



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/14/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment  
DLCD File Number 003-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, February 28, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Aaron Henson, City of Bend  
Angela Lazarean, DLCD Urban Planner  
Karen Swirsky, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



FORM 2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**FEB 8 2012**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **City of Bend**

Local file number: **PZ 11-102**

Date of Adoption: **1/18/2012**

Date Mailed: **2/7/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 7/11/2011 revised 11/12/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to BDC Chapters 1.2, 3.1, 3.3, 3.4, 4.2 & 5.2. The adopted changes to Chapter 3.1 promote safe and efficient access and connectivity for a multi-modal transportation system. The adopted changes also include updates to the City's off-street parking requirements in Chapter 3.3 and the City's Minimum Development Standards in Chapter 4.2.

Does the Adoption differ from proposal? Yes, Please explain below:

The proposed amendments to BDC 2.7.1000 (COCC Special Planned District/Overlay Zone) were withdrawn, and BDC 3.4.150 was amended to clarify that maximization of the number of lots or parcels in a land division is not a reason to allow a waiver or modification of the City's public improvement standards.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Citywide**

Acres Involved:

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

DLCD File No. 003-11 (18894) [16934]

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Transportation, Bend Park & Recreation District

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Local Contact: **Aaron Henson**

Phone: (541) 383-4885 Extension:

Address: 710 NW Wall Street

Fax Number: 541-388-5519

City: Bend

Zip: 97701-

E-mail Address: [ahenson@ci.bend.or.us](mailto:ahenson@ci.bend.or.us)

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

ORDINANCE NO. NS-2177

AN ORDINANCE AMENDING CHAPTERS 1.2, 3.1, 3.3, 3.4, 4.2 & 5.2 OF THE BEND DEVELOPMENT CODE

LAND CONSERVATION AND DEVELOPMENT

Findings:

A. The City of Bend initiated the application on May 5, 2011. Timely and sufficient notice pursuant to Section 4.1.515 of the Bend Development Code was provided.

B. On November 28, 2011, the Bend Planning Commission held a public hearing to accept testimony on the request. At the conclusion of the hearing, the Commission voted to recommend the proposed text amendments be approved by the City Council.

C. Notice of the Council's public hearing on January 4, 2012 was mailed to all interested parties and recognized neighborhood associations on December 14, 2011. A notice of the hearing was also published in the Bend Bulletin on December 14, 2011.

D. The Bend City Council held a public hearing on January 4, 2012, to accept evidence and consider the Planning Commission's affirmative recommendation. The City Council found that the text amendments satisfy the criteria for approval contained at Section 4.6.200 of the Bend Development Code.

E. These general findings are further supported by specific findings of fact contained in Exhibit B of this ordinance related to the Bend Development Code, which are incorporated into these findings.

Based on these findings, the City of Bend ordains as follows:

Section 1 The Bend Development Code is amended as depicted in Exhibit A.

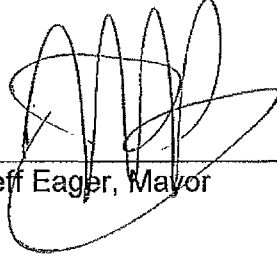
Read for the first time the 4th day of January, 2012.

Read for the second time the 18th day of January, 2012.

Placed upon its passage the 18th day of January, 2012.

YES: Tom Greene            NO: None  
      Scott Ramsay  
      Mark Capell  
      Jodie Barram  
      Jim Clinton  
      Kathie Eckman  
      Mayor Jeff Eager

Authenticated by the Mayor the 25<sup>th</sup> day of January, 2012.



Handwritten signature of Jeff Eager, Mayor, consisting of several overlapping loops.

\_\_\_\_\_  
Jeff Eager, Mayor

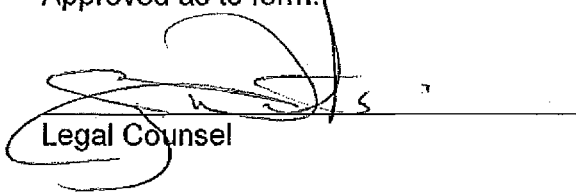
ATTEST:



Handwritten signature of Robyn Christie, City of Bend Recorder, in cursive.

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

Approved as to form:



Handwritten signature of the Legal Counsel, consisting of a large, stylized loop.

\_\_\_\_\_  
Legal Counsel

**EXHIBIT A**

**Development Code Tune-Up Package #5  
City Council Public Hearing Draft**

**Publication Date: December 12, 2011  
Public Hearing Date: January 4, 2012**

Prepared by:  
City of Bend Planning Division

**Note:**

Text in underlined typeface is proposed to be added.

Text in ~~strikethrough~~ typeface is proposed to be deleted.

\*\*\* Indicates where text from the existing code has been omitted because it will remain unchanged.

## Chapter 1.2 Definitions

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**Access corridor** means a separate travel way for pedestrians and bicyclists to minimize travel distances within and between subdivisions, planned unit developments, residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools, parks, and convenience shopping. The following are typical types of access corridors.

- a. **Multi-use Path.** A paved way (typically 10 to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other nonmotorized users. See also: Connector multi-use path, Primary multi-use path.
- b. **Bike Lane.** A portion of the roadway (typically 4 to 6-foot wide) that has been designated by permanent striping and pavement markings or signage for the exclusive use of bicycles.
- c. **Shoulder Bikeway.** The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in areas without curbs and sidewalks.
- d. **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.
- e. **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

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**Connector multi-use path** means a multi-use path for pedestrians and bicyclists that minimizes travel distances within and between residential areas and commercial centers, major employment areas, transit stops, or within and between nearby neighborhood activity centers such as schools and parks.

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**Multi-modal** means a transportation system or right-of-way that plans for and provides for different transportation modes such as driving, walking, biking, and bus service.

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**Primary multi-use path** means a multi-use path that is part of the more significant city-wide trail system that is illustrated on the Bend Urban Area Bicycle and Pedestrian System Plan.

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

### Sections:

3.1.100	<u>Purpose</u>
3.1.200	<u>Lot, Parcel and Block Design</u>
3.1.300	<u>Pedestrian Multi-Modal Access and Circulation</u>
3.1.400	<u>Vehicular Access Management</u>
3.1.500	<u>Clear Vision Areas</u>

### 3.1.100 Purpose

The purpose of this Chapter is to guide the development of livable neighborhoods that ensure by ensuring safe and efficient access and connectivity for a multi-modal transportation system. circulation for pedestrians and vehicles by providing an interconnected transportation system and multi-modal opportunities that meet or exceed all applicable access standards.

This Chapter provides specific requirements for developers to the construction of public streets planned transportation facilities (arterials and collectors), local transportation facilities, and on-site and off-site multi-modal circulation that meets the requirements of the City of Bend Development this Code, Federal ADA accessibility regulations, and furthers the orderly layout and use of land, protects community character and conserves natural resources by promoting well-designed road and access systems and discourages the uncoordinated division and development of land.

### 3.1.200 Lot, Parcel and Block Design

A. Purpose. The purpose of this section is to create orderly development as the city grows and redevelops of neighborhoods requires thoughtful lot layout. The size, width, topography and orientation of lots or parcels shall be appropriate for the location of the land division and for the type of development and use contemplated.

B. Applicability. New lot development shall be consistent with the lot development provisions of this Chapter and other applicable sections of this Code herein.

#### CA. General Requirements for Lots and Parcels

- ~~1. In areas not served by public sewer, the minimum lot and parcel sizes may be larger than specified in the zoning district in order to comply with the requirements of the Department of Environmental Quality and the County Environmental Health Division and shall be of sufficient size to permit adequate sewage disposal. Any problems posed by soil structure and water table as related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.~~
- ~~2. Depth and width of new lots or parcels properties reserved or laid out for commercial and industrial purposes shall meet the minimum standards specified for the zoning district. Where no minimum standards are specified, the depth and width shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.~~



- ~~2.~~ 3. ~~In steep terrain, On steep slopes,~~ increased lot or parcel sizes may be required to avoid excessive cuts, fills and steep driveways.
3. ~~4.~~ On tracts containing watercourses or rock outcroppings, increased lot or parcel sizes may be required to allow adequate room for development and protection of the topographic or natural feature.
4. ~~5.~~ Each lot or parcel shall abut upon a street other than an alley for the minimum width required for lots or parcels in the zone, except:
  - a. For lots or parcels fronting on the bulb of a cul-de-sac, ~~where the minimum frontage shall be 30 feet;~~
  - b. ~~For approved flag lots or parcels, and for lots in zero lot-line developments, where the minimum frontage shall be 20 feet;~~
  - c. ~~For lots or parcels in zero lot-line developments, the minimum frontage shall be 20 feet; and~~
  - d. In zones where a minimum lot frontage width is not specified, the minimum frontage requirement shall be 50 feet.
5. ~~6.~~ All side lot or parcel lines shall be at right angles to the street lines or radial to curved streets for at least  $\frac{1}{2}$  the lot or parcel depth wherever practical.
7. ~~Double frontage or through lots and parcels shall be prohibited except where they are essential to provide separation of residential development from major streets or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation.~~
6. ~~8.~~ Corner lots or parcels shall be at least five feet more in width than the minimum lot width required ~~allowed~~ in the underlying zone.
- ~~9.~~ Solar Access. ~~As much solar access as feasible shall be provided each lot in every new subdivision, considering topography, development pattern and existing vegetation. New subdivision development shall orient streets east/west to maximize solar access where practical.~~
7. ~~10.~~ Underground Utilities. All permanent utility service to lots or parcels shall be provided from underground facilities. The ~~subdivider or partitioner~~ developer shall be responsible for complying with requirements of this section, and shall:
  - a. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with rules and regulations of the Public Utility Commission of the State of Oregon.
  - b. All underground utilities and public facilities installed in streets shall be constructed prior to the surfacing of such streets.

**DB.** ~~Street Connectivity and Formation of Blocks Required.~~ In order to ~~To~~ promote efficient ~~vehicular and pedestrian~~ multi-modal circulation along parallel and connecting streets throughout the City, ~~land divisions and site developments~~ shall produce complete blocks bounded by a connecting network of ~~public and/or private~~ streets, in accordance with the following standards:

1. New development shall construct and extend planned streets (arterials, collectors and locals) in their proper projection to create continuous through streets and provide the desirable pattern of orderly developed streets and blocks. Streets shall be developed within a framework that is established in the Bend Urban Area Transportation System Plan and any applicable Special Area Plan, Refinement Plan, Master Neighborhood Development Plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below shall apply:
2. Block Length and Perimeter. The block lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets.
  - a. ~~660 feet block length and 2,000 feet block perimeter in all Residential zones;~~
  - b. 400 feet block length and 1,500 feet block perimeter in the Central Business District, Convenience Commercial, Mixed Use Riverfront and Professional Office Districts; and
  - c. 660 feet block length and 2,640 feet block perimeter for all other Commercial, Industrial and Mixed Employment Districts.
  - d. ~~Exceptions. An exception may be granted to the maximum block length and/or block perimeter in conformance with the Class C Variance criteria in Chapter 5.1.400 for Transportation Improvement Requirements, by the Review Authority if the applicant must can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors.~~

When a variance an exception is granted, the Review Authority may require the land division or site plan shall to provide blocks divided by one or more access corridors walkways, or accessways in conformance with the provisions of Section 3.1.300, Pedestrian Access and Circulation, below. Walkways Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards and shall be universally designed to accommodate full access to bicyclists and pedestrians alike, regardless of disability.

3. New street connections to arterials and collectors shall be governed by those requirements in Section 3.1.400; Vehicular Access Management.
3. ~~New developments shall construct planned streets (arterials and collectors) and construct and extend local streets in their proper projection to maintain the function of the street and provide the desirable accessible pattern of orderly development of streets and blocks.~~
4. Except as otherwise provided in an approved Master Planned Development, private streets, where allowed by this Code, shall be constructed to public standards and shall contain a public access easement along the length and width of the private facility if required to satisfy the block length and perimeter standards.

E. New Lot and Parcel Access. In order to protect the operations and safety of arterial and collector roadways, access management is required during lot and parcel development. New lots and parcels created through land division that have frontage onto an arterial or collector street shall provide alternative options for access as indicated below:

1. Residential lots or parcels not intended for multi-family housing shall provide alley access to the individual lots fronting onto the arterial or collector.

Exception to residential alleys: The Review Authority may determine that an alley is impractical due to physical or topographical constraints. In this situation, double frontage lots may be permitted.

2. Non-residential and multi-family housing lots or parcels shall provide other access alternatives to the individual lots that abut the arterial or collector street.
  - a. Double frontage lots or parcels of adequate depth to accommodate the future use may be permitted. The creation of double frontage lots does not relieve the property owner from their responsibilities to construct and maintain the sidewalk and park strip on the non-access side.
  - b. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification.
3. The land division shall also provide for local street grid connections to the arterial and collector street in accordance with the block length and perimeter standards of Section 3.1.200.

### **3.1.300 Pedestrian Multi-Modal Access and Circulation**

**A. Purpose.** ~~To~~ The purpose of this section is to ensure safe, accessible, direct and convenient pedestrian multi-modal circulation by developing an on-street and off-street system of access corridors trails, and pedestrian ways in addition to the and public sidewalks throughout the City. The pedestrian and circulation system shall implements the Bend Urban Area Transportation System Plan and General Plan goals and policies.

**B. On-Site Pedestrian Facilities, Facility Development** For all developments except single-family and duplex dwellings on their own lot or parcel, residences, the applicant shall demonstrate how full pedestrian access and circulation connectivity shall meet is being achieved based on the following standards: development criteria. Accessible pedestrian

#### 1. Pedestrian ways shall:

- ~~1.~~ Connect all building entrances within the development to one another.
- ~~2.~~ Connect all parking areas, storage areas, recreational facilities, common areas (as applicable), and adjacent development to the building's entrances and exits.
- ~~3.~~ Extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible as described in Section 3.1.300(C); Public Pedestrian System Development Off-Site Multi-Modal Facilities.
- ~~4.~~ Connect or stub to adjacent streets and private property, in accordance with the provisions of Section 3.1.400(F), New Lot Development and Section 3.4.200 Transportation Improvements in intervals no greater than the block perimeter standards.
- ~~5.~~ Provide pedestrian facilities within developments that are safe, accessible, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following:

- ~~i. a. Reasonably Convenient and direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.~~
- ~~ii. b. Safe and convenient. Bicycling and pedestrian routes that are free from hazards and safely designed by ensuring no hidden corners, sight obscuring fences, dense vegetation or other unsafe conditions. provide a reasonably direct route of travel between destinations.~~
- ~~iii. e. Accessible. All pedestrian access routes shall comply with all applicable accessibility requirements, ADAAG standards and be fully accessible as required by the Americans with Disability Act.~~
- ~~iv. d. Commercial, Primary Entrance Connection. A pedestrian access route shall be constructed to connect the primary entrance of each building to the adjacent streets. For commercial, industrial, mixed use, public, and institutional buildings entrance the "primary entrance" is the main public entrance to the building. In the case where no public entrance exists, accessible connections shall be provided to each employee entrance.~~
- ~~v. e. Residential building entrance. For residential buildings, the Residential building entrance. The For multi-family and triplex dwellings, the "primary entrance" is the front door (i.e., oriented toward the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling and be accessible.~~

~~6. Single Family Home Construction: Prior to receiving a final occupancy permit for new single family home construction, a sidewalk shall be constructed along the property frontage in conformance with the City's Standards and specification, unless a bond or cash deposit acceptable to the City has been secured.~~

~~a. Sidewalk construction is required when existing sidewalks are present within 600 feet along the same street frontage abutting the subject lot.~~

2. C. On-Site Pedestrian Facility Development Standards: On-site pedestrian facilities shall conform to meet the following standards:

- ~~a. 1. On-site pedestrian walkways shall have a minimum width of 5-feet.~~
- ~~b. 2. Pedestrian walkways shall be lighted in conformance with Section 3.5.200; Outdoor Lighting Standards.~~
- ~~c. 3. Switchback paths shall be required where grades exceed necessary to meet the Americans with Disabilities Act and the City's adopted accessibility requirements and City of Bend Standards and Specifications, and accessible. Accessible alternate routes such as ramps and/or lifts shall be provided when required.~~
- ~~d. 4. The City may require landscaping adjacent to a pedestrian walkway for screening and the privacy of adjoining properties. The specific landscaping requirements shall balance the neighbors' privacy with the public safety need for surveillance of users of the public walkway. Tall, sight-obscuring fences or dense landscaping thick enough to conceal hazards are prohibited. No obstructions in accessible routes shall be allowed without approved sight impaired notification devices.~~

- ~~5. The Planning Director may determine, based upon facts in the application and other public records, that a walkway is impractical due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the walkway connection.~~
- ~~6. Additional standards for walkway design can be found in Section 3.3 Vehicle and Bicycle Parking.~~
  - ~~e. Vehicle/walkway Separation. Where walkways are parallel and abut a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum landscaped strip. Special designs may be permitted if this five-foot separation cannot be achieved.~~
  - ~~f. Housing/Walkway Separation. Pedestrian walkways shall be separated a minimum of five (5) feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the walkway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.2, Landscaping, Street Trees, Fences & Walls. No walkway/building separation is required for commercial, industrial, public, or institutional uses.~~
  - ~~g. Walkway Surface. Walkway surfaces shall be concrete and conform to accessibility requirements. Asphalt, brick/masonry pavers, or other durable surface that makes a smooth surface texture, and conforms to accessibility requirements may be allowed as determined by the City. Multi-use paths and trails (i.e., for bicycles and pedestrians) shall be the same materials. (See also, Chapter 3.4.200 Transportation Improvements for public, multi-use walkway standard.)~~
  - ~~h. Additional standards for walkway design can be found in Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.~~
- ~~3. Exception: The City may determine that a pedestrian facility is impractical due to:
  - ~~a. physical or topographic conditions (e.g., highways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints);~~
  - ~~b. buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment;~~
  - ~~c. and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the connection.~~~~
- ~~4. Developments subject to development review shall construct sidewalks within and abutting the subject property along public and private streets.~~

#### **CD. Off-Site Public Pedestrian Multi-Modal Facilities. System Development**

- ~~1. Sidewalks: Developments subject to site development review or tentative plan may be required construction of off-site sidewalks along routes to schools and parksites.~~

1.2. Trails: Developments subject to site development review or tentative plan review and having a trail an access corridor alignment designated shown on the City of Bend Urban Area Bicycle and Pedestrian Primary Trail System Plan shall be required to dedicate either right-of way or an access easement to the public for a primary or connector trail multi-use path as outlined below as a condition of site development approval or a land division as outlined below.

- a. ~~Primary Trails: All primary trails shall be accessible to all pedestrians in conformance with the Americans with Disabilities Act. All applicants with proposed development \ on lands having a trail alignment designated on the City of Bend Urban Area Bicycle and Primary Trail System Plan are required to dedicate public right of way or grant a public access easement for a an accessible primary trail. Such trails Primary multi-use paths shall be in the alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan to the greatest degree practical unless, with consideration of recommendations from the Bend Metro Park and Recreation District, an alternate alignment is deemed acceptable and approved by the City of Bend through the development tentative plan review process.~~
- b. ~~Connector Trails: All applicants with proposed development shall dedicate public right of way or grant a public access easement for bicycle and pedestrian corridors to Primary Trails pursuant to Section 3.1.400 Vehicular Access Management for the following situations:~~
  - ~~from sidewalks,~~
  - ~~streets,~~
  - ~~other bicycle and pedestrian amenities, both public and private.~~

~~Applicants shall also provide pedestrian connections Connector multi-use paths may be required for pedestrians and bicycles at or near mid-block where the block length exceeds the maximum length required by Section 3.1.200, Lot, Parcel and Block Design. Pedestrian connections Connector multi-use paths shall also be provided may also be required where cul-de-sacs or dead-end streets are permitted, to connect the ends of the streets together, to other streets, and/or to other developments.~~

- c. ~~Primary and Connector Trail Multi-Use Path Dedication and Construction: Primary and Connector Trail multi-use path alignments shall be dedicated and constructed by the developer to the standards listed below: in accordance with the City's Design Standards and Construction Specifications.~~
  - i. ~~Primary Trails shall have a minimum public right-of-way or public access easement width of 20 feet and a minimum constructed path or trail width of 10 feet, unless, with consideration of recommendations from the Bend Metro Park and Recreation District, an alternate width is deemed acceptable and approved by the City of Bend through the development review process. Primary Trails shall be constructed as depicted on the Bend Urban Area Trails System Plan Map in conjunction with land development, unless, with consideration of recommendations from the Bend Metro Park and Recreation District, an alternate construction standard and construction phasing schedule is deemed acceptable and approved by the City of Bend through the development review process. All primary multi-use paths or trails shall be constructed in accordance with all ADA standards.~~

- ii. ~~Connector Trails shall have a minimum right-of-way width of 10 feet and a minimum constructed width of 5 feet. Connector Trails shall be improved with an all-weather, impervious surface such as concrete, asphalt, etc. Construction of Connector Trails to a lesser standard shall be at the discretion of the City of Bend and shall be approved through the development review process.~~
- iii. ~~Both Primary and Connector Trails shall be aligned so as to preserve significant vegetation and topographic features to the greatest extent practical as determined by the City.~~
- iv. ~~Use and Maintenance of Trails. Trail alignments dedicated as public rights-of-way shall be subject to all use and maintenance restrictions as deemed appropriate pursuant to the Intergovernmental Agreement Regarding Coordinated Planning and Urban Services between the City of Bend and the Bend Metro Park and Recreation District.~~

~~d. Setbacks from Primary and Connector Trails: In the instance where a public easement is granted for a primary or connector trail, all structures as defined by this ordinance shall setback 5 feet from the minimum width of the trail.~~

~~E. Other Design and Construction Considerations. Public pedestrian facilities shall conform to all of the standards in Subsections 1-4 listed below:~~

- ~~1. Vehicle/walkway Separation. Where walkways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum landscaped strip. Special designs may be permitted if this five-foot separation cannot be achieved.~~
- ~~2. Housing/walkway Separation. Pedestrian walkways shall be separated a minimum of five (5) feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the walkway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.2 Landscaping, Street Trees, Fences & Walls. No walkway/building separation is required for commercial, industrial, public, or institutional uses.~~
- ~~3. Walkway Surface. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface that makes a smooth surface texture, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials. (See also, Section 3.4.200 Transportation Improvements for public, multi-use walkway standard.)~~
- ~~4. Accessible routes. Walkways from parking areas to accessible entrances shall comply with the Federal Americans with Disabilities Act (ADA), which requires accessible routes of travel from parking spaces to the accessible entrance and from one facility to another on the same site. The route shall comply with all of the following standards:
  - a. Shall not contain curbs or stairs;
  - b. Must be at least three feet wide;
  - c. Constructed with a firm, stable, slip resistant surface; and
  - d. The slope shall not be greater than 1:12 in the direction of travel and no greater than 2 percent cross slope.~~

### 3.1.400 Vehicular Access Management

**A. Purpose.** ~~Higher order transportation facilities, including arterials and collectors, serve as the primary system for moving people and goods. The purpose of this section is to present standards and procedures for evaluating and managing vehicular access and circulation shall be managed during development review to maintain adequate safety and operational performance standards and to maintain preserve the functional classification of roadways as required by the City's Transportation System Plan (TSP) and the City of Bend Development this Code by:~~

- ~~providing direct reasonable access to individual properties via adequately spaced local streets and alleys;~~
- ~~providing a balanced multi-modal transportation system;~~
- ~~protecting the rights of individuals to reasonable access to private property; and~~
- ~~ensuring the rights of the citizens of the City and the State of Oregon, to safe and efficient travel for all.~~

**BA. Applicability.** ~~This section shall apply to all vehicular access for all properties that abut public and private streets, within the City and to all properties that abut these streets.~~

**CB. Approval of Access Required.** ~~Accesses Proposals for new accesses shall comply with the following procedures:~~

1. ~~Permission to access City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Chapter and the provisions of Chapter 3.4 Public Improvement Standards, and where applicable, any pertinent access management agreements between ODOT and the City. Access will be evaluated and determined as a component of the land use decision development review process, and constructed as detailed in the review and decision of the land use.~~
2. ~~Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT) based upon ODOT's adopted standards, except when ODOT has delegated this responsibility to the City or Deschutes County. In that case, the City or County shall determine whether access is granted based on ODOT the City or County's adopted standards.~~
3. ~~Permits for access to County highways shall be subject to review and approval by Deschutes County based upon Deschutes County's adopted standards, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on their the City's adopted standards.~~

**DC. Traffic Study Requirements.** ~~The City or other agency with access jurisdiction shall require a transportation impact analysis as required in A transportation impact analysis (TIA) may be required under Chapter 4.7, Transportation Analysis for certain types and intensities of development proposals and to determine access restrictions of driveways onto arterial and collector roadways.~~

**ED. Conditions of Approval.** ~~To ensure the safe and efficient operation of the street and highway system, The the City or other agency with access permit jurisdiction may require the closing, consolidation, or relocation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways and cross access routes), development of a frontage or backage streets, installation of traffic control devices, and/or other mitigation measures that comply with this Code, the City's Standards and~~



Specifications, the Bend Urban Area Transportation System Plan, the City of Bend Development Code, and are approved by the City Engineer as a condition of granting an access permit or access approval, to ensure the safe and efficient operation of the street and highway system.

**FF. Access Management Requirements.** Access to the street system shall meet the following standards:

1. Except as authorized under section 4, below, lots and parcels in all zones and all uses shall have one access point. Single-family dwellings on corner lots at the intersection of two local streets may have one access point per frontage.
2. If a lot or parcel has frontage on two or more streets of different street classifications, the property shall access the street with the lowest classification.
3. For lots or parcels abutting an alley, access may be required to be taken from the alley. Outside of the Downtown Wall Street/Bond Street couplet the City may determine that an alley is not an adequate roadway for primary access if both of the following criteria are met:
  - a. The alley does not provide adequate or sufficient access to the proposed development; and
  - b. Access to the higher classification roadway will be safe.
4. Additional Access Points. An additional access point may be allowed when it is demonstrated that the additional access improves on-site circulation, and does not adversely impact the operations of the transportation system. If the second access point is only available to an arterial or collector roadway, the City may require one or more of these conditions of approval:
  - a. Locating the access the maximum distance achievable from an intersection or from the closest driveway(s) on the same side of the street,
  - b. Installation of turn restrictions limiting access to right-in and right-out when the new access would be located within 200 feet of an existing or planned traffic signal or roundabout and no left turn lane exists to accommodate left turn storage on the arterial or collector,
  - c. Establishing a shared access with an adjoining property when possible, and/or
  - d. Establishing a cross access easement with an adjoining property when possible.
5. Access Spacing Requirements. The maximum distance achievable between two driveways or a driveway and an intersection shall be provided. Access spacing shall accommodate City of Bend Standards and Specifications for curb reveal between driveway apron wings.
6. Access Operations Requirements. Backing from an access onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or for any use when backing into an alley if adequate backing distance is provided. The design of driveways and on-site maneuvering and loading areas shall include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

7. Driveways shall be designed and located to provide a vehicle in the driveway with an unobstructed view of the roadway for a sufficient distance as required by City Standards and Specifications or the American Association of State Highway and Transportation Officials (AASHTO) policy on intersection sight distance requirements as determined by the City.

8. Driveway widths, designs, and materials shall comply with City of Bend Standards and Specifications.

- ~~1. Access Options. When vehicle access is required for development (i.e., for off street parking, delivery, service, drive through facilities, etc.), access shall be provided by one of the following methods as determined by the City Engineer under one or more option in descending order of preference, unless one method is specifically required by this ordinance.~~
  - ~~a. Option 1. Access shall be taken from an alley (either an existing, proposed or potential alley), mid block lane, or lowest functionally classified street possible. If a property has the ability to take access to a lower functionally classified roadway, direct access to a higher functionally classified roadway is not permitted unless required by the City Fire Chief for fire and life safety reasons. This requirement applies to all properties, all zones and all uses (i.e., alleys are considered a lower classification than local streets).~~
  - ~~b. Option 2. Access is from a shared private street or driveway straddling a shared property line with direct access to a public street (i.e., "shared driveway"). If approved, a cross access easement covering the private street or driveway shall be recorded in this case to assure access to the closest street for all users of the private street/drive.~~
  - ~~c. Option 3. Access is through an adjoining property to achieve access to a street (i.e. cross access easement). The cross access easement shall be recorded in this case to assure access to the street system.~~
  - ~~d. Option 4. If neither Option 1, nor Option 2, nor Option 3 is available to the site, access may be allowed from an arterial or collector street adjacent to the development parcel. The owner/developer shall be required to close, consolidate, or relocate one or more existing access points to the arterial or collector as a condition of approval when adequate alternative access becomes available. Street accesses shall comply with the access spacing standards in this Chapter of the City of Bend Development Code. Direct access to property abutting an arterial or collector shall be limited to right turns unless the access is shared and/or the applicant's Transportation Impact Analysis, accepted by the City Engineer, shows the access will operate acceptably, not cause a traffic safety concern, and provide a benefit to the operations of the arterial or collector roadway system. For the purpose of the City of Bend Development Code a benefit to the operations of an arterial or collector roadway system:
    - ~~• will be found only where an applicant demonstrates that an approach will provide an immediate and long term benefit to the arterial or collector;~~
    - ~~• is evaluated for no less than 20 years;~~
    - ~~• must exceed any mitigation of impacts related to the development regarding safety and operations; and~~
    - ~~• is a determination requiring the professional judgment of the City.~~~~

~~F. New Lot Development: New lots created through land division that have frontage onto an arterial or collector street shall provide alternative options for access as indicated below:~~

- ~~1. Residential lots shall be required to provide alley access to the individual lots fronting onto the arterial or collector.~~
- ~~2. Exception to residential alleys: If due to physical or topographical constraints, the Planning Director may determine that an alley is impractical. In this situation, double frontage lots may be permitted.~~
- ~~3. Non residential lots shall provide other access alternatives to the individual lots that abut the arterial or collector street. An alley may be developed where practical. Double frontage lots of adequate depth to accommodate the permitted commercial or industrial use may be permitted. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. The creation of double frontage lots does not relieve the property owner from their responsibilities to maintain the sidewalk and park strip on the non access side.~~
- ~~4. The subdivision shall also provide for local street grid connections to the arterial and collector street as designated in this Chapter of the City of Bend Development Code.~~

~~G. Access Spacing. Access spacing on highways and arterials under ODOT jurisdiction shall be subject to the applicable standards and policies contained in the 1999 Oregon Highway Plan (OHP) Access Management Classification System or latest version of the OHP. The City and ODOT have entered into an Access Management Agreement focused on protecting the Bend Parkway and its ramp terminals as well as all principal arterials within the City's Urban Growth Boundary as identified in the City's TSP. This agreement regulates all matters of access to principal arterials and their cross streets; all land use decisions including, but not limited to, partitions, zoning and comprehensive plan amendment requests; and all ministerial decisions including, but not limited to, site plan approval requests. This access management agreement and its requirements are made a part of the City of Bend Development Code by reference.~~

~~Driveway access spacing onto roadways under the jurisdiction of the City shall be regulated by the following standards, unless otherwise approved by the City Engineer:~~

~~1. Driveway Spacing:~~

- ~~a. Local Streets shall be ten feet (10') apart as minimum spacing as measured from edge of driveway to edge of driveway.~~
- ~~b. Collector Streets shall be three hundred feet (300') minimum spacing as measured from centerline of driveway to centerline of driveway.~~
- ~~c. Arterial Streets shall be three hundred feet (300') minimum spacing as measured from centerline of driveway to centerline of driveway.~~
- ~~d. Driveways onto arterials and collectors may have directional restrictions depending on the roadway's characteristics including number of lanes, queuing at nearby intersections/driveways, and locations of signals or roundabouts. Directional restrictions will be determined by the City Engineer after a review of the Transportation Impact Analysis provided by the applicant. Driveways spaced closer than 300' may be granted in conformance with Chapter 5.1, Variances and may have directional restrictions.~~

~~2. Spacing between Driveways and Intersections:~~

- ~~a. The maximum distance between driveways onto local streets and local street intersections shall be provided—corner lot driveways shall be located at the furthest distance from the intersection as possible.~~
- ~~b. Three hundred feet (300') is the minimum distance between driveways onto collector/arterial roadways and intersections as measured from centerline of driveway to centerline of street. Driveways to arterials and collectors may have directional restrictions depending on the roadway's characteristics including number of lanes, queuing at nearby intersections/driveways, and locations of signals or roundabouts. Directional restrictions will be determined by the City Engineer after a review of the Transportation Impact Analysis provided by the applicant. Driveways closer to an intersection than 300', when approved by the City Engineer, shall have directional restrictions.~~
- ~~c. Three hundred feet (300') is the minimum distance between driveways onto local/collector/arterial roadways and intersections that are controlled with a traffic signal or roundabout as measured from centerline of driveway to centerline of controlled intersection. Driveways to locals/collectors/arterials located at least 300' from controlled intersections may still have directional restrictions depending on the roadway's characteristics including number of lanes, queuing at nearby intersections/driveways, and operations of signal or roundabout. Directional restrictions will be determined by the City Engineer after a review of the Transportation Impact Analysis provided by the applicant. Driveways closer to a controlled intersection than 300', when approved by the City Engineer, shall have directional restrictions.~~

~~3. Access to Arterial and Collector Roadways. Access to arterials and collectors is permitted provided the intersection or driveway can be constructed to comply with the City of Bend Standards and Specifications, as well as all of the requirements of this Chapter of the Bend Development Code.~~

~~Overall, full access intersections or driveways are allowed every 900 feet on arterials and collectors, while limited access intersections or driveways on arterials and collectors are allowed every 300 feet. Exceptions may be granted as discussed below.~~

~~4. Access Spacing Exceptions. A exception for access spacing and directional restrictions on City streets may be granted by the City in conformance with Chapter 5.1, Variances.~~

~~H. General Provisions. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than that specified above, may be required by the City, County or ODOT for the purpose of protecting the function, safety and operation of the street or nearby intersections/interchanges for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional restrictions (i.e., right in/out) shall be required.~~

~~I. Number of Access Points.~~

- ~~1. Single family dwelling (detached and attached), duplex and triplex housing types one street access point to a higher classification street is permitted per lot for mid block lots and one street access per frontage for corner lots when alley access cannot otherwise be~~

provided, except that two access points may be permitted subject to the access requirements of this Chapter;

2. ~~Multi-family housing and nonresidential uses: one access point for multiple family including multi family housing over commercial uses in a mixed use development) commercial industrial and public/institutional is permitted to protect the function safety and operation of the street(s) and sidewalk(s) for all uses;; except that additional access points may be permitted as approved by the City Engineer, subject to the access requirements in this Chapter of the City of Bend Development Code.~~
3. ~~Shared Access: Shared access may be required, in conformance with Subsection 3.1.400(f), below, in order to maintain the required access spacing and comply with the access requirements of this Chapter of the City of Bend Development Code.~~
4. ~~Exceptions: A variance in conformance with the variance criteria in Chapter 5.1 and approved through the variance process, the number of access points may be granted for:  
Gas/service stations  
Other uses when it can be demonstrated that the variance is in conformance with the variance criteria in Chapter 5.1 and approved through the variance process.~~

**GJ. Shared Access.** ~~The For~~ For traffic safety and access management purposes, the number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City may require shared driveways as a condition of development approval of land division or site design review for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets. Shared driveways and frontage streets are encouraged, and may be required to consolidate access onto a collector or arterial. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels land to indicate future extension. For the purpose of this Code ordinance, "stub" means that a driveway or street temporarily ends at the property line, and shall be extended in the future as the adjacent parcel property develops and "developable" means that a parcel property is either vacant or it is likely to redevelop receive additional development (i.e., due to infill or redevelopment potential).
2. Access easements. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including walkways, at the time of final plat approval or as a condition of site development approval.
3. Cross Access. Cross access is encouraged, and may be required between contiguous sites in the Public Facilities, Mixed Use, Commercial and Industrial zones and for multi-family housing developments in the Residential zones in order to provide for more direct circulation between sites and uses for pedestrians, bicyclists and drivers and to enable compliance with the collector and arterial access management requirements of this Chapter of the City of Bend Development Code.
4. ~~Exceptions. The Planning Director may determine, based upon facts in the application and other public records, that a shared driveway, access easement or cross access is impractical due to: physical or topographic conditions (e.g., extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent the shared driveway, access easement or cross access connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of~~

~~the City of Bend Development Code prohibit the shared driveway, access easement or cross access connection.~~

**HK. Driveway Widths Openings.** Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). When obtaining access to off-street parking areas, backing onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards ~~are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians (as measured where the front property line meets the sidewalk or right-of-way):~~

1. Single-family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads; ~~but~~ however, the driveway opening or connection to the street shall not be allowed to be wider than 24 feet.
2. Multi-family developments shall have a minimum driveway opening width of 20 feet, and a maximum width of 30 feet, ~~as determined by the City Engineer. These dimensions~~ The dimension may be increased exceed 30 feet if the City determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
3. Other Uses. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 35 feet.
4. Driveway Aprons. Driveway aprons shall be installed between the street and the private drive. Driveway apron design and location shall conform to City of Bend Standards and Specifications and ~~ADA~~ the City's adopted accessibility standards for sidewalks and walkways, ~~which require an unobstructed, continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding two (2) percent.~~
5. ~~Driveway Approach Visibility. Driveways shall be designed and located to provide a vehicle in the driveway with an unobstructed view of the roadway for a sufficient distance as required by City Standards and Specifications and American Association of State Highway and Transportation Officials (AASHTO) policy on intersection sight distance requirements.~~
6. ~~Loading Area Design. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.~~
7. ~~Exceptions. Exceptions may be approved by the City Engineer on a case-by-case basis.~~

**IL. Fire Access and Parking Area Turn-around.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive as measured around the building. Parking areas shall provide adequate aisles or turn-around

areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner (except for single-family dwellings and alleys that provide adequate backing width).

**JM. Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

**K. Barricades.** Except as otherwise provided in an approved Master Planned Development, gates, barricades or other devices intended to prevent vehicular and/or pedestrian access shall not be installed across any approved driveway or private street that provides access to multiple properties except when required by the City to restrict vehicle access to an arterial or collector street.

**L. Construction.** The following development and maintenance standards shall apply to all driveways and private streets. The City of Bend Standards and Specifications document shall prevail in the case of conflicting rules related to the design and construction of public infrastructure.

1. Surface Options. Driveways, required parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing or a durable non-paving material (e.g. grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality. Gravel is not allowed.
2. Surface Water Management. When an impervious surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to prevent the flow of storm water onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City specifications. Durable non-paving materials (e.g., grass-crete, eco-stone) are encouraged to facilitate on-site infiltration of storm water.

### 3.1.500 Establishment and Measure of Clear Vision Areas

**Clear Vision Areas. A. Purpose.** Clear vision areas are established to ensure that obstructions do not infringe on the sight lines needed by motorists, pedestrians, bicyclists and others approaching potential conflict points at intersections.

**Establishment and Measure of Clear Vision Areas: B. Applicability.** In all zones, clear vision triangles areas as described below and illustrated in Figure 3.1.400 A & B shall be established at the intersection of two streets, an alley and a street, a driveway and a street or a street and a railroad right of way in order to provide adequate vision of conflicting traffic movements as well as street signs. These standards are applicable to public and private streets, alleys and mid-block lanes, driveways.

**C. Standards.** The clear vision areas triangle extends across the corner of private property from one street to another: ~~In all cases, the~~ The two legs of the clear vision triangle defining the private property portion of the triangle are each measured 20-feet back from the point of intersection of the two corner lot lines, special setback line or access easement line (where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection). Additional clear vision area may be required at intersections, particularly those intersections with acute angles, as directed by the City, upon finding that additional sight distance is required (i.e. due to roadway alignment, etc.). ~~This standard is applicable to public and private streets, alleys and mid-block lanes connecting onto public or private streets, alleys,~~

or mid-block lanes.

There shall be no fence, wall, vehicular parking, landscaping, building, structure, utilities or any other obstruction to vision other than a street sign post, pole (e.g. power, signal, or luminaire pole) or tree trunk (clear of branches or foliage) within the clear vision area between the height of two (2) feet and eight (8) feet above the level of the curb. In cut sections, embankments shall be graded to comply with these requirements.

**D. Exceptions.**

1. In all zones, at the intersection of an alley and a street or a driveway and a street, the minimum length of the two legs of the clear vision triangle defining the private property portion shall be ten (10) feet.
2. In all commercial zones, except the CB zone, at the intersection of an alley and a street or a driveway and a street the minimum length of each of the two legs shall be fifteen (15) feet.
3. In the CB zone, the clear vision area does not apply minimum length of the two legs of the clear vision triangle shall be zero (0) feet.

Figure 3.1.400 500.A  
Clear Vision Areas at Intersections

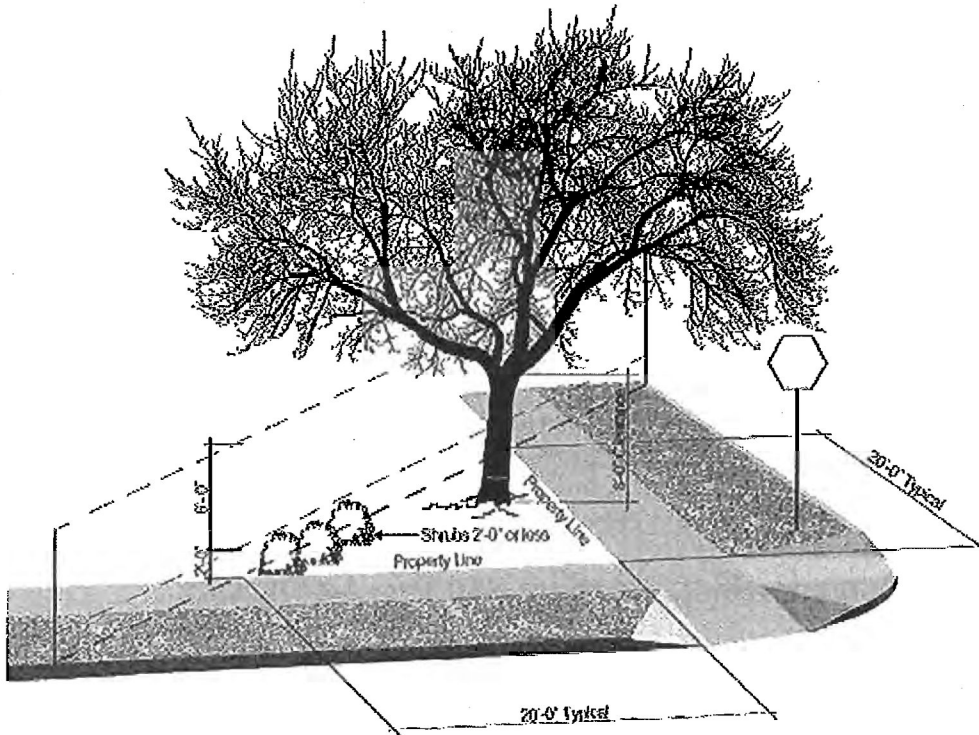
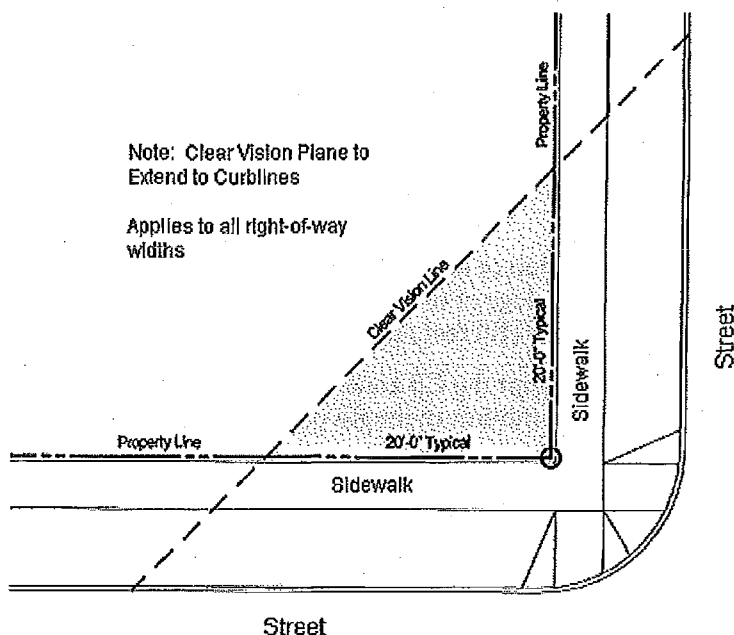




Figure 3.1.400 500.B  
Clear Vision Areas at Intersections



**O. Construction.** The following development and maintenance standards shall apply to all driveways and private streets. The City of Bend Standards and Specifications document shall prevail in the case of conflicting rules related to the design and construction of infrastructure.

1. **Surface Options.** Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing or a durable non-paving material (e.g. grass-crete, eco-stone) may be used to reduce surface water runoff, protect water quality, and protect air quality. Gravel shall not be allowed. Paving surfaces shall be subject to review and approval by the City Engineer.
3. **Surface Water Management.** When an impervious surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City specifications. Durable non-paving materials (e.g., grass-crete, eco-stone) are encouraged to facilitate on site infiltration of storm water.

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## Chapter 3.3 Vehicle Parking, Loading and Bicycle Parking

### Sections:

- 3.3.100 Purpose
- 3.3.200 Applicability
- 3.3.300 Vehicle Parking Standards
- 3.3.400 Loading Standards
- 3.3.500 On Street Parking Design Standards
- 3.3.600 Bicycle Parking Standards

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**3.3.300 Vehicle Parking Standards for On-Site Requirements.**

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in this Vehicle Parking Standards section.

- A. Off-Street Parking Requirements.** The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes).

**Table 3.3.300  
Required Off-Street Vehicle Parking Spaces**

Use	Minimum Requirement
<b>Residential</b>	
Accessory dwelling	1 space per unit
Adult foster care	2 parking spaces per dwelling unit
All Residential Uses within the CB District	1 space per dwelling unit
Bed & breakfast inns and vacation rentals	1 space per bedroom, plus 1 space for the manager or proprietor
<del>Two and three family housing (duplex and triplex)</del> Duplex and triplex	2 spaces per dwelling unit.
Manufactured home parks	<del>Same as for single family detached housing.</del> 2 parking spaces per dwelling unit
Multi-family housing	Studio units or 1-bedroom units less than 500 sq. ft. – 1 space/unit
	1-bedroom unit 500 sq. ft. or larger – 1 space/unit
	2-bedroom units – 1.5 spaces per unit
	3-or more bedroom units – 2 spaces per unit.
	Retirement complexes for seniors 55 years or older – 1 space per unit
Single-family, attached or detached dwelling housing, including a manufactured home on individual lot.	2 parking spaces per dwelling unit
<b>Commercial</b>	
All Central Business District Commercial Uses	1 space per 500 square feet of gross area
Banking services	1 space per 350 square feet floor area
Bulk and outdoor retail trade and services, including: auto, boat or trailer sales, retail nurseries, lumberyards, and similar bulk retail uses.	1 space per 1,000 square feet of gross floor area
Commercial storage (e.g., ministorage, self-storage)	1 space per 6,000 square feet of net leasable square footage, with up to half the required spaces and associated driveway areas permitted to remain unmarked for trucks and other large vehicles.
Entertainment (e.g., theaters, clubs, and other completely enclosed amusement uses)	1 space per 4 seats
<i>Hotels/motels</i>	1 space for each guest room, plus 1 space for the manager
Laundromats and dry cleaners	1 space per 350 sq. ft. of customer use area, plus 2 spaces per 3 employees on the largest shift
Office Use (including medical and dental offices, clinic and laboratories, alternative health care)	1 space per 350 square feet of gross floor area
Restaurants and bars (see Neighborhood Commercial, 2.1 for special parking standards)	1 space per 200 square feet of gross leasable floor area
Retail trade and services <ul style="list-style-type: none"> <li>• General trade</li> <li>• Bulky Merchandise (appliance, furniture)</li> </ul>	<ul style="list-style-type: none"> <li>• 1 space per 350 square feet of gross floor area</li> <li>• 1 space per 750 square feet of gross floor area</li> </ul>

<b>Industrial Uses</b>	
<u>Heavy Industrial</u>	<u>1 space per 2 employees on the largest shift or for each 1,000 square feet of gross floor area, plus 1 space per company vehicle.</u>
Light manufacture and production businesses(e.g., electronic equipment, printing, bindery, furniture, bakery, crafts, call center and similar uses)	1 space per 2 employees on the largest shift or for each 700 square feet of gross floor area, <del>whichever is less</del> , plus 1 space per company vehicle.
Public/private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	1 space per 2 employees on the largest shift, plus 1 space per company vehicle; a minimum of 2 spaces is required.
Warehousing and distribution	1 space per 2,000 sq. ft. of gross floor area
<b>Public and Institutional Uses</b>	
<u>Adult Day Care</u>	<u>2 parking spaces per dwelling unit.</u>
<del>Child care centers for 13 or more children</del> <u>Child care facility</u>	1 space per 2 employees; a minimum of 2 spaces is required
<u>Clubs, lodges, similar uses</u>	<u>1 space per 3 persons allowed by Building Code in the main assembly room or auditorium.</u>
<u>Community and regional parks and recreational facilities</u> <del>Public parks and recreational facilities with more than 75,000 square feet of gross area or containing a structure larger than 800 square feet.</del>	1 space per 10,000 square feet of gross area or 1 space per 1,000 square feet of building floor area, whichever is greater, or as required by a Conditional Use Permit.
Golf courses, including miniature golf	2 spaces per hole, plus additional spaces for auxiliary uses as required elsewhere in this section.
<u>Government – limited point of service (e.g., public works yards, vehicle storage, etc.)</u>	<u>1 space per 2 employees on the largest shift or for each 500 square feet of gross floor area, plus 1 space per fleet vehicle.</u>
<u>Government – point of service intended to serve the entire city</u>	<u>1 space per 350 sq. ft. of gross floor area</u>
<u>Government – point of service intended to serve a portion of the city</u>	<u>1 space per 350 sq. ft. of gross floor area</u>
Hospitals	1.5 spaces per bed
<del>Neighborhood Public parks and recreational facilities with less than 75,000 square feet of gross area</del>	<del>None required except as required for ADA accessibility compliance or as required by a Conditional Use Permit.</del>
<u>Places of worship, churches</u>	<u>1 space per 4 seats in the main worship area chapel.</u>
<del>Assisted living, residential care facilities</del> <u>Residential care facility</u>	1 space per 2 patient beds or 1 space per apartment unit.
<del>Family daycare (12 or fewer children)</del> <u>Registered or certified family child care home</u>	<del>Same as for single family detached housing</del> 2 parking spaces per dwelling unit
Schools (public and private) – elementary and <u>middle-junior high</u>	1 space per employee or 4 seats in the auditorium, whichever is greater
Schools (public and private) – high schools	1.5 spaces per classroom, plus 1 space per 10 students.  If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats.

Schools (public and private) – college and university campuses and trade schools	Parking needs based on a Parking Management Plan for all uses contemplated for the entire campus.
<b>Unspecified uses</b>	
For uses not specified in Table 3.3.300, the Review Authority shall determine the minimum number of required parking spaces as part of the development review process accompanying the proposed use, based upon similar uses listed in this table.	
The Review Authority may approve a Parking Management Plan for developments with multiple uses.	
Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs in conformance with Section 4.1.1400, Declaratory Ruling. The review Authority may approve a Parking Management Plan for Multi Use Developments.	

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## Chapter 3.4 Public Improvement Standards

### Sections:

3.4.100	Purpose and Authority
3.4.150	Waiver and Modification of Public Improvement Standards
3.4.200	Transportation Improvement Standards
3.4.300	Public Use Areas
3.4.400	Sanitary Sewer and Water Service Improvements
3.4.500	Storm Drainage Improvements
3.4.600	Utilities
3.4.700	Easements
3.4.800	Construction Plan Approval and Assurances
3.4.900	Installation

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### 3.4.150 Waiver and Modification of Public Improvement Standards.

- A. **Authority to Grant Waiver or Modification.** Waivers and/or modifications of the standards of this chapter and/or the City of Bend Standards and Specifications may be granted as part of a development approval only if the criteria of Subsection B are met.
- B. **Criteria.** The Review Authority, after considering the recommendation of the City Engineer, may waive or modify the standards of this title and the City of Bend Standards and Specifications based on a determination that (1) the waiver or modification will not harm or will be beneficial to the public in general; (2) the waiver and modification are not inconsistent with the general purpose of ensuring adequate public facilities; and (3) one or more of the following conditions are met:
1. The modification or waiver is necessary to eliminate or reduce impacts on existing drainage patterns or natural features such as riparian areas, significant trees or vegetation, or steep slopes.
  2. An existing structure such as a substantial retaining wall makes widening a street or right-of-way or required placement of lines impractical or undesirable.
  3. Street access to an existing lot would be eliminated without the waiver or modification.
  4. Building on an existing lot would be infeasible without the waiver or modification.
  5. The standard is a street or right-of-way standard and existing structures on the same side of the block make future widening of the remainder of the street or right-of-way unlikely and the additional width on the project site would not be beneficial for sidewalks or parking without the extension for the rest of the block.
  6. The modification or waiver is needed to allow development of, or street access to, the property because of topographical constraints.

7. The existing infrastructure (a) does not meet current standards, (b) is and will remain functionally equivalent to current standards, and (c) there is little likelihood that current standards will be met in the area.
8. The installation of the required improvements would likely cause unacceptable significant adverse environmental impacts and the waiver/modification would avoid such impacts.
9. There is insufficient right-of-way to allow a full width street cross section and additional right of way cannot be provided.
10. There is no street or right-of-way adjacent to the property and easement access has been obtained across private property.
11. Required street frontage improvements for individual single-family dwellings could best be accomplished by planned area-wide improvements at a future date.
12. The City has conflicting or inconsistent standards and the proposal would comply with one set of adopted standards. Standards are conflicting or inconsistent only when it is not possible to comply with both. In most situations, the more recently adopted standard should be followed and the older standard may be waived.

~~Any waiver or modification of applicable standards and specifications shall be the minimum needed to allow development, and maximization~~ Maximization of the number of lots or parcels in a land division is not a reason to allow a waiver or modification.

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## Chapter 4.2 Site Plan Review and Design Review

### Sections:

- 4.2.100 Purpose
- 4.2.200 Site Plan Review
- 4.2.300 Design Review
- 4.2.400 Minimum Development Standards
- 4.2.500 Bonding and Assurances
- 4.2.600 Development in Accordance With Permit Approval

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### 4.2.200 Site Plan Review

- A. **Applicability.** Except as exempted in Subsection B, Site Plan Review shall apply to all new uses, new buildings, new outdoor storage or sales areas and new parking lots. Site Plan Review shall also be required for expansions of existing buildings or expansions of outdoor uses that exceed 50 percent of the gross area of the existing buildings and/or existing outdoor use or are 5,000 square feet or more in size. (For minor additions or expansions and/or changes of use, or for single family and duplex dwellings, see Section 4.2.400, Minimum Development Standards.)

- B. Exemptions.** Single-family detached dwellings and duplexes on their own lots or parcels in the Urban Area Reserve (UAR), Suburban Low Density Residential (SR2½), Residential Urban Low Density (RL), and Residential Urban Standard Density (RS) zoning districts are exempt from Site Plan Review. Single family and duplex dwellings on their own lot or parcel in Residential Urban Medium Density (RM) or Residential Urban High Density (RH) zoning districts are exempt from Site Plan Review if the minimum density requirements of the district are met.

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#### **4.2.400 Minimum Development Standards**

- A. Purpose.** Minimum Development Standards (MDS) are intended to streamline development review for minor additions or expansions and/or changes ~~in~~ of use, and for single family and duplex dwellings. MDS ~~shall review~~ ensures compliance with specific appearance, transportation safety and utility standards specified in this Code.
- B. Applicability.** This section applies to developed properties that do not require Site Plan Review as specified in Section 4.2.200(A) where there is:
1. ~~A building or use expansion of up to 50 percent or less than of the existing building or use area or a building expansion of there are up to 5,000 square feet, whichever is or less of additional building or use gross area, or~~
  2. An outdoor use expansion of up to 50 percent of the existing outdoor use area or up to 5,000 square feet of new outdoor use area, whichever is less, or
  3. A change in use of a building or property that increases demand on public facilities and/or requires additional parking spaces, or
  4. A proposed permanent or semi-permanent stand-alone small-scale retail use on an existing commercial site (e.g., produce stand), or
  5. The construction of a single family or duplex dwelling in the RL, RS or RM district that does not have existing full utility and street frontage infrastructure.
- C. Exception.** Where the property is currently in compliance, and will remain in compliance, with all standards specified in Section 4.2.400(E) or (F), the MDS section shall not apply.
- D. Review.** MDS applications are reviewed under the Type I process, unless the Community Development Director finds that the proposed use should be reviewed under the Type II review process.
- E. Applicable Commercial, Industrial, Multi-family and Institutional Standards.** In addition to the site development standards contained in the applicable zoning district regarding setbacks, building height, lot coverage, etc., MDS applications under this subsection shall only be subject to the following Development Code standards:
1. Equipment, outdoor storage, manufacturing and service/delivery areas shall be screened as specified in Chapter 3.2.
  2. Parking The minimum required number of parking spaces and vehicle circulation areas shall be paved and striped as specified in Chapter 3.3.



3. Bicycle parking shall be installed or upgraded to meet the standards specified in Chapter 3.3.
4. Access to the public right of way shall comply with Chapter 3.1 unless exempted by Section 5.2.100E.
5. New paved parking areas shall meet the landscaping requirements of Chapter 3.2.
6. Existing required landscaped areas impacted by new construction shall be replaced elsewhere on-site.
76. Sidewalks shall be constructed along the frontage(s) of the site when an existing public sidewalk exists within 300 feet of the site along the same frontage abutting the subject property.
87. Public utilities shall be adequate to serve the proposal. Where existing utilities are to be replaced, or new utilities are to be installed, construction shall comply with this Code and with the City's Standards and Specifications.

**F. Applicable Single Family and Duplex Dwelling Standards:** In addition to the site development standards contained in the applicable zoning district regarding setbacks, building height, lot coverage, etc., MDS applications under this subsection shall only be subject to the following Development Code standards:

1. Where available, public water and sewer mains shall be extended through the length of the property frontage.
2. A full street and/or alley improvement shall be constructed along the frontages of the property when an improved street and/or alley has been built to the property line. The Community Development Director may grant a waiver of this requirement under Section 3.4.150. In such cases, an agreement to not remonstrate against the formation of a local improvement district shall be recorded against the property.
  - a. For properties over one acre in size where future division of the property is allowable, street and/or alley improvements are not required if the any portion of the dwelling is located more than 300 feet from an improved street or alley. In such cases, an agreement to not remonstrate against the formation of a local improvement district shall be recorded against the property.
3. Sidewalks shall be extended through the site when an existing public sidewalk is within 600 feet along the same street frontage abutting the subject property. The Community Development Director may grant a waiver of this requirement under Section 3.4.150 if it is determined that there is little likelihood that a functioning network of sidewalks will be installed in the area. In such cases, an agreement to not remonstrate against the formation of a local improvement district shall be recorded against the property.
4. Duplexes shall meet the standards of Subsection 3.6.200(H).

## Chapter 5.1 Variances

### Sections:

5.1.100	Purpose
5.1.200	Class A Variances
5.1.300	Class B Variances
5.1.400	Class C Variances

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5.1.400	Class C Variances
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B. Class C Variance Criteria. The Class C variance requests are best determined reviewed using the specific criteria listed below.

1. ~~Variance to Vehicular Access and Circulation Standards. Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding all of the following:~~
  - a. ~~There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;~~
  - b. ~~There are no other alternative access points on the street in question or from another street, alley or access way;~~
  - c. ~~The access separation requirements cannot be met;~~
  - d. ~~The request is the minimum variation required providing adequate access;~~
  - e. ~~If approved, the approved access or access approved with conditions will result in a safe access; and~~
  - f. ~~The vision clearance requirements of Chapter 3.1 will be met.~~

*Note: Subsections 2 through 7 to be renumbered accordingly.*

## EXHIBIT B

### Findings of Fact Legislative Code Amendment PZ 11-102

#### Procedural Findings:

The application was initiated on May 5, 2011. Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on July 11, 2011. Notification of the public hearing before the Bend Planning Commission was printed in the October 24, 2011 edition of the Bulletin. The Planning Commission held a public hearing on November 28, 2011 and voted in favor of recommending approval to the City Council. Notification of the public hearing before the City Council was printed in the December 14, 2011 edition of the Bulletin. The City Council held a first reading on January 4, 2012 and a second reading on January 18, 2012.

#### Criteria of Approval:

The criteria applied to legislative plan amendments are found within the Bend Development Code (BDC) Chapter 4, Section 4.6.200. The criteria are:

1. *The request is consistent with the applicable State land use law;*
2. *The request is consistent with the applicable Bend Area General Plan goals and policies;*
3. *The applicant can demonstrate a public need or benefit for the proposed amendment.*

#### Application of the Criteria:

1. **The request is consistent with the applicable State land use law;**

**FINDING:** The proposed amendments are consistent with the applicable State land use law. In particular, they will satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, and Goal 12: Transportation.

Goal 1, Citizen Involvement, is satisfied through following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

Goal 2, Land Use Planning, is met because the City followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan and development code as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The proposed ordinance was adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by

citizens and affected governmental units during the preparation of this ordinance.

Goal 12, Transportation, is satisfied because the proposed amendments to Chapter 3.1 of the Development Code will promote safe and efficient access and connectivity for a multi-modal transportation system.

Because the proposed code amendments are limited in scope, there are no other Statewide Planning Goals applicable to this ordinance. Likewise, there are no applicable Oregon Revised Statutes or Oregon Administrative Rules that apply to these code amendments.

**2. The request is consistent with the applicable Bend Area General Plan goals and policies;**

**FINDING:** The "goals" established in the general plan express the desires of the residents of Bend as the City progresses into the future. The "goals" are generally carried out through "policies", which are statements of public policy. The City reviewed the Comprehensive Plan and found only Chapter 1 to be directly applicable to the proposed text amendments.

Chapter 1 of the Bend Area General Plan includes the following goal:

- Public/Civic Involvement* – Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an "evolving vision".
- Implementing Consistent Ordinances* – Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

Chapter 1 also includes the following public policies:

15. The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.
16. The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

Chapters 4.1 and 4.6 of the Development Code together require the Planning Commission and the City Council to hold public hearings prior to acting on amendments to the text of the Development Code. Prior to the required public hearings, the proposed text amendments were posted on the City's website, and the public was invited to submit written comments on the draft amendments. In response to testimony received by the Planning Commission, certain proposed changes to Chapter 2.7 of the Development Code were removed from the package of recommended amendments.

Based on the findings stated above, the City Council concludes that the proposed text amendments are consistent with the applicable General Plan goals and policies.

**3. The applicant can demonstrate a public need or benefit for the proposed amendment.**

**FINDING:** There is a public need for clear and consistent development regulations and review procedures that conform to state law and the City's customer service objectives. Regulations which encourage safe and efficient access and connectivity also provide a public benefit to the community.

**4.6.600 Transportation Planning Rule Compliance.**

**When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.**

**FINDING:** The City is proposing to adopt text amendments to the Bend Development Code, a functional component of the comprehensive plan. The City has analyzed the proposed text amendments and has found that none of the changes would cause a "significant effect" under ORS 660-012-0060.

**Conclusion:**

Based on the above findings, the City Council concludes that the proposed Development Code text amendments meet all applicable criteria for adoption.



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**CITY OF BEND  
COMMUNITY DEVELOPMENT DEPARTMENT**

710 NW WALL STREET  
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TO:

PLAN AMENDMENT SPECIALIST  
DEPT. OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OR 97301-2540

DEPT OF

FEB 08 2012

LAND CONSERVATION  
AND DEVELOPMENT