

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

Order Approving Pahlisch Homes annexation *
into Bend Park & Recreation District * ORDER NO. 2023-036
*

WHEREAS, Pahlisch Homes (“Petitioner”) submitted a petition requesting annexation of the properties identified in Exhibit A in the petition attached to this Order, into Bend Park & Recreation District (“District”); and

WHEREAS, the Deschutes County Clerk’s Office and Assessor’s Office verified that the petition was signed by a registered voter or a landowner, respectively, for the property as indicated in Exhibit B in the petition attached to this Order; and

WHEREAS, pursuant to ORS 198.857(4), the Deschutes County Community Development Department coordinated with the city of Bend as the property is located within the Bend urban growth boundary, regarding the land use compatibility statement in Exhibit C in the petition attached to this Order; and

WHEREAS, Oregon Department of Revenue reviewed the petition and granted preliminary approval, as indicated in Exhibit D in the petition attached to this Order; and

WHEREAS, the Board held a duly noticed public hearing on October 11, 2023, to determine whether, in accordance with the County Comprehensive Plan, any applicable service agreement between a local government and the affected district, and the criteria prescribed by ORS 197.175, the affected area would benefit by annexation of said territory into the District; now, therefore

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDAINS as follows:

Section 1. The petition for annexation and all exhibits attached to this Order are hereby incorporated by reference.

Section 2. The petition for annexation is hereby approved, and the property identified in Exhibit A is declared annexed and included in the District.

Section 3. A copy of the signed Order will be forwarded to the Oregon Department of Revenue, Oregon Secretary of State Archives Division, Deschutes County Assessor’s Office and County Clerk’s Office, and the District.

Section 4. The purpose of this District is to provide park & recreation services.

Dated this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, CHAIR

PATTI ADAIR, VICE CHAIR

ATTEST:

Recording Secretary

PHIL CHANG, COMMISSIONER

PETITION TO ANNEX PROPERTY INTO
Bend Park and Recreation District
(Name of District)

To: The Board of County Commissioners, Deschutes County, Oregon

The undersigned, in support of this Petition, state as follows:

- 1. This Petition for Annexation is filed pursuant to ORS 198.850 to 198.859 on September 8, 2023 (date) and Petitioners request the Board commence proceedings to annex the territory described herein into Bend Park and Recreation District (name of district), Deschutes County, Oregon.
2. This Petition for Annexation affects only Deschutes County and is not in any incorporated city limits.
3. The Board of Bend Park and Recreation District (name of district) approved the petition pursuant to ORS 198.850 on September 7, 2023 (insert date).
4. The principal act for Bend Park and Recreation District (name of district) is ORS Chapter 266 (Proper statutory reference required, see ORS 198.010 for listing of appropriate principal act)
5. The territory subject to this Petition for Annexation is primarily uninhabited uninhabited (circle one). This petition is signed by land owners and/or registered voters in the area proposed to be annexed as indicated opposite their respective signature, and all signatures were obtained on or after the August 9, 2023 day of, 2023.
6. The property street address(es) of land for annexation (if known) is/are See attached list and the total acreage is ~153.61. A description of the boundaries of the territory to be annexed is attached hereto as Exhibit "A" and depicted on the map attached as Exhibit "B".
7. This Petition has been signed by at least 15 percent of the electors, or 100 electors whichever number is lesser, registered in the area proposed to be annexed; or at least 15 owners or owners of 10 percent of the land, (whichever is greater) within the area proposed to be annexed.
8. A security deposit form and payment is attached to this petition.

Signed this 8th day of September, 2023 by Pahlisch Homes, Inc., Chief Petitioner(s).



Signature Address, City, State, ZIP 210 SW Wilson Ave. #100, Bend, OR 97702

DATED this 7th day of September, 2023 DATED this ___ day of ___, 20__

Approved by the Board of Bend Park & Recreation District (if applicable) Approved by City of
Name of District
District Signature City Signature
By: Don P. Hartman By:
(Print Name) (Print Name)
Title: Executive Director Title:

Order 2023-036 EXHIBIT A

Property Street Addresses of Land for Annexation into Bend Park and Recreation District

1. 63700 Crooked Rocks Road, Bend, OR 97703
2. 63678 Crooked Rocks Road, Bend, OR 97703
3. 63660 Berg Lane, Bend, OR 97703
4. 63765 Berg Lane, Bend, OR 97703
5. 63775 Berg Lane, Bend, OR 97703
6. 20380 Cooley Road, Bend, OR 97703
7. 20522 Loco Road, Bend, OR 97701
8. No Situs Address (Map/Tax Lot 171209D000093)



AKS ENGINEERING & FORESTRY, LLC
 2777 NW Lo Lo Drive Suite 1050 Bend Oregon 97703
 P: (541) 317-8429 | www.aks-eng.com

AKS J 11853

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A-1 BPRD ANNEXATION

Parcels 2 and 3 of Partition Plat 1993-62, other lands, and road rights-of-way located in the Southeast Quarter of Section 8, the Southwest Quarter, the Northwest Quarter of the Southeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section 9, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the southeast corner of said Section 8; thence along the southerly line of said Section 8, South 89°58'28" West 399.68 feet to the easterly line of the lands described in Volume 201, Page 1645, recorded January 29, 1990, Deschutes County Official Records; thence along said easterly line, North 00°01'34" East 597.37 feet to the easterly line of the lands described in Volume 201, Page 1644, recorded January 29, 1990, Deschutes County Official Records; thence along said easterly line, North 00°03'03" West 659.34 feet to the northerly line of said Volume 201, Page 1644; thence along said northerly line, South 70°46'47" West 46.96 feet to the southerly line of Parcel 3 of Partition Plat 1993-62, recorded December 3, 1993, as Instrument Number 1993-043317, Deschutes County Official Records; thence along said southerly line, South 71°25'55" West 924.47 feet to the westerly boundary of said Partition Plat 1993-62; thence along said westerly boundary, North 00°01'20" East 1199.11 feet to the westerly prolongation of the southerly line of Parcel 1 of said Partition Plat 1993-62; thence along said prolongation and said southerly line, South 89°59'42" East 876.68 feet to the easterly line of said Parcel 1; thence along said easterly line, North 00°03'02" East 496.66 feet to the north line of said Southeast Quarter of Section 8; thence along said north line, North 89°58'30" East 445.20 feet to the Quarter corner common to said Sections 8 and 9; thence along the north line of said Southwest Quarter of Section 9, North 89°35'12" East 1377.46 feet to the southerly prolongation of the easterly right-of-way of Tunnel Road (30.00 feet from centerline); thence along said prolongation, North 01°49'02" West 3.93 feet to the south line of the unrecorded plat of "Rock On The Range Homesites", filed as Deschutes County Survey 09630; thence along said south line, North 89°46'03" East 1243.59 feet to the Center Quarter corner of said Section 9, being a scribed 'X' in stone outcrop, also being the northwest corner of the lands described as Parcel 2 of Instrument Number 2020-01341, recorded January 10, 2020, Deschutes County Official Records; thence along the northerly line of said Parcel 2, North 89°48'36" East 7.77 feet to the westerly line of the lands described as Parcel 5 of Instrument Number 2020-71618, recorded December 31, 2020, Deschutes County Official Records; thence along said westerly line, South 00°17'53" East 18.05 feet to the southerly line of said Parcel 5; thence along said southerly line of Parcel 5, South 89°57'27" East 87.13 feet to the easterly line of Parcel 2 of said Instrument Number 2020-01341; thence along said easterly line, South 00°28'03" East 121.53 feet to the westerly right-of-way line of Clausen Drive; thence along said westerly right-of-way line on the following courses: South 19°23'07" West 1178.55 feet; thence along a curve to the right with a Radius of 232.47 feet, Central Angle of 17°21'33", an Arc Length of 70.43 feet, and a Chord of South 28°03'54" West 70.16 feet; thence South 36°44'40" West 22.58 feet to the northerly line of the Southeast Quarter of the Southwest Quarter of said

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Section 9; thence along said northerly line, South 89°46'41" West 963.85 feet to the westerly line of said Southeast Quarter of the Southwest Quarter of Section 9; thence along said westerly line, South 00°12'40" East 1325.65 feet to the southerly line of said Section 9; thence along said southerly line, South 89°58'03" West 1322.31 feet to the Point of Beginning.

EXCEPTING THEREFROM:

The lands described in Instrument Number 2012-08626, recorded March 12, 2012, Deschutes County Official Records, more particularly described as follows:

Commencing at the Southwest corner of said Section 9, thence along the south line of said Section 9, North 89°58'03" East 463.18 feet to the southerly prolongation of the easterly right-of-way line of Berg Lane; thence along said southerly prolongation, North 00°02'12" East 41.43 feet to the northerly right-of-way line of Cooley Road (varying in width from centerline), and the Second Point of Beginning; thence continuing along said easterly right-of-way line of Berg Lane (30.00 feet from centerline), North 00°02'12" East 555.29 feet to the southerly line of the lands described in Instrument Number 2022-5406, recorded February 7, 2022, Deschutes County Official Records; thence along said southerly line, North 89°59'26" East 819.01 feet to the westerly right-of-way line of Hunnell Road (30.00 feet from centerline); thence along said westerly right-of-way line on the following courses: along a curve to the right with a Radius of 5699.58 feet (Radius Point bears South 86°50'51" West), a Central Angle of 2°56'09", an Arc Length of 292.03 feet, and a Chord of South 01°41'05" East 292.00 feet; thence South 00°13'01" East 233.29 feet; thence South 43°50'32" West 13.62 feet to said northerly right-of-way line of Cooley Road; thence along said northerly right-of-way line, South 88°34'18" West 819.65 feet to the Point of Beginning.

The above described tract of land contains 153.61 acres, more or less.

The basis of bearings for this description are based on Deschutes County Survey 20962, filed November 4, 2022.

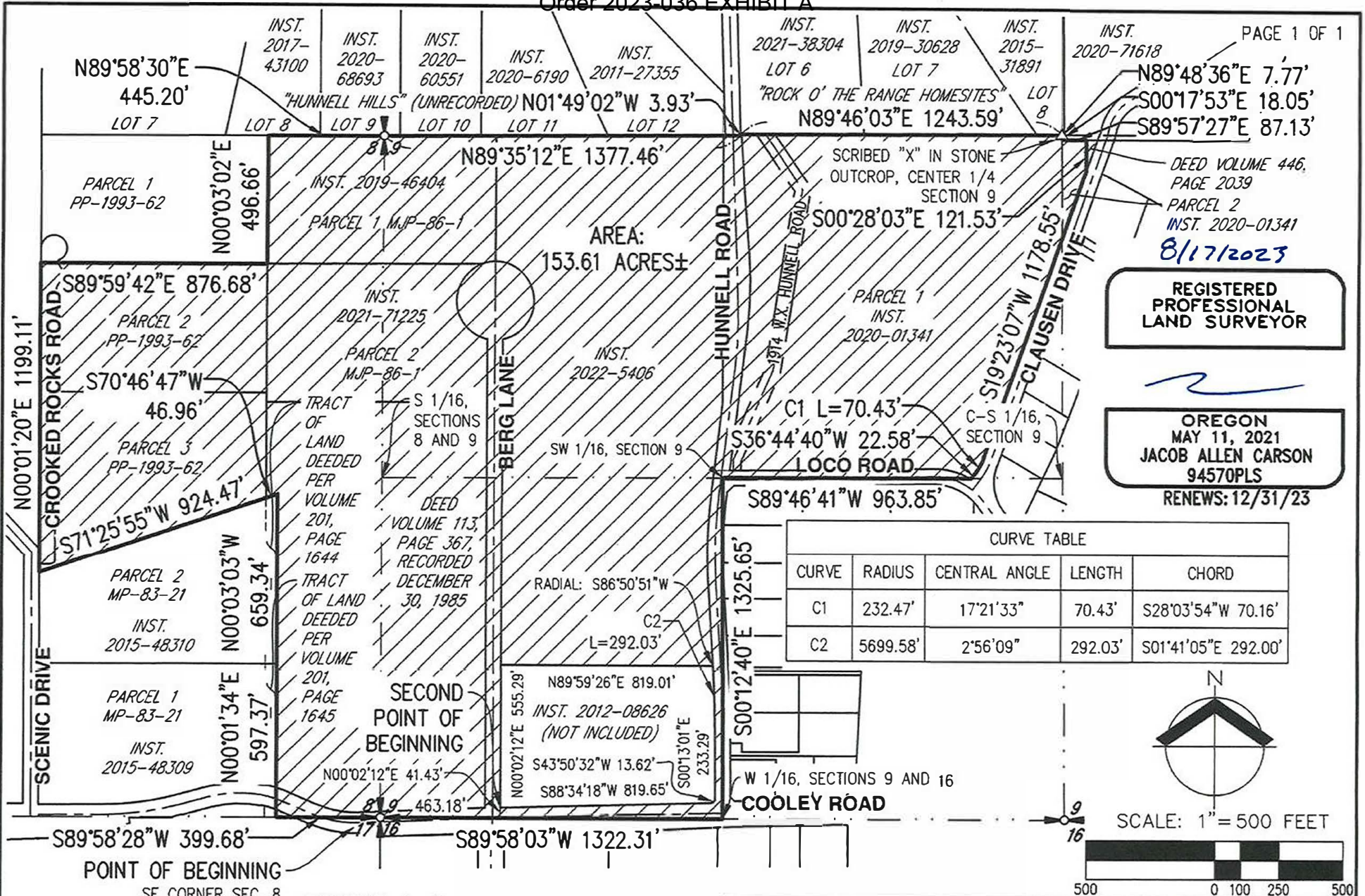
8/17/2023

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
MAY 11, 2021
JACOB ALLEN CARSON
94570PLS

RENEWS: 12/31/23



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
MAY 11, 2021
JACOB ALLEN CARSON
94570PLS
RENEWS: 12/31/23

EXHIBIT A-2

PARCELS 2 AND 3 OF PARTITION PLAT 1993-62, AND OTHER LANDS LOCATED IN THE SE 1/4 OF SEC. 8, THE SW 1/4, THE NW 1/4 OF THE SE 1/4, AND THE SE 1/4 OF THE NW 1/4 OF SEC. 9, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON

BPRD ANNEXATION		EXHIBIT A-2
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: JBS CHKD: JAC AKS JOB: 8553

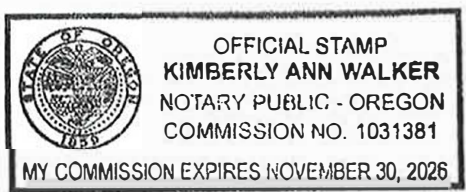


Order 2023-036 EXHIBIT A

NAME OF DISTRICT: Bend Park and Recreation District Withdrawal Annexation

PRINT NAME	DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1 <u>Joshua C. Gallagher</u> Print Name Signature	Date	<u>63700 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS <u>RESIDENCE ADDRESS (If Different)</u>	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreege Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
2 <u>Robert Gallagher</u> Print Name Signature	Date	<u>63678 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS <u>RESIDENCE ADDRESS (If Different)</u>	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreege Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
3 <u>Tamara Gallagher</u> Print Name Signature	Date	<u>63678 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS <u>RESIDENCE ADDRESS (If Different)</u>	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreege Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
4 <u>Pahlisch Homes at North Triangle LP</u> Print Name Signature	Date	<u>63765 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS <u>RESIDENCE ADDRESS (If Different)</u>	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreege Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
5 <u>_____</u> Print Name Signature	<u>8/30/23</u> Date	<u>63775 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS <u>70. Box 751 Selms OR 97658</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreege Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>

I, Kimberly A. Walker certify that I prepared this petition, and I am who signed this petition and so
 in my presence. Signature: Kimberly A. Walker USA MADE
 County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 30 day of August, 2023.
 Notary Public for Oregon Kimberly A. Walker My Commission Expires: 11/30/26
 Signature: Kimberly A. Walker (affix notary stamp)



Order 2023-036 EXHIBIT A

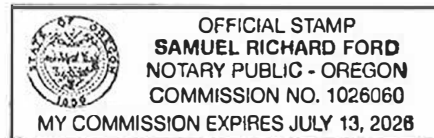
NAME OF DISTRICT: Bend Park and Recreation District

Withdrawal Annexation

PRINT NAME	DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1 <u>Joshua C. Gallagher</u> Print Name _____ Signature	_____ Date	<u>63700 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
2 <u>Robert Gallagher</u> Print Name _____ Signature	_____ Date	<u>63678 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
3 <u>Tamara Gallagher</u> Print Name _____ Signature	_____ Date	<u>63678 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
4 <u>Pahlisch Homes at North Triangle LP</u> _____ Signature	<u>8/15/23</u> Date	<u>63765 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS <u>210 SW Wilson Ave #100</u> <u>Bend, OR 97702</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage <u>10.00</u> Registered Voter Yes _____ No _____ Pre _____
5 <u>Lisa L. Mack</u> Print Name _____ Signature	_____ Date	<u>63775 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____

I, Sherrille Hoyle, certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: Sherrille Hoyle

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 15th day of August, 2023
 Notary Public for Oregon Commission No. 991616 My Commission Expires: 5.11.24
 Signature: Sherrille Hoyle (affix notary stamp)



I, Chanelle Hale certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: [Signature]

County of Deschutes State of Oregon

SUBSCRIBED AND SWORN before me this 7th day of September, 2023

Notary Public for Oregon, Commission No. 1026060 My Commission Expires: July 13, 2026

Signature [Signature] (affix notary stamp)

Order 2023-036 EXHIBIT A

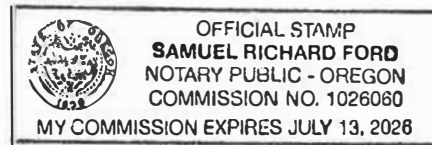
NAME OF DISTRICT: Bend Park and Recreation District

Withdrawal Annexation

PRINT NAME		DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1	<u>Joshua C. Gallagher</u> Print Name [Redacted]	<u>8/29/23</u> Date	<u>63700 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage <u>9.28</u> Registered Voter Yes _____ No _____ Pre _____
2	<u>Robert Gallagher</u> [Redacted]	<u>8/29/23</u> Date	<u>63678 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage <u>10.23</u> Registered Voter Yes _____ No _____ Pre _____
3	<u>Tamara Gallagher</u> [Redacted]	<u>8/29/23</u> Date	<u>63678 Crooked Rocks Rd., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage <u>10.23</u> Registered Voter Yes _____ No _____ Pre _____
	<u>Pahlisch Homes at North Triangle LP</u> Print Name Signature	 Date	<u>63765 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
5	<u>Lisa L. Mack</u> Print Name Signature	 Date	<u>63775 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____

I, Cherelle Hall certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: [Signature]

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 29th day of August, 2023
 Notary Public for Oregon, Commission No. 799516 My Commission Expires: 5-11-24
 Signature: [Signature] (affix notary stamp)




I, Cherelle Haley certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: Merrill Cole

County of Deschutes State of OREgon
SUBSCRIBED AND SWORN before me this 7th day of September, 20 23
Notary Public for Oregon commission NO. 1026060 My Commission Expires: July 13, 2026

Signature [Signature] (affix notary stamp)

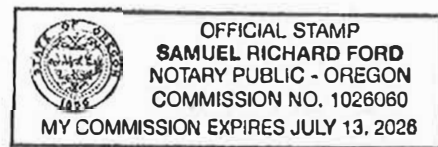
Order 2023-036 EXHIBIT A

NAME OF DISTRICT: Bend Park and Recreation District Withdrawal Annexation

PRINT NAME	DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1 <u>Ryan Bell</u> 	<u>8/19/23</u> Date	<u>63775 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <u>10.00</u> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
2 <u>Kudo Investments, LLC</u> Print Name Signature	 Date	<u>63660 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <input type="checkbox"/> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
3 <u>Reorganized Church of Jesus Christ of Latter Day Saints</u> Print Name Signature	 Date	<u>20380 Cooley Rd., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <input type="checkbox"/> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
4 <u>Jelinda S. Carpenter Survivors Trust</u> Print Name Signature	 Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input type="checkbox"/> No <input type="checkbox"/> Acreage <input type="checkbox"/> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
5 <u>John B. McGilvary Revocable Living Trust</u> Print Name Signature	 Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input type="checkbox"/> No <input type="checkbox"/> Acreage <input type="checkbox"/> Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>

I, Shanelle Anne Woodhouse certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: Shanelle Anne Woodhouse

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 19th day of August, 2023.
 Notary Public for Oregon, Commission No. 992515 My Commission Expires: 5.11.24
 Signature: Shanelle Anne Woodhouse (affix notary stamp)



I, Maxwell Hale certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: Maxwell Hale

County of Deschutes State of Oregon
SUBSCRIBED AND SWORN before me this 7th day of September, 2023
Notary Public for Oregon Commission No. 1026060 My Commission Expires: July 13, 2026

Signature [Signature] (affix notary stamp)

Order 2023-036 EXHIBIT A

NAME OF DISTRICT: _____

Bend Park and Recreation District

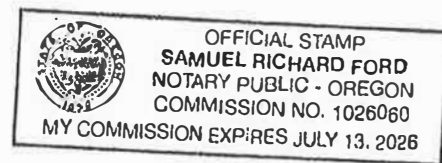
Withdrawal Annexation

PRINT NAME	DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1 <u>Ryan Bell</u> Print Name _____ Signature	_____ Date	<u>63775 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
2 <u>Kudo Investments, LLC</u> Print Name _____ Signature	_____ Date	<u>63660 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
3 <u>Reorganized Church of Jesus Christ of Latter Day Saints</u> Print Name _____ Signature	_____ Date	<u>20380 Cooley Rd., Bend, OR 97703</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
4 <u>Jelinda S. Carpenter Survivors Trust</u> _____ Signature	<u>8/18/23</u> Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS <u>20522 Loco Rd., Bend, OR 97701</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage <u>33.54</u> Registered Voter Yes _____ No _____ Pre _____
5 <u>John B. McGilvary Revocable Living Trust</u> Print Name _____ Signature	_____ Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS _____ RESIDENCE ADDRESS (If Different)	Landowner Yes _____ No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____

I, Wendell Hale certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature _____

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 18th day of August, 2023
 Notary Public for Oregon 994513 Commission No. _____ My Commission Expires: 6/11/24

Signature Wendell Hale (affix notary stamp)



I, Chenele Hale certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: [Signature]

County of Deschutes State of Oregon

SUBSCRIBED AND SWORN before me this 7th day of September, 2023

Notary Public for Oregon Commission No. 1026060 My Commission Expires: July 13, 2026

Signature [Signature] (affix notary stamp)

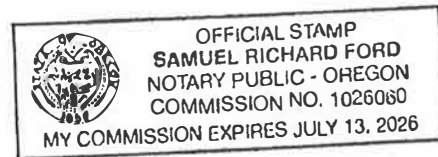
Order 2023-036 EXHIBIT A

NAME OF DISTRICT: Bend Park and Recreation District Withdrawal Annexation

PRINT NAME		DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1	<u>Ryan Bell</u> Print Name Signature	 Date	<u>63775 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
2	<u>Kudo Investments, LLC</u> Signature	<u>8/11/23</u> Date	<u>63660 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage <u>39.53</u> Registered Voter Yes _____ No _____ Pre _____
3	<u>Reorganized Church of Jesus Christ of Latter Day Saints</u> Print Name Signature	 Date	<u>20380 Cooley Rd., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
4	<u>Jelinda S. Carpenter Survivors Trust</u> Print Name Signature	 Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes _____ No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____
5	<u>John B. McGilvary Revocable Living Trust</u> Print Name Signature	 Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes _____ No _____ Acreage _____ Registered Voter Yes _____ No _____ Pre _____

I, Sherrill Hays certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: Sherrill Hays

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 11th day of August, 2023
 Notary Public for Oregon, Commission No. 99613 My Commission Expires: 5-11-24
 Signature: Sherrill Hays (affix notary stamp)



I, Chenelle Hale certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: [Signature]

County of Deschutes State of Oregon

SUBSCRIBED AND SWORN before me this 7th day of September, 2023

Notary Public for Oregon Commission No. 1026060 My Commission Expires: July 13, 2026

Signature [Signature] (affix notary stamp)

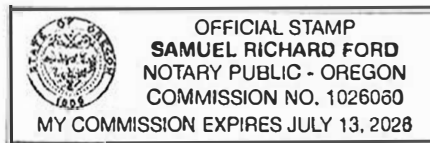
Order 2023-036 EXHIBIT A

NAME OF DISTRICT: Bend Park and Recreation District Withdrawal Annexation

PRINT NAME		DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1	<u>Ryan Bell</u> Print Name Signature	 Date	<u>63775 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____
2	<u>Kudo Investments, LLC</u> Print Name Signature	 Date	<u>63660 Berg Ln., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____
3	<u>Reorganized Church of Jesus Christ of Latter Day Saints</u> Print Name Signature	<u>8/9/23</u> Date	<u>20380 Cooley Rd., Bend, OR 97703</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acres <u>22.79</u> Registered Voter Yes _____ No _____ Pre _____
4	<u>Jelinda S. Carpenter Survivors Trust</u> Print Name Signature	 Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes _____ No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____
5	<u>John B. McGilvary Revocable Living Trust</u> Print Name Signature	 Date	<u>20522 Loco Rd., Bend, OR 97701</u> PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes _____ No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____

I, Cherelle Hoyle certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: Cherelle Hoyle

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 9th day of August 2023
 Notary Public for Oregon, Commission No. 999513 My Commission Expires: 5.11.24
 Signature: Cherelle Hoyle (affix notary stamp)



I, Chenelle Hale, certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: Chenelle Hale

County of Deschutes State of Oregon
SUBSCRIBED AND SWORN before me this 7th day of September, 2023
Notary Public for Oregon Commission No. 1026060 My Commission Expires: July 13, 2026

Signature [Signature] (affix notary stamp)

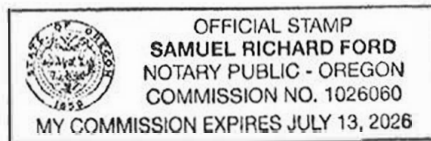
Order 2023-036 EXHIBIT A

NAME OF DISTRICT: Bend Park and Recreation District Withdrawal Annexation

PRINT NAME	DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1 Ryan Bell Print Name Signature	Date	63775 Berg Ln., Bend, OR 97703 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____
2 Kudo Investments, LLC Print Name Signature	Date	63660 Berg Ln., Bend, OR 97703 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____
3 Reorganized Church of Jesus Christ of Latter Day Saints Print Name Signature	Date	20380 Cooley Rd., Bend, OR 97703 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____
4 Jelinda S. Carpenter Survivors Trust Print Name Signature	Date	20522 Loco Rd., Bend, OR 97701 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes _____ No _____ Acres _____ Registered Voter Yes _____ No _____ Pre _____
5 John B. McGilvary Revocable Living Trust [Redacted] Signature	8/14/23 Date	20522 Loco Rd., Bend, OR 97701 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No _____ Acres 33.57 Registered Voter Yes _____ No _____ Pre _____

I, Christelle Hale verify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: _____

County of Deschutes State of Oregon
 SUBSCRIBED AND SWORN before me this 14th day of August, 2023.
 Notary Public for Oregon Commission No. 961512 My Commission Expires: 5-11-24
 Signature: [Signature] (affix notary stamp)



I, Chenelle Hale certify that I circulated this petition, and every person who signed this petition did so in my presence. Signature: [Signature]

County of Deschutes State of Oregon
SUBSCRIBED AND SWORN before me this 7th day of September, 2023
Notary Public for Oregon Commission No. 1026060 My Commission Expires: July 13, 2026

Signature [Signature] (affix notary stamp)


Security Deposit
Special District Formation or Reorganization

SEL 704

rev 01/18
 ORS 198.775

Formation Annexation Withdrawal Dissolution

District and Precinct Information		
Name of District Bend Park and Recreation District		
Number of Precincts in District	Amount of Deposit per Precinct	Total Deposit (max of \$10,000)


Chief Petitioners					
I/We hereby declare if the costs of the attempted formation annexation, withdrawal or dissolution of Bend Park and Recreation district exceeds the deposit, I/we will pay to the county treasurer the amount of the excess cost (ORS 198.775)					
Name print Pahlisch Homes, Inc.			Signature 		
Residence 210 SW Wilson Avenue, Suite 100			Mailing Address if different		
City Bend	State OR	Zip Code 97702	City	State	Zip Code
Amount of Contribution/Value of Secured Deposit			Kind of Contribution* <input type="checkbox"/> Cash <input type="checkbox"/> Bond <input type="checkbox"/> Other Security Deposit		

Name print			Signature		
Residence			Mailing Address if different		
City	State	Zip Code	City	State	Zip Code
Amount of Contribution/Value of Secured Deposit			Kind of Contribution* <input type="checkbox"/> Cash <input type="checkbox"/> Bond <input type="checkbox"/> Other Security Deposit		

Name print			Signature		
Residence			Mailing Address if different		
City	State	Zip Code	City	State	Zip Code
Amount of Contribution/Value of Secured Deposit			Kind of Contribution* <input type="checkbox"/> Cash <input type="checkbox"/> Bond <input type="checkbox"/> Other Security Deposit		

Continued on the reverse side of this form

Order 2023-036 EXHIBIT A

Person/Organizations Providing Any Part of Cash/Security Deposit					
Name print AKS Engineering & Forestry			Signature 		
Residence 2777 NW Lolo Drive, Suite 150			Mailing Address if different		
City Bend	State OR	Zip Code 97703	City	State	Zip Code
Amount of Contribution/Value of Secured Deposit \$100			Kind of Contribution*		
			<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Bond	<input type="checkbox"/> Other Security Deposit

Name print			Signature		
Residence			Mailing Address if different		
City	State	Zip Code	City	State	Zip Code
Amount of Contribution/Value of Secured Deposit			Kind of Contribution*		
			<input type="checkbox"/> Cash	<input type="checkbox"/> Bond	<input type="checkbox"/> Other Security Deposit

Name print			Signature		
Residence			Mailing Address if different		
City	State	Zip Code	City	State	Zip Code
Amount of Contribution/Value of Secured Deposit			Kind of Contribution*		
			<input type="checkbox"/> Cash	<input type="checkbox"/> Bond	<input type="checkbox"/> Other Security Deposit

Additional Description
<p>*Provide additional description of security deposit below, on the back of this form or on separate sheets. Additional contributors may be listed on separate sheets and attached.</p> <p>\$100 check payable to Deschutes County.</p>



**DESCHUTES COUNTY ASSESSOR'S OFFICE
CARTOGRAPHY DEPARTMENT**

1300 NW Wall Street, Suite 204 | Bend, Oregon 97703

Office: (541) 388-6508 | **Fax:** (541) 382-1692

Website: <https://www.deschutes.org/assessor>

Property Info: <https://dial.deschutes.org/>

September 12, 2023

Steve Dennison

Deschutes County Clerk

Re: **Petition for Bend Park & Recreation District** (PAHLISCH HOMES AT NORTH TRIANGLE LP ETAL)

Please be advised the attached petition meets the requirements of ORS 198.

Sincerely,

Gregg Rossi



Gregg Rossi | Chief Cartographer

Deschutes County Assessor's Office, Cartography Dept.

1300 NW Wall St. Suite 204 | Bend, Oregon 97703

PO Box 6005 | Bend, Oregon 97708

Tel: (541) 617-4703 | Fax: (541) 382-1692





**Petition for Annexation to
Bend Park and Recreation District**

Clerk's Certification

I, Steve Dennison, Deschutes County Clerk, do hereby certify that the number of registered voters at the addresses listed in the petition are as follows:

- Taxlot 171208D000201, 63700 CROOKED ROCKS RD, BEND, OR 97703
2 Active Registered Voters
- Taxlot 171208D000202, 63678 CROOKED ROCKS RD, BEND, OR 97703
3 Active Registered Voters
- Taxlot 171208D000102, 20380 COOLEY RD, BEND, OR 97703
0 Active Registered Voters
- Taxlot 171208D000100, 63775 BERG LN, BEND, OR 97703
1 Active Registered Voter
- Taxlot 171208D000101, 63765 BERG LN, BEND, OR 97703
0 Active Registered Voters
- Taxlot 171209C000200, 63660 BERG LN, BEND, OR 97703
1 Active Registered Voter
- Taxlot 171209C000100, 20522 LOCO RD, BEND, OR 97701
0 Active Registered Voters
- Taxlot 171209D000093, ****NO SITUS ADDRESS****
0 Active Registered Voters

Dated this 14th day of September, 2023.

A handwritten signature in black ink, appearing to read "Steve Dennison", is written over a horizontal line.

Steve Dennison

Deschutes County Clerk



TO: Deschutes County Board of Commissioners

FROM: Will Groves, Planning Manager

DATE: September 14, 2023

SUBJECT: Land Use Compatibility for Annexation, Various Lots Described Herein - Bend Park & Recreation District

The materials contained in the petition propose to annex lands to the Bend Park & Recreation District. Specifically:

1. 63700 Crooked Rocks Road, Bend, OR 97703
2. 63678 Crooked Rocks Road, Bend, OR 97703
3. 63660 Berg Lane, Bend, OR 97703
4. 63765 Berg Lane, Bend, OR 97703
5. 63775 Berg Lane, Bend, OR 97703
6. 20380 Cooley Road, Bend, OR 97703
7. 20522 Loco Road, Bend, OR 97701
8. No Situs Address (Map/Tax Lot 1712090000093)

I have coordinated with the City of Bend and confirmed that there are no planning or zoning obstacles to the proposed annexation in County or City regulations. The City of Bend commented regarding this property:

Thanks for your email regarding the petition for annexation from Pahlisch Homes. The eight (8) properties included in this petition are located within the Bend urban growth boundary (UGB) and currently zoned UA, Urbanizable Area. All eight were included in the UGB in 2016 in what is referred to under the Bend Comprehensive Plan as the North Triangle expansion area (See Chapter 11, Growth Management). The same eight properties are the subject of a major community master plan application under review by the City, PLSPD20230175. You will find the Planning Commission's order and recommendation attached, including the application of plan designations under the Comprehensive Plan Map.

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PLSPD20230175

HEARING DATE: September 20, 2023

APPLICANT: Pahlisch Homes, Inc.
210 SW Wilson Ave #100
Bend, OR 97702

OWNERS: Pahlisch Homes at North Triangle LP and others
(see owner list on Exhibit A of application)

**PLANNING/
ENGINEERING:** AKS Engineering & Forestry, LLC
2777 NW Lolo Drive, Suite 150
Bend, OR 97703

TRANSPORTATION: Joe Bessman, PE
Transight Consulting, LLC

LOCATION: East of Highway 20, west of Highway 97, north of Cooley
Road, within the North Triangle Urban Growth Boundary
Expansion Area

Deschutes County Assessor's Map:
Map 17 12 08D0 Tax Lots 100, 101, 102, 201, 202
Map 17 12 09C0 Tax Lots 100, 200
Map 17 12 09D0 Tax Lot 93

REQUEST: Type III Quasi-judicial amendment to Bend Development
Code Chapter 2.7, Special Planned Districts, to create the
Caraway Master Planned Development; a 149.88-acre Major
Community Master Plan, with a mix of residential, commercial,
mixed-employment and light industrial uses, including
approximately 17.6 acres of open space.

STAFF REVIEWERS: Karen Swenson, AICP, Senior Planner
(541) 388-5567; kswenson@bendoregon.gov
Chris Henningsen, PE, Principal Engineer
(541) 693-2134, chenningesen@bendoregon.gov

APPLICABLE REVIEW CRITERIA, STANDARDS AND PROCEDURES:

Bend Development Code (BDC)

Criteria

Chapter 4.5, Master Plans

Standards

Chapter 2.1, Residential Districts (RS, RM)

Chapter 2.2, Commercial Zoning Districts (CL, CG)

Chapter 2.3, Mixed-Use Zoning Districts (ME)

Chapter 2.4, Industrial Zoning Districts (IL)

Chapter 2.8, Urbanizable Area District (UA)

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

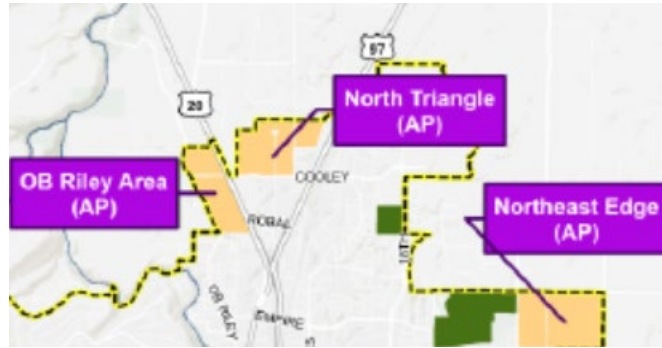
Oregon Administrative Rules

Chapter 660 Division 15 - Statewide Planning Goals and Guidelines

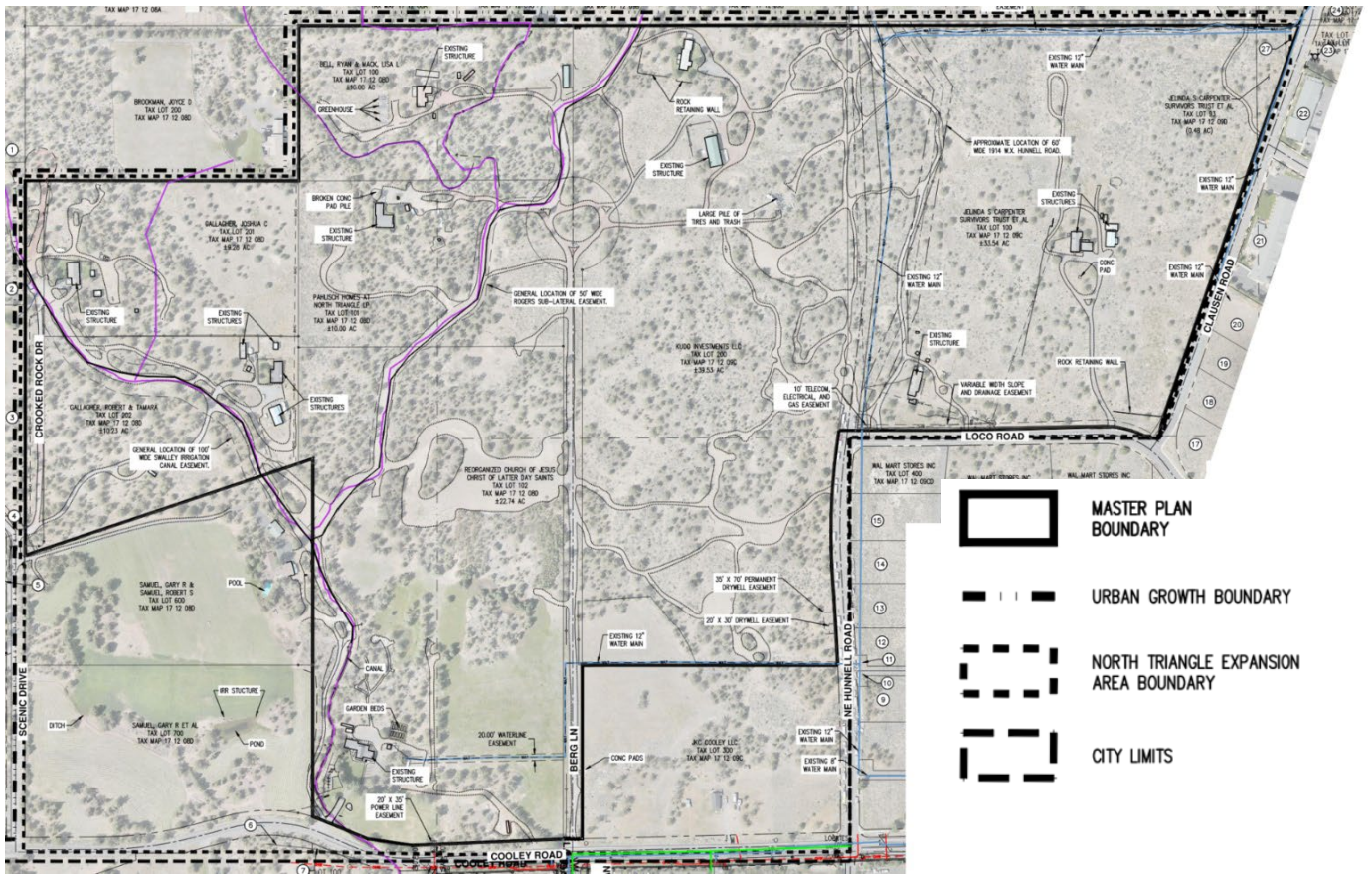
FINDINGS OF FACT:

- 1. LOCATION:** The Caraway Master Plan encompasses 149.88 acres of the 181.79-acre North Triangle Urban Growth Boundary (UGB) Expansion Area. The site is comprised of eight tax lots, bounded by Scenic Drive (a local road) to the west, Cooley Road (a minor arterial) to the south, and Clausen Road (a local road) to the east. To the north, the Caraway Master Plan area abuts land within the County jurisdiction that is subdivided into large lots and developed with single-unit homes.
- 2. SITE DESCRIPTION:** The site is relatively flat, and the submitted Existing Conditions and Ownership Map shows the Swalley Irrigation Canal stretching from the northwest corner of the Master Plan area (in a southeasterly direction) to the southern boundary of the Caraway Master Plan area, where it crosses under Cooley Road. About halfway to the southern boundary of the Caraway Master Plan area, the canal splits and runs northeasterly to the northern boundary of the Master Plan area. Existing vegetation is typical of the north side of Bend and includes coniferous trees, primarily juniper, of varying heights and maturities. There are a number of homes, a church, and accessory structures spread across the subject property, which will be removed during construction.

The Caraway Master Plan includes three segments of unimproved rights-of-way within the County: Crooked Rocks Road along the western edge, Berg Lane extends north from Cooley Road, and the portion of Hunnell Road north of Loco Road. The applicant is in the process of vacating these unimproved rights-of-way through Deschutes County.

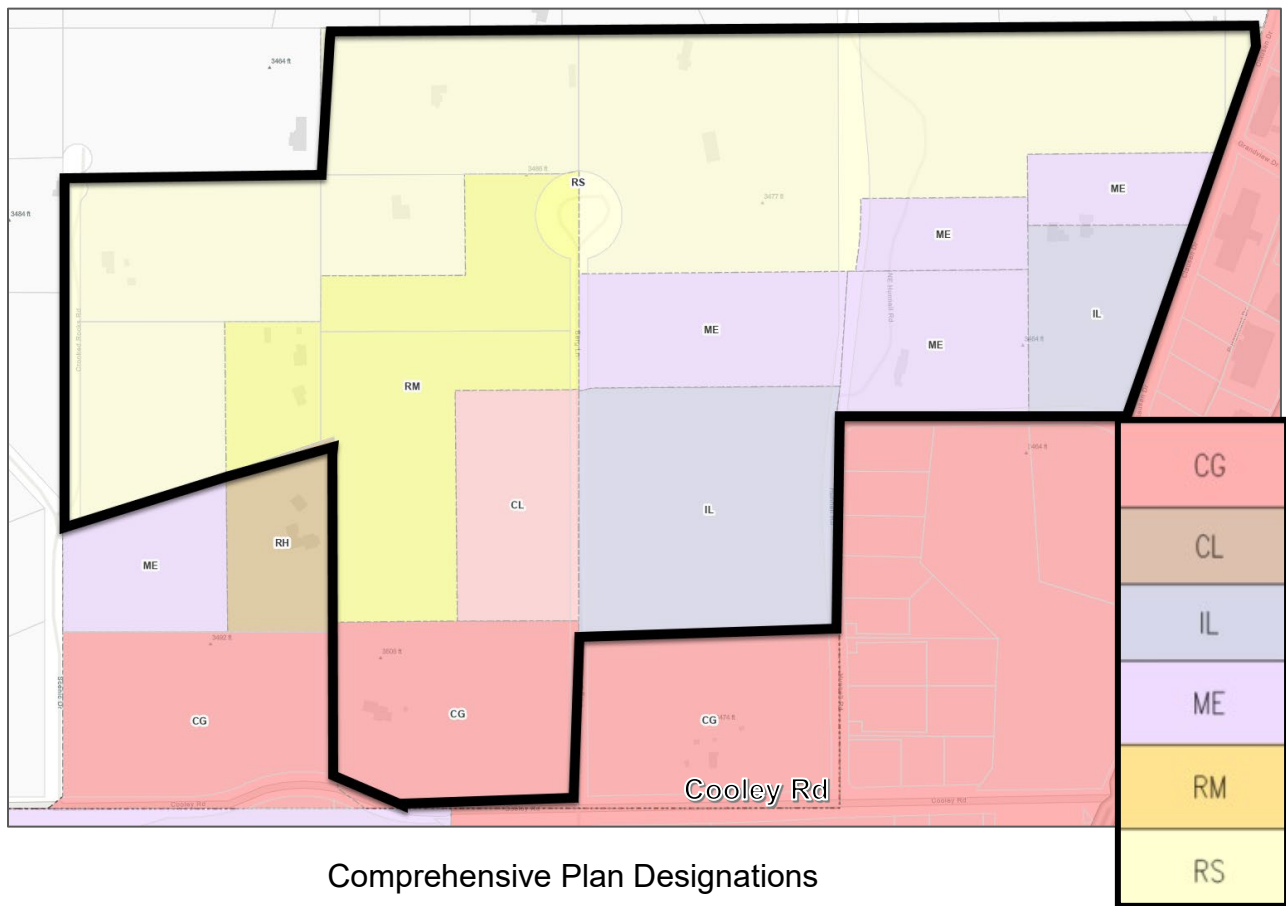


Bend Comprehensive Plan – North Triangle Expansion Area



2022 Aerial – Caraway Master Plan subject property

3. ZONE AND PLAN DESIGNATION: The Caraway Master Plan is located within the North Triangle UGB Expansion Area. The Bend Comprehensive Plan (BCP) designations of the North Triangle include Residential, Commercial, Mixed Employment and Industrial. Residential zones comprise approximately half of the property and include Residential Standard Density (RS) and Residential Medium Density (RM). Commercial zones include Limited Commercial District (CL) and General Commercial (CG) abutting and just north of Cooley Road. The Industrial zone designation is Light Industrial (IL) and located in the center and eastern portions of the property. Finally, the Mixed Employment (ME) zone is located in the center eastern portion of the property. The current zone of the subject property is Urbanizable Area (UA).



The eight tax lots within the Caraway Master Plan are listed below along with their address, acreage, and Comprehensive Plan designations:

Table 1: Caraway Master Plan properties

Map and Tax Lot	Address	Acreage	Comprehensive Plan Designation
171208D000100	63775 Berg Lane	±10.00	RS
171208D000101	63765 Berg Lane	±10.00	RS, RM
171208D000102	20380 Cooley Road	±22.74	RM, CL, CG
171208D000201	63700 Crooked Rocks Road	±9.28	RS
171208D000202	63678 Crooked Rocks Road	±10.23	RS, RM
171209C000100	20522 Loco Road	±33.54	RS, ME, IL
171209C000200	63660 Berg Lane	±39.53	RS, ME, IL
171209D00093	No Situs Address	±0.48	RS

The abutting properties to the east and southeast are located within the city limits and are zoned General Commercial. The Gateway North Master Plan, which includes both multifamily and commercial uses, is located to the southwest of the Caraway Master Plan, south of Cooley Road, and inside the City Limits.

There are four properties outside of the proposed master plan but within the North Triangle Expansion Area. To the southeast, abutting Cooley Road, is a 10.38-acre property designated General Commercial. To the southwest are two properties – the northern 10.76-acre property has a split designation of High Density Residential (RH – 5.0 acres) and Mixed Employment (ME – 5.76 acres) and the southern 11.44-acre property is designated General Commercial. Finally, a small 0.05-acre property in northeast corner of the North Triangle Expansion Area abutting Clausen Road is designated RS and is not within the master plan boundary.

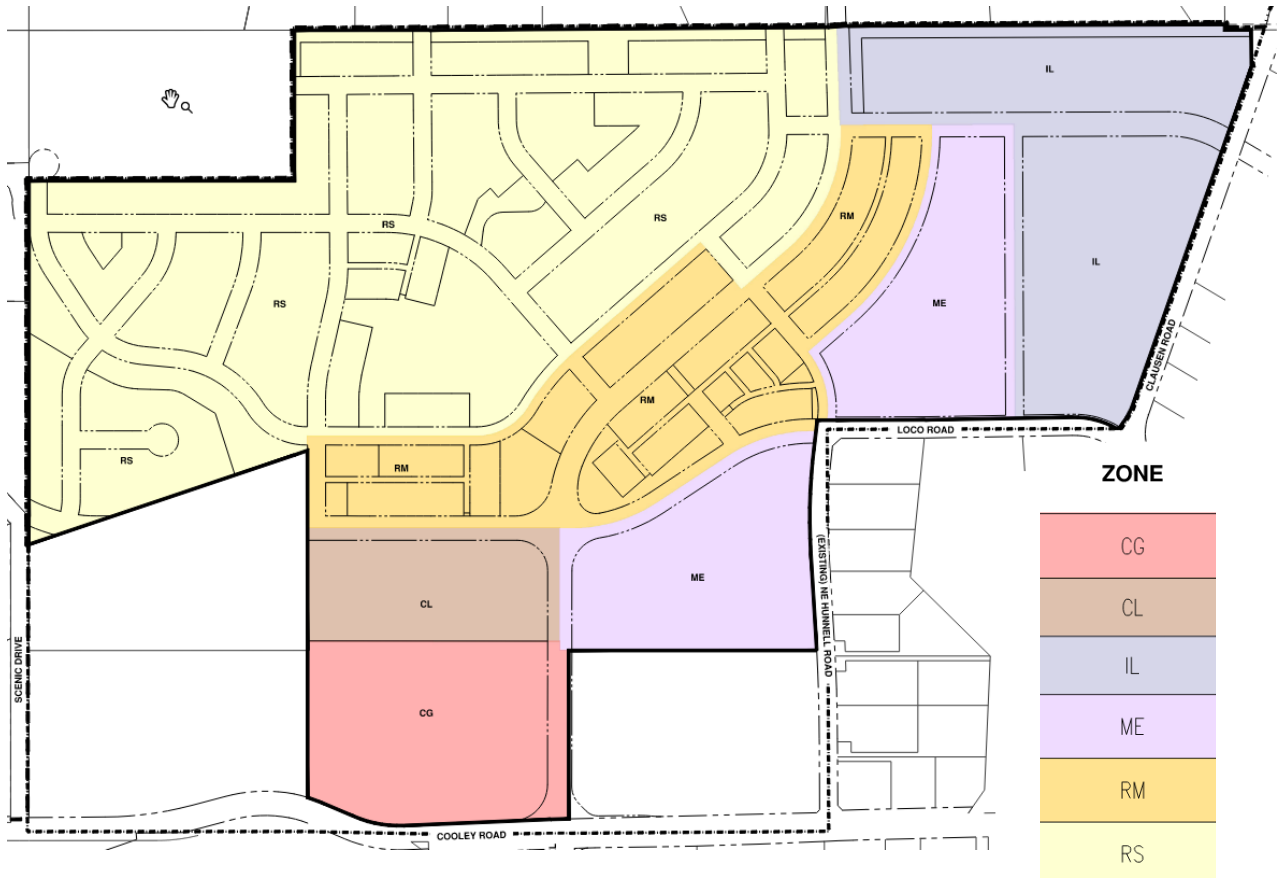
The remaining abutting properties to the west and north are outside of the urban growth boundary and are zoned Multiple Use Agricultural (MUA-10) and Urban Area Reserve 10 Acre Minimum (UAR-10) in the County.

- PROPOSAL:** The applicant proposes a Major Community Master Plan to be known as Caraway located on approximately 150 acres within the 182-acre North Triangle subarea of the 2016 UGB expansion area, including amendments to both the text and maps in BDC Chapter 2.7 to provide specific development provisions, maps, and diagrams of the new districts and roadway and trail network.

The Caraway Master Plan will provide for a mix of residential and commercial uses including approximately 88 gross acres of residential plan designations that contain parks and open space, almost 19 gross acres of commercial plan designations, and approximately 22 gross acres of industrial plan designations, and approximately 20 acres of mixed employment designation. At least ten percent of the master plan area

will be comprised of open space, including parks, an interconnected trail system and common area. The development will occur in a series of phases over time dependent upon market demand and design layout of utilities and road systems within each of the zoning designations.

Caraway includes rearrangements to the Comprehensive Plan Map placeholder designations to create a diverse and interconnected community that meets the identified BCP policies for this area (BCP Chapter 11).



Proposed Master Plan

The key components of the Caraway Master Plan include:

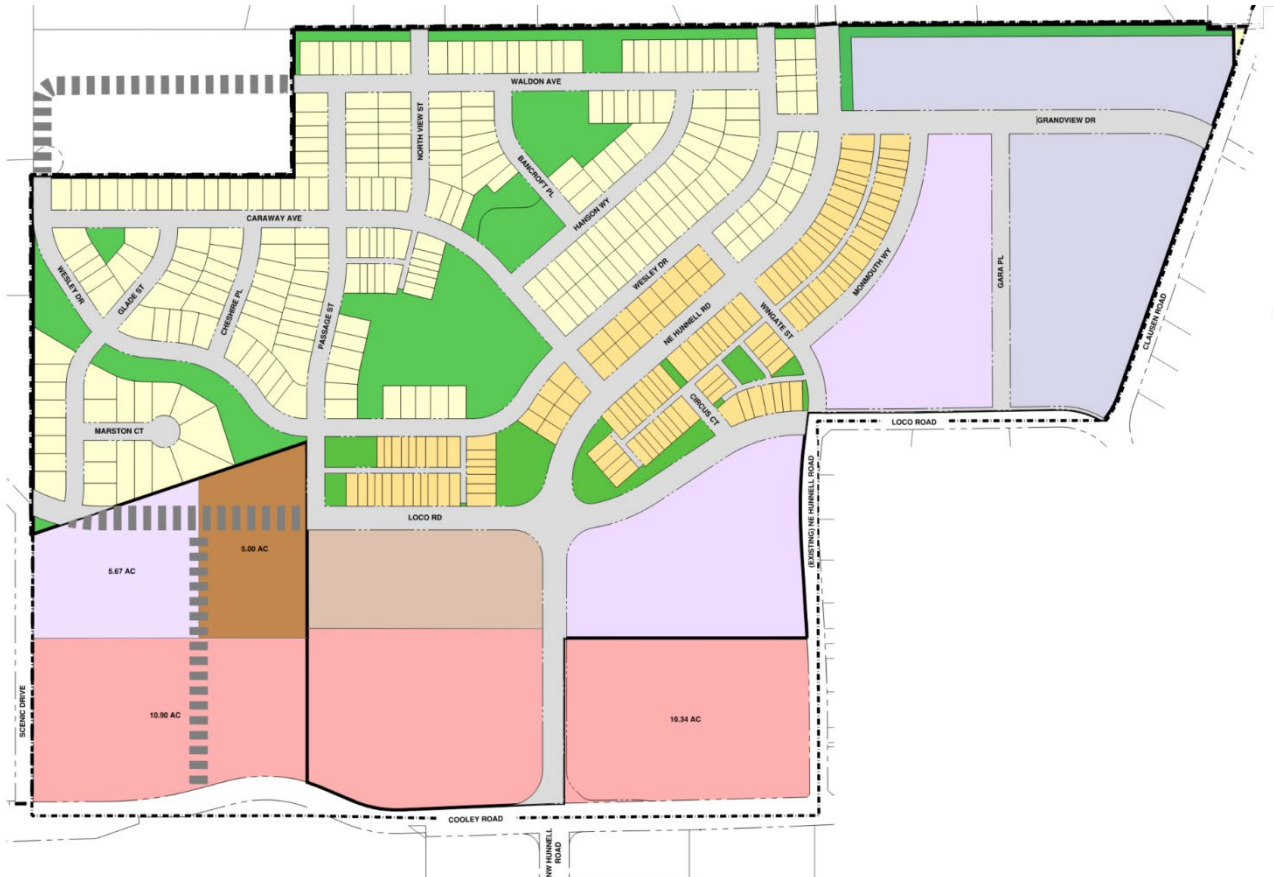
- **Transportation System Improvements:** Subject to the Annexation Agreement, the planned transportation improvements, combined with the internal circulation system and street cross-sections, will support the mix of uses within Caraway while also improving connectivity and functionality of critical transportation facilities on the north side of Bend.
 - **Hunnell Road Realignment:** Consistent with Bend’s Transportation System Plan (TSP), the realignment of Hunnell Road forms the north-south “spine” through Caraway and connects rural residential lands to the north to Cooley

Road and surrounding commercial lands. This new collector street includes 8-foot-wide multiuse pathways along both sides, supporting multiple modes of transportation.

- Roundabout at Cooley Road and Hunnell Road: A single-lane roundabout at the gateway into the community will facilitate regional transportation, provide safe multimodal crossings, and support local access needs.
- Roundabout at Hunnell Road and Loco Road: The single-lane roundabout at the entrance to the residential portion of the community marks the transition in uses and will mitigate neighborhood congestion, provide safe multimodal crossings, and support local access needs.
- Extension of Grandview Drive from Clausen Drive to Hunnell Road: This new east-west route, built to Industrial Collector standards, will connect residential and light industrial areas in Caraway to US 97 and the existing commercial corridor.
- Extension of Loco Road from Hunnell Road to Scenic Drive: This new main east-west collector separates the residential and commercial areas in Caraway. Eight-foot-wide multiuse pathways run along both sides, providing multimodal connections to Hunnell Road and the internal pathway network. Loco Road's full public connection to Scenic Drive is predicated on the future annexation of Scenic Drive into the City of Bend, requiring improvement to Scenic Drive to City of Bend standards by adjacent landowners with frontage on Scenic Drive. Until Scenic Drive is annexed into the City in the future, the Loco Road connection will be for emergency access only.
- Mobility Hub: Construction of a Mobility Hub along the commercial frontage on Hunnell Road provides a transit pad, shelter, bench, and space for bicycle parking, rideshare, and transit and shuttle parking. Specifics of the mobility hub will be determined through the conversation with Cascade East Transit (CET) during future subdivision and permit review.
- Commercial, Mixed-Use Employment, and Light Industrial Areas: Caraway includes 18.76 acres of commercial-zoned land, 20.73 acres of mixed-employment-zoned land, and 22.28 acres of light industrial-zoned land, which ensures employment and commercial services are scaled to serve the needs of the neighborhood.
- Community Amenities and Trail Network: Caraway will have a centralized private community center with amenities ranging from swimming pools to lawn games and firepits. A network of trails winding through Caraway's open spaces and along designated local and collector streets will provide additional low stress pedestrian links for residents and visitors to access the community's amenities and planned features as well as reach adjacent areas outside the Master Plan.

- **Open Space and Neighborhood Park:** The Caraway Master Plan preserves 17.6 acres (11.8 percent) as open space, including a new 5.3-acre neighborhood park located near the center of the community and the North Triangle Expansion Area. Identified in Bend Parks and Recreation District's (BPRD) 2018 Comprehensive Plan, this public facility will provide recreational opportunities for individuals of all ages. The ultimate design will be refined in coordination with BPRD, but the location will be well connected to the network of trails and multiuse paths throughout Caraway intended for public and private use.
- **Multiple Types of Needed Housing:** Caraway includes a mix of housing types that will implement both the City's Comprehensive Plan policies for the North Triangle Expansion Area and the City Council's goal to increase the supply of needed housing—both rental and owner-occupied—across a range of income levels and price points. Planned housing types include townhomes, urban rear-loaded homes, traditional front-loaded homes, village homes, and larger-lot single-level homes. Many of these housing types constitute the so-called “missing middle” that sits between detached single-unit homes and mid-rise apartments. Caraway will also provide 77 units of affordable housing as required per Comprehensive Plan Policies 11-146 and 11-147.

The proposed North Triangle Land Use Plan (Attachment C) encompasses the Caraway Master Plan and includes four additional properties: two 10+-acre CG-designated properties abutting Cooley Road, a split-zoned property designated ME and RH in the southwestern portion of the North Triangle Expansion Area, and a sliver of RS in the very northeastern corner. The North Triangle Land Use Plan and Utility Plan show how these properties outside of the Caraway Master Plan can be served with future infrastructure.



Proposed North Triangle Land Use Plan

5. **CONCURRENT APPLICATIONS:** The applicant has applied for annexation of the subject property into the Bend City limits (PLANX20230177) to be reviewed and considered concurrently with this Master Plan by the Bend City Council.

6. **PUBLIC NOTICE AND COMMENTS:** In accordance with BDC 4.1.215, the applicant held a neighborhood meeting on January 11, 2023 via Zoom. Documentation of the public meeting, including a signed verification of compliance form from the Boyd Acres neighborhood association representative, a roster of the Zoom meeting attendees, copies of materials provided to neighbors within 500-feet of the Caraway site, and copies of mailing receipts were submitted with the application. Approximately 13 people attended the virtual public meeting, which lasted a little under one hour. Concerns identified by attendees included impacts to and access from Scenic Drive, Crooked Rocks Road and properties to the north, sewer/water/electricity availability, and irrigation facilities. Other questions were raised including the common space/open space requirement, overall density, affordable housing/average home cost, use of green materials and solar panels, and plans for the mixed employment lands.

On August 31, 2023, Notice of Proposed Development signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way. These notices were posted for more than 10 days prior to the September 20,

2023 hearing date.

On August 31, 2023, the City of Bend Planning Division mailed notice of the City Council public hearing for the application to surrounding owners of record and addresses of property within 750 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Boyd Acres Neighborhood Association representative. The notice for the public hearing was mailed more than 10 days prior to the hearing, in accordance with BDC 4.1.423. There will be at least two evidentiary hearings for this application; one that was held before the Planning Commission on August 28, 2023, and another before the City Council on September 20, 2023.

One written comment from the public was received in response to these public notices, expressing concern about the compatibility with the rural residential uses to the north. Three individuals spoke at the Planning Commission public hearing. One individual representing the Unity Center west of the master plan area indicated a desire for inclusion in the urban growth boundary in order to expand, and another individual expressed concerns about bicycles and pedestrians at roundabouts. One landowner north of the master plan boundary expressed concern about continued irrigation service with development over her existing private lateral; the applicant assured her that her service will be maintained but will likely be piped to the master plan boundary.

Various agencies were also sent notice, and the following agencies provided written comments: Bend Parks and Recreation District, Deschutes County Wastewater, Central Oregon Irrigation District and Swalley Irrigation District. Their comments are contained in the project file and considered in this decision. The Deschutes County Road Department and the Oregon Department of Transportation (ODOT) provided written and oral comments on the Transportation Analysis Memo prior to completion of that document. The required notice to the Department of Land Conservation and Development (DLCD) was provided on July 24, 2023, 35 days prior to the first public hearing as required.

- 7. APPLICATION ACCEPTANCE DATE:** This Type III Major Community Master Plan application and associated submittal materials were submitted on March 16, 2023. The application was deemed incomplete on April 4, 2023. Additional information was submitted May 24 and 25, 2023 and the application was deemed complete on May 25, 2023. The applicant submitted materials to clarify the application on July 10, 2023. In accordance with BDC 4.1.430, applications for major master plans are exempt from the 120-day review time limitation for final decision.

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 most prominent use proposed in the Caraway Master Plan is residential; therefore, the Community Master Plan category is the most appropriate master plan provisions to apply. 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 contemplated or proposed in the Caraway Master Plan.

- 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, Caraway will be re-zoned from its current UA designation to residential (RS and RM), commercial (CL and CG), mixed employment (ME) and Industrial (IL) zones reflecting the Comprehensive Plan designations associated with the North Triangle Expansion Area. All uses permitted in each zoning district are consistent with the characteristics of the plan designation.

- 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 Preliminary Open Space and Trails Plan shows 17.6 acres of open space (11.8 percent), including a 5.3-acre neighborhood park that will be owned and maintained by the Bend Parks and Recreation District (BPRD). Included in the application is a letter from BPRD that acknowledges the outline of a draft development agreement between the applicant and BPRD for a new neighborhood park and associated trails and open space to be conveyed to BPRD. The community center amenity northeast of the neighborhood park will be owned and maintained by a homeowners association (HOA) and is planned to include a clubhouse, pool complex, and outdoor activity area. Any

additional open space areas not transferred to BPRD will be owned and maintained by the HOA, in compliance with BDC 4.5.200(E)(4). Further findings of compliance with BDC 4.5.200(E)(4) is 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 Caraway 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: Caraway Major Community Master Plan (Sheets P1-P10)
- Exhibit G: Bend Parks and Recreation District Letter
- Exhibit H: Bend-LaPine School District Letter
- Exhibit I: Utility Availability Memo (PRSWA202205790)
- Exhibit J: Transportation Element
- Exhibit K: Will-Serve Letters
- Exhibit L: Verification of Public Meeting Form
- Exhibit M: Neighborhood Public Meeting Documentation
- Exhibit N: Caraway Draft Development Code
- Exhibit O: Swalley Irrigation District Correspondence
- Exhibit P: Cascades East Transit Support Letter
- Exhibit Q: Preliminary Phase 1 Tree Protection Plan
- Exhibit R: Traffic Analysis Memo (PRTRF202204414)

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: The subject property comprises 149.88 acres, and therefore, a community master plan is required for the property.

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 Oregon State Statutes, ORS 197.303(1)(a), defines “Needed housing” to mean:

197.303 “Needed housing” defined. (1) *As used in ORS 197.286 to 197.314, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:*

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

* * *

The Caraway Master Plan includes approximately 593 residential needed housing units, including 333 detached single-unit housing units, 68 townhomes, and 192 middle and multi-housing units (including duplex, triplex, and fourplex unit types). The applicant elects to use a deviation process in order to modify one or more Development Code standards and rearrange the placeholder 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 approval of Steps 1 and 2 concurrently. The applicant intends to submit land divisions 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: Subsection (E) is addressed below. The Caraway 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 Engineering Division (PRSWA202205790) is submitted as part of this application.

The proposed utility plan includes extending the North Interceptor sewer main to and through the subject property from the existing North Interceptor sewer main on Clausen Drive south and west to the intersection of Cooley Road and Hunnell Road/Berg Lane. The Gateway North development (separate project) to the southwest of Caraway is required to construct a section of the North Interceptor sewer main in Cooley Road along its lot frontage, to which the Caraway master plan will connect. Smaller and shallower gravity sewer mains will be extended from the North Interceptor throughout the new streets to provide services to all lots.

With completion of the North Interceptor, Caraway must decommission and remove the temporary sewer lift station north of Cooley Road (on 20380 Cooley Road) being constructed by Gateway North. Sewer must be redirected from the Highland and the Holiday sewer lift stations with flows diverted to the North Interceptor.

This area was previously Avion Water District's service area, but was recently transferred to the City of Bend water service area. Through the process of the transfer, the development must determine Avion Water District's requirements to maintain existing adjacent Avion customers through looping of mains while making the determination of what needs to be removed through the construction of the rights of way. No properties being developed within the Caraway master plan will remain on Avion water unless identified in the Water Service Area map as shown below. A 12-inch City water main will be extended from the 12-inch main in Cooley Road to the intersection of Berg Lane/Hunnell Road and Loco Road. If not already constructed by the Gateway North project, a 12-inch main must be installed along the Cooley Road property frontage and extended west and connect into the 12-inch main near Scenic Drive. The development must extend 8-inch mains throughout the development within the new roads and connect them to the new mains at the Berg Lane/LoCo Road intersection and Hunnell Road/LoCo Road intersection. Water mains must be looped whenever possible.



Water Service Area map

The Utility Availability Memo demonstrates that water and sewer facilities are currently adequate or will be adequate once facilities are installed with construction and prior to occupancy or use.

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

Chapter 4.7, Transportation Analysis

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.***

FINDING: The *Caraway Master Plan, Transportation Element*, dated November 2022 and prepared by traffic engineer, Joe Bessman of Transight Consulting LLC is included as Exhibit J of this application. The City reviewed this report and issued Traffic Analysis Memo PRTFR202204414 which outlined the required transportation mitigation requirements for the Caraway Master Plan. These mitigation requirements are incorporated into the Transportation Mitigation Plan as a table in the Caraway code (Attachment F). Future development proposals within Caraway Master Plan will refer to the Transportation Mitigation Plan for the extent and timing of improvements.

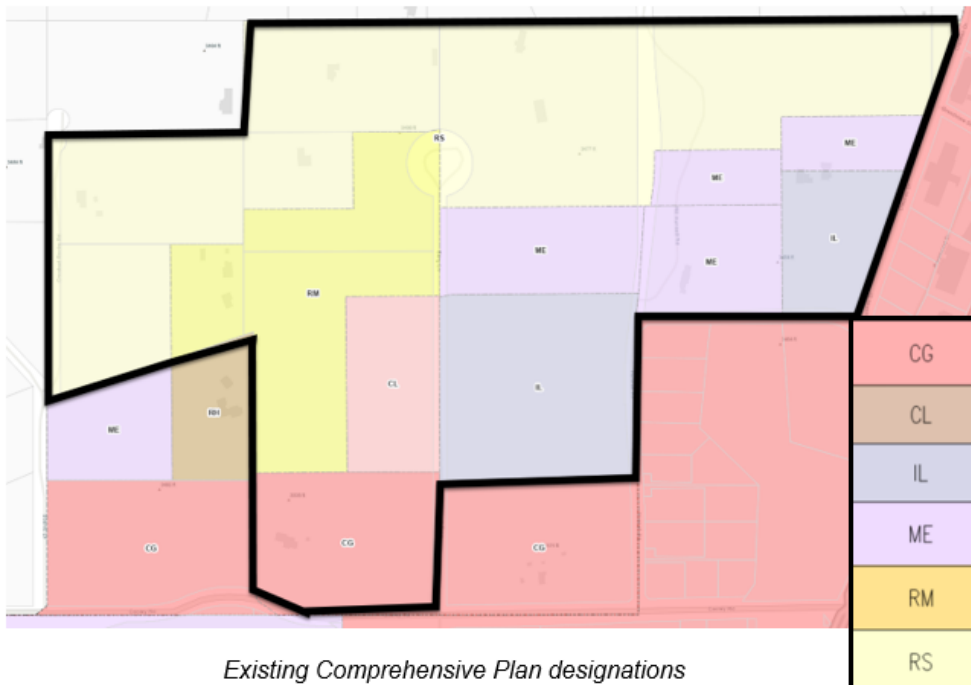
In addition, an annexation agreement is being prepared to identify the specific timing, responsibilities, and allocation of costs between various agencies and affected property owners for the public facilities and services necessary to serve the property. The

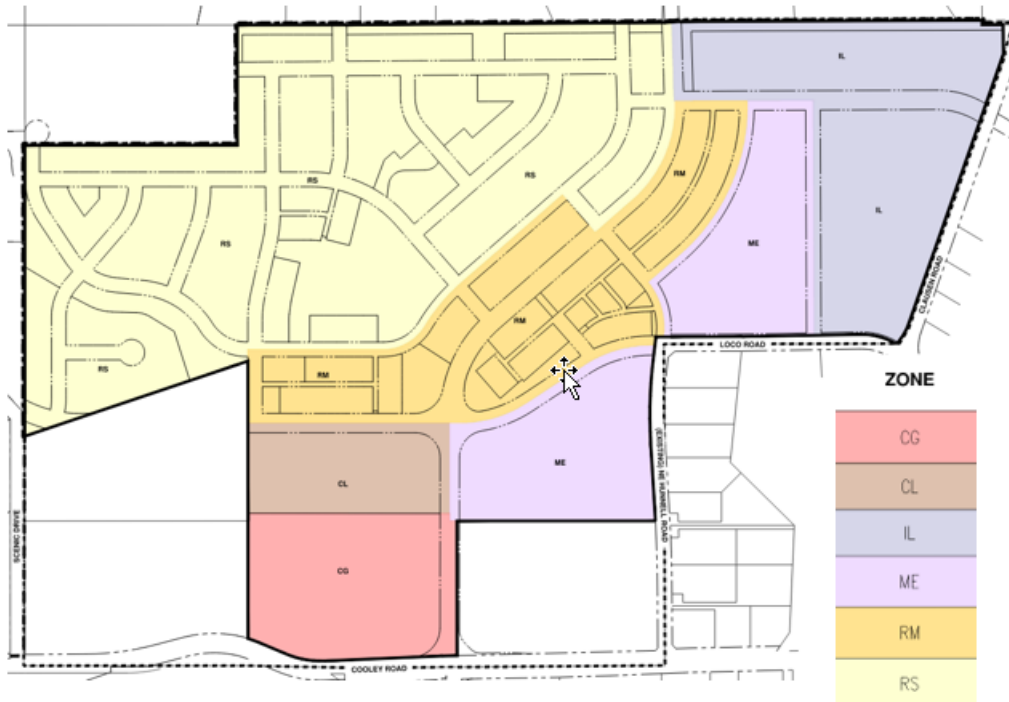
Annexation Agreement and Annexation application (PLANX20230176) for the subject property has been submitted for concurrent review of the Caraway Master Plan by the City Council.

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 current and proposed Bend Comprehensive Plan Map designation locations for Caraway are shown below. The applicant proposes to rearrange the Comprehensive Plan map designations consistent with the proposed street system network.





Proposed Master Plan

Rearranging the plan designations are within the parameters provided in BDC 4.5.200 and either retain the same total area of plan designations or are within one percent of the same total acreage. The Preliminary Zoning Map (Attachment E) shows the amount of residential, commercial, mixed employment, and light industrial plan designations are consistent with BCP Policies 11-144 and 11-145. Housing density and mix is addressed in findings below regarding compliance with BCP Policies 11-144, 11-145, and 11-147. 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:

- 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 Caraway Master 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. Proposed Development Code language creating the Caraway Master Planned Development in BDC Chapter 2.7 is included as Attachment F to this report. Determination of general compliance with BDC Titles 2 and 3 and proposed deviations to existing BDC standards are described further below.

Chapter 2.1 – Residential Zoning Districts

The Preliminary Zoning Map (Attachment E) shows 64.96 gross acres of RS, 23.15 gross acres of RM, and 5 acres of RH. The RS area includes 5.3 acres for a potential neighborhood park, the location and size of which has been coordinated with BPRD. Comments from BPRD are included as Exhibit G of the application. Since the park site has not yet been acquired by BPRD, it remains designated as RS.

The RS plan map designation makes up most of the northern and western portions of the North Triangle Expansion Area, and the Preliminary Zoning Map (Attachment E) shows the planned location of the RS zoning districts. The planned RS zoning district in this location is designed to provide a buffer between the more rural and agricultural lands outside the UGB to the west and north from the higher-density RM zoning districts and commercial/mixed employment uses further south and east. It should be noted that conflicting housing densities are unavoidable where the UGB meets agricultural or rural residential land. This has been mitigated to some extent by locating the most intensive uses internally to the site or abutting collector or arterial streets, other intensive uses, or open space.

The placeholder RM designated lands are clustered generally in the center-west of the North Triangle Expansion Area. The planned RM zoning district remains in the same general area and abuts the new Hunnell Road alignment north of Loco Road. The RM zoning district serves as a transition between the less-dense planned RS zoning district to the northwest and the more-intensive ME, CL/CG, and IL zoning districts to the south and east within the Caraway Master Plan. This location is equally aligned with the purpose of the residential districts and the characteristics of the RM zoning district, as sewer and water service will be readily available and the planned location functions as a transition between lower densities (to the north and west) and more-intensive uses and/or higher-classification streets (to the east and south).

BDC 4.5.100.C.2 allows an applicant to prohibit uses or includes uses not permitted in the underlying zone when consistent with the Bend Comprehensive Plan designation's characteristics. The submitted master plan code for Caraway had proposed disallowing manufactured homes, micro-units, and cottage housing in the residential zones, as these housing types are not proposed to be constructed by the applicant. However, these types of residential units are needed housing types for all income levels and, therefore, the

code proposed to Council allows the same uses in residential zones citywide.

In the residential zoning districts, the proposed development code contains deviations from the underlying BDC standards to create a cohesive site and architectural arrangement that simultaneously provides a wide range of housing types, styles, and price points. Deviations from current BDC standards are necessary to prioritize meeting anticipated demands for 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 regulation.

The primary impact from the planned deviation is that a portion of the lots for detached single-unit homes, duplexes, triplexes, and quadplexes may be smaller or narrower than the standard RS zoning district would allow.

Residential Setbacks

The planned deviation to the typical setback standards would allow an 8-foot secondary front setback rather than the 10 feet required in RS and RM zones. 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), which was approved in the Petrosa and Easton Master Plans, is mitigated by a community design that includes 17.6 acres of open space for public outdoor living space, additional building separation, and sunlight and air circulation. Conversely, in situations where a side lot line abuts an alley, the proposed minimum side setback for Caraway would increase from the BDC standard of 5 feet to 8 feet. On balance, the deviations will equally or better meet the purpose of the underlying standard.

Residential Lot Dimensions

The planned deviations to the typical lot dimensions would reduce the minimum lot area in the RS zone for a unit of detached single-family housing from 4,000 square feet to 2,700 square feet in order to provide additional types of workforce housing. Additionally, the minimum lot width in the RS zone for detached single-family home would be reduced from 40 feet to 30 feet.

While no purpose of the lot dimension standards is explicitly stated in BDC 2.1.500, they are generally understood to ensure adequate space is provided for the type of residential use and structure, appropriate to the scale and character of the surrounding neighborhood. In the absence of an explicit purpose stated for lot dimension 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 on smaller or narrower lots, helps define the scale and character of the surrounding neighborhood as inherently appropriate for a range of housing. On balance, the deviations will equally or better meet the purpose of the

underlying standard.

Chapter 2.2 - Commercial Zoning Districts

BCP Policy 11-144 assigns 40 gross acres of commercial plan designations within the North Triangle Expansion Area; approximately 19 acres of commercial plan designations will be accommodated within the Caraway Master Plan. The Preliminary Zoning Map (Attachment E) shows only minor adjustments are planned to the placeholder locations of the CL plan map designation and corresponding zoning district; there will be no changes to the CG plan map designation of 11.6 acres. Within the Caraway Master Plan, the 7.1-acre CL portion is shifted in its orientation and moved slightly south to the southwest corner of Hunnell Road and Loco Road, allowing for the planned RM zoning to be separated from the more intensive CG zoning districts to the south. The remaining 21 acres of existing commercial plan designations are located outside of the Caraway Master Plan boundary within the North Triangle Expansion Area abutting Cooley Road.

The Preliminary Street Circulation Plan (in Exhibit C of the application) shows the commercial area within the Caraway Master Plan is well served by three higher-classification streets (Cooley Road, Loco Road, and Hunnell Road). A 10-foot-wide multiuse pathway will be provided along the southern commercial frontage along Cooley Road and an 8-foot-wide multiuse pathway will be provided along the Hunnell Road frontage. The planned cross-sections reinforce streets as public rights-of-way for multiple modes—including pedestrians and bicycles—and provide multimodal connections to residential areas. A new roundabout at Hunnell Road and Cooley Road (southeast of the commercial land within Caraway Master Plan) provides a prime access and focal point for future commercial amenities, including the CG-zoned land east of Hunnell Road, outside of the Caraway Master Plan boundary.

BDC 4.5.100.C.2 allows an applicant to prohibit uses or includes uses not permitted in the underlying zone when consistent with the Bend Comprehensive Plan designation's characteristics. Per BDC 2.2.200, the CL zone "*provides for a wide range of retail, service, and tourist commercial uses in the community along highways or in new commercial centers*" and the CG zone "*provides a broad mix of commercial uses that have large site requirements, are oriented to the higher classification roadways and provide services to the entire City and surrounding area.*" The submitted master plan code for Caraway had proposed disallowing trailer parks/campgrounds, mortuaries, marijuana uses, and several industrial uses in the commercial zones. However, these proposed prohibited uses are compatible with the underlying Comprehensive Plan commercial designations and, therefore, are included as allowed uses in the code proposed to Council.

Future development of the commercial areas will be subject to City site plan review. The Caraway Master Plan code, as amended by the Planning Commission, proposes the same permitted and conditional uses allowed in commercial zones citywide and would allow kennels in an enclosed building (to allow overnight boarding in addition to the currently permitted veterinary clinics). Live-work townhomes are also specifically listed as an allowed use in the proposed code, which can be interpreted as a mixed-use development, which is

an allowed use in the underlying zone. No deviations are proposed to the development standards in Chapter 2.2.

Chapter 2.3 – Mixed Use Zoning Districts

BCP Policy 11-144 assigns 26 gross acres of mixed-use employment plan map designations, currently shown as Mixed Employment (ME) on the City’s Comprehensive Plan Map, within the North Triangle Expansion Area. Approximately 20.7 acres of the ME plan designation will be accommodated within the Caraway Master Plan and the remaining 5.7 acres of existing ME plan designation is located outside and southwest of the master plan boundary within the North Triangle Master Plan. The Preliminary Zoning Map (Attachment E) shows an adjustment to the planned placeholder locations of the ME designation within Caraway, and corresponding zoning district. Specifically, the ME is realigned in between the RM designation and the IL designation in the eastern portion of Caraway, but also abutting the existing CG within the city limits to the east.

The proposed Caraway Master Plan code allows the same permitted or conditionally permitted uses as the underlying ME zone with the addition of stand-alone affordable housing (not in a mixed use development). Affordable housing is permitted in any commercial or mixed-use zone under Oregon Senate Bill 8, so this code deviation is consistent with state law. At least 77 units of deed-restricted affordable housing will be provided within the Caraway Master Plan area, pursuant to BCP Policy 11-146 and consistent with BCP Policies 5-20 and 5-21. While the design and configuration of the affordable housing will be specified through 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 not less than 50 years.

Kennels are also proposed as a permitted use in the ME zone to allow overnight boarding in addition to the currently permitted veterinary clinics.

Specific uses within the ME zone will be established through future Site Plan Review applications, but they are anticipated to include a mix of housing and employment uses.

The single code deviation from the underlying BDC standard allows buildings in the ME zone to be built 10 feet higher than allowed under current code, exclusive of available height bonuses.

Mixed Employment Building Height

While no purpose of the building height standard is explicitly stated in BDC 2.3.300, it is generally understood to protect views and neighborhood character. In the underlying ME zone, buildings can be 45 feet in height with an additional 10-foot height bonus provided for vertical mixed-use buildings or affordable housing. The planned 10-foot height increase for buildings in the ME zoning district allows the flexibility to incorporate architectural features (pitched roofs, gables, roof offsets, etc.) that integrate well with surrounding single-family homes and create a cohesive community identity. For example, the existing 45-foot maximum height in the ME zoning district would allow a four-story building with a flat roof with minimal offsets or other architectural features. Increasing the

maximum height to 55 feet allows that same four-story building to incorporate architectural features that promote compatibility with the surrounding neighborhood without sacrificing an entire floor of employment uses. Therefore, the deviation will meet or exceed the purpose of the underlying standard.

Chapter 2.4 - Industrial Zoning Districts

BCP Policy 11-144 assigns 22 gross acres of industrial plan map designations, currently shown as Light Industrial (IL) on the City's Comprehensive Plan Map, within the North Triangle Expansion Area. The Preliminary Zoning Map (Attachment E) shows an adjustment to the planned placeholder locations of the IL designation and corresponding zoning district. Specifically, the IL lands shift to the northeast to provide easy access to higher-order streets, including US 97, and adjacent to the extension of Grandview Drive, an Industrial Collector. While uses are still unknown in the planned IL land, its function provides access to commercial corridors along US 97, at the same time as providing separation from a majority of the residential land planned in Caraway.

The Caraway Master Plan code allows the same permitted or conditionally permitted uses as the underlying zone (IL) and specifically allows restaurants (food and beverage services) when accessory to the primary industrial use and are limited to no more than 10 percent of the industrial development or 2,500 square feet (whichever is greater). This code addition mimics the allowance for small-scale personal and professional services in industrial zones in BDC 2.4.800.A.1.

Chapter 2.8 - Urbanizable Area (UA)

All of the North Triangle Expansion Area is currently zoned UA. Subsequent to Planning Commission review of the Caraway Master Plan, it is anticipated that City Council will review the Annexation Application concurrent with the Major Community Master Plan Application. Upon approval of the Annexation and Major Community Master Plan, the Caraway Master Plan property would be automatically re-zoned as shown on the Preliminary Zoning Map (Attachment E). 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 Caraway Master Plan (Attachment A), 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 review.

Chapter 3.2 – Landscaping, Street Trees, Fences and Walls

The proposed Preliminary Open Space and Trails Plan (Attachment B) show proposed open space, trails and conceptual street tree locations within the master plan. Existing

trees are shown on the underlying aerial map of the Existing Conditions map (Exhibit C, Sheet P2 of the application). Significant trees, as defined by this section, will be required to be identified with future Site Plan and/or subdivision review. A Preliminary Phase 1 Tree Protection Plan is included as Exhibit Q of the application, which will allow the proposed tree removal prior to recording of the platting of the first phase on lots that do not require further Site Plan Review. 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 plantings will be required with future subdivision and site plan review approvals. Any potential fences or walls will also be addressed in future land division and/or Site Plan review. 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 Plans (Exhibit C, Sheet P10 of this application) indicate how water and sewer will be provided to the blocks within the Caraway Master Plan. The City-issued Utility Availability Memo (PRSWA202205790) indicates water and sewer capacity will be available for the Caraway Master Plan and the associated mitigation for water and sewer improvements. The proposed Caraway development code addresses how stormwater will be detained within the boundaries of each phase of Master Plan buildout. Finally, a Transportation Analysis Memo (PRTFR202204414) has outlined the transportation mitigation necessary for the Caraway Master Plan, which will be codified in BDC 2.7. Details of compliance with Chapter 3.4 will be reviewed during future land use division application(s), with submittal of traffic debit letters and updated safety review, but the applicant has shown that the standards in this section can be met.

The Caraway Street Type Plan and Standards within the proposed code indicates the various street classifications within the Caraway Master Plan. The code includes a minor arterial (Cooley Road), three different types of collectors based on proximate land uses (residential, commercial and industrial), three different types of local streets (residential, residential – modified, and commercial/industrial). None of the street sections propose a right-of-way width less than the required right-of-way width in Table A of BDC 3.4.200, but provide slight variations on the street sections in the City Standards and Specifications. Street structural sections will remain consistent with the City Standards and Specifications.

Caraway will have a path system not only within the right of way, defined by the adopted street sections of this code, 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. The path system must extend from Cooley Road north to the northern boundary of the master plan and a separate but connected path system extending west to make connection to Scenic Drive. The location of these paths and the location of enhanced crossings as the path systems cross right of way will be determined at time of tentative plan land use review in cooperation with BPRD.

Finally, Cascades East Transit (CET) does not currently provide service this far north, but several recommendations for mid- or long-term transit needs are provided in the Cascades East Transit Master Plan, including current plans to build a new transit stop along Robal Lane near the Hunnell Road intersection and future modifications to transit service (Route 4) as the Gateway North Master Plan and the North Triangle lands develop. Caraway's planned employment areas, along with the total housing count, will help pull transit farther north by providing a concentration of riders and potentially making transit service more cost-effective. The Caraway design team has discussed the placement of a Mobility Hub with Cascades East Transit (CET) along the west side of Hunnell Road, almost equidistant between the Loco Road/Hunnell Road roundabout and the Cooley Road/Hunnell Road roundabout. No specific decisions have yet been made on transit routing, but CET is aware of the property and supports the transit concept addressed above.

D. Community Master Plan Approval Criteria. (*continued from page 18*)

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:**

FINDING: The Major Community Master Plan application for Caraway does not include an amendment to the Bend Comprehensive Plan. The Master Plan proposes rearrangements of the Comprehensive Plan Map designations on the subject property as discussed in the application; however, the changes are within the parameters provided within BDC 4.5.200(D)(3)(a).

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

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 mailed notice and held a neighborhood public meeting on January 11, 2023 before submitting the application to the City (see Exhibit M of the application for Neighborhood Meeting documentation).

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 and addresses within 750 feet of the subject property and the Boyd Acres Neighborhood Association representative were notified of the Planning Commission and Council public hearings via mail, and five public hearing notice signs were posted around the edges of the subject property for each hearing.

Conformance with Goal 1 is further achieved through compliance with Title 4 of the Bend Development Code, Applications and Review Procedures. Sections 4.5.200.C.3 and 4.6.300 of the Development Code establish that major community master plans shall follow a Type III procedure as governed by Chapter 4.1.

An initial public hearing before the Planning Commission preceded 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: The City has adopted development code for Master Planning (BDC Chapter 4.5) consistent with the Bend Comprehensive Plan that was acknowledged by the Oregon Department of Land Conservation and Development. This includes the structural framework for the subject property in Comprehensive Plan policies 11-142 to 11-151. The proposed community master plan and its associated Development Code text amendment serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for decisions and actions related to the subject application.

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: Air and water quality are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. The subject properties are not located within the WOZ nor do they contain an ASI. Maintaining or improving the quality of the community's air, water and land resources will be assured through enforcement of state and local regulations. Noise levels will not exceed DEQ noise regulations.

Through the 2016 Bend UGB expansion, the City 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 Caraway Master Plan ensure compliance with Goal 6.

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

FINDINGS: No 100-year floodplains or mapped landslide areas are located within this master plan area. A project team of staff from the Central Oregon Intergovernmental Council (COIC), the Deschutes County Sheriff's Office and representatives from the county and all four cities developed the 2021 Deschutes County Multi-Jurisdictional Natural Hazards Mitigation Plan Update. A Bend Addendum was adopted by the City Council by Resolution 3278 on November 3, 2021, which includes a mitigation strategy that describes potential actions for mitigation risks. Based on the foregoing, the proposal satisfies Goal 7.

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 City adopted the Bend Comprehensive Plan and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the BCP establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District (BPRD), via Policy 2-2.

The Comprehensive Plan policies for Caraway Master Plan require coordination with Bend Park and Recreation district to identify a suitable site for a neighborhood park (Policy 11-145), and the provision of a path and bikeway network to provide connectivity within the property and connect to local roads (Policy 11-149).

As shown on Caraway Master Plan (Attachment A) and the Parks and Open Space Plan (Exhibit C of the application), the master plan includes at least 10% open space, including a neighborhood park, a community center for residents, and a network of trails and multi-use paths through the property.

Per Policy 11-145, the applicant and the Bend Park and Recreation District are working collaboratively towards an agreement on the final design, program, and financing of the neighborhood park, trails, and open space within the Master Plan. Exhibit G of the application is a letter from the Bend Park and Recreation District that confirms the coordination that has occurred to-date between the applicant and the Bend Park and Recreation District, satisfying Goal 8.

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.

Comprehensive Plan Policies for Caraway describe the concept for this area is to “provide for a mix of uses, including residential development to balance the mix of employment uses in this area and provide a transition to existing rural residential areas to the north.” (Policy 11-143). The policies specify that the master plan contain 40 gross acres of commercial plan designations, 22 gross acres of industrial plan designation, and 26 gross acres of mixed-employment designation (Policy 11-144).

As shown on the proposed North Triangle Land Use Plan (Attachment C), approximately 18.77 acres are designated commercial (CG and CL) within the Caraway Master plan with an additional 21.24 acres of land designated CG outside of the master plan boundary along Cooley Road. Approximately 22.28 acres of Light Industrial (IL) is proposed within the Caraway Master Plan. Approximately 20.72 acres of Mixed Employment (ME) is proposed within the Caraway Master Plan with an additional 5.67 acres outside of the master plan boundary. The locations of the commercial and industrial designations are interconnected with residential areas contributing to a vibrant community of housing and economic opportunities for residents of Caraway and the City of Bend, consistent with Goal 9.

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 needed housing when the City of Bend expanded its Urban Growth Boundary in 2016. The property is also identified in the City’s Comprehensive Plan as appropriate for housing, commercial and industrial uses as stated in applicable Policies 11-144 and 11-145:

11-144 *This area shall provide for a mix of residential and commercial uses, including 86 gross acres of residential plan designations, 40 gross acres of commercial plan designations, and 22 gross acres of industrial designations, and 26 gross acres of mixed employment plan designations (excluding existing right of way).*

11-145 *In order to provide sufficient housing capacity and mix, the residential plan designations must include 60 gross acres of RS, 21 gross acres of RM, and 5 gross acres of RH. The acreage of RM includes 3 to 4 acres for a neighborhood park site, which may be designated PF if a site has been acquired by the Bend Park and Recreation District prior to completion of the Area Plan. Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 510 housing units, including at least 13% townhomes and at least 42% multi-unit and duplex/triplex/quadplex housing types. The Area Plan may include and rely on plan designations, zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.*

Policy 11-145 requires that a minimum of 510 housing units be provided within the entire North Triangle area, including at least 67 townhomes (13 percent) and 215 middle and multi-unit housing units (42 percent). The Caraway Master Plan is expected to provide a total of 593 residential units, including 68 townhomes, 192 duplex, triplex, quadplex and multi-unit residential units, and 333 single-unit detached units. The Caraway Master Plan proposes to fulfill the total housing count and the townhome requirement of Policy 11-145 and almost 90 percent of the middle/multi-unit housing fix requirement of Policy 11-145. The 5 acres of RH-designated land within the North Triangle expansion area will eventually be developed with 109 middle or multi-units at the required minimum RH density, obligating the Caraway Master Plan to provide 410 total housing units, including 106 middle/multi-unit dwellings. The Master Plan reconfigures plan designations while maintaining the applicable gross areas, intensities, and housing unit count contemplated in the alternative option above in Policy 11-145. The Master Plan fulfills the townhome housing mix requirement and contributes a significant portion of the middle/multi-unit housing mix requirement in Policy 11-145

The North Triangle Land Use Plan is expected to cumulatively provide 702 housing units, including 68 townhomes (9.7%), 301 duplex/triplex/quadplex/multi-unit housing units (42.9%) and 333 single-unit detached homes (47.4%), meeting the requirements of Policy 11-145.

Policies 11-146 and 147 require a certain percentage or number of units of affordable housing within the central and eastern portion of the North Triangle expansion area.

- 11-146 The properties identified on Figure 11-9, below, shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:*
- o The minimum number of affordable housing units shall be 25% of all housing units approved by the City on each property.*
 - o The minimum required number of affordable housing units is satisfied when 77 units of affordable housing (in total on the properties identified on Figure 11-9) have been approved in land use applications, subject to phasing requirement acceptable to the City.*
 - o 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.*
 - o Planning and phasing requirements for affordable housing units shall be established, in a form acceptable to the City.*
- 11-147 As an alternative to meeting the requirements of Policy 11-146, affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan and the requirements below, may be implemented within the North Triangle as a whole through an area plan, with prior written*

consent of affected property owners and guarantees in a form acceptable to the City.

- o The minimum number of affordable housing units shall be 77.*
- o 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.*

The Caraway Master Plan will provide 77 affordable housing units as noted in the Density section of the proposed code and allowed as a permitted use/development standard in the Mixed Employment zone in the Caraway code, fulfilling the requirement of Policies 11-146 and 11-147.

Table 18 of the City’s Housing Needs Analysis (shown below) indicates the needed types of housing units in the City of Bend. As shown above, the proposed North Triangle Land Use Plan meets the needed housing mix shown in Table 18 of the Housing Needs Analysis.

Table 18. Needed housing by needed mix, Bend, 2014-2028

	Needed Units (2008 - 2014)	Units permitted 2009 to end of July 2014	Remaining Need (Mix applied to remaining total)	
			Units	Percent of New Units
Single-family detached	9,175	2,411	7,574	55%
Single-family attached	1,668	112	1,377	10%
Multi-family	5,838	389	4,819	35%
Total	16,681	2,912	13,770	100%

Source: ECONorthwest

The proposed Master Plan provides a density that is consistent with the RS and RM Comprehensive Plan designations of the property, thereby ensuring that the City is adequately providing for the housing needs of citizens of the state. As proposed, the Master Plan is consistent with Goal 10. 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 compliance with Goal 11 during its Urban Growth Boundary expansion in 2016 and found Goal 11 to be satisfied.

The applicant and City worked to identify the infrastructure necessary to serve the variety of planned uses within Caraway Master Plan as they are built out over the next decade

and beyond, as outlined in the Utility Availability Memo (PRSWA202205790, Exhibit I of the application). The sequencing and financing mechanisms for the needed infrastructure have been outlined and are presently being formalized in the Annexation Agreement with the City. The North Triangle Utility Plan (Exhibit C, Sheet P10 of the application) shows how public facilities, including sanitary sewer and potable water, are available and planned throughout the project site and can serve the properties within the master plan. With the Annexation Agreement, which has been submitted for concurrent review of this Master Plan by the City Council (PLANX20230176), 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.

Exhibit J of the application is *Caraway Master Plan, Transportation Element* dated November 2022. The Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, a Transportation Impact Analysis, a Transportation Funding Options section, and a TPR analysis. To address the impacts of urbanizing the Caraway UGB lands, an annexation agreement has been prepared to identify the specific timing, responsibilities, and allocation of costs between various agencies and affected property owners for the required transportation improvements. With the Annexation Agreement, which has been submitted for concurrent review of this Master Plan by the City Council (PLANX20220176), Goal 12 is 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 Caraway Master Plan will accommodate a diverse mix of housing, employment and open space/park uses within a ½-mile walking distance of North Star Elementary School to the west and a 1-mile walking distance to Lava Ridge Elementary Schools and

SkyView Middle School to the east, 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. 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 (North Triangle 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 from page 25)

- 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 North Triangle 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.

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 11-142 to 11-151 are specifically applicable to the North Triangle expansion area:

11-142 The City will initiate an Area Plan for the North Triangle area. The Area Plan will address policies 11-143 through 11-151. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level Area Plan for the rest of the subarea. Following adoption of the Area Plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved in compliance with the Bend Development Code.

FINDING: The Caraway Master Plan includes more than 40 contiguous acres within the North Triangle UGB Expansion Area. A framework-level area plan is included for the remaining properties within the North Triangle that are not subject to the Master Plan. Chapter 1.2 defines “Area plan, framework level” as “a conceptual plan that includes major transportation, sanitary sewer, and water network layout and general land use arrangements consistent with the Bend Comprehensive Plan.” The North Triangle Land Use Plan and North Triangle Utility Plan are included in Exhibit C of the application, and the submitted Transportation Element addresses transportation for the entire North Triangle area (Exhibit J of the application). While not binding upon these remaining properties, the framework-level area plan shows how—at such time that they choose to annex and subdivide—the properties within the North Triangle that are not participating in the Caraway Master Plan can be served with transportation and other public facilities, and satisfy BCP policies related to land use plan designations and housing mix. The policy is met.

11-143 The concept for this area, shown on Figure 11-7, is to provide for a mix of uses, including residential development to balance the mix of employment uses in this area and provide a transition to existing rural residential areas to the north.

FINDING: Caraway will be a complete community, with housing near commercial, mixed-use employment, and light industrial services that are scaled to serve the needs of neighborhood and area residents. A complete 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.

Close to the geographical center of the Caraway Master Plan (and the North Triangle Expansion Area) is a new 5.3-acre neighborhood park. Identified in BPRD’s 2018

Comprehensive Plan, this facility will provide numerous recreational opportunities for residents of all ages. The neighborhood park will be well connected to the network of trails and multiuse paths, and is envisioned to include picnic shelters, a naturalistic playground, looped trails, a mix of lawns and natural landscapes, and other high-quality recreational amenities. The ultimate design of this park will be refined with additional input from BPRD.

Caraway will contain a variety of housing types including multi-unit residential apartments, townhomes, urban rear-loaded homes, traditional front-loaded homes, and village homes. Many of these housing types constitute “middle” housing that sits between detached single-family homes and mid-rise apartments. This variety will accommodate a wide spectrum of future residents in regard to age, income, and socioeconomic character.

While specific employment uses are not known at this time, the south, southeast, and eastern portion of the Caraway Master Plan will provide ample land for a variety of commercial, mixed-use employment, and light industrial uses. The most intense commercial uses are anticipated to be located at the southern edge of Caraway, along Cooley Road. Moving to the northeast, commercial uses will transition to the mixed-use employment areas, intended to allow for a broader mix of uses, including employment opportunities and residential units. Light industrial areas are located in the northeastern portion of Caraway, adjacent to Clausen Road, and close to the commercial corridor along US 97. An open space corridor running along the northern boundary of Caraway buffers existing rural residential areas to the north. The policy is met.

11-144 This area shall provide for a mix of residential and commercial uses, including 86 gross acres of residential plan designations, 40 gross acres of commercial plan designations, and 22 gross acres of industrial designations, and 26 gross acres of mixed employment plan designations (excluding existing right of way).

FINDING: The North Triangle Land Use Plan (Attachment C) shows a mix of RS, RM, RH, ME, CL, CG, and IL plan designations totaling 93.11 gross acres of residential designations (including 2.81 acres of existing Berg Lane right-of-way, 1.64 acres of existing Crooked Rocks Road right-of-way, and 1.82 acres of existing Hunnell Road right-of-way), 40.01 gross acres of commercial designation (including 1.07 acres of existing Berg Lane right-of-way), 26.39 acres of mixed-use employment designations (including 0.65 acres of existing Hunnell Road right-of-way), and 22.28 acres of industrial designations (including 0.29 acres of existing Hunnell Road right-of-way), which is within 1 percent of the listed residential, commercial, mixed-use employment, and industrial plan designation areas. The policy is met.

11-145 In order to provide sufficient housing capacity and mix, the residential plan designations must include 60 gross acres of RS, 21 gross acres of RM, and 5 gross acres of RH. The acreage of RM includes 3 to 4 acres for a neighborhood park site, which may be designated PF if a site has been acquired by the Bend Park and Recreation District prior to

completion of the Area Plan. Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 510 housing units, including at least 13% townhomes and at least 42% multi-unit and duplex/triplex/quadplex housing types. The Area Plan may include and rely on plan designations, zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.

FINDING: BCP Policy 11-145 outlines two pathways for providing sufficient housing capacity and mix. The first pathway is based on the listed residential plan designations. Although the applicant does not elect to use this pathway, the North Triangle Land Use Plan (Attachment C) provides 64.96 gross acres of RS, 23.15 gross acres of RM and 5 acres of RH. The RS area includes 1.6 acres of existing Crooked Rocks Road right-of-way, 2.1 acres of existing Berg Lane right-of-way, 0.5 acres of existing Hunnell right-of-way, and 5.3 acres for a neighborhood park. The RM area includes 0.7 acres of existing Berg Road Lane right-of-way, and 1.3 acres of existing Hunnell Road right-of-way.

Table 2 below details the area of each residential zoning district within the Caraway Master Plan and framework-level area plan.

Table 2: North Triangle Expansion Area Zoning

Residential Zone	Master Plan (gross acres)	Area Plan (gross acres)	Total Area (gross acres)
RS	64.96*	0.00	64.96
RM	23.15**	0.00	23.15
RH	0.00	5.00	5.00
Total	88.11	5.00	93.11

*Area includes 1.64 acres of existing Crooked Rocks Road right-of-way, 2.07 acres of existing Berg Lane right-of-way, and 0.49 acres of existing Hunnell right-of-way

**Area includes 0.74 acres of existing Berg Lane right-of-way and 1.33 acres of existing Hunnell Road right-of-way

The applicant elects to use the second pathway provided in Policy 11-145 for housing capacity and mix, which requires a specific housing mix for the minimum number of housing units required. Additional housing units exceeding the minimum number of units required in Policy 11-145 are not subject to this housing mix requirement.

The second pathway is based on demonstrating that the North Triangle Expansion Area—the Caraway Master Plan and framework-level Area Plan together—can provide capacity for at least 510 housing units, including at least 13 percent (67 units) single-family attached housing (townhomes) and 42 percent (215 units) multi-unit and duplex, triplex, or quadplex housing.

Table 3, below, shows the mix of housing planned for construction within the Caraway Master Plan, based on the conceptual lot layout shown on the Preliminary Master Plan

(Attachment A). Generally, it is anticipated that the RS zoning district will contain most of the project’s detached single-family homes and the RM zoning district will contain most of the townhomes. Finally, it is anticipated that the ME zoning district will contain additional multi-unit residential units.

The North Triangle lands designated RH are not participating in the Caraway Master Plan but are anticipated to provide at least 109 units of multi-unit residential housing (based on the minimum RH density of 21.7 units/acre, times 5 acres of RH-designated property). In addition, the 5.67 acre ME zoned portion within the North Triangle Expansion Area outside the Caraway Master Plan may also include additional residential units as permitted in the ME zone.

Table 3: Proposed Housing Mix

Proposed Caraway Master Plan			
Residential Zone	Total Units	Townhomes	Duplex/Triplex/ Quadplex/Multi-unit
RS	261	0	0
RM	140	68	0
ME	192	0	192
Subtotal	593	68	192
Area Plan Minimum Capacity			
RH	109*	0	109*
Subtotal	109*	0	109*
Proposed Master Plan and Area Plan			
Total	702	68	301
Policy 11-145: North Triangle Area Plan			
Required	510	67	215

**Assumes minimum density required for the RH zone: 21.7 units per acre*

While the specific housing type and mix of uses will be determined with subsequent tentative subdivision or site plan applications, the Preliminary Land Use Plan (Attachment A) and Tables 2 and 3, above, show that the North Triangle Expansion Area—the Caraway Master Plan and framework-level Area Plan together—can provide capacity for at least 510 housing units, including at least 67 townhomes and 215 units of duplex, triplex, quadplex, or multi-unit housing. Therefore, the policy is met.

11-146 The properties identified on Figure 11-9, below, shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:

- o **The minimum number of affordable housing units shall be 25% of all housing units approved by the City on each property.**
- o **The minimum required number of affordable housing units is satisfied when 77 units of affordable housing (in total on the**

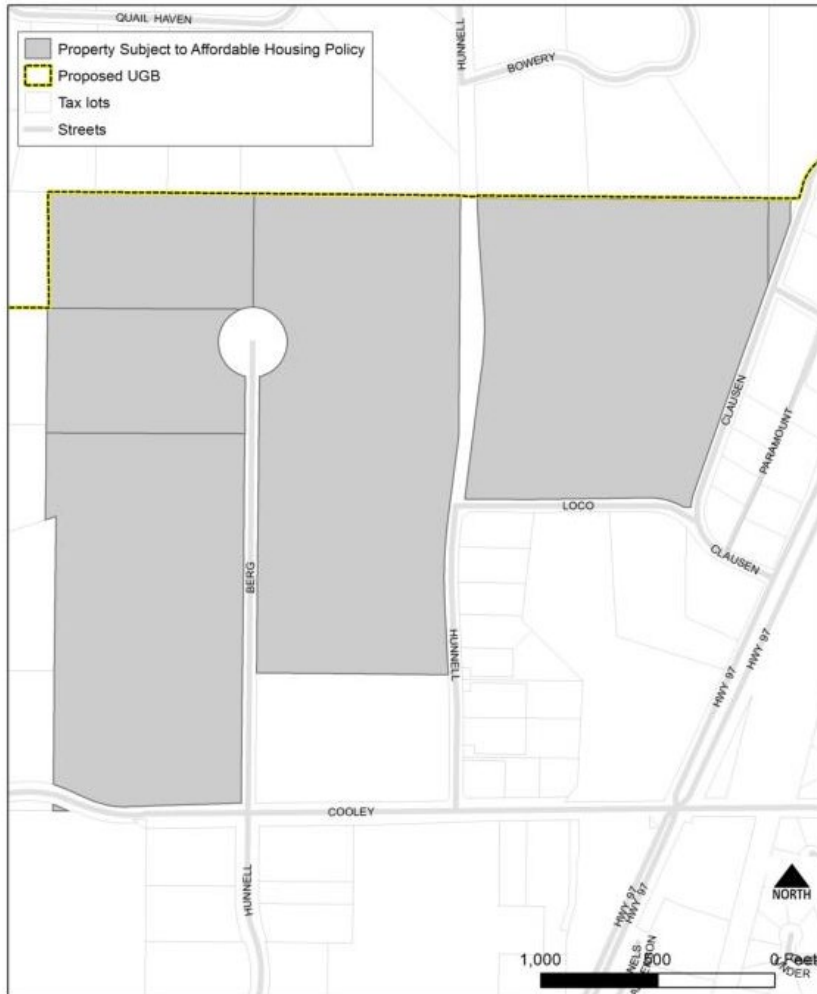
properties identified on Figure 11-9) have been approved in land use applications, subject to phasing requirement acceptable to the City.

- o 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.**
- o Planning and phasing requirements for affordable housing units shall be established, in a form acceptable to the City.**

11-147 As an alternative to meeting the requirements of Policy 11-146, affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan and the requirements below, may be implemented within the North Triangle as a whole through an area plan, with prior written consent of affected property owners and guarantees in a form acceptable to the City.

- o The minimum number of affordable housing units shall be 77.**
- o 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.**

Figure 11-9: Properties subject to policy 11-146



FINDING: The properties subject to the affordable housing policies above are located entirely within the proposed Caraway Master Plan area. The applicant is proposing to satisfy Policy 11-146 by providing a minimum of 77 units of affordable housing as stated in the Density section of the proposed Caraway code (consistent with BCP Policies 5-20 and 5-21). To fulfill this policy, the income limits and affordability duration must meet City requirements in Policy 5-20 as noted in the Caraway code.

The developer has indicated that the required deed-restricted affordable housing will be provided within the ME zone. While the design and configuration of the affordable housing will be specified through 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 not less than 50 years. This standard can be met.

11-148 Buffering measures are required between industrial uses and abutting residential uses within and adjacent to this area.

FINDING: The conceptual lot layout, shown on the Preliminary Land Use Plan (Attachment A), shows buffering measures (including streets or open space) between the planned Light Industrial zone and residential uses. In addition, the planned mixed-use employment designations are located to provide an appropriate density and use buffer between light industrial uses in the northeast corner of Caraway and abutting residential uses planned to the west. This standard is met.

11-149 The street, path and bikeway network shall provide connectivity throughout this area and connect to existing abutting local roads. Circulation plans for this area shall be coordinated with ODOT.

FINDING: The Street Circulation Plan (in Exhibit C of the application) shows the street and multimodal network that connects the Caraway Master Plan internally, but also to other properties within the North Triangle Expansion Area, the Gateway North Master Plan area to the south, and lands outside the UGB to the north and west. The major north-south (Hunnell Road) and east-west streets (Loco Road) through Caraway are both planned to include 8-foot-wide multi-use paths on each side (as shown in BDC Figure 2.7.4890 and related street cross-sections)

In addition, a 10-foot-wide multiuse path is planned for the north side of Cooley Road. The City's TSP map (Figure 5-1) identifies Cooley Road as part of the Bicycle Low Stress Network. The incorporation of multiuse pathways provides a level of cycling stress of "1" – which is the lowest level of stress for a roadside path.

The Transportation Element of the Caraway Master Plan and framework-level Area Plan is included as Exhibit J of the application. The Transportation Element shows that the roadways within and surrounding both the North Triangle Expansion Area and Caraway Master Plan meet the applicable block spacing and connectivity requirements and also address the multimodal functional goals. Detailed review of street block length and block perimeter will occur with subsequent land use applications. The Caraway Master Plan ensures that connections are available to serve all abutting lands, and the planned roadway system does not preclude future development opportunities.

The City coordinated its review of the submitted Transportation Element with Deschutes County and ODOT and these two agencies were also provided an opportunity to comment on the City's Transportation Analysis Memo (PRTFR202204414) before issuance. The policy is met.

11-150 Coordination with the Bend Park and Recreation District is required to identify a suitable site for a neighborhood park within this area.

FINDING: Exhibit G of the application is a letter from the BPRD acknowledging coordination that is leading toward a development agreement between the Applicant and BPRD for a new neighborhood park, and associated trails and open space within it, to be conveyed to BPRD. The policy is met.

11-151 Coordination with other special districts and utility providers is required within this area.

FINDING: Exhibit O of the application is a letter from the Swalley Irrigation District confirming ongoing coordination with the Applicant regarding existing irrigation pipes and ditches in a manner that facilitates planned construction phasing while maintaining sufficient delivery of water.

Will-serve letters from applicable utility providers (Pacific Power, Avion, Cascade Natural Gas, Lumen, CEC, TDS, etc.) are provided in Exhibit K of the application. A letter from Bend La-Pine School District is in Exhibit H of the application. The policy is met.

4.5.200.D.3. Major Community Master Plan. (Continued from page 32)

- 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 Caraway Master Plan must be annexed into the City of Bend. An annexation application has been submitted (PLANX20230176) to be processed concurrently with this Master Plan proposal and 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 Comprehensive Plan Map designation, as shown on Attachment E.

- 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 Caraway Master Plan proposal does not contain an amendment to the Bend Comprehensive Plan Map or text amendment. Therefore, the approval criteria of BDC 4.6.300(B) do not apply.

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 Caraway Master Plan includes 18.76 acres of commercial land, 20.73 of mixed employment land, and 22.28 of light industrial land. The entirety of the Caraway Master Plan boundary is within 0.5 miles of land providing commercial goods and services. CG-zoned land is also located immediately south and east of the Caraway Master Plan boundary, between Hunnell Road, Clausen Road and US 97. The standard is met.

2. Multimodal Connections. Multimodal connections must be provided on site in compliance with the Bend Urban Area 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: Hunnell Road (a collector street) forms the primary north-south spine through the Caraway Master Plan, consistent with the TSP, while Loco Road (a collector street), Grandview Drive (a collector street), and Caraway Avenue (a local street) all provide key east-west routes through the master plan. The proposed Caraway Street Type Plan and Standards (BDC Figure 2.7.4890 and related street cross-sections) show these streets all include 8-foot-wide multiuse paths and the collector streets also include buffered bicycle lanes. A 10-foot-wide multiuse pathway is proposed along the north side of Cooley Road along the southern boundary of the master plan. The Caraway Master Plan provides

opportunities for vehicular, pedestrian, and bicycle connections through the master plan and to adjacent lands. The standard is 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: This project meets the applicable density standards in BDC 4.5.200(E)(3) by showing that the North Triangle Expansion Area will contain the housing unit count and mix prescribed in BCP Policies 11-144, 11-145, and 11-146 and 11-147 (for affordable housing requirements). Housing density and mix is addressed further in the response to BCP Policies 11-144, 11-145, and 11-147, above. The applicable standard is 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: As shown on Figure 2.7.4820, the Caraway Master Plan will contain approximately 11.6% of gross area (17.42 acres) as both public and private open space including a neighborhood park, a private community center, and multi-use trail systems. This standard is 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.**

The Preliminary Master Plan (Attachment A) shows the gross area within the master plan boundary is 149.88 acres. The Preliminary Open Space and Trails Plan (in Exhibit C of the application shows 17.42 acres (11.6 percent of gross area) of open space, including a 5.3-acre neighborhood park that will be owned and maintained by BPRD. Exhibit G is a letter from BPRD acknowledging the outline of a draft development agreement between the applicant and BPRD for a new neighborhood park and associated trails and open space to be conveyed to BPRD. The Community Center, located to the northeast of the park across a planned local road, will be an HOA-owned and maintained amenity that is planned to include a clubhouse, pool complex, and outdoor activity area. Any additional open space areas not transferred to BPRD are planned be owned and maintained by the HOA. The standard 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.**

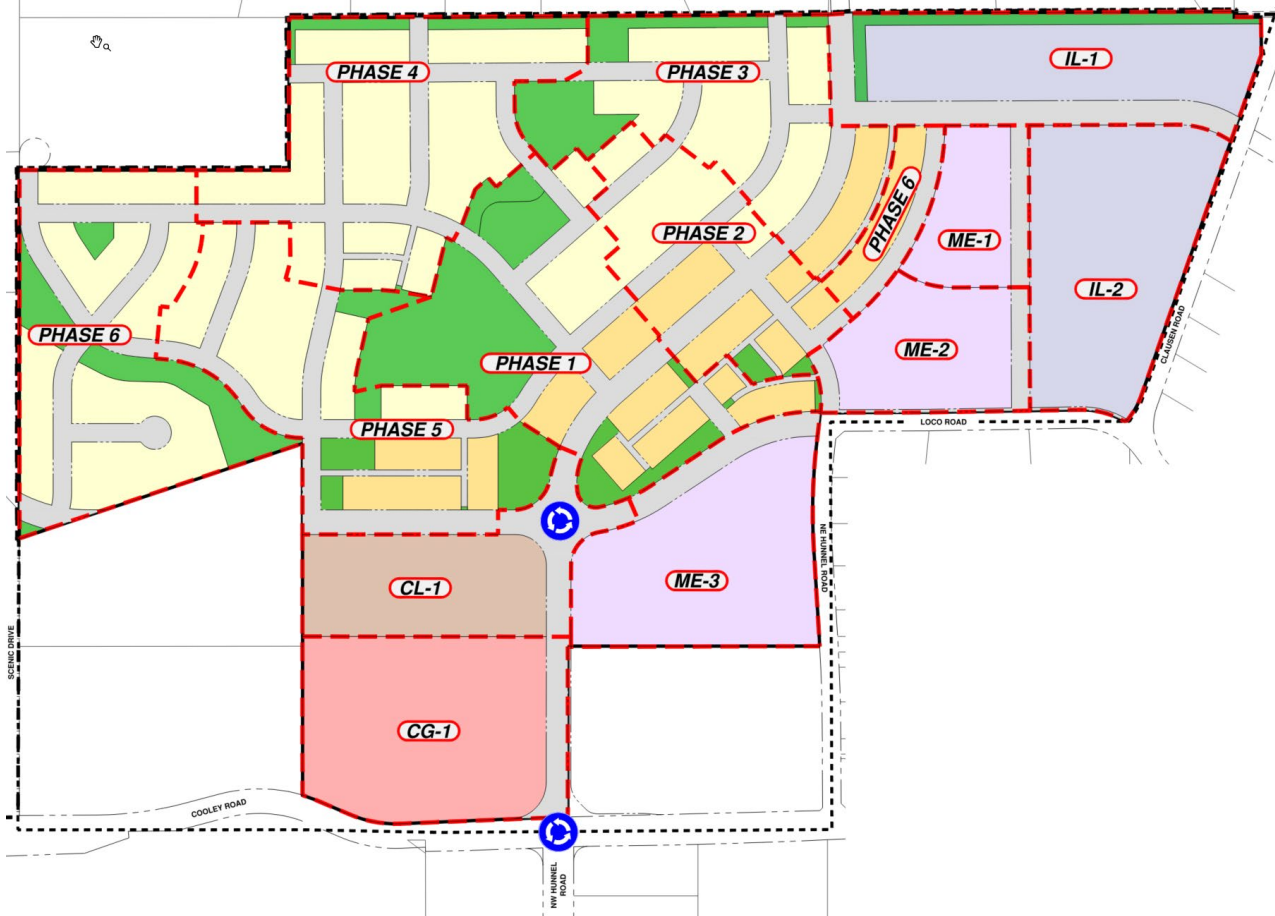
FINDING: The timeline of the BPRD's acquisition of the neighborhood parks and other public open space will be established in the final development agreement between the applicant and BPRD. HOA-owned and maintained open space will be designated as tracts (or similar) on the final subdivision plat for each corresponding phase, ensuring they will be permanently retained and maintained as open space for the community.

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: Attachment D is a proposed phasing plan (shown below). The timing and sequence of the non-residential phases will be subject to market demand but several phases are anticipated early in the process. The residential phases will also be dependent on market demand as well as availability of infrastructure as it is built out to the northwest.



Proposed Phasing Plan

The timeframe studied in the transportation analysis extended to 2040; and the Water and Sewer Analysis Application assumed an open-ended timeline to achieve full build out. The phasing plan will be in accordance with the time frame studied in the infrastructure analysis. Thus, the duration of approval is through 2040.

PLANNING COMMISSION RECOMMENDATION: Based on the application materials submitted by the applicant, the findings in this report which are based on the applicant's narrative addressing the relevant criteria for approval, the Planning Commission recommends that the Bend City Council adopt an ordinance to amend Bend Development Code Chapter 2.7, Special Planned Districts, to create the Caraway Master Planned Development as proposed in Attachment F, with the following amendment: The permitted and conditional uses in all zones within the Caraway master plan must not be more restrictive than the underlying zone.

Boundary Change Preliminary Review

DOR 9-P121-2023



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Bend
Planning Dept.
PO Box 431
Bend OR 97709

July 10, 2023

Documents received: 6/22/2023
From: Daniel Robinson

This letter is to inform you that the Description and Map for your planned Annexation to the City of Bend (BPRD Annexation) in Deschutes County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Deschutes County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

Preliminary Review

If you have any questions please contact Robert Ayers, 503-983-3032

AYERS Robert A * DOR

From: Daniel Robinson <robinsond@aks-eng.com>
Sent: Thursday, June 22, 2023 1:47 PM
To: Boundary Changes * DOR
Cc: Sara Anselment; Joey Shearer; Janelle Guiao
Subject: Bend Park and Recreation District annexation map for review & approval by Department of Revenue
Attachments: 20230622 Bend Park and Recreation District ANNEX map.pdf

You don't often get email from robinsond@aks-eng.com. [Learn why this is important](#)

Good afternoon –

Please find attached an annexation map and legal description for review and approval by the Department of Revenue. The property is planned to be annexed into the City of Bend, and an Annexation Agreement is required (per [Bend Development Code 4.9.500\(A\)](#)) because the property to be annexed is not currently located within the Bend Park and Recreation District.

The map includes 8 map/tax lots, located in northern Bend, Oregon, that are part of the Caraway Master Plan:

- [171208D000201](#)
- [171208D000202](#)
- [171208D000102](#)
- [171208D000100](#)
- [171208D000101](#)
- [171209C000200](#)
- [171209C000100](#)
- [171209D000093](#)

Please confirm receipt, and in your review of this map, please let us know if you have any questions or need any other information.

Thank you,
Daniel

Daniel Robinson, AICP



AKS ENGINEERING & FORESTRY, LLC

2777 NW Lolo Drive, Suite 150 | Bend, OR 97703

P: 541.317.8429 | www.aks-eng.com | robinsond@aks-eng.com

Offices in: Bend, OR | Keizer, OR | Tualatin, OR | Vancouver, WA

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