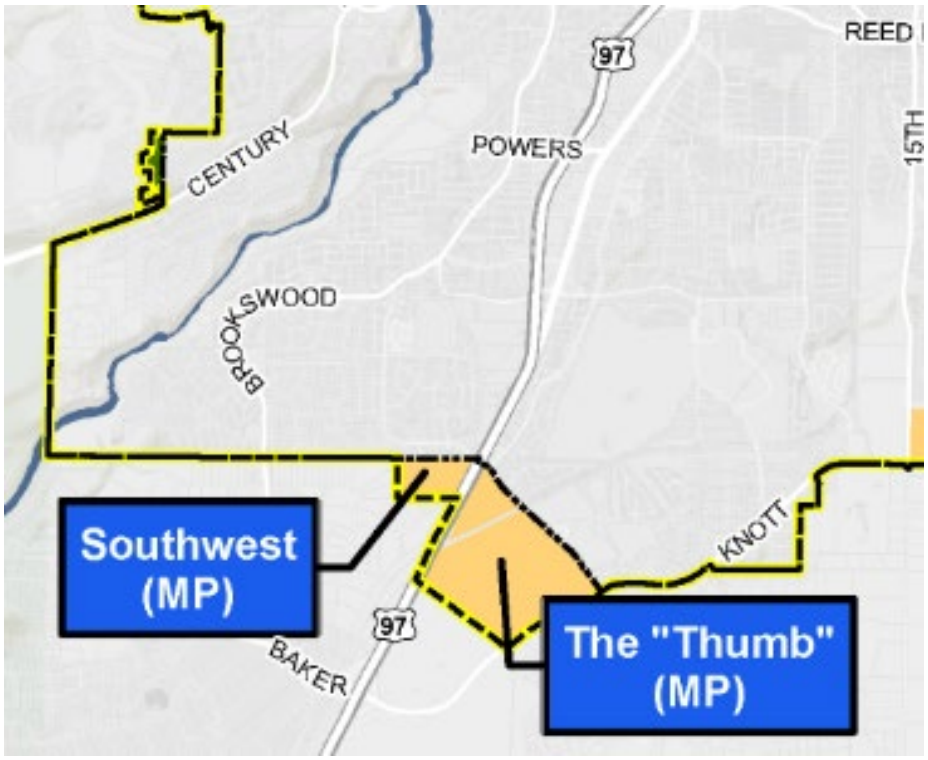
Procedures
Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan
Chapter 5, Housing
Chapter 11, Growth Management

Oregon Administrative Rules
Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

1. **LOCATION:** The Southwest Urban Growth Boundary (UGB) Expansion Area (shown below) consists of one property: Tax Lot 100 on Deschutes County Assessor's Map 18-12-19A, further identified as 19888 Rockinghorse Road. The site is bounded generally by Hwy 97 to the east and Ponderosa Street to the north. Brighton Circle, Alta View Circle, Goldenrain Drive, Park Vista Circle, and Granite Drive all end near the northern boundary of Tax Lot 100. To the south and west, the subject property abuts land within the County's jurisdiction that is subdivided into large lots and developed with single-unit dwellings.



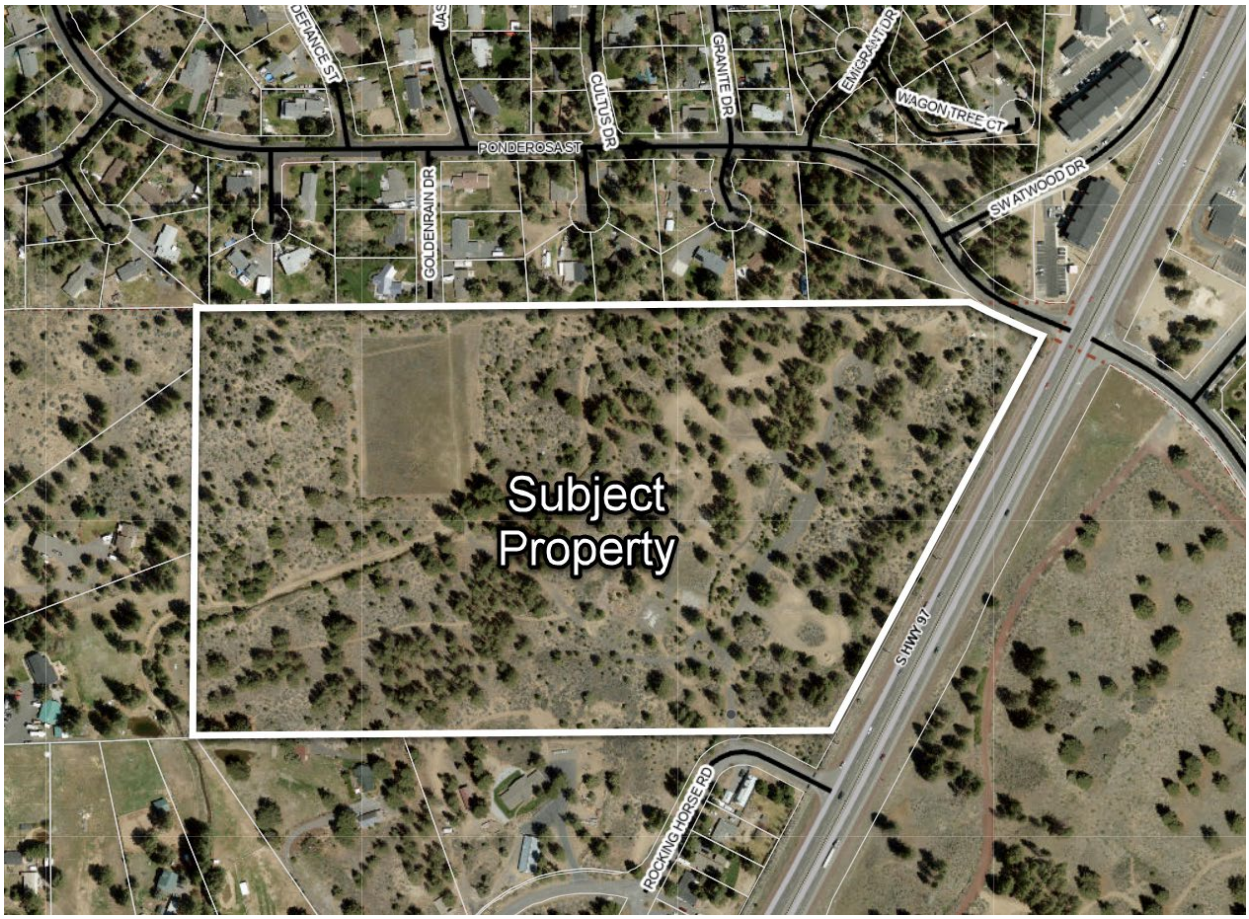
2. **ZONING AND PLAN DESIGNATION:** Tax Lot 100 is currently outside the City Limits but within the UGB. Tax Lot 100 carries an Urban Area (UA) zoning designation and five Comprehensive Plan designations, including Residential Standard Density (RS), Residential Medium Density (RM), Residential High Density (RH), Mixed-Use Neighborhood (MN), and Commercial Limited (CL).

   Land to the north is within the City Limits and zoned Residential Low Density (RL) and Standard Density Residential (RS). Land to the west and south is outside of the UGB and zoned Rural Residential (RR-10) within Deschutes County. Land across Hwy 97 to the east is within the City's UGB and zoned UA, with Comprehensive Plan designations of General Commercial and Light Industrial.

3. **SITE DESCRIPTION:** The subject property is approximately 38.7 acres, undeveloped, and relatively flat. Existing vegetation is typical of the south side of Bend and includes coniferous trees of varying heights and maturities. A former Arnold Irrigation District canal

crosses through the site. This canal has been abandoned and the canal easement has been released. No other irrigation facilities or water rights exist on the property.

Vicinity Map



4. **PROPOSAL:** The applicant is requesting to amend the text of Bend Comprehensive Plan Policy 11-116 pertaining to affordable housing in the Southwest UGB Expansion Area. The proposed amendments are as follows:

   (Underlined text is proposed to be added. ~~Strikethrough~~ text is proposed to be deleted.)

   Bend Comprehensive Plan

   Chapter 11: Growth Management

   Southwest:

   11-116 This area (identified on Figure 11-7) shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

   - The minimum number of affordable housing units ~~shall~~ must be 125 housing units or 25% of all housing units approved by the City, whichever is greater.

- No less than 10% of the required affordable housing units must be affordable to households earning up to 30% of the area median income. The remainder of the required affordable housing units must be affordable to households earning up to 60% of the area median income. ~~Affordable housing units shall be affordable to households earning up to 30% of the area median income.~~

- Prior to issuance of any building permits for structures on property that is designated for affordable housing units, the property owner must record a restrictive covenant against all lots or tracts that include affordable housing ~~Guarantees, in a form acceptable to the City, shall be in place~~ to ensure that affordable housing units will meet the affordability requirements of this policy 11-116 for not less than 50 years.

- Planning and phasing requirements for affordable housing units ~~shall~~ must be ~~established~~ set forth in the master plan for the Southwest UGB Expansion Area identified on Figure 11-7 ~~in a form acceptable to the City~~.

5. **BACKGROUND:** The applicant has submitted a concurrent application for a Major Community Master Plan for ± 40 acres, including the subject property, which contains approximately 38.7 acres (PLSPD20240372). To be known as the Ponderosa Master Plan, the development will provide capacity for approximately 371 total dwelling units, including approximately 194 affordable apartment units, supporting the City Council goal to increase the supply of deed-restricted affordable housing. For this part of their project, the applicant is partnering with Home First Development Partners to develop the affordable multi-unit housing. The applicant has also applied to annex the subject property (PLANX20240371).

6. **PUBLIC NOTICE AND COMMENTS:** In accordance with BDC 4.1.215, the applicant held a neighborhood meeting on August 13, 2024 via Zoom. Documentation of the public meeting, including a signed verification of compliance form from the Southwest Bend Neighborhood District representative, a roster of the Zoom meeting attendees, copies of materials provided to neighbors within 500-feet of the site, and copies of the mailing list were submitted with the application. Over two dozen people attended the virtual public meeting, which lasted for more than one hour. Nearly all of the questions raised at the meeting pertained to the Ponderosa Master Plan, not the proposed text amendments.

   On December 18, 2024 and January 31, 2025, the applicant posted “Proposed Development” signs along the frontages of the site, visible from the adjacent public rights of way. These notices were posted for more than 10 days prior to the public hearings on January 13, 2025 (Planning Commission) and February 19, 2025 (City Council). On December 24, 2024 and February 5, 2025, the City mailed notices of the Planning Commission and City Council public hearings for this application to surrounding owners of record and addresses of property within 500 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Southwest Bend and Southeast Bend Neighborhood District representatives. The public hearing notices were mailed more than 10 days prior to each evidentiary hearing, in accordance with BDC 4.1.423. There were two evidentiary hearings for this application; one before the Bend Planning Commission on January 13, 2025, and another before the City Council on February 19, 2025.

The Bend Planning Division received several written comments from the public. Various agencies were also sent notice, and their comments are contained in the project file. The required notice to the Department of Land Conservation and Development (DLCD) was provided on December 9, 2024, 35 days prior to the first public hearing as required.

7. **APPLICATION SUBMITTAL:** This Comprehensive Plan text amendment application was submitted on June 26, 2024. The Planning Division issued a written Notice of Incomplete Application on July 18, 2024. Missing or incomplete information included a copy of the draft text amendment, a project narrative, and public meeting documentation. Upon receipt of the missing information, the application was accepted as complete on November 12, 2024. Because this application includes a Post Acknowledgement Plan Amendment (PAPA), it is not subject to the 120-day statutory time limitation for review.

8. **SUBSEQUENT APPLICATIONS:** If this and the pending Master Plan and Annexation applications are approved, a subsequent Site Plan Review application will be submitted for income-qualified multi-unit housing, as allowed by the proposed Bend Development Code (BDC) standards for the Ponderosa Master Plan.

FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA AND PROCEDURES

Chapter 4.1 – Applications and Review Procedures

4.1.426 Type III – Quasi-Judicial Procedures.

A. Quasi-judicial decisions bear different aspects than Type IV legislative decisions. A request will generally be considered a quasi-judicial process if it involves the following factors:

1. **The process is bound to result in a decision;**
2. **The decision is bound to apply preexisting criteria to concrete facts; and**
3. **The action is customarily directed at a closely circumscribed factual situation or small number of persons.**

Although no factor is considered determinative and each must be weighed, the more definitively these factors are answered affirmatively, the more it will be considered a quasi-judicial decision.

FINDING: The proposed Comprehensive Plan text amendment applies to just one property, and is directed at a closely circumscribed factual situation. The requested text amendment process is also bound to result in a decision by the Bend City Council. Therefore, the proposed Comprehensive Plan text amendment follows the Type III quasi-judicial procedure.

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) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the application may be approved, approved with conditions, or denied.

FINDING: The application includes amendments to the Comprehensive Plan affecting a single property within the Southwest UGB Expansion Area, and the application of existing policy to a specific factual setting. Therefore, the review is subject to the Type III quasi-judicial procedure established in this section.

B. Criteria for Quasi-Judicial Comprehensive Plan Map 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:

FINDING: This is an application for a Comprehensive Plan text amendment, not a map amendment. Nevertheless, this staff report addresses the following criteria.

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

FINDING: As discussed below, the proposed text amendments to BCP Policy 11-116 are intended to ensure that the Ponderosa Master Plan can meet all of the development goals of the Bend Comprehensive Plan, including Policies 11-113 through 11-119 for the Southwest UGB Expansion Area. These Policies have been acknowledged by the State Department of Land Conservation and Development to be in conformance with applicable state law. The applicable Statewide Planning Goals are addressed below. This criterion is met.

660-15-0000 Statewide Planning Goals and Guidelines

Goal 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The process includes a public meeting to be held by the applicant before submitting the application to the City, followed by a public hearing before the Planning Commission, and ultimately, a hearing before the City Council as the final review authority. As noted above, the applicant held a neighborhood public meeting on August 13, 2024. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. As noted above, property owners of record and addresses within 500 feet of the subject property as well as the designated representatives of the Southwest Bend and Southeast Bend Neighborhood Districts were notified of the Planning Commission hearing via mail, and public hearing notice signs were posted around the edges of the subject property.

An initial public hearing before the Bend Planning Commission will precede a second public hearing before the City Council. The public involvement procedures identified in the Development Code are being followed, which will ensure compliance with Statewide Planning Goal 1.

Goal 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: This Goal is applicable to the application for a Comprehensive Plan text amendment, which is subject to the quasi-judicial criteria in BDC 4.6.300, and will be reviewed for consistency with applicable BCP policies. The City will review and process this application consistent with the procedures detailed in BDC Chapter 4.1, including consideration of any public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established. The other two substantive requirements of Goal 2 are also satisfied. First, the application provides an adequate factual basis for the City to approve the application because it addresses the relevant approval criteria. Second, Goal 2 requires coordination of the application by the City with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected governmental entity to comment on the application, and the City's incorporation of the comments to a reasonable extent. Coordination of this application has been accomplished by the applicant prior to submittal of the application, and by the City in the review process for the application. DLCD's Regional Representative acknowledged the City's notice to DLCD, but did not submit any comments into the record.

Goal 10, Housing: To provide for the housing needs of the citizens of the state.

FINDING: The subject property was included as part of the City's Goal 10 inventory of land for needed housing when the City of Bend expanded its UGB in 2016. The subject property is identified in the BCP as appropriate for residential uses. Consistent with BCP Policy 11-115, the Ponderosa Master Plan (being processed and reviewed concurrently as City file number PLSPD20240372) sets the stage to ensure that the Southwest UGB Expansion Area provides capacity for a minimum of 240 housing units, including at least 39 (±16 percent) townhomes and at least 144 units (±60 percent) of multi-unit and duplex/triplex/quadplex housing. The Southwest UGB Expansion Area, through implementation of Policy 11-116, requires development of at least 125 deed-restricted affordable housing units or 25 percent of all housing units approved by the City in the expansion area, whichever is greater. In the applicant's conceptual plans and concurrent Master Plan application, the Ponderosa Master Plan is expected to provide ±194 units of affordable units, pursuant to future subdivision and site plan review applications. This represents approximately 52 percent of all housing units conceptually proposed in the Southwest UGB Expansion area.

The proposed amendments to BCP Policy 11-116 attempt to balance the requirement to develop a significant number of deed-restricted affordable housing units in the Southwest UGB Expansion Area while ensuring that the development is economically feasible in the long term. According to Home First Development Partners (HFDP), serving exclusively or predominantly households earning up to 30% area median income (AMI) requires several factors to be successful. First, the site needs to be well-suited to serve very-low income individuals and families. It needs to be in a walkable neighborhood and close to public transportation (including nights and weekends), medical care/preventative care, mental health/behavioral health care,

low-cost groceries, and social service providers. Tax Lot 100 has a current walk score of just 15 out of 100, making it inappropriate for a predominantly very low-income AMI demographic.

In their burden of proof narrative, the applicant states several additional factors that go into developing a sustainable project for a 0-30% AMI population, including thoughtful building specifications with enhanced durability and the need for security systems and an ongoing security presence. The project's operating budget must be able to absorb significantly higher expenses, with increased bad debt, repair costs, and insurance premiums. Resident services budgets also need to be increased substantially, and dedicated space for support services needs to be expanded and thoughtfully designed.

The applicant's narrative also states that funds collected from units set at 30% AMI rents are insufficient to cover most basic operating costs, so project-based rent assistance is necessary to serve this population without higher rents to offset the operating loss. Project-based rent assistance is in short supply and increases construction costs due to the use of federal funds. According to the project applicant/developer, community infrastructure and funding for the necessary support services are inadequate and cannot be guaranteed long-term. These factors make building affordable housing exclusively or predominantly for 0-30% AMI residents extremely expensive, complex, and often economically infeasible. Therefore, the applicant is proposing to amend the BCP policy to allow a smaller percentage of units set at 30% AMI to reduce the time and cost associated with development and management of the units.

Given the subject property's characteristics and project operating and construction costs described above, and the current economic environment, HFDP recommends that at least 10% of the affordable housing units in the Ponderosa Master Plan be required to serve households earning up to 30% AMI, with the remainder being available to households earning up to 60% AMI.

The proposed amendment to BCP Policy 11-116 does not change the minimum number of affordable housing units required by the City for the Southwest UGB Expansion Area, and allows for an appropriate mix of affordability thresholds to ensure a successful and economically feasible project at this location over the long term.

With the text amendment, ±90 percent of the required affordable housing units will be affordable to households earning up to 60 percent AMI, and ±10 percent of the required affordable units will be affordable to households earning up to 30 percent AMI. While the level of affordability of the units will be less than initially expected when the Southwest Expansion Area was added to the UGB, staff believes that the proposal will result in a housing development that is economically feasible, and will achieve the Council's goal to increase the supply of deed-restricted affordable housing. Therefore, Goal 10 is satisfied.

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

FINDINGS: The applicant and Planning staff have identified the Comprehensive Plan policies that are applicable to this application. Consistency with these policies are described in findings below.

Chapter 5: Housing

Housing Mix, Density, and Affordability

5-21 In order to ensure the continued affordability of affordable housing that has been committed by a property owner or required by the City, the City may:

- ***Specify a minimum number of years that affordability must be maintained;***
- ***Require an applicant to demonstrate how affordability will be ensured throughout the specified period, including addressing how units will be made available to households meeting the targeted income level, resale/recapture for ownership units, and/or rent increases for rental units, as applicable;***
- ***Establish phasing requirements for construction of affordable housing units;***
- ***Condition land use approvals to implement affordable housing requirements;***
- ***Require restrictive covenants, deed restrictions, and/or related instruments as deemed necessary by the City; and/or***
- ***Require other measures deemed necessary by the City.***

FINDING: The applicant is partnering with Home First Development Partners (HFDP), a recognized expert in developing affordable housing, to construct the deed-restricted affordable units in the Ponderosa Master Plan. Consistent with BCP 11-116, HFDP proposes to construct at least 125 deed-restricted affordable housing units, or 25 percent of all housing units approved by the City within the Ponderosa Master Plan, whichever is greater.

Prior to issuance of any building permits for structures on property that is designated for affordable housing units, HFDP will record a restrictive covenant against all lots or tracts that include affordable housing to ensure that affordable housing units will meet the affordability requirements of BCP 11-116 for not less than 50 years. The applicant is requesting to amend BCP 11-116 so that no less than 10% of the required affordable housing units shall be affordable to households earning up to 30% of the area median income. The remainder of the required affordable housing units shall be affordable to households earning up to 60% of the area median income.

The proposed Ponderosa Master Plan includes a phasing plan for the construction of the required affordable units (Sheet P05, Exhibit C of PLSPD20240372). Subsequent land use applications to build out the Master Plan will also be conditioned to implement the City's applicable affordable housing requirements. This policy is met.

5-12 To promote complete neighborhoods and the integration of other supporting uses, the City will employ a master planning process for large development sites which are 20 acres or greater. The master plan process will offer two options for approval: 1) applying clear and objective standards or 2) applying discretionary standards for more flexibility.

FINDING: The Bend Comprehensive Plan designates land in the Southwest UGB Expansion Area (approximately 38.7 acres) for both residential and employment/commercial uses. This

request to amend BCP Policy 11-116 is being reviewed and considered by the City concurrently with a proposal for the Ponderosa Master Plan. As the master plan is developed in the future through subsequent land use applications, the zoning will ensure a mix of residential, open space/park, and commercial uses providing for a complete neighborhood. This policy is met.

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

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;**

FINDING: The applicant has submitted a concurrent application for a Major Community Master Plan (PLSPD20240372) demonstrating that the subject 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. This criterion is met.

4. **Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use District Map regarding the property that is the subject of the application; and**

FINDING: This is a request for a minor amendment to the text of BCP 11-116; the applicant is not requesting a Comprehensive Plan map amendment. Therefore, 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 this application is not required.

5. **Approval of the request is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.**

4.6.600 TRANSPORTATION PLANNING RULE COMPLIANCE

When a development application includes a proposed comprehensive plan amendment or 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.

FINDING: OAR 660-012 implements Oregon Statewide Planning Goal 12. Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. No additional development is proposed nor allowed as a result of this proposed Comprehensive Plan text amendment. The proposed amendment merely adjusts the project's housing affordability requirements.

The City's Comprehensive Plan dictates the number of units to be developed in the Southwest UGB Expansion Area; these numbers will remain the same with the proposed amendments

and there will be no additional generation of vehicle trips and no additional impact to the transportation system as a result.

CONCLUSION: Based on the application materials submitted by the applicant, including the letter from HFDC, and these findings, the proposed Comprehensive Plan text amendments meet all applicable criteria.