

# Timber Yards Text Amendment

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**Date:** December 2025

**Submitted to:** Bend Community Development Department  
710 NW Wall Street  
Bend, OR 97703

**Applicant:** Kennedy Wilson  
503 32<sup>nd</sup> Street, Suite 120  
Newport Beach, CA 92663

**AKS Job Number:** 9293



**AKS**  
ENGINEERING & FORESTRY

2777 NW Lolo Drive, Suite 150  
Bend, OR 97703  
(541) 317-8429

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## Exhibits

- Exhibit A:** Property Owner Authorization Forms
- Exhibit B:** Timber Yards Major Community Master Plan
- Exhibit C:** Preliminary Title Report
- Exhibit D:** Current Deeds
- Exhibit E:** Bend Park and Recreation District Letter
- Exhibit F:** Bend-La Pine School District Letter
- Exhibit G:** Utility Availability Memo
- Exhibit H:** Traffic Analysis Memorandum (TAM)
- Exhibit I:** Transportation Analysis
- Exhibit J:** Will Serve Letters
- Exhibit K:** Neighborhood Meeting Documentation
- Exhibit L:** Draft Development Code
- Exhibit M:** Verification of Compliance Public Meeting Form

The Timber Yards Major Community Master Plan in **Exhibit B** contains ten sheets referenced throughout this narrative:

- P01 Cover Sheet
- P02 Existing Conditions and Ownership Map
- P03 Preliminary Master Plan
- P04 Preliminary Open Space Plan
- P05 Preliminary Bicycle and Pedestrian Plan
- P06 Preliminary Phasing Plan
- P07 Preliminary Street Circulation Plan
- P08 and P09 Preliminary Street Cross-Sections
- P10 Preliminary Utility Plan

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City of Bend  
Planning Division  
710 NW Wall Street  
Bend, OR 97703

**Applicant:**

Kennedy Wilson  
503 32<sup>nd</sup> Street, Suite 120  
Newport Beach, CA 92663

Contact(s):      Dave Eadie  
Email:            deadie@kennedywilson.com  
Phone:            (949) 933-9723

**Property Owners:**

181205A000500  
KW Kelton-Bend Owner, LLC  
151 S El Camino Drive  
Beverly Hills, CA 90212

181205A000800  
Scalehouse Loop Investments, LLC  
95 SW Scalehouse Loop #100  
Bend, OR 97702

181205A000900  
McKenzie Creek Development, LLC  
95 SW Scalehouse Loop #100  
Bend, OR 97702

**Planner/Civil Engineer/  
Land Surveyor:**

AKS Engineering & Forestry, LLC  
2777 NW Lolo Drive, Suite 150  
Bend, OR 97703

Contact(s):      Joey Shearer, AICP  
Email:            shearerj@aks-eng.com  
Phone:            (541) 317-8429

Contact(s):      Brian Wilkinson, PE  
Email:            wilkinsonb@aks-eng.com  
Phone            (541) 317-8429

**Transportation Engineer:**

Transight Consulting, LLC  
61271 Splendor Lane  
Bend, OR 97702  
Joe Bessman, PE

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<b>Legal Counsel:</b>	Radler White Parks & Alexander LLP PO Box 2007 Bend, OR 97709 Steven Hultberg
<b>Site Location:</b>	East of SW Bond Street, west of US Highway 97, and south of SW Industrial Way. Two of the three subject properties are addressed: 175 SW Industrial Way and 95 SW Scalehouse Loop in Bend, Oregon.
<b>Deschutes County Assessor's Map:</b>	181205A0 Tax Lots 500, 800, 900
<b>Site Size:</b>	±32.0 acres
<b>Comprehensive Plan Designations:</b>	Mixed-Use Urban (MU)
<b>Zoning Designation:</b>	Mixed-Use Urban (MU)

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## I. Executive Summary

AKS Engineering & Forestry, LLC (AKS) is pleased to submit this application to the City of Bend on behalf of Kennedy Wilson (Applicant) for text amendments to Bend Development Code (BDC) Article XXVIII Timber Yards Master Planned Development. The Timber Yards Master Plan was approved by the City Council in June 2023 (PLSPD20230065, Ord. No. NS-2476) as a Type III quasi-judicial BDC amendment that established Article XXVIII to guide future development within Timber Yards.

These amendments are necessary due to significant changes and ongoing challenges to financing and constructing podium-style buildings. Interest rate volatility, increased construction costs, and uncertain absorption projections have created economic headwinds that require modifying a portion of the original concept. However, this modified plan can deliver much-needed housing at similar densities and contribute to the realization of both Timber Yards and the immediately surrounding area as a vibrant mixed-use community. Furthermore, subject to successful enrollment in The Tax Increment Assistance for Housing Affordability Program (TIAHA), the first two phases of the project can deliver at least 15 percent of the units to households making 90 percent area median income (AMI).

The modified street and block layout includes expanded linear open space and pedestrian-oriented design that reduces automobile dependence and creates gathering places for residents and neighbors. Phasing is generally re-sequenced from east to west, enabling the project to deliver housing sooner while also preserving the flexibility to incorporate mixed-use buildings in the future phases. The planned transportation improvements—including roundabouts, street connections, a mobility hub, and a network of multiuse paths along the linear park—will improve connectivity and functionality of critical transportation facilities in and around Bend's Core Area. The foundation of a walkable, connected neighborhood remains intact and sets the stage for future growth.

The essential elements of the text amendments are summarized below:

- **Timber Yards Drive** will be replaced with a non-vehicular pedestrian-oriented open space and meandering pathways running east-west through the master plan. Timber Yards Drive will no longer connect to the SW Industrial Way/SW Aune Street intersection, modifying the eastern treatment to a three-legged intersection.
- **Modified land use assumptions** reflecting market conditions:

Phase	Original Uses (Estimated)	Updated Uses (Estimated)
A	1,600 Dwelling Units 180-Room Hotel 120,000 SF Office 70,000 SF Retail	250 Dwelling Units, 16,000 SF Retail (PLSPR20230465)
B		176-Room Hotel, 5,000 SF Retail (or 200 Dwelling Units)
C		121 Dwelling Units
D		121 Dwelling Units
E		129 Dwelling Units
F		
G		129 Dwelling Units

H		250 Dwelling Units
I		45,000 SF Office, 5,000 SF Retail (or 150 Dwelling Units)
Total	1,600 Dwelling Units 180-Room Hotel 120,000 SF Office 70,000 SF Retail	1,000-1,350 Dwelling Units 176-Room Hotel 45,000 SF Office 26,000 SF Retail

The ±32.0-acre Timber Yards Master Plan continues to provide:

- **Transportation System Improvements:** While individual components are changing, the planned transportation improvements, combined with the internal circulation system and street cross sections, will support the mix of uses within Timber Yards while also improving connectivity and functionality of critical transportation facilities in and around Bend's Core Area.
  - **Roundabout at SW Bond Street/SW Industrial Way:** A single-lane roundabout at the northwest corner of the neighborhood will support current and planned development in the immediate vicinity and successive Timber Yards phases, provide safe multimodal crossings, and support local access needs. Construction of the roundabout will occur concurrent with the first Timber Yards phase.
  - **Roundabout at SW Timber Yards Drive/SW Scalehouse Loop/SE Aune Street:** A mini-roundabout at the eastern edge of the neighborhood maintains continuity between SW Industrial Way and the City's planned SE Aune Street extension to SE 3<sup>rd</sup> Street.
  - **Mobility Hub:** A new mobility hub abutting SW Bond Street on the plaza can support parking for buses/regional shuttles and bicycle parking/bike share, and connects to pedestrian facilities, including new multiuse paths abutting and through Timber Yards.
  - **Pedestrian and Bicycle Connections:** A network of multiuse paths will provide additional pedestrian and bicycle facilities around and through the neighborhood, including an off-site extension to connect to the City's Wilson Avenue corridor improvements.
  - **NW Sisemore Street:** The near-term modification of the NW Sisemore Street/NW Colorado Avenue intersection will address critical safety needs and lessen the potential for cut-through travel north into residential neighborhoods. Longer-term multimodal improvements will extend bicycle lanes and widen sidewalks from NW Colorado Avenue to NW Arizona Avenue.
- **Open Space, Paths, and Community Amenities:** The Timber Yards Master Plan includes ±3.4 acres (±10.6 percent) of urban open space. A planned plaza fronting SW Bond Street would provide the pedestrian gateway into the neighborhood, which flows into a linear open space with paths connecting future buildings, smaller pockets of open space, and the larger network of multiuse paths.

Open spaces will emphasize an immersive landscape that utilizes natural materials and native plants with ample seating, amenities, and improvements to accommodate activities for people of all ages and abilities. The resulting hardscaped and vegetated open space will be flexible and could be used for a variety of community events, including festivals or a farmer's market.

The Timber Yards Master Plan provides the opportunity for a vibrant, connected, and walkable community that builds on the character and history of this area. Infrastructure planning will continue to support future residential, commercial, and employment uses across a long-underutilized site, filling a critical gap in the City's Core Area and enhancing connections across US Highway 97 and to the Deschutes River. Land uses

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accommodating residential, commercial, and employment, combined with the surrounding residential, commercial, employment, and entertainment uses will create a complete community.

The City of Bend Development Code requires that the text amendment be considered through a Type III quasi-judicial procedure. This written statement includes findings of fact demonstrating the application complies with all applicable approval criteria. These findings are supported by substantial evidence in the application, including a transportation analysis and other written documentation. Considered together, this information provides the necessary basis for the City of Bend to approve the application.

## **II. Site Description/Setting**

Timber Yards consists of three tax lots totaling  $\pm 32.0$  acres and is zoned Mixed-Use Urban (MU) within the KorPine Opportunity Area. Tax Lot 500 ( $\pm 21.8$  acres) is the former location of the KorPine particleboard plant, which operated from 1966 to 2002. In January of 2017, the former KorPine particleboard building collapsed under the weight of heavy snow and has remained vacant since. Tax Lot 800 ( $\pm 10.0$  acres) contains facilities for Hooker Creek, including offices and a concrete batch plant. Tax Lot 900 ( $\pm 0.2$  acres) is a small, paved area between Tax Lots 500 and 800.

Property to the north, across SW Industrial Way, is also zoned MU and the approved (PLSPR20220228) 7-story Jackstraw building containing 312 residential units ( $\pm 55.7$  units/acre) and 18,250 square feet of commercial space is currently under construction. Northwest Self Storage is also located to the north, and the Crux Fermentation Project tasting room is located to the northeast.

To the west, across SW Bond Street, properties are zoned Mixed-Use Riverfront (MR) and developed with office, retail, and hotel uses. To the south along SW Bond Street and SW Scalehouse Loop properties are zoned MR and Mixed Employment (ME) and are developed with office and retail uses. US Highway 97 abuts the eastern edge of the site, along with land zoned Light Industrial (IL).

## **III. Applicable Review Criteria**

The BDC requires this application be considered through a Type III quasi-judicial procedure, pursuant to BDC 4.1.426(A). Under BDC 4.5.200(C)(3)(a), the text of a major community master plan must be included in BDC Chapter 2.7 Special Planned Districts. The planned amendments to BDC Article XXVIII Timber Yards Master Planned Development (in Exhibit L) do not include amendments to the Bend Comprehensive Plan (BCP) text or map. The approval criteria include applicable Statewide Planning Goals, applicable Oregon Administrative Rules adopted by the Land Conservation and Development Commission (LCDC) that implement the Goals, and applicable City Comprehensive Plan policies.

### [Oregon Administrative Rules](#)

#### [Division 15 – Statewide Planning Goals and Guidelines](#)

##### [660-15-0 Statewide Planning Goals and Guidelines](#)

BDC 4.5.200(D)(3)(c), addressed below, requires evaluation of relevant Statewide Planning Goals. Goals 3 and 4 are not addressed because the subject property is not designated as agricultural or forest land. Goals 15 through 19 are not addressed because they do not apply to land in Central Oregon.

###### **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.**

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**Response:** The City of Bend has an established citizen involvement program. The application will be processed as a Type III (quasi-judicial) application, which involves public notification and public hearings as established in BDC 4.1.400. Therefore, compliance with Goal 1 is achieved.

**Goal 2: Land Use Planning**

**To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**Response:** The City will review and process this master plan application consistent with the procedures detailed in BDC Chapter 4.1, including consideration of any public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.

The City can also find the other two substantive requirements of Goal 2 are satisfied. First, the application provides an adequate factual basis for the City to approve the application because it describes the site and its physical characteristics and applies those facts to the relevant approval criteria. Second, Goal 2 requires coordination of the application by the City with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected governmental entity to comment on the application, and the City's incorporation of the comments to a reasonable extent. The City can find that coordination of this application will be accomplished in two ways: by the Applicant prior to submittal of the application and by the City in the review process for the application.

**Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

**To protect natural resources and conserve scenic and historic areas and open spaces.**

**Response:** The City's adopted inventories and maps do not show any Goal 5 significant natural resources, scenic and historic areas, and open spaces on the subject property. Therefore, compliance with Goal 5 is achieved.

**Goal 6: Air, Water and Land Resources Quality**

**To maintain and improve the quality of the air, water and land resources of the state.**

**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. Therefore, net impact to air, water, and land resources will be negligible. Furthermore, the BDC has established standards, requirements, and procedures for reviewing applications involving natural resources, including the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI). The subject properties are not located within the WOZ and do not contain ASI. Future land use applications for projects within the Master Plan will continue to be reviewed in accordance with these standards and requirements. Therefore, compliance with Goal 6 is achieved.

**Goal 7: Areas Subject to Natural Hazards**

**To protect people and property from natural hazards.**

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**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan, as enumerated in the Timber Yards Draft Development Code (Exhibit L), are consistent with the MU zone. The lands within the Timber Yards Master Plan do not contain any inventoried or mapped Goal 7 natural hazards. Therefore, compliance with Goal 7 is achieved.

#### **Goal 8: Recreation Needs**

**To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone.

The Timber Yards Master Plan includes  $\pm 3.4$  acres ( $\pm 10.6$  percent) of urban open space. A plaza fronting SW Bond Street will provide the pedestrian gateway into the neighborhood, which then flows into a linear open space with paths and trails connecting the future buildings, smaller pockets of open space, and the larger network of multiuse paths.

Open spaces will emphasize an immersive landscape that utilizes natural materials and native plants with ample seating, amenities, and activities for people of all ages and abilities. The resulting hardscaped and vegetated open space would be flexible and could be used for a variety of community events, including festivals or a farmer's market. Therefore, compliance with Goal 8 is achieved.

#### **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.**

**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. Therefore, compliance with Goal 9 is achieved.

#### **Goal 10: Housing**

**To provide for the housing needs of citizens of the state.**

**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. Therefore, compliance with Goal 10 is achieved.

#### **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.**

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**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. Infrastructure necessary to serve the variety of planned uses within Timber Yards has been identified through coordination with City staff and utility service providers. The sequencing and financing mechanisms for the needed infrastructure will be formalized in a Development Agreement with the City. With the Development Agreement, which will be reviewed concurrently with the Master Plan by the City Council, compliance with Goal 11 is achieved.

**Goal 12: Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone.

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. Consistent with Goal 12 Implementation Measures 1 through 4, the transportation facilities proposed through the Timber Yards Master Plan are consistent with the City's Transportation System Plan (TSP), Comprehensive Plan, and Development Code. No transportation facilities are proposed other than those facilities already identified in the City's local transportation plans. As a designated Opportunity Area, the Timber Yards property has been identified as being appropriate for a mix of higher-intensity residential and commercial uses. Consequently, the adoption of the Timber Yards Master Plan will be consistent with, and supportive of, the land use and development plan for the area. The transportation mitigation provisions included in the Timber Yards Draft Development Code (Exhibit L) identify the roles and responsibilities for implementing the transportation mitigation measures identified for the development.

The Timber Yards Master Plan Transportation Element included a Transportation Facilities Report, Transportation Impact Analysis, and proposed mitigation for the Timber Yards Master Plan. The updated Transportation Analysis (Exhibit I) shows how transportation networks, including bike and pedestrian facilities, are planned throughout the project site. Transportation mitigation satisfying the decision criteria, including the TPR, will be adopted in BDC Article XXXVIII, ensuring adequate capacity and mitigating against any "significant effects" on the transportation system.

**Transportation Planning Rule (OAR 660-012-0060)**

Under OAR 660-012-0060(1), when a local government amends a land use regulation it must determine whether the amendment would "significantly affect an existing or

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planned transportation facility.” Because the Timber Yards Master Plan was adopted as a “special planned district” under BDC Chapter 2.7, the City’s approval of the text amendment constitutes an amendment to a land use regulation. That said, the amendment does not “significantly affect” any transportation facility within the meaning set forth in OAR 660-012-0060(2) for two reasons. First, the underlying property is already zoned MU. The proposed Timber Yards Special Planned District (Exhibit L) to be included in BDC Chapter 2.7 does not permit development intensity (i.e., additional transportation trips) over and above what is already permitted in the MU zone on the subject property. In very simple terms, no additional trips are authorized through approval of these amendments. Second, under OAR 660-012-0060(9), a local government may find that an amendment to the zoning map (as is the case here by adopting the Timber Yards Special Planned District) will not significantly affect a transportation facility because the MU district is (i) consistent with the underlying comprehensive plan designation, (ii) the City’s TSP has been acknowledged and (iii) the city’s TSP accounts for the urbanization of the subject property. Therefore, compliance with the Transportation Planning Rule (TPR) is achieved.

#### **Goal 13: Energy Conservation**

**To conserve energy.**

**Response:** The subject properties have been identified in the City’s Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone.

The specific mix and intensity of uses will be refined through additional design and market analyses and ultimately specified through future Site Plan Review applications. However, for purposes of infrastructure analysis and mitigation, Timber Yards has been analyzed to accommodate 1,000 dwelling units, a 176-room hotel (or 200 additional dwelling units), 45,000 square feet of office space (or 150 additional dwelling units), and 26,000 square feet of retail space. Urban density can be more effective in conserving energy than making specific efficiency improvements to individual buildings. On a per-acre basis, the mix and density of land uses within Timber Yards will result in it being amongst the most efficiently utilized land in the City, helping the City meet its housing needs in a manner that conserves energy, in part, by also minimizing transportation energy use.

The Preliminary Bicycle and Pedestrian Plan (Exhibit B) shows planned multimodal improvements that support transit and encourage a pedestrian-friendly environment. A network of multiuse paths will provide additional pedestrian and bicycle facilities around and through the neighborhood, including an off-site extension to connect to the City’s Wilson Avenue corridor improvements. A robust multimodal network makes the overall transportation network more efficient and enhances the community. Therefore, compliance with Goal 13 is achieved.

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#### 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.

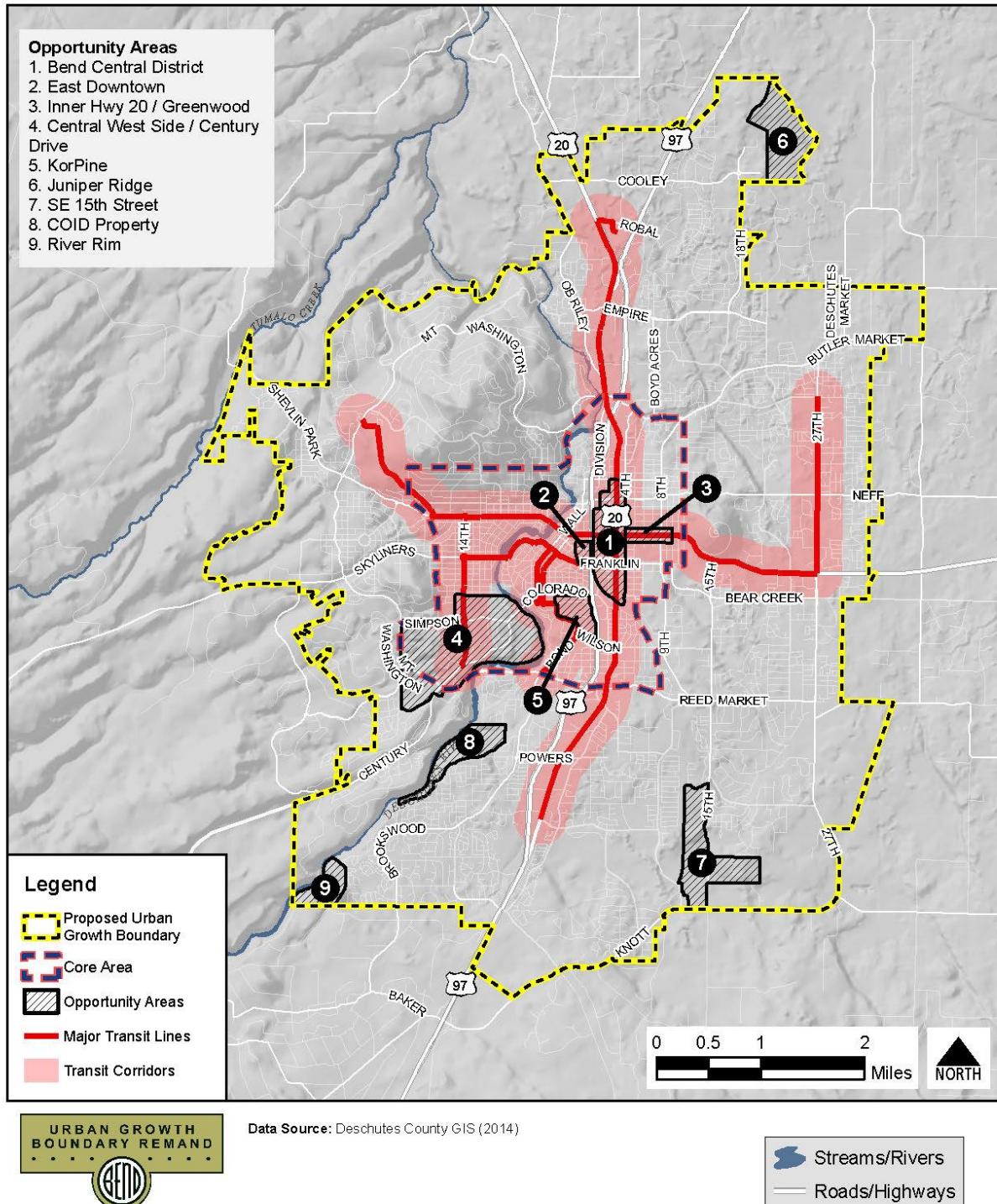
**Response:** Timber Yards is located within the KorPine Opportunity Area. As part of the 2016 Urban Growth Boundary (UGB) expansion, the State of Oregon tasked the City with increasing the efficient use of land within the existing City Limits. This resulted in 1) the establishment of two new mixed-use zones intended to accommodate a range of residential and commercial uses in pedestrian-oriented mixed-use centers and corridors; and 2) identification of “Opportunity Areas” within the existing City Limits that have significant development (or redevelopment) potential. Consequently, the City approved the KorPine Opportunity Area, changed the plan designation and zoning on the subject property from General Industrial (IG) to MU, and then subsequently approved the Timber Yards Master Plan. The subject properties have been identified in the City’s Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. Therefore, compliance with Goal 14 is achieved.

#### Bend Comprehensive Plan

As mandated by the State of Oregon during the UGB Remand planning process, the City evaluated and then implemented several “efficiency measures” to increase density and provide more employment opportunities within existing urban land. As part of this analysis, the City identified specific “Opportunity Areas” appropriate to focus new growth due to their location, zoning, amount of vacant or underdeveloped land, and/or proximity to urban services. Each Opportunity Area will serve a unique role in the City’s future—some are vacant land and will develop primarily through private sector initiative; others are redevelopment opportunities and will require a partnership of private sector investment and City support or investment. Specifically, the KorPine Opportunity Area (within which Timber Yards is located) is summarized in BCP Chapter 11 as an “opportunity to transform an industrial area into a vibrant urban mixed use district.” Because the Timber Yards Master Plan is a major community master plan that does not propose amendments to the BCP, BDC 4.5.200(D)(3)(c) requires compliance only with the relevant policies of BCP Chapter 11, Growth Management. These are addressed below. Figure 1 below identifies the Korpine Opportunity Area as Opportunity Area 5.

Figure 1: Core Area, Transit Corridors, and Opportunity Areas (BCC Figure 11-1)

**Bend UGB**  
*Opportunity Areas*  
 July 18, 2016



[Note: the “Proposed Urban Growth Boundary” was approved in 2016.]

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## Chapter 11: Growth Management

### General Growth Management Policies

11-1 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

**Response:** The subject properties have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. The allowed mix of uses, as well as locating housing in close proximity to established commercial uses, will reduce vehicle miles traveled. The Preliminary Bicycle and Pedestrian Plan (Exhibit B) shows a robust and expansive pedestrian and bicycle transportation network can be implemented that facilitates and encourages non-automobile travel throughout the Timber Yards site and with adjacent areas. This policy is met.

11-2 The City will encourage infill and redevelopment of appropriate areas within Bend's Central Core, Opportunity Areas and transit corridors (shown on Figure 11-1).

**Response:** The subject properties are located within the KorPine Opportunity Area and have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone. The policy is met.

11-3 The City will ensure that development of large blocks of vacant land makes efficient use of land, meets the city's housing and employment needs, and enhances the community.

**Response:** The Timber Yards Master Plan consists of ±32.0 acres of land zoned MU. The specific mix and intensity of uses will be refined through additional design and market analysis and ultimately specified through future Site Plan Review applications. However, for purposes of infrastructure analysis and mitigation, Timber Yards has been analyzed to accommodate 1,000 dwelling units, a 176-room hotel (or 200 additional dwelling units), 45,000 square feet of office space (or 150 additional dwelling units), and 26,000 square feet of retail space. On a per-acre basis, the mix and density of land uses within Timber Yards would result in it being amongst the most efficiently utilized land in the City, and will help the City meet its housing and employment needs.

The Preliminary Bicycle and Pedestrian Plan (Exhibit B) shows planned multimodal improvements that support transit and encourage a pedestrian-friendly environment. A network of multiuse paths will provide additional pedestrian and bicycle facilities around and through the neighborhood, including an off-site extension to connect to the City's Wilson Avenue corridor improvements. A robust multimodal network makes the overall transportation network more efficient and enhances the community. The policy is met.

11-4 Streets in the Centers and Corridors, Employment Districts, Neighborhoods, and Opportunity Sites will have the appropriate types of pedestrian, biking, and transit scale amenities to ensure safety, access, and mobility.

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**Response:** The subject properties are located within the KorPine Opportunity Area and have been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. Uses and development intensity contemplated by the Timber Yards Master Plan are consistent with the MU zone.

The Preliminary Bicycle and Pedestrian Plan (Exhibit B) shows planned multimodal improvements that support transit and encourage a pedestrian-friendly environment. A mobility hub on SW Bond Street will provide access to transit. A network of multiuse paths will provide additional pedestrian and bicycle facilities around and through the neighborhood, including an off-site extension to connect to the City's Wilson Avenue corridor improvements. A robust multimodal network makes the overall transportation network more efficient and helps ensure safety, access, and mobility for both residents and visitors. The policy is met.

#### Policies for Centers and Corridors

(\*\*\*) [Ellipses notes intentional omission of additional text.]

11-24 The City will encourage vertical mixed use development in commercial and mixed use zones, especially where those occur within the Central Core, Opportunity Areas and along transit corridors.

**Response:** Timber Yards is located within the KorPine Opportunity Area, which has been identified in the City's Comprehensive Plan as appropriate for a mix of residential, commercial, and/or public and institutional uses. The Timber Yards Master Plan allows for vertical mixed use development and, for purposes of infrastructure analysis and mitigation, Timber Yards has been analyzed to accommodate 1,000 dwelling units, a 176-room hotel (or 200 additional dwelling units), 45,000 square feet of office space (or 150 additional dwelling units), and 26,000 square feet of retail space. The policy is met.

### Bend Development Code

#### Title 4 Applications and Review Procedures

##### Chapter 4.1 Development Review and Procedures.

###### 4.1.215 Public Meeting.

A. The applicant for a Bend Comprehensive Plan Map amendment, Zoning Map amendment, conditional use permit, master plan, subdivision or site plan review for new development or an alteration/addition to one or more buildings containing a total of 10,000 square feet or more must present the proposal at a public meeting prior to submitting the respective application to the City Planning Division. The presentation must be made at either a regular or special meeting with a neighborhood district recognized by the City of Bend whose boundaries the subject property lies within, or a public meeting arranged and conducted by the applicant. The presentation at the public meeting must include the following:

1. A map depicting the location of the subject property proposed for development.
2. A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any structures if applicable.

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3. A description of the nature of the use including, but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
4. The expected or anticipated impacts from the development.
5. Any mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
6. An opportunity for the public to provide comments. Applicants are encouraged to reconcile as many public concerns as possible prior to submittal of their application.

**Response:** BDC 4.1.215 does not require a public meeting for an application amending the BDC. However, a public meeting was held on August 14, 2025, at 5:30 p.m. via a Zoom webinar format. Large-scale preliminary plans and vicinity maps were displayed electronically at the meeting. The public meeting was conducted and completed in accordance with BDC Section 4.1.215. The subject property is located within the Southern Crossing Neighborhood Association and is adjacent to the Old Bend and Larkspur Neighborhood Associations. Representatives from all three neighborhood associations were notified of the public meeting via mail and email. The signed Verification of Compliance and Verification of Neighborhood Meeting forms are included in Exhibit K.

**B. Public Meeting Notification.** If any part of a proposed new development as referenced in subsection (A) of this section is to be constructed within the boundaries of a recognized neighborhood district of the City of Bend, the applicant must notify the designated land use chair of the presentation. It is the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected neighborhood of the date, time and location of the meeting/presentation. It is the applicant's responsibility to provide the information listed in subsections (B)(1)(a) through (c) of this section to the designated land use chair of the neighborhood district. Such meeting must be held no less than 15 days and no more than 45 days from the date that the applicant notifies the designated land use chair of the affected neighborhood district. The following provisions are applicable to the applicant's obligation to notify the residents of the area affected by the new development application, whether the proposed development is within the boundaries of a recognized neighborhood district or not:

1. The applicant must send mailed notice of the public meeting to all property owners within 500 feet of the boundaries of the subject property, and, if any part of the subject property is within the boundaries of a neighborhood district recognized by the City of Bend or within 500 feet of any other neighborhood district recognized by the City of Bend, notice must be mailed and emailed to the designated land use chair(s) of such neighborhood district(s). The property owner list must be compiled from the Deschutes County Tax Assessor's property owner list from the most recent property tax assessment roll. The physical and email addresses for the designated land use chair(s) of the affected neighborhood district(s) may be obtained from the City of Bend. The notice must be sent no less than 15 days prior to the public meeting, and must include at a minimum:
  - a. Date, time and location of the public meeting.
  - b. A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernible.

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- c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.

**Response:** Notification of a public meeting for the proposed project was mailed to the Southern Crossing, Old Bend, and Larkspur Neighborhood Associations and to owners of property within 500 feet of the project boundary on July 30, 2025. Neighborhood association representatives were notified of the public meeting via mail and email. The public meeting was held on August 14, 2025. The meeting notice included all the information required by this section. All required public meeting notices, mailing lists, and other documentation are included in this application (Exhibit K). Therefore, the public meeting notice requirements are met.

- C. Applications must be submitted to the City within 180 days of the public meeting. If an application is not submitted in this time frame, the applicant will be required to hold a new public meeting. [Ord. NS-2503, 2024; Ord. NS-2423, 2021; Ord. NS-2397, 2021; Ord. NS-2289, 2017; Ord. NS-2271, 2016; Ord. NS-2122, 2009; Ord. NS-2016, 2006]

**Response:** The neighborhood meeting occurred on August 14, 2025, and this application was submitted within the 180-day requirement. The requirement is met.

#### 4.1.220 Application Requirements.

- A. Property Owner. For the purposes of this section, the term property owner shall mean the owner of record or the contract purchaser and does not include a person or organization that holds a security interest.
- B. Applications shall:
  - 1. Be submitted by the property owner or a person who has written authorization from the property owner as defined herein to make the application;
  - 2. Be completed on a form prescribed by the City;
  - 3. Include supporting information required by this code and any other information necessary to, in the judgment of the Community and Economic Development Director, demonstrate compliance with applicable criteria;
  - 4. Be accompanied by the appropriate filing fee as set forth in the adopted Fees Resolution;
  - 5. Provide proof of ownership in the form of a deed, or other recorded document; and
  - 6. In the case of applications for a quasi-judicial plan amendment or zone change, may be accompanied by applications for a specific development proposal.
  - 7. For applications that require a public meeting under BDC 4.1.215(A), include a Public Meeting Verification of Compliance form signed by the applicant and a representative of the neighborhood association(s), attesting to the contents of the materials provided at the meeting. If no representatives of the neighborhood association(s) are present at the meeting, the applicant may submit a statement to that effect. If the public meeting was arranged and conducted by the

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applicant, the notification materials listed in BDC 4.1.215(B)(1)(a) through (c) must also be submitted.

**Response:** The City of Bend Property Owner Authorization Forms (Exhibit A) have been completed and signed per the above requirements, and are accompanied by supporting information, the appropriate filing fee, proof of ownership in a Preliminary Title Report (Exhibit C) and Current Deeds (Exhibit D), and the required public meeting materials (Exhibit K). Applicable submittal requirements are met.

#### 4.1.400 Type II and Type III Applications.

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

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

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

B. Type III decisions are made by the Planning Commission or Hearings Officer after a public hearing following the quasi-judicial hearings procedures of BDC 4.1.800, except the City Council is the sole review authority for annexations. The City Council is the final decision maker in Type III development applications that require the adoption of an ordinance.

**Response:** A Major Community Master Plan is a Type III quasi-judicial application because the process is bound to result in a decision subject to existing criteria that will apply to a defined geographical area. Because the application also includes an amendment to BDC Chapter 2.7 Article XXVIII, which must be adopted by an ordinance, the City Council is the final decision maker.

### Chapter 4.5 Master Plans

#### 4.5.100 Master Plan General Provisions.

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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:

1. Existing Conditions Submittal Requirements.
  - a. Narrative statement that describes the following:
    - i. Current uses.
    - ii. Site description, including the following items. May also reference submitted maps, diagrams or photographs.
      - (A) Physical characteristics;
      - (B) Building inventory including size and height;

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- (C) Vehicle/bicycle parking, and loading areas;
- (D) Landscaping/usable open space; and
- (E) Lot coverage.

**Response:** These elements are addressed throughout this narrative and in the Timber Yards Major Community Master Plan (Exhibit B). The submittal requirements are met.

- iii. Infrastructure facilities and capacity, including the following items:
  - (A) Water;
  - (B) Sanitary sewer;
  - (C) Stormwater management; and
  - (D) Easements.

**Response:** The Utility Availability Memo issued by City of Bend Engineering Division is included as Exhibit G. Existing easements are shown on the Existing Conditions and Ownership Map in Exhibit B and further described in the Preliminary Title Report included as Exhibit C.

b. Existing Site Conditions Map.

- i. The existing site conditions map must include the following information on site and within 150 feet of the proposed master plan (as applicable):
  - (A) The applicant's entire property and the surrounding property. The property boundaries, dimensions and gross area must be identified. Existing aerial photos may be used;
  - (B) Ownership of master plan area and ownership of all property within 150 feet of the proposed master plan;
  - (C) Topographic contour lines shown at one-foot intervals for slopes of 10 percent or less. For slopes greater than 10 percent, contour lines must be shown at two-foot intervals. Slopes greater than 25 percent must be identified;
  - (D) The location, names, and widths of existing public and private streets, alleys, drives, sidewalks, bike lanes, multi-use paths, transit routes and facilities, rights-of-way, and easements. Existing aerial photos may be used;
  - (E) The location of existing irrigation canals and ditches, pipelines, drainage ways, waterways, railroads, and any natural features such as rock outcroppings, wooded areas, and natural hazards. Existing aerial photos may be used;

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- (F) The location of existing sanitary and storm sewer lines, water mains, septic facilities, culverts, and other underground and overhead utilities;
- (G) Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
- (H) Resource areas, including wetlands on the City's Local Wetlands Inventory, streams, surface mines, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection; and
- (I) Locally or federally designated historic and cultural resources on the site and the adjacent parcels.

- ii. The existing site conditions map must include the following information on site:
  - (A) The location of existing structures, parking, loading and service areas, and pavement. Existing aerial photos may be used; and
  - (B) The location, size and species of trees and other vegetation having a caliper (diameter) of six inches or greater at four feet above grade.
- iii. Date, north arrow, scale, names, and addresses of all persons listed as owners on the most recently recorded deed.
- iv. Name, address, email address, and telephone number of project designer, engineer, surveyor, and/or planner, if applicable.

**Response:** The elements listed above, as applicable, are included on the Existing Conditions and Ownership Map included in Exhibit B. The location, general size, and general species of trees is shown in the aerial photograph on the Existing Conditions and Ownership Map. Not all trees shown on the aerial photo meet the City of Bend's criteria for "significant trees." Individual trees will be inventoried and measured with future subdivision or site plan review applications. The civil engineer and planner are listed on the Cover Sheet of Exhibit B. The submittal requirements for the Timber Yards Master Plan are met.

## 2. Proposed Master Plan Submittal Requirements.

- a. Narrative that describes the following:
  - i. Development boundary subject to proposed master plan. May also reference submitted maps or diagrams;
  - ii. Project description;

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- iii. Description, approximate location, and approximate timing of each proposed phase of development. The phasing plan may be tied to necessary infrastructure improvements. May also reference submitted maps or diagrams;
- iv. How the proposed water, sewer, and street system will serve the size and type of development and uses planned for this area;
- v. How the location and sizing of water and sewer facilities on site will be consistent with existing and planned facilities;
- vi. How water flow volumes will be provided to meet fire flow and domestic demands;
- vii. The function and location of any private utility system;
- viii. Compliance with the applicable approval criteria set forth at BDC 4.5.200, Community Master Plan, BDC 4.5.300, Institutional Master Plan, and BDC 4.5.400, Employment Master Plans;
- ix. Types of residential uses and planned densities; and
- x. Bend Comprehensive Plan Map compliance analysis which explains how plan designation acreages in the Bend Comprehensive Plan Map designations for the subject site or sites, including minimum and maximum residential density ranges, are implemented by the master plan, including rearranging the plan designations and/or zoning that retains the same total area of all plan designations on the subject site or within one percent of the same total acres. All other changes must be processed concurrently as a Comprehensive Plan amendment and zone change.

**Response:** These elements are addressed throughout this narrative and in the Timber Yards Major Community Master Plan (Exhibit B). The submittal requirements are provided.

- b. Scaled maps or diagrams that include the following information (as applicable):
  - i. Development boundary;
  - ii. Phasing plan;
  - iii. Conceptual site plan including the following:
    - (A) General land uses;
    - (B) Approximate building envelopes and square footage;
    - (C) Vehicle, biking, and walking circulation system, including cross-sections, and where these facilities will connect with the existing and planned system;
    - (D) General location and size of areas to be conveyed for public use (e.g., schools,

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recreational areas, parks, fire stations, and other public uses) in accordance with the City of Bend, the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, and the School Facility Plan, latest editions, and other open space areas as required by this chapter;

- (E) Transit routes and facilities;
- (F) Parking, loading, and service areas including loading and service areas for waste disposal;
- (G) North arrow and scale; and
- (H) Other information necessary to show how the conceptual site plan meets applicable criteria;

- iv. Water and sewer facilities to serve the master plan area, including line sizes, general location of routes, and how the lines will tie into adjacent areas and facilities;
- v. General location of streets and water and sewer lines illustrated on abutting vacant land and developable land and all contiguous property under common ownership. This illustration is not binding on the abutting properties;
- vi. Grading concept plan (for hillside or sloping properties, or where extensive grading is anticipated);
- vii. Landscape concept plan and tree preservation plan in accordance with BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls;
- viii. Architectural concept plan (e.g., information sufficient to describe architectural styles, building heights, and general materials); and
- ix. Sign concept plan (e.g., locations, general size, style, and materials of signs).

**Response:** These elements are addressed throughout this narrative and in the Timber Yards Major Community Master Plan (Exhibit B). The applicable submittal requirements are provided.

- c. Draft Development Code text, figures, and tables, in a format prescribed by the City, which propose changes to the development standards and zoning district requirements intended to implement the major master plan. The draft text, figures, and tables must also include any proposed districts, street layouts, and cross-sections that vary from standards.

**Response:** The planned BDC amendments are included as Exhibit L and contain the boundary map, draft text, tables, street layouts, and street cross sections. The submittal requirement is met.

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- d. A letter or other written documentation from the Bend Metro Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed master plan, and provided the District an opportunity to review the design for options to enhance existing parks and trails, and develop new parks and trails.

**Response:** Exhibit E is a letter from the Bend Park and Recreation District (BPRD) that acknowledges the review and coordination on the planned modification. The submittal requirement is met.

- e. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed master plan, and provided the District an opportunity to review the master plan area for compliance with the School Facility Plan, latest edition.

**Response:** Exhibit F is a letter from the Bend-La Pine School District indicating that the required coordination has occurred. The submittal requirement is met.

- f. Transportation analysis in compliance with BDC Chapter 4.7, Transportation Analysis.

**Response:** The Transportation Analysis (Exhibit I) supplements the original Timber Yards Transportation Element. Exhibit H contains a Traffic Analysis Memo issued by the City of Bend outlining a list of possible mitigation measures consistent with the requirements of BDC Chapter 4.7 to be implemented during construction. The submittal requirement is met.

- g. Institutional and employment master plans must submit a transportation and parking demand management (TPDM) plan in compliance with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.

**Response:** Timber Yards was approved as a Major Community Master Plan. The submittal requirement does not apply.

- h. Water and sewer capacity analysis.

**Response:** The Utility Availability Memo issued by City of Bend Engineering Division contains a water and sewer capacity analysis and is included as Exhibit G. The submittal requirement is met.

- i. Information required by BDC 2.7.600, Water Overlay Zone (WOZ), BDC 2.7.700, Upland Areas of Special Interest Overly Zone, BDC 3.5.200, Outdoor Lighting Standards, and/or BC Chapter 5.50, Noise, as applicable.

**Response:** The subject property is not within the Waterway Overlay Zone and does not contain inventoried Areas of Special Interest (ASI). Outdoor lighting standards will be reviewed with future Site Plan Review applications for each building. The submittal requirements do not apply.

- j. Copies of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

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k. A title report prepared within the previous 90 days.

**Response:** The Preliminary Title Report is included in Exhibit C. No new restrictions or covenants are planned at this time but may be provided with future Site Plan Review or Tentative Subdivision applications. The applicable submittal requirements are provided.

**4.5.200 Community Master Plan.**

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**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.

**Response:** The applicable Standards and Regulations are addressed in the responses to 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.

**Response:** The Utility Availability Memo (Exhibit G) issued by City of Bend Engineering Division shows that existing water and sewer facilities have adequate capacity to serve the Timber Yards Master Plan or adequate facilities will be installed concurrent with construction and prior to occupancy or use. Therefore, the applicable criteria are met.

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

**Response:** The Timber Yards Master Plan Transportation Element (Exhibit I) includes a Transportation Facilities Report, Transportation Impact Analysis, and proposed mitigation for the Timber Yards Master Plan. Exhibit H contains a Traffic Analysis Memo issued by the City of Bend outlining a list of possible mitigation measures consistent with the requirements of BDC Chapter 4.7 to be implemented during construction. The submittal requirement is met.

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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

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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.

**Response:** The Timber Yards site is currently designated MU on the City's Comprehensive Plan Map and is zoned MU. No changes to plan designation or zoning are necessary or planned. The criterion is 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:

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**Response:** BDC Chapter 2.7 Article XXVIII contains minor deviations to the MU zone appropriate for this specific site and context. However, no new deviations are included in the planned text amendments in Exhibit L. Future land use applications—including Tentative Subdivision and Site Plan Review—will provide the required details demonstrating compliance with the applicable provisions of Title 3. However, the Timber Yards Major Community Master Plan (Exhibit B) shows that applicable requirements are capable of being met, except as modified in BDC Chapter 2.7 BDC Article XXVIII.

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

The Preliminary Street Circulation Plan (Exhibit B) shows the preliminary street and block configuration and Timber Yards' general circulation scheme. As planned, a future land division or site plan review is capable of meeting the applicable standards in Chapter 3.1.

### **Chapter 3.2 – Landscaping, Street Trees, Fences and Walls**

The Preliminary Master Plan and Preliminary Open Space Plan in Exhibit B show open space and conceptual street tree locations. Fences and walls will be addressed in future land use applications, if applicable. The Applicant recognizes the value and importance of incorporating trees and other existing vegetation into Timber Yards. However, necessary site grading, construction of public street infrastructure, underground utility connections, and storm drainage facilities can affect the health of existing vegetation and precludes the preservation of significant trees. Consequently, in addition to street tree plantings that will be required with future subdivision and site plan review approvals, on-site landscaping for future open space will incorporate additional trees and landscaping into the neighborhood. Future land use applications will address tree preservation in detail, as required in Chapter 3.2.

### **Chapter 3.3 – Vehicle Parking, Loading and Bicycle Parking**

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Compliance with Chapter 3.3 will be reviewed during future Site Plan Review for multifamily, mixed-use, and commercial development. Compliance with this section can be met through site design and preserving adequate areas to meet applicable vehicle parking, loading, and bicycle parking requirements. Appropriate to the urban context, the Draft Development Code (Exhibit L) also allows required loading areas to be located on Timber Yards' internal local streets.

#### **Chapter 3.4 – Public Improvement Standards**

Infrastructure necessary to serve the variety of planned uses within the Timber Yards Master Plan as they are built out over the next decade and beyond has been identified. The draft Development Agreement identifies needed infrastructure as well as formalizes the sequencing and financing mechanisms. The Timber Yards Major Community Master Plan (Exhibit B) shows that public facilities—including sanitary sewer, potable water, and transportation facilities—are available or will be available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (Exhibit G), the Timber Yards Master Plan Transportation Element (Exhibit I), and Traffic Analysis Memo (Exhibit H). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits E and F.

Future land use applications will address public improvement standards in detail, as required in Chapter 3.4. The Timber Yards Major Community Master Plan (Exhibit B) and the exhibits listed above show that applicable requirements are capable of being met.

- c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:
  - i. Approval of the request is consistent with the relevant Statewide planning goals that are designated by the Planning Director or designee; and
  - 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.

**Response:** This text amendment to BDC Chapter 2.7 does not amend the BCP text or map. The relevant Statewide Planning Goals are addressed in the responses to the Statewide Planning Goals, above. The relevant BCP policies are addressed in the responses to BCP Chapter 11, above. The applicable criteria are met.

- 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).
- 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).

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**Response:** The Timber Yards Master Plan does not include a zone change or amendments to the Bend Comprehensive Plan Map or text. Therefore, (d) and (e) 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.

**Response:** No changes are planned to access to commercial goods and services. The Timber Yards Master Plan is zoned MU, which allows commercial uses. Therefore, the entirety of the master plan boundary is within 0.5 miles of land planned or zoned for commercial goods and services. The standard is met.

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

**Response:** The Preliminary Bicycle and Pedestrian Plan (Exhibit B) shows planned multimodal improvements that support transit and encourage a pedestrian-friendly environment. A mobility hub on SW Bond Street will provide direct access to transit. A network of multiuse paths will provide additional pedestrian and bicycle facilities around and through the neighborhood, including an off-site extension to connect to the City's Wilson Avenue corridor improvements. A robust multimodal network makes the overall transportation network more efficient and helps ensure safety, access, and mobility for both residents and visitors.

The TSP identifies the US Highway 97 pathway system, the SW Bond Street frontage, the SE Aune Street undercrossing, and the southern leg of SW Scalehouse Loop as part of the City's "low stress" cycling system. The Preliminary Street Circulation Plan and the Preliminary Street Cross-Sections (Exhibit B) show how Timber Yards complies with the

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TSP. The SW Industrial Way Collector is not an identified low-stress route but is expected to provide a supplemental role in the east-west cycling system as shown in the specific cross-section. The 2018 BPRD Comprehensive Plan does not show facilities through the site. The applicable standards are met.

3. **Housing Density and Mix.** Community master plans 20 acres or larger must provide a mix of housing types and achieve minimum housing densities in conformance with the standards of subsections (E)(3)(a) and (b) of this section. To the extent that the Bend Comprehensive Plan Chapter 11, Growth Management, proposes a different mix of housing and/or density standards in the specific expansion area policies, then those policies apply.
  - a. **Density Calculations and Exceptions.** Minimum and maximum densities must be calculated in conformance with BDC 2.1.600(C), except as follows:
    - i. **Public and Institutional Uses and Miscellaneous Uses in Opportunity Areas.** In opportunity areas as shown in the Bend Comprehensive Plan Figure 11-1, a maximum of 20 acres of residential designated land proposed for public and institutional uses and miscellaneous uses (BDC Table 2.1.200) may be excluded from the density calculation and housing mix. The density for the 20 acres must be taken from the residential designation with the lowest maximum density standard in the opportunity area. The master plan must provide the density and housing mix for the residential designated property in excess of 20 acres. No more than 20 acres may be exempted from the density and housing mix in an opportunity area;
    - ii. **Open Space.** Open space in compliance with subsection (E)(4) of this section may be excluded from the applicable density calculation; and
    - iii. **Comprehensive Plan Designations.** Land designated as Commercial, Mixed-Use, Industrial and Public Facilities may be excluded from the applicable density calculation.

**Response:** The subject property is zoned MU. The housing density and mix standards in BDC 4.5.200(E)(3)(a) and (b) apply explicitly to residential zones but do not apply to the MU zone. BDC 2.3.300 establishes density standards for the MU zone, where there is no maximum density and the minimum density standards of the RM zone apply. There is no minimum density for vertical mixed-use. Detached single-unit homes are not permitted in the MU zone, so all permitted residential uses provide "mixed" housing, as contemplated by BCP Chapter 11 and BDC 4.5.200(E)(3). The applicable residential density standards are, or can be, 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:**

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

**Response:** The Preliminary Master Plan (Exhibit B) shows  $\pm 3.4$  acres of open space ( $\pm 10.6$  percent). Open space is planned to be owned and maintained by a corporation, owners association, or other legal entity in compliance with BDC 4.5.200(E)(4). The standards are met.

**Chapter 4.6 Land Use District Map and Text Amendments.**

**4.6.300 Quasi-Judicial Amendments.**

- A. **Applicability, Procedure and Authority.** Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

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**Response:** This application for a text amendment to BDC Chapter 2.7 does not include an amendment to the BCP text or map or a zone change. Rather, it involves the application of existing policy to a specific factual setting, affecting a limited group of properties. For Major Community Master Plans that do not include amendments to the Bend Comprehensive Plan, BDC 4.6.300 is superseded by BDC 4.5.200. The Timber Yards Master Plan does not amend the Bend Comprehensive Plan. Therefore, BDC 4.6.300 does not apply, and compliance with BDC 4.5.200 is addressed above.

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#### **IV. Conclusion**

The required findings have been made, and this written narrative and the accompanying documentation demonstrate the Timber Yards Master Plan is consistent with the applicable provisions of the City of Bend Development Code, Comprehensive Plan, and Statewide Planning Goals. The evidence in the record is substantial and supports City approval of the application.

## **Exhibit A: Property Owner Authorization Forms**

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## **Exhibit B: Timber Yards Major Community Master Plan**

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## **Exhibit C: Preliminary Title Report**

## **Exhibit D: Current Deeds**

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## **Exhibit E: Bend Park and Recreation District Letter**

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## **Exhibit F: Bend-La Pine School District Letter**

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## **Exhibit G: Utility Availability Memo**

## **Exhibit H: Traffic Analysis Memorandum (TAM)**

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## **Exhibit I: Transportation Analysis**

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## **Exhibit J: Will Serve Letters**

## **Exhibit K: Neighborhood Meeting Documentation**

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## **Exhibit L: Draft Development Code**

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## **Exhibit M: Verification of Compliance Public Meeting Form**

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