

**CITY OF BEND PLANNING DIVISION
TYPE II ADMINISTRATIVE REVIEW AND DECISION**



COMMUNITY
DEVELOPMENT

PROJECT NUMBER: PLLD20220552 (Tentative Plan)

DATE MAILED: November 23, 2022
Day 106 in the 120-day review period

APPLICANT: William Smith Properties
15 SW Colorado, Suite #1
Bend OR 97702

OWNER: Central Oregon Community College District
Courtney Hofstetter
NW College Way
Bend OR 97701

**ENGINEER/
SURVEYOR:** DOWL
Lynn Bruno
963 SW Simpson Avenue
Suite 200
Bend OR 97702

LOCATION: 2625 NW Shevlin Park Road; Tax Lot 2201 on Deschutes County
Assessor's Map 17-11-25CD.

REQUEST: A Type II Tentative Plan application for a 35-lot residential
subdivision in the Residential Standard Density (RS) Zone. The
property is approximately 7.65 acres in size.

**CITY STAFF
REVIEWERS:** Heidi Kennedy AICP, Senior Planner
(541) 617-4524, hkennedy@bendoregon.gov

Miles Lundgren, Project Engineer
(541) 323-8577; mlundgren@bendoregon.gov

APPLICABLE CRITERIA:

Bend Development Code

- Chapter 4.3, Land Divisions and Property Line Adjustments

APPLICABLE STANDARDS:

- Chapter 2.1, Residential Districts (RS)
- Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
- Chapter 3.2, Landscaping, Street Trees, Fences and Walls
- Chapter 3.4, Public Improvement Standards

- Chapter 3.5, Other Design Standards
- Chapter 4.7, Transportation Analysis

APPLICABLE PROCEDURES:

- Chapter 4.1, Development Review and Procedures

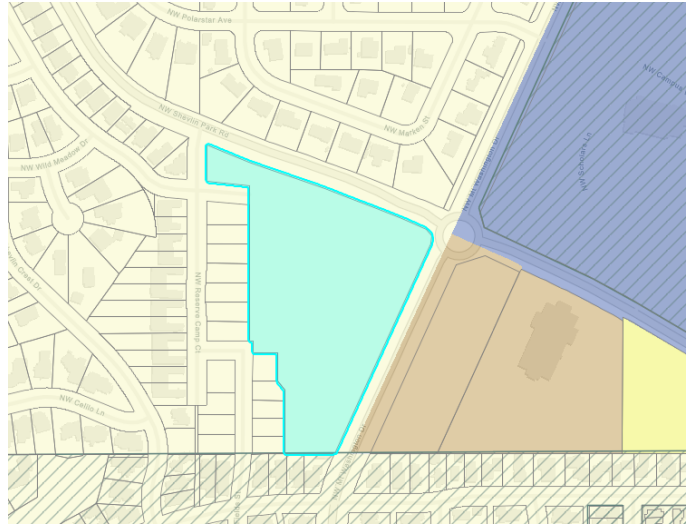
FINDINGS OF FACT:

1. **LOCATION:** The subject property is located at 2625 NW Shevlin Park Road; Tax Lot 2201 on Deschutes County Assessor's Map 17-11-25CD.



2. **ZONING AND COMPREHENSIVE PLAN DESIGNATION:** The subject property is zoned Residential Standard Density (RS) and designated RS on the Comprehensive Plan map.
3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is approximately 7.65 acres in size and irregular in shape. The property is currently vacant. There are no designated areas of special interest on the property. The subject property is surrounded to the north, southwest and west by single-unit dwellings in the RS Zone. The properties to the south, west and north are zoned Residential Standard Density (RS). Properties to the east across Mt. Washington Drive are zoned Residential High Density (RH). The site contains varied topography including a steep hillside along the west side of the property. The property includes

frontage on NW Shevlin Park Road to the north and Mt. Washington Drive to the east.



4. **PROPOSAL:** A Type II Tentative Plan application for a 35-lot residential subdivision in the Residential Standard Density (RS) Zone. The property is approximately 7.65 acres in size.



2 TENTATIVE PLAN
TP1.0 SCALE: 1" = 100'

- 5. PUBLIC NOTICE AND COMMENTS:** Prior to submitting this subdivision application, the applicant mailed notice to surrounding property owners within 500 feet of the subdivision and the designated representative of the Summit West Neighborhood Association (SWNA), and held a public meeting on December 21, 2021. The neighborhood association representative signed the public meeting form.

On August 10, 2022, the City sent notice of the applicant's proposed subdivision to the designated representative of the Summit West and River West Neighborhood Associations and surrounding owners of record of property within 250 feet of the subject property as shown on the most recent property tax assessment roll. A public notice sign was also posted on the site per BDC 4.1.425.A on August 12, 2022. In response, four neighbors submitted emails to the Bend Planning Division, with concerns pertaining to the lack of tree preservation, increased traffic and multi-use path options as well as minimal traffic calming proposals. All comments received by the City are contained in the project file and were considered in this Review and Decision.

- 6. APPLICATION ACCEPTANCE DATE:** This application for Tentative Plan approval was submitted to the City on July 26, 2022 and formally accepted as complete on August 9, 2022.

- 7. LEGAL LOT OF RECORD:** The subject property is identified as Development Tract A of the Outcrop Subdivision (Recorded 2020-66400).

APPLICATION OF THE CRITERIA:

Conformance with the Bend Development Code

Chapter 4.3 Land Divisions and Property Line Adjustments

4.3.300 Tentative Plan.

- E. Criteria for Subdivision, Partition or Replat Approval. The Review Authority shall not approve a tentative plan for a proposed subdivision, partition or replat unless the Review Authority finds that the subdivision, partition or replat will satisfy the following criteria of approval:**

- 1. The proposal provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, and other natural and historic resources to the maximum degree practicable.**

FINDING: The property does not contain any streams or lakes, and it has not been identified as a riparian corridor, wetland, wildlife habitat, Federal Wild and Scenic River, State Scenic Waterway, groundwater resource, Approved Oregon Recreation Trail, natural area, wilderness area, mineral and aggregate resource, energy resource, or cultural area. Additionally, the City does not maintain the property on a current inventory of Historic Resources, Open Space, or Scenic Views and Sites.

The property does not contain any watercourses or water rights. The Site does contain two rock outcropping areas. As depicted on the Tentative Plan, an existing outcrop, identified as OC A, is 13,823 square feet and is located on the western edge of the Site between Northwest Summerhill Court and Tract C. The second existing outcrop area, identified as OC B, is 5,353 sq. ft. and is located north of Tract C and west of proposed Lots 39 and 40. OC A and OC B are not included in the boundaries of the surrounding single-unit lots. Therefore, the rock outcropping areas as well as all vegetation including trees within these areas will be protected.

With regards to tree preservation within the area proposed for subdivision lots and roadways, the applicant is not proposing to retain any trees based on the submitted existing conditions and demo plan. The applicant must provide housing densities in conformance with Comprehensive Plan requirements and provide street frontage for each lot that conforms to City Standards. The applicant must also manage stormwater in a manner that accommodates the allowed housing density, which limits the potential for tree preservation within the subdivision lot areas. In order to provide needed densities, on shovel-ready lots, in accordance with street and stormwater standards, the existing trees outside of the two rock outcropping areas will be removed. As noted in findings below, this proposal is consistent of the Significant Vegetation standards of BDC Chapter 3.2.

2. The proposal allows for the development of adjacent property in accordance with the provisions of this Code.

FINDING: The new planned subdivision extends transportation, water, and sewer infrastructure throughout the subject property. The subdivision site abuts NW Shevlin Park Road on the north and NW Mt. Washington Drive on the east and proposes the creation and extension of NW Summerhill Drive, NW Summerhill Court and an alley as well as two pedestrian tracts. The subject property abuts either existing residential development or public roads. Therefore, all adjacent properties are developed. Therefore, the criterion is met.

3. The proposal meets all standards and requirements of this Code.

Chapter 2.1 Residential Districts.

2.1.200 Permitted and Conditional Uses.

A. Permitted Uses. The land uses listed in Table 2.1.200 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.1.200, land uses that are incidental and subordinate to a permitted use and land uses that are approved as “similar” to those in Table 2.1.200 may be permitted. The land uses identified with a “C” in Table 2.1.200 require conditional use permit approval prior to development, in accordance with BDC Chapter 4.4, Conditional Use Permits.

FINDING: The applicant is proposing 35 lots to be developed with single-unit detached dwellings, which are permitted outright in the RS Zone.

2.1.300 Setbacks.

B. Setback Standards. The following setback standards apply to all structures, except as otherwise provided by this section or specified in this code. See also special setbacks permitted in BDC 3.6.200, Special Standards for Residential Uses, and BDC Chapter 3.8, Development Alternatives.

C. Front Setbacks.

2. RS, RM-10, RM, and RH Districts. The minimum front setback is 10 feet. Garages and carports must be accessed from alleys where practical, otherwise garages and carports with street access must be set back a minimum of 20 feet from the front property line. In this instance, the term “practical” means that there is an existing or platted alley that could be used in its current condition or improved to provide access.

3. Where streets with insufficient right-of-way abut the site, special setbacks apply in conformance with BDC 3.4.200(J), Special Setbacks.

D. Rear Setbacks.

2. RS, RM-10, RM and RH Districts. The minimum rear setback is five feet. When multi-unit residential or nonresidential uses abut a single-unit detached dwelling unit in the RS District, the rear setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

E. Side Setbacks.

2. RS, RM-10, RM and RH Districts. The minimum side setback is five feet. When multi-unit residential or nonresidential uses abut a single-unit detached dwelling unit in the RS District, the side setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

FINDING: Setbacks for single-unit detached homes will be reviewed with the building permit application for each home. Staff notes that proposed Lots 17 through 20 and Lots 33 through 35 will have two or three front lot lines (along NW Summerhill Drive, NW Summerhill Court and NW Shevlin Park Road). A front lot line is defined as a property line abutting a street. Corner lots or parcels and through lots or parcels may have two or more front lot lines.

2.1.500 Lot Area and Dimensions.

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
Single-Unit Detached Housing; Manufactured Homes on Lots (See BDC 3.6.200(E)); Residential Care Homes and Facilities (See BDC 3.6.200(J))	RS RM-10	4,000 sq. ft.	Width: 40 ft. at front property line Minimum lot depth: 50 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line except for townhomes and flag lots Except for townhomes, corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone Lots or parcels existing prior to November 5, 2021, that are less than 2,500 square feet in the RH Zone may have a triplex or a quadplex Development alternatives: see BDC Chapter 3.8

FINDING: The proposal includes lots that are intended for detached single-unit dwellings. The proposed lots range in size from 5,025 to 9,768 square feet, all in excess of 4,000 square feet and in conformance with this section. All of the proposed lots exceed 40 feet of frontage on NW Summer Hill Drive or a width in excess of 30 feet of frontage on NW Summerhill Court, a cul-de-sac or the knuckle area along NW Summerhill Drive. In addition, all lots have depths in excess of 50 feet. Therefore, all applicable lot area and dimensional standards are met.

2.1.600 Residential Density.

A. Residential Density Standard. The following density standards apply to all new development in all of the Residential Districts, except as specified in subsection (B) of this section. The density standards shown in Table 2.1.600 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Bend Comprehensive Plan.

- 1. The density standards may be averaged over more than one development phase (i.e., as in a subdivision or Master Planned Development).**

Table 2.1.600 Residential Densities

Residential Zone	Density Range
Standard Density Residential (RS)	4.0–7.3 units/gross acre

C. Density Calculation.

1. Maximum housing densities are calculated as follows:

- a. The area subject to maximum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.**
- b. The area for future streets is included in the area subject to maximum housing density.**
- c. Where existing streets abut the proposed development site, the area of up to 30 feet of the abutting street width multiplied by the site frontage shall be added to the area subject to maximum housing density.**
- d. Sensitive lands, fire breaks, and canals and their associated easements on the site are included in the area subject to maximum housing density.**
- e. For purposes of calculating maximum density, fractional units are rounded down to the next whole unit.**
- f. As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to maximum housing density is four acres (total site area minus one acre of neighborhood commercial uses, but including the sensitive lands). If the maximum allowable density is 7.3 dwelling units per acre, then a maximum number of 29 units is allowed on the site.**

2. Minimum housing densities are calculated as follows:

- a. The area subject to minimum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit; sensitive lands; fire breaks; and canals and their associated easements.**
- b. The area for future streets is included in the area subject to minimum housing density.**
- c. For purposes of calculating minimum density, fractional units are rounded up to the next whole unit.**
- d. As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to minimum housing density is three and one-half acres (total site area minus one acre of neighborhood commercial uses, minus a half-acre of sensitive lands). If the minimum density is 4.0 dwelling units per acre, then a minimum number of 14 units is required on the site.**

FINDING: The 7.65-acre subject property is zoned RS, consistent with its Standard Density Residential Comprehensive Plan designation. New streets will be created;

therefore, these are included in the total site area for density calculation purposes per the density calculation methodology in BDC 2.1.600(C). The maximum site density is 55 dwelling units ($7.65 \times 7.3 = 55.85$ and then rounded down) and the minimum site density is 31 units ($7.65 \times 4 = 30.6$ and then rounded up). The submitted Preliminary Plat shows 35 lots intended for future single-unit dwelling units. Therefore, these standards are met.

2.1.700 Maximum Lot Coverage and Floor Area Ratio.

A. Maximum Lot Coverage. The following maximum lot coverage and floor area ratio standards apply:

Table 2.1.700 Residential Lot Coverage

Residential Zone	Lot Coverage	FAR
Standard Density Residential (RS), and Medium-10 Density Residential (RM-10)	50% for lots or parcels with single-story dwelling unit(s) and single-story accessory structures. 45% for all other lots or parcels.	1.1 for three-story residential uses and accessory structures. None for all other uses.

FINDING: All future homes will be reviewed for compliance with lot coverage and FAR standards during the building permit process.

2.1.800 Building Height.

The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scaled design:

A. Standard. The following building heights apply to all development within the Residential District:

- 1. Buildings within the UAR, RL, RS, RM-10 and RM Districts may be no more than 35 feet in height.**

FINDING: The subdivision lots are zoned RS and, therefore, are subject to a 35-foot height limit. Future single-unit dwellings will be reviewed for compliance with the building height limit at the building permit phase. The applicable standards can be met.

2.1.1100 Other Design Standards.

- A. On-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.***

FINDING: City standards require stormwater to be retained on the lot of origin (the subject property). As shown on the submitted preliminary plans, stormwater will not flow onto existing public rights-of-way or other private property. New drywells will be installed per City standards. A final stormwater drainage plan must be submitted for formal approval by the City Engineer, as conditioned in this decision. This standard will be met.

Chapter 3.1 LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.200 Lot, Parcel and Block Design.

C. General Requirements for Lots and Parcels.

- 1. Depth and width of new lots or parcels must meet the minimum standards specified for the zoning district. Where no minimum standards are specified, the depth and width must be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.***

FINDING: Based on the submitted plans, the proposed lots meet the minimum standards for lot depth and lot width for the RS zone. This standard is met.

- 2. On steep slopes, increased lot or parcel sizes may be required to avoid excessive cuts, fills and steep driveways.***

FINDING: The subject property does contain slopes. However, all the proposed lot sizes are larger than the minimum lot sizes which will allow for development while not requiring excessive cuts, fills or steep driveways. Therefore, increased lot or parcel sizes are not required to avoid excessive cuts, fills, or steep driveways.

- 3. 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.***

FINDING: The subject property does not contain any watercourses. The property does contain two rock outcropping areas. As depicted on the Tentative Plan, an existing outcrop, identified as OC A, is 13,823 square feet and is located on the western edge of the Site between Northwest Summerhill Court and Tract C. The second existing outcrop area, identified as OC B, is 5,353 sq. ft. and is located north of Tract C and west of proposed Lots 39 and 40. OC A and OC B are not included in the boundaries of the surrounding single-unit lots. Therefore, the rock outcropping areas will be protected and each proposed dwelling unit lot meets the minimum standards and has adequate room for development. Therefore, increased lot sizes are not required to allow adequate room for development and protection of significant topographic or natural features.

- 4. 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, the minimum frontage shall be 30 feet, except for townhomes;**
 - b. For approved flag lots or parcels, the minimum frontage shall be 15 feet;**

FINDING: As noted in findings above, the proposed lot layout allows each lot to abut a street for the minimum width required.

- 5. All side lot or parcel lines shall be at right angles to the street lines or radial to curved streets for at least one-half the lot or parcel depth wherever practical.**

FINDING: Because of curves in the extension of NW Summerhill Drive through the property, the corner angle of the private alley and the cul-de-sac bulbs, it is not practical to provide right angles for every lot line. However, right angles have been used for the majority of the side lot creation. In addition, in areas where true right angles are not practical, the side lines are radial to curved streets or as close to right angles as practical. The standards for this requirement are met wherever practical.

- 6. Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone, except for townhomes.**

FINDING: As noted in findings above, all corner lots are at least five feet wider than the minimum lot width required in the RS zone.

- 7. All permanent utility service to lots or parcels shall be provided from underground facilities. The 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.**

FINDING: As shown in the submitted plans, the applicant will provide underground utilities to serve the development. Therefore, this standard will be met.

- D. Street Connectivity and Formation of Blocks. To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments shall produce complete blocks bounded by a connecting network of 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 lengths and perimeters shall not exceed the following standards as measured from centerline to centerline of through intersecting streets.**
 - a. Six hundred sixty feet block length and 2,000 feet block perimeter in all Residential Zones;**

FINDING: The proposed subdivision is an infill project. The subject property abuts NW Shevlin Park Road right-of-way to the north and NW Mt. Washington Drive to the east. Both roadways are designated minor arterial streets per the Bend Transportation Plan. The proposed subdivision includes an east-west extension of NW Summerhill Drive, extending from the stubbed connection approved through Phase 1 through the property to connect with NW Mt Washington Drive at an existing driveway access point on the east edge of the property creating a through street. As detailed in the Transportation Facilities Report prepared by Transight Consulting, the proposed connection onto NW Mt Washington Drive meets the distance requirements for site access onto an arterial. The proposed block length between NW Reserve Camp Court and NW Mt. Washington Drive is approximately 900 square feet. The proposed block perimeter is approximately 2,500 square feet. Given the proximity to the existing roundabout at the intersection of NW Mt. Washington Drive and NW Shevlin Park and considering that both abutting streets are designated minor arterial streets, further street connects that would allow the project to meet site connection and access requirements for arterial roadways are not possible. For these reasons, this standard is met to the greatest extent possible.

- 3. New street connections to arterials and collectors shall be governed by BDC 3.1.400, Vehicular Access Management.**

FINDING: One new street connection, the extension of NW Summerhill Drive, is proposed to NW Mt Washington Drive, which is a designated minor arterial street. This proposed new street's compliance with BDC 3.1.400 is addressed below.

- 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.**

FINDING: The proposed subdivision does not include private streets. A private alley is proposed. However, the private alley is not proposed to satisfy the block length and perimeter standards but to provide utilities and access to many of the proposed lots.

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-unit housing shall provide alley access to the individual lots fronting onto the arterial or collector.***
 - a. 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. Nonresidential and multi-unit 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 nonaccess 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 this section.***

FINDING: The majority of lots in Phase 2 will have frontage onto either the extended NW Summerhill Drive or the NW Summerhill Court cul-de-sac, neither of which are arterial or collector roadways. However, Lots 21 through 26 have frontage on NW Shevlin Park Road and Lots 27 through 32 have frontage on NW Mt Washington Drive. Both Shevlin Park Road and Mt Washington Drive are designated as minor arterials. Therefore, to comply with the E (1) requirement, those lots are proposed to access a private alley. No direct vehicle access will be permitted to either NW Shevlin Park Road or NW Mt Washington Drive. These standards will be met.

3.1.300 Multi-Modal Access and Circulation.

A. Purpose. The purpose of this section is to ensure safe, accessible, direct and convenient multi-modal circulation by developing an on-street and off-street system of access corridors and public sidewalks throughout the City.

B. On-Site Pedestrian Facilities. For all developments except single-unit detached, manufactured dwellings, accessory dwelling units, townhomes, duplexes, triplexes, quadplexes, and shared courts, pedestrian access and connectivity must meet the following standards:

...

FINDING: The planned project will create individual lots for detached single-unit dwellings. Therefore, the standards in BDC 3.1.300(B) do not apply to the proposed subdivision.

3.1.400 Vehicular Access Management.

C. Approval of Access Required. Proposals for new access shall comply with the following procedures:

- 1. Permission to access City streets shall be subject to review and approval by the City based on the standards contained in this chapter and the provisions of BDC Chapter 3.4, Public Improvement Standards. Access will be evaluated and determined as a component of the development review process.***

FINDING: The proposal includes access onto public, local streets and proposed private alleys. As detailed in findings below, access has been designed in conformance with BDC Chapter 3.4.

D. Traffic Study Requirements. A transportation impact analysis (TIA) may be required under BDC 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.

FINDING: The applicant submitted a Traffic Impact Analysis (TIA) prepared by Transight Consulting, LLC in accordance with BDC Chapter 4.7.

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

- 1. Lots and parcels in all zones and all uses may have one access point, except as authorized in BDC 3.1.400(F)(4). When a property has more than one permitted street access, the City Engineer may require existing accesses to be closed and replaced with curbing, sidewalks/pathways, and landscaping, in accordance with the provisions of this code and the City standards and specifications.***
- 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.***

FINDING: Several of the proposed lots within the subdivision will have frontages on two or more streets with different street classifications. As mentioned above, no vehicle access will be allowed to either NW Shevlin Park Road or NW Mt. Washington Drive. Both of the streets are designated minor arterial streets.

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.***

FINDING: Several of the lots abutting either NW Shevlin Park Road or NW Mt. Washington Drive will take access from a proposed private alley. This standard will be met.

4. *Additional Access Points...*

FINDING: Each lot is planned to have only one access point.

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.*

FINDING: No details on the proposed locations for future driveways has been included in the application materials. Final driveway locations and spacing will be reviewed with the infrastructure plans and/or the building permit application for each single-unit dwelling.

6. *Access Operations Requirements. Backing from an access onto a public street shall not be permitted except for single-unit, 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.*

FINDING: This proposed lots are planned to accommodate single-unit detached dwellings. The design of driveways will be reviewed during the infrastructure plans and/or the building permit application for each single-unit dwelling.

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.

FINDING: Driveway locations and spacing will be reviewed with the infrastructure plans, and/or building permit application for each single-unit dwelling. The applicable standards are, or can be, met given the proposed lot sizes.

H. Driveway Widths. 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-unit, 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 provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

- 1. Single-unit detached dwellings must 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; however, the driveway opening or connection to the street cannot be wider than 24 feet. For townhomes, see BDC 3.6.200(D), Townhomes, and for duplexes and triplexes, see BDC 3.6.200(H), Duplex, Triplex and Quadplex Development.***

FINDING: Final driveway locations and spacing will be reviewed with the infrastructure plans and/or building permit application for each single-unit detached dwelling. The applicable standards are, or can be, met.

I. 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-unit dwellings and alleys that provide adequate backing width).

FINDING: The submitted Preliminary Street Plan has been designed to meet the City's fire equipment access drive and turn-around standards. In addition, the lots are sized and located so that all future homes will be located within 150 feet of a public 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 nonpaving 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 stormwater onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City specifications. Durable nonpaving materials (e.g., grass-crete, eco-stone) are encouraged to facilitate on-site infiltration of stormwater.***

FINDING: As previously discussed, the proposed lots can meet all applicable driveway criteria. The final design, layout, and driveway configuration for each lot is not required at this time. However, all driveways will be required to be surfaced with acceptable materials and stormwater run-off will be retained on-site and will not flow into the public right-of-way. The applicable standards are met. The submitted Preliminary Grading Plan shows stormwater management facilities that can meet City standards. Stormwater runoff from the roadways will be handled by public drywells.

3.1.500 Clear Vision Areas.

FINDING: The applicant has indicated that no prohibited obstructions are planned within the clear vision triangles. As conditioned below, the standard will be met.

Condition of Approval: *Clear vision areas and clear sight requirements per City of Bend and AASHTO requirements must be shown on final infrastructure plans and building permit applications.*

Chapter 3.2 Landscaping, Street Trees, Fences and Walls

3.2.200 Landscape Conservation.

B. Significant Vegetation. Significant vegetation means individual trees with a specific trunk diameter as measured four feet above the ground (known as DBH, “diameter at breast height”); shall be inventoried during the site design process and protected during construction unless otherwise approved for removal through the site plan review process. For the purpose of this section, deciduous trees measuring six inches or greater and coniferous trees measuring 10 inches or greater shall be considered significant vegetation.

D. Protection Standards. Significant trees identified as meeting the criteria in subsection (B) of this section shall be retained unless approved by the City to

be removed for development. Preservation shall be considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term “prevent” in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection shall not in itself be considered to prevent development...

FINDING: Existing vegetation on the Site includes evergreen trees, including mature ponderosa trees and juniper trees. Development plans incorporate significant native vegetation into the development landscape within the proposed protected outcrop areas. The Existing Conditions Plan, TP1.2 included in this submittal identifies trees that will be preserved in the protected outcrop areas. Other trees within the site will be removed to accommodate utilities, the road extension, the mixed-use paths, and building envelopes within each lot. The final infrastructure plans will include a detailed tree preservation plan consistent with 3.2.200. Staff notes that the required right of way improvements will include new street trees in conformance with City standards. The applicable tree preservation criteria will be met.

3.2.400 Street Trees.

This section sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. Except for BDC 4.3.700(A), Mid-Block Development, and BDC 4.3.700(D), Shared Courts, street trees must be planted for developments subject to BDC 3.6.200(H), Duplex and Triplex Development, BDC 4.2.500, Site Plan Review, and BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments, and Infill Development Options, for residential land divisions. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. Street trees must conform to the following standards and guidelines:

A. City of Bend Approved Tree List...

FINDING: Street trees must be installed in the proposed landscape strips on the proposed extension of NW Summerhill Drive, NW Summerhill Court, and along the frontages of NW Shevlin Park Road and NW Mt. Washington Drive. No street tree details are provided in the application. The infrastructure plan set must show the location, size, and species of the street trees, in compliance with this section. Street trees must be planted prior to Certificate of Occupancy of abutting lots and must be shown on the respective building permit submittals.

Condition of Approval: *Street trees must be shown on the Tier III right of way permit (infrastructure) plan set in compliance with BDC 3.2.400.A. The street trees must not conflict with utility placement nor be located in clear vision areas.*

Condition of Approval: *Street trees must be planted prior to Certificate of Occupancy of abutting lots and must be shown on the respective building permit submittals.*

CHAPTER 3.4, PUBLIC IMPROVEMENT STANDARDS

3.4.100 Purpose and Authority.

- B. Public Improvements Needed for Development.** *Development shall not occur unless the public improvements serving the development comply with the public facility requirements established or incorporated by this chapter, unless compliance is exempted by this code or unless the applicable standard is modified or waived under BDC 3.4.150.*
- C. Compliance with Standards.** *All public improvements constructed as part of a development or to comply with a condition of development approval shall comply with all applicable standards, including but not limited to any standards and specifications adopted by the City applicable to public works or public improvements. The provisions of this chapter prevail over any inconsistent standard or specification unless the applicable standard is modified or waived under BDC 3.4.150.*
- D. Conditions of Development Approval.** *No development shall occur unless required public facilities are in place or guaranteed. Improvements required to be constructed by the developer as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are related to and roughly proportional to the impact. The City may deny an application if required public improvements are not in place, or the City may impose conditions of approval tying the timing of construction and/or occupancy of a proposed development to anticipated public improvements without requiring the applicant to construct the public improvements.*

FINDING: As noted in findings and conditioned below, the proposed and required public improvements will comply with the standards of BDC Chapter 3.4.

Condition of Approval: *The construction of public improvements shall not begin until the plans have been reviewed and approved by the City Engineer and the developer has signed a Public Facilities Improvement Agreement (PFIA), paid permit fees, and received a permit and notice to proceed. Final Plat approval will not be granted until all required public improvements have been completed, inspected, and accepted by the City.*

3.4.200 Transportation Improvement Standards.

- A. Development Requirements.** *No development shall occur unless the development has frontage or approved access to a public or private street, in conformance with the provisions of BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, and the following standards are met:*

FINDING: As detailed on the submitted Preliminary Street Plan, each of the lots will have frontage on the existing or planned public streets. A complete review of compliance with BDC Chapter 3.1 was included in findings above, and as detailed therein, the lot design, layout, access, and circulation all conform to the applicable requirements. Therefore, the proposal conforms to this section.

- 1. *Streets within or adjacent to a development shall be improved in accordance with the Bend Urban Area Transportation System Plan (TSP), provisions of this chapter and other pertinent sections of this code.***

FINDING: The planned internal streets within the proposed subdivision will be local streets. The proposal includes dedication and right of way improvements for all roadways within and adjacent to the subdivision as shown on the submitted plans.

- 2. *Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public street right-of-way and private street easements shall be dedicated to the applicable City, Deschutes County or the Oregon Department of Transportation.***

FINDING: The project includes the construction of public streets with a right-of-way width of 60 feet and a private alley. The applicant must construct all streets and alleys to City of Bend Standards and Specifications.

- 3. *All new and/or existing streets and alleys shall be paved per the City of Bend Standards and Specifications document.***

FINDING: The project's proposed roadways will be paved with an asphalt surface as indicated on the submitted Preliminary Street Plan. The planned paving conforms to City of Bend Standards and Specifications. The final paving plan will be reviewed in the infrastructure plan review process for conformance to the City of Bend Standards and Specifications.

- C. *Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed essential for the purpose of implementing the Bend Urban Area Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.***

FINDING: Public rights-of-way will be dedicated through the final platting process, in accordance with this section for the subdivision.

- D. *Creation of Vehicular Access Easements. The City may require a vehicular access easement established by deed when the easement is necessary to provide for vehicular access and circulation in conformance with BDC Chapter***

3.1, Lot, Parcel and Block Design, Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207 and City of Bend Standards and Specifications.

FINDING: No vehicular access easements are proposed or required for this subdivision proposal.

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to the City of Bend Standards and Specifications document, the provisions of this chapter and an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

- 1. Street grades shall be designed and/or constructed as approved by the City Engineer in accordance with the design standards in Tables A through E in this section.**
- 2. Where the location of a street is not shown in an existing street plan in conformance with subsection (I) of this section, Future Street Plan and Extension of Streets, the location of streets in a development shall either:**
 - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this chapter; or**
 - b. Where it is impractical to connect with existing street patterns because of topographical constraints or where the existing built environment precludes future street connections, the applicant shall conform to a street plan approved by the Review Authority. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.**

FINDING: The submitted plans show the location and planned right-of-way dedication for planned roadways and alleys as well as abutting streets, where necessary. Future engineering and construction drawing submittals will ensure compliance with applicable City of Bend Standards and Specifications. The applicable standards are, or can be, met.

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths defined in Street Improvement Standards Tables A through E. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts. The following tables and attached notes describe street improvement standards as follows:

Table A: Improvement Standards for Dedicated Public Roadways in Residential Zones. (UAR, RL, RS, RM-10, RM and RH)

Street Classification	Minimum Right of Way	Minimum Pavement Width	Minimum Planter Strip	Max Grade	Sidewalk Both Sides	Bike Lanes	Curbs
Local Street (1) UAR, RL, RS and RM-10	60'	24'/28'/32'	5'	10%	5	No	Yes
Minor Arterial	100'	56'	5'	6%	Yes	Yes	Yes

Notes:

1. Local Streets:

- a. 24 foot wide street – No parking allowed on either side of the street.**
- b. 28 foot wide street – Parking allowed on one side.**
- c. 32 foot wide street – Parking allowed both sides in UAR, RL, RS, and RM-10 zones.**
- d. 36 foot wide street – Parking allowed both sides in RM and RH zones.**
- e. Special Street widths (see subsection (J) of this section).**

FINDING: The proposed streets and alleyway must be constructed to meet all applicable Street Improvement Standards in Table A. Final infrastructure plans will be prepared for review and approval by the Private Development Engineering Division prior to construction to ensure that all grades and widths conform to applicable standards. No grade exceptions are anticipated for this project as the site will be graded to comply with City standards. Therefore, the applicable standards are, or can be, met. The following items shall be conditions of approval based on received Engineering comments as part of the Traffic Analysis Memo – TFR Review.

Condition of Approval: *All sidewalks and paths must be constructed property tight, permitted to meander to avoid existing utilities, existing trees and steep topography as approved during right of way permit review. All sidewalk and path construction must conform to City of Bend standards and PROWAG guidelines. Where the sidewalk is designed and/or constructed outside the right of way, a public access easement must be recorded over the encroachment.*

Condition of Approval: *All work performed in the right of way must be under an approved right of way permit and completed by a City of Bend qualified contractor.*

Condition of Approval: *All right of way dedications and public easements, when applicable, must be completed under a survey plat or separate recordable document prepared and recorded by the City of Bend.*

Condition of Approval: *Existing sidewalks, curb ramps, and driveway aprons must be reviewed and certified by the projects registered Professional Engineering to conform to City of Bend standards and PROWAG guidelines. The review must be provided to the City of Bend in an Engineered stamped memo indicating what is out of conformance, if applicable. Anything found to be out of conformance must be removed and replaced prior to occupancy.*

Condition of Approval: At all intersections and driveways, clear vision must be shown on a submittal documents for review in conformance to City standards R-2 and Bend Development Code 3.1.500. No new trees, structures (walls, fences, buildings, monument signs, etc.), or other site obstructions will be permitted within these clear vision areas.

Condition of Approval: The extension of NW Summerhill Drive shall be constructed centered within a dedicated 60-foot right of way. NW Summerhill Drive shall be constructed to meet City of Bend local street standards with curb, street trees, and sidewalks on both sides. Where NW Summerhill Drive intersects with NW Mt. Washington Drive, the center median within NW Mt. Washington Drive must be maintained to only permit right in right out movements at the intersection. Curb returns must be constructed with accessible curb ramps.

Condition of Approval: The trail system requirements from NW Reserve Camp Court to NW Mt. Washington Drive must be maintained per land use PZ-18-0934. If the path needs to be relocated, the easement must be released and re-recorded and the path reconstructed in the new location. If the path is damaged by construction activity, it must be reconstructed. The path must maintain its current alignment within the rock outcropping unless otherwise approved by the Planning Department.

Condition of Approval: The alley must be constructed to City of Bend local standards to an asphalt width of 20 feet. No parking is permitted within alleys.

Condition of Approval: At all intersections with arterials and collectors a luminaire(s) must be constructed to illuminate the pedestrian crossing.

Condition of Approval: Vehicular access to the right of way from the private lots must be constructed to conform to City of Bend concrete driveway aprons standards and PROWAG guidelines.

Condition of Approval: A concrete driveway apron must be constructed on the alley in conformance to City of Bend standards and PROWAG guidelines.

Condition of Approval: Storm drainage within the right of way must be designed by a registered Engineer and constructed in conformance to City of Bend standards, Title 16 of the City Code, and the Central Oregon Stormwater Manual (COSM). No UIC's will be permitted within 500 feet of a well or within the 2-year time of travel from a community water well system, if applicable for this project.

Condition of Approval: No direct lot access will be permitted from Mt. Washington Drive or Shevlin Park Road. Where lots abut alleys, access must be taken off of the alley as the lowest street classification unless otherwise approved by the City Engineer due to topography or to maintain exist access to an existing structure's garage.

Condition of Approval: Right of way design and construction requirements will be based on the City of Bend Standards and Specifications current at the time of right of way permit submittal. Right of way permits must have uploaded current City of Bend standard drawings that are applicable to work being completed under the permit.

Condition of Approval: *The applicant must pave the alley within the site per City of Bend Standards and Specifications. The alley is identified as being private, requiring a public access easement recorded over all limits of the tract.*

Condition of Approval: *The applicant must install two-directional ADA curb ramps at all intersection corners per City of Bend Standards and Specifications and PROWAG guidelines. A Right-of-Way permit is required for all work in the right-of-way and the work must be completed by a City approved right-of-way contractor.*

Condition of Approval: *All surface water drainage from new impervious surfaces must be captured and contained on-site and must not flow into the right of way or onto neighboring properties. Stormwater retention areas must be at least 10 feet from structure foundations where feasible, but not less than 5 feet, and must not be located within a public utility easement.*

I. Future Street Plan and Extension of Streets.

- 2. When no adopted street plan exists for the site, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision, in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within not less than 400 feet of the site boundaries, and other developed streets or public rights-of-way or natural barriers surrounding and adjacent to the proposed land division. The street plan is not binding; rather, it is intended to show potential future street extensions with future development.**

FINDING: The submitted plans show the planned location and right-of-way widths for streets and the alley. The applicable standard is met.

- 3. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the Review Authority determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to subsections (1)(3)(a) through (c) of this section:**
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs, since they are intended to continue as through streets when the adjoining property is developed.**
 - b. A City-approved barricade shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The Review Authority may also require signs that indicate the location of a future road connection.**

- c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.***

FINDING: The submitted plans show the planned location and right-of-way widths for streets. The applicable standards are met.

K. Street Alignment and Connections.

FINDING: The submitted plans detail the locations of the proposed roadways and all nearby street intersections, all of which conform to the spacing standards of BDC Chapter 3.1, in compliance with this section.

- L. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the applicable provisions of the Bend Urban Area Transportation System Plan, the General Plan, City of Bend Standards and Specifications and the following standards:***

- 2. Sidewalks must be separated from the street by a planter strip and placed at the property line, where practicable, or as otherwise directed by the City Engineer.***

FINDING: The Preliminary Street Plan shows the typical cross sections for all existing and proposed streets. Sidewalks, curbs, and planter strips are planned for the local streets. As previously conditioned, the above standards will be met.

- M. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80 degrees.***

FINDING: All planned intersections shall be right angles or as near to right angles as feasible. Therefore, this standard will be met.

- N. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a property are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with Tables A through E in this section.***

FINDING: No additional right of way dedication along the site's frontage on either NW Shevlin Park Road or NW Mt. Washington Drive are required. Minimum right of way dedications were received as part of the original Outcrop subdivision approval.

- O. Cul-de-Sacs. A cul-de-sac street shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code precludes street extension and through circulation.***

FINDING: NW Summerhill Court is a cul-de-sac proposed in the southern portion of the Site. A street extension in this area is precluded by the location of existing lots to the south and Phase 1 lots to the east. Additionally, the subdivision provides a singular access point onto NW Mt Washington Drive to limit access on to the arterial. Finally, the location of the protected outcropping areas on the Site north of the cul-de-sac further limit connectively options. As required by Table E, the cul-de-sac is proposed to be constructed with 60-feet of right -of-way, 24 feet of pavement area, planter strips and sidewalks.

P. Grades and Curves. Grades shall not exceed those shown in Tables A - E in this section, unless approved through a waiver in accordance with BDC 3.4.150.

- 1. Centerline curve radii and vertical curves shall conform to the American Association of State Highway and Transportation Officials (AASHTO) design criteria.***
- 2. At the intersections of arterial and/or collector streets, the approach grade shall average no more than +/- four percent for 250 feet from the edge of the intersecting roadway at full improvement. Local streets intersecting arterials or collectors shall provide a minimum of 50 feet of approach grade at no more than an average of +/- four percent.***
- 3. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the City Engineer.***
- 4. Lesser grades may be required at intersections as per City specifications. Grades in excess of 10 percent are subject to Fire Department approval.***

FINDING: The submitted plans show local street grades that will comply with City standards. Local streets will not have grades in excess of 10%. Future engineering and construction drawings submitted during the infrastructure plan review process will demonstrate compliance with all grade and curve criteria. The applicable standards can be met.

Q. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, City of Bend Standards and Specifications and the following standards:

- 1. Curb exposure shall be per City Standards and Specifications.***
- 2. All public and private streets shall have curbs, except there shall be no curbs on alleys unless otherwise approved by the City Engineer.***

FINDING: Curbs, curb cuts, ramps, and driveway approaches are planned to be constructed consistent with City of Bend Standards and Specifications and will be reviewed with final engineering and construction drawings. Therefore, the standards can be met.

Condition of Approval: *The proposed roadways, curbs, curb cuts, curb ramps, sidewalks and driveway approaches shall be constructed in accordance with City of Bend and PROWAG Standards and Specifications. These proposed right of way improvements will be reviewed under a Tier III right of way (infrastructure) permit for approval prior to construction.*

V. Street Names. *All street names shall be approved by Review Authority. No street name shall be used that will duplicate or be confused with the names of existing streets in Deschutes County, except for extensions of existing streets. Street names, signs and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers and shall comply with City of Bend Standards and Specifications.*

FINDING: Final street names will be reviewed and approved by the appropriate entities prior to the recording of the final plat.

W. Survey Monuments. *Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be re-established and protected.*

FINDING: All necessary survey monuments and certifications will be provided.

X. Street Signs. *The City, County or State with jurisdiction shall install all signs for traffic control. The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developers and shall be installed as part of the street system developed and approved through the land use process. Street name signs shall be installed by developers at all street intersections per City of Bend Standards and Specifications.*

FINDING: All necessary street signs will be provided.

Y. Street Light Standards. *Street lights shall be installed in accordance with City of Bend Standards and Specifications.*

FINDING: At all intersections with arterials and collectors, a luminaire(s) must be constructed to illuminate the pedestrian crossing per comments received from the Engineering Division. This requirement will be a condition of approval.

3.4.400 Sanitary Sewer and Water Service Improvements.

A. Sewers and Water Mains Required. *Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications document and the applicable General Plan policies.*

B. Sewer and Water Plan Approval. Construction of sewer and water improvements shall not commence until the City Engineer has approved all sanitary sewer and water plans in conformance with City of Bend Standards and Specifications.

FINDING: The site is served by City of Bend water and sewer. Extending the sewer and water mains as proposed ensures the entirety of the area is adequately served. The City's Utility Availability Memo (UAM) documents that the proposed utility plans will ensure adequate capacity to accommodate the project. Prior to installing all public improvements, Tier III right of way (infrastructure) construction plans will need to be reviewed and approved by the City Engineer for conformance with City Standards. The proposal, in addition to the City's review process, will ensure that this standard is met.

Condition of Approval: *An 8-inch water main must be installed within all public right of ways throughout the development, installed to and through and looping the system whenever possible. The water main must be constructed in conformance with City of Bend Standards and Specifications. Where approved by the City Engineer, it may be installed outside the right of way in a 20-foot City of Bend water easement. No private utilities are permitted within the City's easement unless otherwise approved by the City Engineer. A Right-of-Way permit is required for all work in the right-of-way and the work must be completed by a City approved right-of-way contractor.*

Condition of Approval: *No franchise utilities or water laterals will be allowed to run parallel to the sewer main within the easement. Franchise utilities and water laterals will only be allowed to cross the sewer main at a perpendicular angle.*

Condition of Approval: *Each new parcel will need to be served by a single sewer lateral that meets City of Bend standards. Lateral sizing and location will be determined during Right of Way Permit review. Only one sewer service per parcel will be permitted unless otherwise approved by the City Engineer.*

Condition of Approval: *A sewer/water lateral must be installed to serve each lot in conformance with City of Bend Standards and Specifications. A Right-of-Way permit is required for all work in the right-of-way and the work must be completed by a City-approved right-of-way contractor. Only one water and one sewer service per lot is permitted. Water and sewer laterals shall not be permitted to cross multiply property lines unless otherwise approved by the City Engineer.*

Condition of Approval: *The development must extend an 8-inch gravity main from manhole CMH002536 to the south to and through the property limits. The new sewer mains must meet City of Bend Standards and be extended at minimum grade. The new sewer main must be located within the City of Bend right of way. If approved by the City Engineer to deviate outside the right of way, the sewer mains must be within a minimum 20-foot sewer easement centered over the mains. Wider easements may be required based on design depth of the main. Final alignments of the sewer main and locations of manholes will be determined with the infrastructure plans based on final review by City Engineering. Private utilities are not permitted within the 20-foot public easement unless otherwise*

approved by the City engineer during the right of way permit review. All main extensions must be done through a Tier 3 Right of Way (Infrastructure) permit.

Condition of Approval: A minimum 10-foot wide paved path must be constructed through Tract E over the proposed sewer main extension. Pedestrian bollards may be required as determined by the City Engineer during right of way permit review.

3.4.500 Storm Drainage Improvements.

A. Storm Drainage Improvements Required. Storm drainage facilities shall be depicted on City-approved engineered construction drawings and installed to serve each new development in accordance with applicable City construction specifications as described in the City of Bend Standards and Specifications and BC Title 16, Grading, Excavation, and Stormwater Management.

FINDING: The Preliminary Street Plan shows that stormwater runoff will be handled by public drywells. Grading/clearing and drainage plan approval is required in conjunction with public improvement plans; such plans must include design assumptions, calculations, erosion control plans, and proposed temporary and permanent slope stabilization measures per Bend Code Title 16, Grading, Excavation, and Stormwater Management and the Central Oregon Stormwater Manual (COSM).

Condition of Approval: The applicant shall submit a Final Drainage Report and Grading/Clearing/Erosion Control Plan for review and approval by the Private Development Engineering Division (PDED) that complies with Bend Code Title 16, Grading, Excavation, and Stormwater Management and the Central Oregon Stormwater Manual (COSM). A Stormwater Maintenance Agreement must be executed and recorded in accordance with Bend Code Title 16, Grading, Excavation, and Stormwater Management.

Condition of Approval: Prior to final approval by the City, the Engineer of Record must provide written documentation that all storm water management systems have been designed and installed in accordance with the approved plans and/or any applicable Oregon DEQ requirements. The EOR must test the constructed storm water facilities and provide written testing results. DEQ registration is required for private UIC storm facilities, including UIC decommissioning, and/or UIC Rule Authorization, if applicable.

3.4.600 Utilities.

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface-mounted transformers; surface-mounted connection boxes and meter cabinets; temporary utility service facilities during construction; and high capacity electric lines operating at 50,000 volts or above, which may be placed above ground.

The following additional standards apply to all development, in order to facilitate underground placement of utilities:

- 1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All above-ground equipment shall not obstruct clear vision areas and safe intersection sight distance for vehicular traffic in conformance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.**
- 2. The City reserves the right to approve the location of all surface-mounted facilities.**
- 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.**
- 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

B. Easements. Easements shall be provided and recorded for all underground utility facilities where required by the City

FINDING: All utilities, including telephone, cable, natural gas, and electricity shall be installed underground prior to surfacing the streets and installing sidewalks. The placement of all underground utilities will be coordinated with each utility company, and shown on the public facility improvement plans for the subdivision that will be reviewed and approved by the City of Bend Engineering Division.

Condition of Approval: All utility lines must be placed underground prior to surfacing of adjacent streets, except that surface-mounted transformers, connection boxes and meter cabinets, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above, may be placed above ground, so long as they are not located within required clear vision areas.

Condition of Approval: Public utility improvements are required for this project. All proposed water and sewer improvements are conceptual at this time. These improvements must conform to the City of Bend Standards and Specifications and will be reviewed by the City of Bend Private Development Engineering Department via a Right-of-Way (ROW) permit. Work in the ROW must be completed by a City-approved ROW contractor.

3.4.700 Easements.

- A. Requirement. Easements for sewer facilities, storm drainage, water facilities, street facilities, electric lines or other public/private utilities shall be dedicated on a final plat, or other instrument approved by the City.**
- B. Provision. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.**

C. Standard Width. *The City's standard width for exclusive public main line utility easements shall be 20 feet, unless otherwise specified by the utility company, applicable district, or City Engineer.*

FINDING: All new City and franchise utilities will be placed underground within the public right-of-way or within separate easements.

3.4.800 Construction Plan Approval and Assurances.

- A. Plan Approval and Permit.** *Public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements, shall not be undertaken except after the plans have been approved by the City and the developer has signed a Public Facilities Infrastructure Agreement (PFIA), paid permit fees, and received a permit. The amount of the permit fee shall be set by City Council with the annual adoption of a fees resolution.*
- B. Performance Guarantee.** *The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements in accordance with the provisions of BDC 4.2.500, Bonding and Assurances for All Developments, and 4.3.400, Final Plat.*

3.4.900 Installation.

- A. Conformance Required.** *Improvements installed by the developer, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City, referenced within the City of Bend Standards and Specifications.*
- B. Commencement.** *Work shall not begin until the City has reviewed and approved the construction plans and notified the contractor of the approval.*

FINDING: This is a standard condition of approval. Required approvals, inspections, and guarantees can be finalized prior to commencing work on the site and within the right-of-way. Therefore, the applicable standards can be met.

CHAPTER 3.5, OTHER DESIGN STANDARDS

3.5.400 Solar Standards.

B. Solar Lot Standards.

- 1. Applicability.** *Solar lot standards apply to the creation of lots within subdivisions in RS and RM Zones.*
- 2. Solar Lot Requirements.** *In RS and RM Zones, at least 70 percent of the lots in a subdivision shall have a minimum north-south lot dimension of 80 feet or more.*

FINDING: Approximately 17 of the 35 lots (48%) satisfy the north-south lot dimension standard. The applicant is requesting an exception to full compliance with the 70% Solar Lot requirement pursuant to (B)(3)(a) and (b) of this section. Due to existing topography and natural features, the existing street network development patterns, and the requirement to meet City street standards, the required street configuration prevents 18 proposed lots from being oriented to meet solar access standards. Specifically, the north-south alignment of SW Summerhill Drive requires a large percentage of the lots to have an east-west orientation. The presence of the protected outcroppings and surrounding development as well as the requirement for a pedestrian path to and from the property further limit the feasibility of providing additional lots that are north-south oriented. Due to the existing property shape, density requirements and required connectivity public street standards, the proposed street location and dedication was selected, and the street system does not lend itself to 70% of lots with a north-south orientation of 80 feet or more. Therefore, staff finds this proposal qualifies for an exception to the solar standards.

4.3.300(E) continued...

- 4. All required public facilities have adequate capacity, as determined by the City, to serve the proposed subdivision, partition or replat.**

FINDING: The submitted Transportation Analysis Memo (TAM), Utility Availability Memo (UAM), and “will-serve” letters show that required public facilities have adequate capacity to serve the planned subdivision as conditioned in this decision. Therefore, this criterion is met.

- 5. The proposal contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities, and allows for continuation and expansion of existing public access easements within or adjacent to the subdivision, partition or replat.**

FINDING: As previously discussed, the planned streets, bike lanes, and planned sidewalks provide an efficient, orderly multimodal transportation network. Access to individual subdivision lots will be provided by local public roadways. This design provides for orderly development. Furthermore, multimodal connectivity will be provided throughout the neighborhood with planned sidewalks and roadway improvements. The applicable criteria are met.

- 6. Each lot, parcel, or designated unit of land is suited for its intended use.**

FINDING: Each proposed lot is adequately sized for a single-unit detached dwelling as addressed in findings above. Additionally, the proposal complies with all applicable development standards of the RS Zone.

- 7. That the placement of utilities is in accordance with the adopted city standards.**

FINDING: The submitted plans show that the placement of utilities will comply with adopted City standards. Comments from the City Engineer indicate that the sewer and water mains proposed to serve the new lots are generally acceptable, but that they will be reviewed for conformance with City Standards and Specifications through the infrastructure plan review process. All utilities will be placed underground. Therefore, the criterion is met.

8. The proposal meets the requirements of the Fire Code, adopted flood protection standards, and other adopted standards intended to protect against natural hazards.

FINDING: The subject property is not located within a flood plain or any other identified natural hazard area. As shown on the submitted plans, fire hydrants will be spaced in accordance with Fire Code requirements. Conformance with all Fire Code requirements will be checked during the public infrastructure plan review process and the building permit review process. Therefore, this criterion will be met.

9. The proposal is in substantial conformance with any applicable approved master development plan, master facilities plan, refinement plan and/or special area plan.

FINDING: There is no master plan, refinement plan, or special area plan for this site. Therefore, this criterion does not apply.

10. The proposal complies with the standards of the zoning district in which the project is located and the standards of the zoning district that implements the Comprehensive Plan designation of the subject property.

FINDING: As stated in previous findings, the proposed development complies with the standards of the RS zone, which implement the Comprehensive Plan designation of the subject property, which is also RS.

11. The proposal complies with BDC Chapter 4.7, Transportation Analysis.

CHAPTER 4.7, TRANSPORTATION ANALYSIS

4.7.300 Process.

FINDING: A Transportation Facilities Report (TFR) was prepared by Transight Consulting, LLC and submitted to the City. This analysis and the Traffic Analysis Memo (TAM) issued by the City Engineer were submitted with the application. The proposed subdivision is estimated to generate 329 average daily trips (ADT) and 33 p.m. peak hour trips for the proposed 35 lots. There were no other safety issues identified with the study area. With the previously listed conditions, this criterion is met.

12. The proposal complies with BC Title 15, Sewer.

FINDING: The Utility Availability Memo PRSWA202201958 dated April 28, 2022 states that an analysis was performed for conduit capacity and manhole freeboard. Flow was modeled at downstream manhole CMH002536. The City of Bend sewer system was found to have sufficient capacity for the proposal provided the mitigation requirements listed in this report are provided.

4.1.1310 *Expiration of Approval.*

B. Duration of Approvals.

- 1. Except as otherwise provided under this code, a development approval is void two years after the date the decision becomes final if the use approved in the permit is not initiated within that time period.***

4.3.400 *Final Plat.*

A. Filing Time Period Requirements. Except as provided for in this chapter, the applicant shall prepare and submit to the City a final plat that is substantially in conformance with the approved tentative plan. Final plats shall be processed as Type I applications in accordance with BDC 4.1.300.

- 1. If a tentative plan is approved for a single phased development, the final plat shall be filed with the City within two years of the approval date of the tentative plan. A one-year extension may be approved in accordance with BDC 4.1.1310.***

FINDING: The final plat for this subdivision must be filed with the City within two years of the approval date of this decision. A one-year extension may be granted by the City in accordance with BDC 4.1.1310.

DECISION: Based on the plans and supporting materials submitted by the applicant and uploaded to City View, the approval criteria of Chapter 4.3, and applicable development standards in Chapters 2 & 3 of the Bend Development Code are met. Therefore, PLLD20220552 for the 35-lot subdivision is hereby approved, subject to the conditions of approval listed below.

CONDITIONS OF APPROVAL:

- 1. Approval is based on the preliminary plans and supporting materials uploaded to City View and the improvements to the site and public facilities as depicted thereon. Where specific improvements have been proposed and approved as submitted, the construction of those improvements will not be listed as a specific condition of approval except as to the timing of the improvements. Any substantial alterations of the approved plans, other than those that may be required to comply with conditions of this approval, will require a new application.**
- 2. Public utility improvements are required for this project. All proposed water and sewer improvements are conceptual at this time. These improvements must conform**

to the City of Bend Standards and Specifications and will be reviewed by the City of Bend Private Development Engineering Department via a Right-of-Way (ROW) permit. Work in the ROW must be completed by a City-approved ROW contractor.

3. Clear vision areas and clear sight requirements per City of Bend and AASHTO requirements must be shown on final infrastructure plans and building permit applications.
4. All sidewalks and paths must be constructed property tight, permitted to meander to avoid existing utilities, existing trees and steep topography as approved during right of way permit review. All sidewalk and path construction must conform to City of Bend standards and PROWAG guidelines. Where the sidewalk is designed and/or constructed outside the right of way, a public access easement must be recorded over the encroachment.
5. All work performed in the right of way must be under an approved right of way permit and completed by a City of Bend qualified contractor.
6. All right of way dedications and public easements, when applicable, must be completed under a survey plat or separate recordable document prepared and recorded by the City of Bend.
7. Existing sidewalks, curb ramps, and driveway aprons must be reviewed and certified by the projects registered Professional Engineering to conform to City of Bend standards and PROWAG guidelines. The review must be provided to the City of Bend in an Engineered stamped memo indicating what is out of conformance, if applicable. Anything found to be out of conformance must be removed and replaced prior to occupancy.
8. At all intersections and driveways, clear vision must be shown on a submittal documents for review in conformance to City standards R-2 and Bend Development Code 3.1.500. No new trees, structures (walls, fences, buildings, monument signs, etc.), or other site obstructions will be permitted within these clear vision areas.
9. The extension of NW Summerhill Drive shall be constructed centered within a dedicated 60-foot right of way. NW Summerhill Drive shall be constructed to meet City of Bend local street standards with curb, street trees, and sidewalks on both sides. Where NW Summerhill Drive intersects with NW Mt. Washington Drive, the center median within NW Mt. Washington Drive must be maintained to only permit right in right out movements at the intersection. Curb returns must be constructed with accessible curb ramps.
10. The trail system requirements from NW Reserve Camp Court to NW Mt. Washington Drive must be maintained per land use PZ-18-0934. If the path needs to be relocated, the easement must be released and re-recorded and the path reconstructed in the new location. If the path is damaged by construction activity, it must be reconstructed. The path must maintain its current alignment within the rock outcropping unless otherwise approved by the Planning Department.

11. The alley must be constructed to City of Bend local standards to an asphalt width of 20 feet. No parking is permitted within alleys.
12. At all intersections with arterials and collectors a luminaire(s) must be constructed to illuminate the pedestrian crossing.
13. Vehicular access to the right of way from the private lots must be constructed to conform to City of Bend concrete driveway aprons standards and PROWAG guidelines.
14. A concrete driveway apron must be constructed on the alley in conformance to City of Bend standards and PROWAG guidelines.
15. Storm drainage within the right of way must be designed by a registered Engineer and constructed in conformance to City of Bend standards, Title 16 of the City Code, and the Central Oregon Stormwater Manual (COSM). No UIC's will be permitted within 500 feet of a well or within the 2-year time of travel from a community water well system, if applicable for this project.
16. No direct lot access will be permitted from Mt. Washington Drive or Shevlin Park Road. Where lots abut alleys, access must be taken off of the alley as the lowest street classification unless otherwise approved by the City Engineer due to topography or to maintain exist access to an existing structure's garage.
17. Right of way design and construction requirements will be based on the City of Bend Standards and Specifications current at the time of right of way permit submittal. Right of way permits must have uploaded current City of Bend standard drawings that are applicable to work being completed under the permit.
18. The proposed roadways, curbs, curb cuts, curb ramps, sidewalks and driveway approaches shall be constructed in accordance with City of Bend and PROWAG Standards and Specifications. These proposed right of way improvements will be reviewed under a Tier III right of way (infrastructure) permit for approval prior to construction.
19. Street trees must be shown on the Tier III right of way permit (infrastructure) plan set in compliance with BDC 3.2.400.A. The street trees must not conflict with utility placement nor be located in clear vision areas.
20. An 8-inch water main must be installed within all public right of ways throughout the development, installed to and through and looping the system whenever possible. The water main must be constructed in conformance with City of Bend Standards and Specifications. Where approved by the City Engineer, it may be installed outside the right of way in a 20-foot City of Bend water easement. No private utilities are permitted within the City's easement unless otherwise approved by the City Engineer. A Right-of-Way

permit is required for all work in the right-of-way and the work must be completed by a City approved right-of-way contractor.

21. No franchise utilities or water laterals will be allowed to run parallel to the sewer main within the easement. Franchise utilities and water laterals will only be allowed to cross the sewer main at a perpendicular angle.
22. Each new parcel will need to be served by a single sewer lateral that meets City of Bend standards. Lateral sizing and location will be determined during Right of Way Permit review. Only one sewer service per parcel will be permitted unless otherwise approved by the City Engineer.
23. A sewer/water lateral must be installed to serve each lot in conformance with City of Bend Standards and Specifications. A Right-of-Way permit is required for all work in the right-of-way and the work must be completed by a City-approved right-of-way contractor. Only one water and one sewer service per lot is permitted. Water and sewer laterals shall not be permitted to cross multiply property lines unless otherwise approved by the City Engineer.
24. The development must extend an 8-inch gravity main from manhole CMH002536 to the south to and through the property limits. The new sewer mains must meet City of Bend Standards and be extended at minimum grade. The new sewer main must be located within the City of Bend right of way. If approved by the City Engineer to deviate outside the right of way, the sewer mains must be within a minimum 20-foot sewer easement centered over the mains. Wider easements may be required based on design depth of the main. Final alignments of the sewer main and locations of manholes will be determined with the infrastructure plans based on final review by City Engineering. Private utilities are not permitted within the 20-foot public easement unless otherwise approved by the City engineer during the right of way permit review. All main extensions must be done through a Tier 3 Right of Way (Infrastructure) permit.
25. The applicant must pave the alley within the site per City of Bend Standards and Specifications. The alley is identified as being private, requiring a public access easement recorded over all limits of the tract.
26. The applicant must install two-directional ADA curb ramps at all intersection corners per City of Bend Standards and Specifications and PROWAG guidelines. A Right-of-Way permit is required for all work in the right-of-way and the work must be completed by a City-approved right-of-way contractor.
27. All surface water drainage from new impervious surfaces must be captured and contained on-site and must not flow into the right of way or onto neighboring properties. Stormwater retention areas must be at least 10 feet from structure foundations where feasible, but not less than 5 feet, and must not be located within a public utility easement.
28. A minimum 10-foot wide paved path must be constructed through Tract E over the proposed sewer main extension. Pedestrian bollards may be required as determined by the City Engineer during right of way permit review.

29. All utility lines must be placed underground prior to surfacing of adjacent streets, except that surface-mounted transformers, connection boxes and meter cabinets, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above, may be placed above ground, so long as they are not located within required clear vision areas.
30. The applicant shall submit a Final Drainage Report and Grading/Clearing/Erosion Control Plan for review and approval by the Private Development Engineering Division (PDED) that complies with Bend Code Title 16, Grading, Excavation, and Stormwater Management and the Central Oregon Stormwater Manual (COSM). A Stormwater Maintenance Agreement must be executed and recorded in accordance with Bend Code Title 16, Grading, Excavation, and Stormwater Management.
31. The construction of public improvements shall not begin until the plans have been reviewed and approved by the City Engineer and the developer has signed a Public Facilities Improvement Agreement (PFIA), paid permit fees, and received a permit and notice to proceed. Final Plat approval will not be granted until all required public improvements have been completed, inspected, and accepted by the City.
32. Prior to final approval by the City, the Engineer of Record must provide written documentation that all storm water management systems have been designed and installed in accordance with the approved plans and/or any applicable Oregon DEQ requirements. The EOR must test the constructed storm water facilities and provide written testing results. DEQ registration is required for private UIC storm facilities, including UIC decommissioning, and/or UIC Rule Authorization, if applicable.
33. Street trees are required to be planted prior to Certificate of Occupancy of abutting lots and must be shown on the respective building permit submittals.

This decision becomes final twelve days after the date mailed, unless appealed by a party of interest.

The final plat shall be filed with the City within two years of the approval date of the tentative plan. A one-year extension may be approved in accordance with BDC 4.1.1310.

Written by: 
Heidi Kennedy AICP, Senior Planner

Reviewed by: Aaron Henson
Aaron Henson, AICP, Senior Planner