

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



COMMUNITY  
DEVELOPMENT

**PROJECT NUMBER:** PZ 18-0625

**DATE MAILED:** December 26, 2018  
Day 22 since submittal of Modification of  
Application

**APPLICANT:** Arbor Builders  
Leslie Renaud  
2538 NE Division Street  
Bend, OR 97702

**OWNER:** Creative Real Estate Solutions  
2538 NE Division Street  
Bend, OR 97702

**ENGINEER:** Ashley and Vance Engineering, Inc.  
37 NW Franklin Avenue  
Bend, OR 97703

**LOCATION:** 61335 and 61395 News Lane; Tax Lots 700 and 800 on Deschutes  
County Assessor's Map 18-12-09C0.

**REQUEST:** An 82-lot residential subdivision on 15.35 acres zoned Residential  
Standard Density (RS).

**STAFF  
REVIEWERS:** Karen Swenson, AICP, Senior Planner; 541-388-5567;  
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**APPLICABLE CRITERIA:**

Bend Development Code

- Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments

**APPLICABLE STANDARDS:**

- Chapter 2.1 Residential Districts
- Chapter 3.1 Lot, Parcel and Block Design, Access and Circulation
- 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

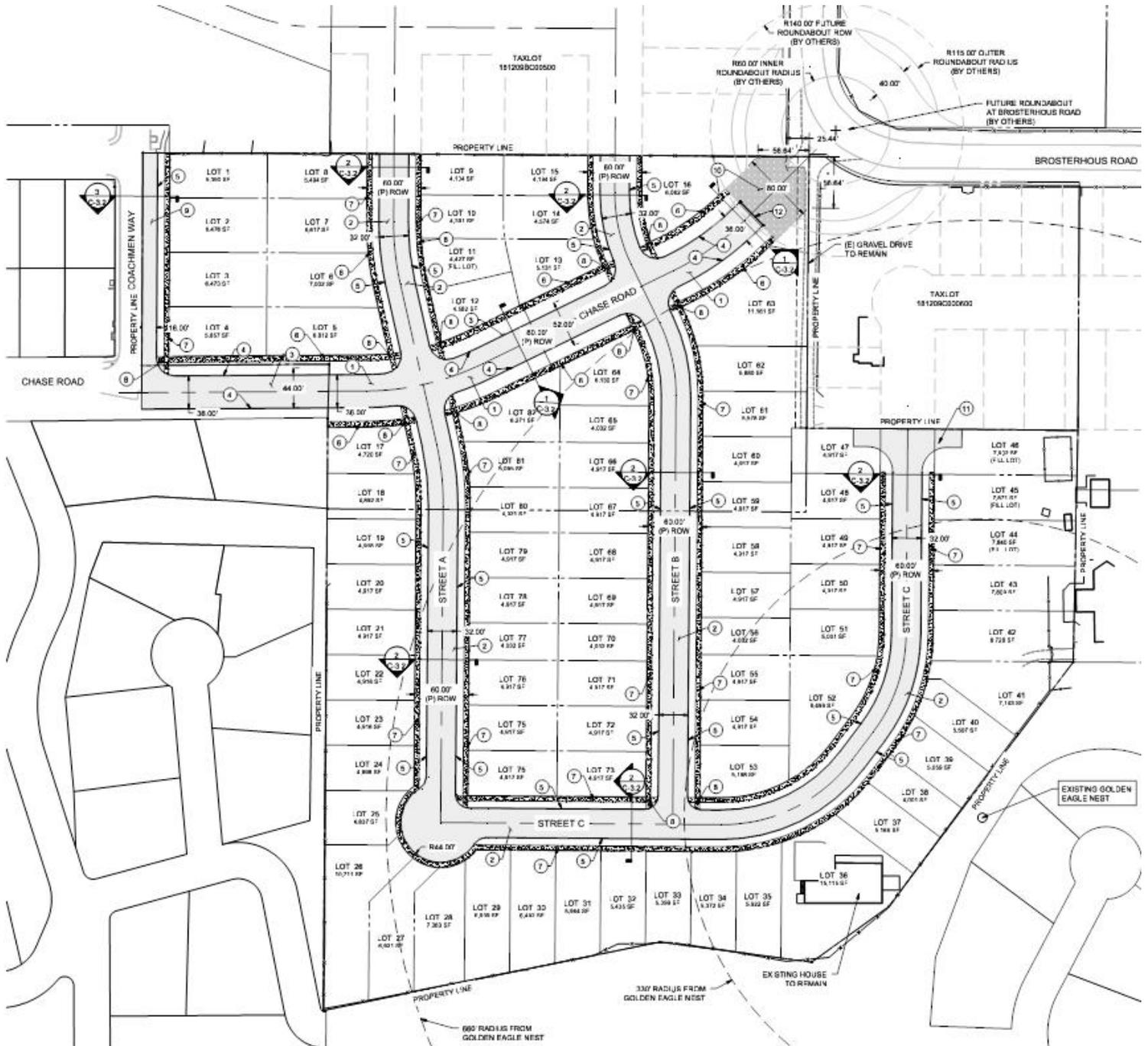
## FINDINGS OF FACT:

- 1. LOCATION:** The subject site is comprised of two properties: 61335 and 61395 News Lane, located directly southwest of News Lane and Brosterhous Road and east of the current terminus of Chase Road. The property consists of two adjacent tax lots: Lots 700 and 800 on Deschutes County Assessor's Map 18-12-09C0.



- 2. EXISTING ZONING AND COMPREHENSIVE PLAN DESIGNATION:** The subject property is zoned Residential Standard Density (RS) and is designated RS on the Bend Area Comprehensive Plan map.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The property is 15.35 acres in size and irregularly shaped. The property is developed with a residence and buildings supporting equine uses. The northern parcel of the subject property (61395 News Lane) contains two existing buildings, a horse ring, and an irrigation pond (which is currently dry and unused). The southern parcel of the subject property (61335 News Lane) has a large horse arena, numerous other smaller buildings, and a residence. There are no designated Areas of

Special Interest or special features on the property, however in the recent past Golden Eagles have nested on, or near, the site (most recently on the neighboring property to the southeast). The subject property is surrounded to the east, west and south by residences and/or residential subdivisions, while the property to the north (61425 Brosterhus Rd) is developed as a large lot, low-density, rural residence/agricultural property. All the surrounding properties are zoned RS.



**4. PROPOSAL:** The applicant requests land division approval to subdivide the 15.35 acres of the subject property into 82 lots, to be built out in three phases.

Phase 1: Lots 1-18, 59-67, 80-82  
Phase 2: Lots 19-33, 53-58, and 68-79  
Phase 3: Lots 34-52

- 5. PUBLIC NOTICE AND COMMENTS:** Prior to submittal of the application, the applicant mailed notification to surrounding property owners with 500 feet and the Old Farm Neighborhood Association land use representative and held a public meeting on March 7, 2018. Twenty-six individuals signed in at the meeting. The primary issues raised at the meeting included traffic, connectivity, impacts to Chase Road, parking, impacts to eagle nests, the abutting irrigation canal, timing of construction, tree removal (particularly the heritage pines), and fencing.

On September 6, 2018, the City of Bend Planning Division sent notice of the subdivision request to surrounding owners of record of property as shown on the most recent property tax assessment roll within 250 feet of the subject property and the Old Farm Neighborhood Association land use representative. A public notice sign was posted on the site in three separate locations for at least 10 days per BDC 4.1.425.A. Twenty-three individuals submitted letters or emails to the City, including seven identical letters. One individual submitted three letters and another individual submitted two letters. Two individuals live on large parcels abutting the north side of the subject property, two additional individuals live on large parcels on the north or east side of Brosterhous Road, three individuals live on platted lots within the subdivisions northwest of the subject property, and the remaining 16 individuals live within the Tillicum Village subdivision which is comprised of lots generally exceeding one-quarter acre and is south or west of the subject property.

These individuals oppose the proposed subdivision for the following reasons:

- a. Access to Chase Road from Tillicum Village residents:
  - i. Evacuation of residents from Tillicum Village in case of wildfire from the south is necessary, requesting that a stop sign be placed on Chase Road, rather than on Mowitch Road.
  - ii. At the Mowitch and Chase Road intersection, Tillicum Village residents claim that there is no good sight distance to the east, and request that Chase Road should have a stop sign, not Mowitch Road.
  - iii. Making a left turn from Mowitch Road onto Chase Road would be severely impacted and Chase Road should have a stop sign traveling east.
  - iv. Turning from Benham Road onto Chase Road is also difficult.
  - v. Speed humps should be placed on Chase Road to slow traffic.
  - vi. Until the roundabout at Brosterhous and Chase Roads are completed, Chase Road will not operate as a collector street and should therefore have temporary traffic restrictions such as those mentioned above.
  
- b. Cut-through traffic through Tillicum Village on private narrow roads with no sidewalks:
  - i. The Traffic Impact Analysis did not identify traffic through Tillicum Village; therefore the TIA fails to meet the requirements of BDC 4.7.400.C.5.b, D.2.a and b.
  - ii. No left turn should be allowed onto Mowitch Road from westbound Chase Road, using a concrete traffic separator.

- iii. Construction vehicles, heavy machinery and service trucks cutting through Tillicum Village will damage the aging private roads (Mowitch Road and Anha Lane). The developer should be required to prohibit travel of heavy trucks through Tillicum Village to provide materials and equipment for construction of the subdivision.
- c. Need for bicycle and pedestrian improvements
- i. For pedestrian safety, the sidewalks on both the north and south side of Chase Road need to be completed to Parrell Road.
  - ii. Crosswalks should be placed at Chase Road and Mowitch Road and Chase Road and Benham Road.
  - iii. Crosswalks should be placed at Chase Road and Parrell Road. It was not stated in which direction the crosswalks should be placed.
  - iv. An elevated bike lane on Chase Road is needed for safe bike travel.
- d. Access to Brosterhous Road:
- i. Some ingress/egress should be allowed to Brosterhous Road.
  - ii. Since the roundabout at Chase Road and Brosterhous Road will not be constructed with this subdivision, all traffic will be routed westward resulting in more vehicle miles traveled.
  - iii. The roundabout should not be located in the proposed location, burdening abutting properties more than the subject property.
  - iv. The need to connect Chase Road to Brosterhous Road has been identified by the City for nearly 50 years to improve east-west connectivity and should be completed with this subdivision.
  - v. A roundabout at Chase Road and Brosterhous Road is not appropriate at this location. A stop sign on Brosterhous Road for southbound traffic is needed.
  - vi. This existing blind curve is dangerous and the site of multiple one-car accidents causing damage to abutting properties. This safety issue should be addressed by replacing the curve with a straighter and visible connection to Chase Road with speed calming features. Warning signs, lane striping and street lights have not solved the problem.
  - vii. An intersection improvement in this location could be placed when the road is torn up to install the sewer line.
  - viii. The lack of access to Brosterhous Road requires a waiver that should not be granted.
- e. Chase Road pavement narrows at the Parrell Road intersection limiting turn lanes and sightlines are looking north are limited by trees and a slight curve and rise in Parrell Road. Turning left from Chase Road and turning left onto Chase Road are dangerous turning movements due to limited sight lines and the angle of the intersection and higher speeds on Parrell Road. A three-way stop or roundabout is needed.
- f. Two existing homes (20377 and 20381 Chase Road) will be severely impacted by widening Chase Road and the 60-foot right-of-way. Their only vehicle access is on driveways that exit onto Chase Road.

- g. An existing fence borders Tillicum Village which was built by the previous owners of the subject property. The applicant indicated that the fence would be removed and will not be replaced. A fence will prevent encroachment onto the Tillicum Village common area, which is maintained by Tillicum Village residents. Either party (the applicant, future individual homeowners of Arena Acres, or the Tillicum Village HOA) can put up a fence on the property line, but it is not required by the City.
- h. The proposed higher density subdivision is not compatible with the lower density Tillicum Village subdivision to the south.
- i. Pin survey markers have not been placed along the boundary of the proposed development with Tillicum Village.
- j. There is an established population of Golden Eagles in the vicinity that utilize the large old trees on the subject property. These trees should be preserved for their age and for continued eagle habitat. No open space is proposed where eagles could forage for prey. An Environmental Impact Statement needs to be conducted.
- k. The planned roundabout would require removal of the home on 61420 Brosterhous. The roundabout should be placed where homes do not already exist.
- l. The future lot division shown on abutting properties is premature and not what abutting property owners would accept.
- m. The alignment of Street C must consider existing structures and significant trees on the abutting property to the north. Street C should terminate in a cul-de-sac or shifted east.
- n. The applicant must provide future access for 61390 News Lane to News Lane. If the roundabout is to be constructed as shown, News Lane must be replaced with access from Street B to the existing driveway at the garage on 61390 News Lane.
- o. The natural gas easement is not shown on the Existing Conditions sheet, which is in the eastern 25 feet of the subject property.
- p. The neighborhood public meeting notice included the wrong address: 2358 NE Division rather than 2538 NE Division. Sixty individuals attended the meeting. These individuals submitted their email addresses at the neighborhood public meeting and should have been notified when a formal application was submitted. The public notice sign at the end of Chase Road was not visible to anyone. The mailed public notice did not arrive until 7 days after it was mailed, providing only one week for providing public comment.

#### **Staff Response to Public Comments:**

- a. Chase Road is a collector street. Speed humps and stop signs are only placed on local streets. A fire gate will be placed on Chase Road at Brosterhous Road for emergency access, with the fire gate to be removed in the future when the connection of Chase Road to Brosterhous Road can be created with the construction of the future roundabout. Temporary traffic restrictions are not City policy.

- b. The Traffic Impact Analysis did not forecast any trips traveling through Tillicum Village, as BDC 4.7.400.C.5 only requires analysis of *major* intersections (defined as collector/collector, collector/arterial, or arterial/arterial intersections). City staff also concluded that due to the nature of these private streets (narrow, curvy) that cut-through traffic is not anticipated to be significant. The City will discuss with the applicant at the pre-construction infrastructure meeting the appropriate routes for construction vehicles to not utilize the private streets within Tillicum Village.
- c. The applicant is required to construct property-tight sidewalks within the proposed subdivision and a bike lane is required on both sides of Chase Road, per the standards set forth in BDC 3.4. No sidewalk is required on the south side of Chase Road west of the subdivision due to the lack of right-of-way available (see aerial photo with white property lines below). When the abutting properties to this substandard right-of-way redevelop, additional right-of-way will be required to be dedicated by these property owners and sidewalk completed along their frontage. No off-site pedestrian improvements are warranted due to the existing infrastructure in the area. Bike lane striping will be required fronting the north side of Chase Road along Chase Village to the terminus of the existing curb and widened road section.

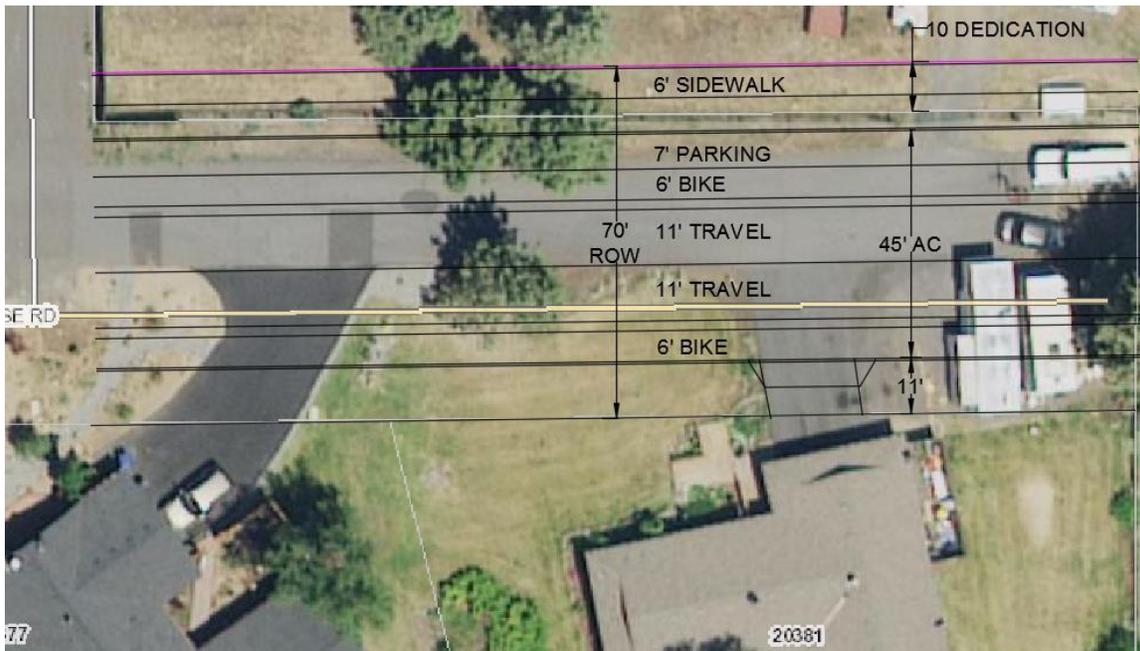


- d. The proposed subdivision includes the dedication of right-of-way for the future construction of a roundabout at Chase Road and Brosterhous Road that lies within the subject property. The location of the future roundabout was established in conjunction with City staff and is based on the location of the current curve and the projected intersection center in Brosterhous Road. Finalization of the future right-of-way necessary from abutting properties will be established with the future engineered project, which could involve the restriction of turning movements at the Street B intersection with the construction of a splitter island projected from the roundabout. The subject property only includes 25 feet of frontage on Brosterhous Road, which is too narrow for public access, and dedication of right-of-way from other abutting properties will be necessary for this roundabout. At this moment, City funding does not exist for this future roundabout.

As noted above, stop signs are only placed on local streets, not collector streets for efficient traffic flow. Stop signs are placed only at intersections to give traffic priority to the thru movement. Traffic priority will always be given to the high classification roadways (collectors/arterials). Rules for stop signs are governed by the Manual for Uniform Traffic Control Devices (MUTCD), which specifically state that yield or stop

signs should not be used for speed control (Section 2B.04, Right of Way at Intersections). This intersection does not meet the conditions for a stop sign per MUTCD criteria. No waivers of public improvement standards are required as part of this proposal.

- e. The Chase Road/Parrell Road intersection meets the sight distance requirements as outlined in the TIA and confirmed by City staff. The accident rate falls below the guideline of 1.0 MEV (1 accident per million entering vehicles). No mitigation at this intersection is triggered by City code. Adequate right-of-way does not exist currently to make any improvements.
- f. The existing north property line for the two properties is already close to the existing homes as shown in the figure below. The majority of the two driveways and the front yards are within the existing public right-of-way. The applicant will dedicate an additional 10 feet of right-of-way to provide 40 feet of right-of-way north of the centerline of Chase Road (which requires a full 80-foot right-of-way, 40 feet on either side of the centerline). No sidewalk will be required on the southern side of the existing right-of-way because sufficient right-of-way does not exist. The existing trees are within the existing right-of-way and must be removed for roadway construction. The City staff met with one of these affected property owners upon their request, and presented the following figure prepared by the City, based on the applicant's site plan, to explain the impacts to these two properties.



- g. Per BDC 3.2.500, “the City may require installation of fences and retaining walls as a condition of development approval.” However, this code provision is only utilized when two different types of uses are proposed, such as a commercial development abutting a residential subdivision. In this case, the proposal is a residential subdivision abutting another residential subdivision, and City staff will not require a fence along the southern boundary to be constructed by the applicant. A fence will be required on the west and south side of News Lane to prevent cut-through traffic on this private easement.

- h. The proposed subdivision is within the density range of the RS zone, as shown in findings under BDC 2.1.600 below. The proposed density is 5.3 dwelling units per acre, which is in the lower portion of the RS density range.
- i. A survey is not required upon the submittal of a subdivision application. When the subdivision is recorded for final subdivision plat with Deschutes County, after infrastructure is complete (streets, water and sewer lines), then the property corner markers of all of the new lots are placed. The applicant has determined the property boundary before construction, as existing property monumentation is found with the site topographic survey, but does not place monuments before construction because they would generally be destroyed during construction activity.
- j. See the findings under BDC 4.3.300.E.1 on the following page regarding the Golden Eagle habitat. The applicant has provided the ongoing communication with Oregon Department of Fish and Wildlife (ODFW) regarding the regulations that would apply to this proposal. City code does not require open space as part of a standard subdivision. See also the findings under BDC 3.3.200 regarding tree preservation.
- k. The applicant has worked with the City to show the future location of the Brosterhous/Chase roundabout. The location of this 3-way roundabout is centered on the existing curve; due to the existing street segments leading to this curve, the roundabout cannot be substantially shifted beyond the projected intersection. The roundabout will not be constructed until City funding is available and the City will work with each individual whose property is impacted by this capital improvement to obtain needed right of way or purchase the affected lot as needed.
- l. The proposed subdivision includes a shadow plat of surrounding properties to show how the future road connections could be extended, but it is not a proposal for land division of these abutting properties; it is a City requirement in order to show future connectivity options. These potential road and lot configurations on abutting properties are not recorded.
- m. Street C is shown to stub at the north property line of the subject property with an easement on the abutting lots to the east and west to provide a hammerhead turnaround until such time as the property to the north redevelops and the road is extended north. The alignment of Street C provides efficient lot sizes and depths on either side of the proposed street, particularly with the required additional residential compatibility setback on the eastern lots. A cul-de-sac does not meet the future connectivity requirements of the Development Code as outlined in BDC 3.4.200.I and the restrictions on cul-de-sacs in BDC 3.4.200.O.
- n. Access to 61390 News Lane will be provided via News Lane until such time as the property redevelops and/or the roundabout is constructed. If the roundabout is constructed prior to the redevelopment of this property, then access for this property will be provided through an access easement through Lot 47 to connect with the road stub of Street C. See the findings and conditions of approval for BDC 3.4.200.I.3. below.

- o. The natural gas line is shown on the revised Existing Conditions sheet. This gas line will not be altered. The easement will be required to be shown on the final plat as conditioned in this decision in BDC 3.4.700.
- p. The neighborhood public meeting notice transposed two numbers of the address of the public meeting location, which indicated a location two blocks away. As the commenter noted, over 60 individuals still attended the meeting. In addition, the City mailed a public notice after the application submittal as noted above, and 23 individuals submitted written comments. The mail from Bend travels through the Portland distribution center, even if it just mailed across town, causing delay in mailed notices. Several individuals contacted the assigned planner, who provided an additional week to submit public comment letters. Three public notice signs were posted around the property (photos of these locations are uploaded to ePlans) and an additional public notice sign was posted by the applicant in a visible location when the City was made aware that one location was not visible. City staff concludes that substantial public notice was provided as evidenced by the response to the neighborhood public meeting and mailed public notice.

On December 4, the applicant submitted a Modification of Application to revise the originally submitted grading plan. A public notice was mailed to property owners within 250 feet and the Old Farm Neighborhood Association land use representative, and three public notice signs were posted on the subject property in the same locations as the original public notice signs for the original submittal. No public comments were received.

Transmittals describing the proposal were also sent to inter-office departments and other agencies for comment. Their comments and responses are available in the file and are addressed throughout this Decision.

- 6. APPLICATION ACCEPTANCE DATE:** A land division application was submitted on August 3, 2018. The application fees were paid on August 8, 2018. Additional and revised documents were uploaded by August 27, 2018. The application was deemed complete on August 29, 2018. In response to comments from City staff, revised plans were submitted on October 22, 2018 for compliance with lot size and setback standards. A Modification of Application was submitted on November 29, 2018 and revised materials to reflect the new grading plan were uploaded to ePlans on December 4, 2018, which restarted the 120-day review clock.

This decision is being reissued due to an incorrect reference to a neighboring property. All references to 61390 Brosterhous Road have been corrected to 61390 News Lane.

## APPLICATION OF THE CRITERIA:

### Conformance with the Bend Development Code

#### Chapter 4.3 Subdivisions, Partitions, Replats 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 have any recorded significant natural features, special terrain, or historical resources. While the property currently has an old (currently dry and unused) irrigation pond onsite, that existing condition is a manmade feature, which was constructed to accommodate an historic agricultural use on the property; the irrigation pond is not considered a significant or natural feature. Upon the approval of the subdivision, all water rights will be required to be transferred back to the Arnold Irrigation District, where they will continue to be available for agricultural use elsewhere, or they will be retained in the river. Without water rights, the manmade irrigation pond serves no purpose.

The property does not contain any streams or lakes, and it has not been identified as a riparian corridor, wetland, 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.

The property does contain varied topography, significant trees and native underbrush, which are identified and planned to be retained, where feasible, during the site grading for right of way improvements.

Golden Eagles have historically nested on, or near, the site (most recently nesting on the neighboring property to the southeast); therefore, the property has historically contained wildlife habitat. The applicant has coordinated with Jerry Cordova of the United States Fish and Wildlife Department and understands that in the event that Golden Eagles return in a given year, if they nest, produce eggs, and produce eaglet(s), that timing of construction activities would be impacted. Based upon conversations with Mr. Cordova the applicant understands:

- Golden Eagles typically arrive in December/January and begin fixing up their nest. If there are no eagles present by February 1 (of a given year), then a permit is not required for that year and construction activity is allowed, without restrictions.
- If eagles are present after February 1 (of a given year), then they likely have an egg, and a permit is in effect.

- If there is no eaglet present by April 1 (of a given year), then a permit closes and all construction activity would be allowed, without restriction.
- If an eaglet is present in the nest, then the permit is in effect until the eaglet fledges - which is generally in July.
- The biggest restriction on a permit (if applicable) relates to if/when blasting is allowed.
- If a permit is in effect (necessary), it will take USFW about 30 days to set up and execute a permit.
- Golden Eagles have not had an eaglet on, or near, the subject property since 2013. Golden Eagles nested this winter, however they were not present the previous winter.

If necessary, protection of protected species will be reviewed and regulated outside of the local land use process. As detailed above (and included in the National Golden Eagle Management Guidelines submitted with the application), the applicant is fully aware of the guidelines that would apply to Golden Eagles on or near the subject property. As with all development, the applicant proposes to commence construction in accordance with state and federal guidelines that have been established to protect wildlife habitat.

Additionally, the City does not maintain the property on a current inventory of Historic Resources, Open Space, or Scenic Views and Sites. Because the applicant has coordinated with representatives of the US and Oregon Departments of Fish and Wildlife and have a plan to ensure compliance with all applicable habitat protection rules, and further because the site does not contain natural features or resources such as streams, lakes, natural vegetation, special terrain features, or other natural and historic resources, no protected natural features will be impacted beyond a level that is allowed by local, state and federal laws.

Regarding the topography and significant trees on the site, the applicant is required to provide housing densities in conformance with Comprehensive Plan requirements and to provide a street grid that conforms to City Standards (including right of way and block length and perimeter requirements). The applicant has limited options for right-of-way placement given that Chase Road is listed, identified, and designated as a Collector street on the City of Bend Transportation System Plan (TSP). Chase Road's placement is predetermined based on the location of the existing City water main that traverses through the property: City water and sewer infrastructure must always be within City right of way and roadway improvements. In addition to the TSP identified roadway, the City of Bend Development Code includes standards that require a well-connected street system, specifying maximum block lengths and perimeters. In order to provide needed densities, on shovel-ready lots, in accordance with street standards, a minor amount of tree removal will be needed. As shown on the Existing Conditions and Tree Removal Plan, and the Grading and Drainage Plan, the proposal includes the removal of trees and topography to accommodate planned streets and create buildable lots. While the process of developing streets will result in tree removal and lot preparation, the amount of tree removal is limited to the smallest amount necessary, and the tree removal plan is consistent of the Significant Vegetation standards of BDC Chapter 3.2. The proposal preserves natural features in accordance with BDC 3.2 and to the maximum degree practical; therefore the proposal conforms to this approval criterion.

**Condition of Approval:** *The applicant shall continue coordinating with the Oregon*

Arena Acres Subdivision

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*Department of Fish and Wildlife regarding compliance with state and federal guidelines for the protection of Golden Eagle habitat.*

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

**FINDING:** The property abuts Tillicum Village to the west, south and southeast, it is near the Janela Court subdivision to the east, and it abuts the Chase Village subdivision to the west. It is also near the Ironstone and Sugar Pine subdivisions to the northwest. The proposed subdivision design extends water, sewer and transportation facilities throughout the property, connecting to existing streets to the west and providing right of way for the future Brosterhaus Road roundabout and Chase Road extension. Construction of new internal local roads (Streets A, B and C) running north to south throughout the property (with congruent water and sewer lines), also provides opportunities for redevelopment to the north and northeast. The proposal does not negatively impact the ability to develop the surrounding properties; instead the proposal improves the development potential of the surrounding properties. The proposed street additions and connections sufficiently accommodate future development and re-development opportunities.

Given the existing conditions (including the fact that a significant of the surrounding area is developed or may be redeveloped in the future to urban densities), the proposal (with its street, water and sewer connections to the neighboring properties) provides sufficient opportunities for development and redevelopment in accordance with Development Code Standards. As proposed, the development will not prohibit the development of any adjacent property and it conforms to this approval criterion.

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

***Chapter 2.1 Residential Districts.***

***2.1.200 Permitted Land Use.***

***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.***

**FINDING:** The applicant is proposing lots to be developed with 82 single family homes, which are permitted outright in the RS zone. Each dwelling unit will be constructed on its own lot.

***2.1.300 Building Setbacks.***

***G. Residential Compatibility Standards.***

***2. Applicability. The residential compatibility standards apply to new lots and new parcels, unless exempted, that were created by a land division application submitted after September 16, 2015, that are zoned RS and abut existing residential properties zoned RS, RL or SR 2-1/2 which are 20,000 square feet or greater (“protected property”). For purposes of these standards only, the***

***term “abut” also includes new lots and new parcels that are separated from a protected property by a lot or parcel, right-of-way, easement or open space that is less than the required minimum setback width. In such cases, the required minimum setback is measured from the protected property line across the intervening lot or parcel, right-of-way, easement or open space area.***

- 3. *Development Standards. The following development standards shall apply to the new lots and new parcels that abut the protected property described in subsection (G)(2) of this section;***
  - a. *Lot Area and Setbacks.***
    - i. *Minimum lot area of 5,000 square feet to 5,999 square feet with a minimum 35-foot setback abutting the protected property; or***
    - ii. *Minimum lot area of 6,000 square feet or greater with a minimum 30-foot setback abutting the protected property...***
- 4. *Exemptions. New lots or new parcels are exempt from the residential compatibility standards when one or more of the following conditions exist at the time the land division application is submitted;***
  - a. *The existing primary dwelling unit on the abutting protected property is located more than 100 feet from the protected property line.***
  - b. *When the abutting protected property is developed with a nonresidential use or the abutting residential use is a higher density than that of the proposed development. For example: a manufactured home park.***
  - c. *When the abutting protected property is vacant. For the purpose of this code section, “vacant” shall mean a property without a dwelling unit.***
  - d. *Where the abutting protected property has submitted for land division approval.***
  - e. *When the abutting protected property was created by a land division application submitted after September 16, 2015.***

**FINDING:** The property to the north (61425 Brosterhous Road / 181209BC00500), the property to the north and east (61390 News Lane / 181209C000600), the open space area of Tillicum Village, and a property to the east (61395 Brosterhous / 181209C000501) are all zones RS and over 20,000 square feet in size; therefore this section applies.

**61425 Brosterhous Road / 181209BC00500**

The primary dwelling unit on this property is located more than 100 feet from the protected property line; therefore development is exempt from the added setback standards established in this section.

**61390 News Lane / 181209C000600**

Regarding this property, the additional “residential compatibility” setback standards will be applicable at time of Building Permit review. The applicant has sized the abutting Lots 61, 62, and 63 accordingly (and with longer depths) so that the required setback can be met at time of

Building Permit. Lots 46 and 47 are planned to be significantly encumbered by a temporary turn-around. The temporary turn around will make these lots temporarily un-buildable, until such time as the referenced property (to the north) redevelops. Upon redevelopment, the temporary turn around will be removed, the residential compatibility setbacks will no longer be applicable (as the property will include one of the referenced exceptions), and the lots will be fully buildable. The proposed design ensures that the standards of this section can be met in association with future development.

#### Open Space Area of Tillicum Village

The open space of Tillicum Village is not developed with a residence and it has not been developed for the purpose of dwellings; therefore development is exempt from the residential compatibility standards of this section. In addition, the lots within Tillicum Village abutting the open space that abuts the subject property are less than 20,000 square feet in size.

#### 61395 Brosterhous / 181209C000501

Regarding this property, the additional "residential compatibility" setback standards will be applicable at time of Building Permit review. The applicant has sized the abutting Lots 42-46 accordingly (and with longer depths) so that the required setback can be met at time of Building Permit. The proposed design ensures that the standards of this section can be met in association with future development.

**Condition of Approval:** *The residential compatibility setback standards of BDC 2.1.300.G. will apply to Lot 42-46, 47 and 61-63 at the time of building permit application.*

#### **2.1.400 Building Mass and Scale.**

##### **A. Floor Area Ratio. Floor area ratio shall apply to the following:**

- 1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;**
- 2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;**
- 3. The perimeter lots of all new single-family residential subdivisions that are 6,000 square feet or less in size and are adjacent to a subdivision platted prior to December 1998 where the adjoining lot development has a 0.5 FAR or less.**

##### **C. Exceptions to FAR.**

- 4. Lots and parcels subject to BDC 2.1.300(G), Residential Compatibility Standards.**

**FINDING:** Eighteen of the proposed southern and southwestern perimeter lots are less than 6,000 square feet in size and abut the Tillicum Village subdivision which was platted in 1973. However, these lots abut the common open space tract for Tillicum Village, not the developed lots within that subdivision. Therefore, this section does not apply to these platted lots. The Chase Village subdivision to the west was platted in 2005; therefore, this section does not apply to the westernmost lots that are less than 6,000 square feet (Lots 1 and 4).

**2.1.500 Lot Area and Dimensions.**

**Table 2.1.500**

**Lot Areas and Dimensions in the Residential Districts By Housing Type and Zone**

<b>Residential Use</b>	<b>Zone</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>
<b>Single-Family Detached Housing;</b>	<b>RS</b>	<b>Minimum area: 4,000 sq. ft.</b>	<b>Minimum width: 40 ft. at front property line Minimum lot depth: 80 ft.</b>

**FINDING:** The proposal includes lots that are intended for detached single-family homes. As detailed on the submitted Tentative Plan, the lots range in size from 4,104 to 15,115 square feet; all in excess of 4,000 square feet and in conformance with this section.

As allowed in BDC 3.1.200.C.4 (see findings below), certain types of lots require less than 40 feet of frontage. Lots 26 through 28, which are located on a curve bulb, have 30 feet of lot frontage. Lot 41 is considered a flag lot with 20 feet of frontage.

As defined in BDC 1.2, lot depth means the horizontal distance between the front and the rear lot or parcel lines. In the case of a corner lot the depth shall be the length of the longest front lot or parcel line. In the case of the corner lots 13, 63, and 82, the lot depth is the property line abutting Chase Road. For Lot 16, which has triple lot frontage, the lot depth is measured along Street B, which is at least 80 feet and the lot width along Chase Road is at least 45 feet. The lot frontage along the roundabout right-of-way for Lot 63 exceeds 40 feet.

Lots 13 and 82 have lot widths at the property frontage less than 40 feet but widen in depth into the property (a “pie” type lot). As defined in BDC 1.2, *lot width means the average distance between the side property lines (the two property lines most perpendicular to the front property line). In the case of corner lots that include two or more front property lines, “lot width” shall mean the average distance between the longest front property line and the farthest opposite property line. In the case of irregularly shaped lots or parcels having four or more sides, “average lot width” is the sum of the shortest and longest property lines divided by two.* As shown on the submitted Exhibit 2, Lot Area and Dimension Exhibit, these two lots have an average lot width exceeding 50 feet.

All of the remaining lots are proposed to have at least 40 feet of frontage and have depths at least 80 feet, in accordance with this section.

**2.1.600 Residential Density.**

**A. Residential Density Standard. The following density standards apply to all new developments and subdivisions in all of the Residential Districts. Redevelopment or expansion of existing uses within areas of existing land use patterns shall comply with these standards to the extent practical. 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 General Plan.**

**Table 2.1.600  
Residential Densities**

<b>Residential Zone</b>	<b>Density Range</b>	<b>Primary Uses</b>
<i>Standard Density Residential (RS)</i>	<i>4.0 - 7.3 units/gross acre</i>	<i>Single-family detached housing</i>

**FINDING:** The proposal includes 82 lots on 15.35 acres of land, which equates to 5.34 units per acre, in accordance with the allowable density range established in this section.

**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 shall meet the minimum standards specified for the zoning district.**

**FINDING:** As stated above, the proposed lots meet the minimum standards for lot depth and lot width for the RS zone.

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

**FINDING:** The subject property has minimal topographic variation, with the steepest slopes on lots 44-46. All lots are in excess of the 4,000 square foot minimum lot size requirement of the RS Zone and site grading is proposed as shown on the submitted Grading and Drainage Plan. As detailed on the Plan Set, the proposed design generally limits the grading to the planned right of way areas, and ensures site grading is kept to the least amount necessary, as intended by this section. If applicable, all retaining walls installed under a Tier III right of way or grading permit must be designed by a licensed Engineer, be inspected during construction and a stamped memo provided to the City indicating the wall was constructed in conformance to the design.

- 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 site does not contain watercourses, but does include minor topographic features. The lots with topographic variation are slightly oversized, so that they can provide lots for housing, while simultaneously maintaining the existing topography, and providing a well connected street grid, to the greatest extent practical. As depicted on the Grading Plan, cuts and fills will be limited to the smallest amount necessary to efficiently provide housing, and the proposal conforms to these standards.

- 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;**
  - b. For approved flag lots or parcels, the minimum frontage shall be 20 feet;**

**FINDING:** As depicted on the Tentative Plan, the proposed design allows each lot to abut a local street for the minimum width required (40 feet, or 30 feet on a curve bulb).

**Condition of Approval:** *Lot 41, a flag lot, is subject to the floor-area ratio (FAR) requirements of BDC 2.1.400 at the time of building permit submittal.*

- 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:** The side lot lines of the proposed lots are generally perpendicular to the straight street segments and are generally radial to the proposed curves of Chase Road and the new proposed streets.

- 6. Corner lots or parcels shall be at least five feet more in width than the minimum lot width required in the zone.**

**FINDING:** As shown on the Tentative Plan, all side lot lines intersect the proposed streets at, or as near to, right angles as possible, and the corner lots (4, 5, 12, 16, 17, 53, 64, 73, 75, 12, 13, 16, 17, 53, 63, 64, 73, and 75) all exceed 45 feet in width, which is at least five feet wider than the minimum lot width (40 feet). As noted in findings above corner lots 13 and 82 have average lot widths exceeding 50 feet. Lot 63 also has an average lot width exceeding 45 feet, as shown on the submitted Lot Area and Dimension Exhibit.

- 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. The applicant has provided “will serve” letters from each of the utility providers, which documents their willingness to serve the property.

**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;**
  - d. An exception may be granted to the maximum block length and/or block perimeter by the Review Authority if the applicant can demonstrate that the block length and/or block perimeter cannot be satisfied due to topography, natural features, existing development or other barriers, or it is unreasonable to meet such standards based on the existing pattern of development, or other relevant factors. When an exception is granted, the Review Authority may require the land division or site plan to provide blocks divided by one or more access corridors in conformance with the provisions of BDC 3.1.300, Multi-Modal Access and Circulation. Access corridors shall be located to minimize out-of-direction travel by pedestrians and bicyclists and shall meet all applicable accessibility standards.**

**FINDING:** As depicted on the Tentative Plan, the proposal includes the establishment of blocks (where possible), which do not exceed 660 feet in length or 2,000 feet in perimeter where possible. In areas where complete blocks are not provided, the proposal extends street stubs (to the north) that will allow for a future development to also achieve compliance with this standard to the greatest extent possible (given the planned future round-about at Brosterhous Road). As designed, the proposal conforms to this standard to the extent possible at this time.

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

**FINDING:** As detailed above, the proposed development will extend the Major Collector street (Chase Road) toward the Major Collector street Brosterhous Road (to the east), as depicted on the City of Bend Transportation System Plan. The extension of Chase Road is proposed to meet City standards for Major Collector streets, as directed by City Engineering Staff (and noted in the City issued Transportation Analysis Memo). The proposed connections to the existing right-of-ways conform to the standards set forth in BDC 3.1.400, as presented in findings below, and therefore the proposal complies with this section. Chase Road and Brosterhous Road shall not connect for general public use due to insufficient right of way, with the installation of a fire gate for emergency access only.

**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 multifamily 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.***

**FINDING:** This section is intended to limit access onto collector and arterial classified roadways. While the proposal includes lots with frontage onto a collector classified roadway (Chase Road), the proposed internal street system provides the ability for access (and driveways) onto local streets (and not onto the abutting collector). Private driveway access from the residential lots to Chase Road and Brosterhous Road shall not be permitted.

The design includes the continuation of an existing street pattern, where alleys are not practical (alleys would only result in additional connections to a collector street). Pursuant to this section, the proposed design can be permitted.

**Condition of Approval:** *No access from private lots in the subdivision shall be permitted from Chase Road, Brosterhous Road or News Lane.*

**Condition of Approval:** *If not already recorded, an access and utility easement shall be provided on News Lane along the westerly frontage of taxlot 181209 C0 00600 (61390 News Lane). The easement shall fully encompass the existing gravel road and the utility services to the property.*

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 proposal includes extending Chase Road across the property, as specified on the City of Bend Transportation System Plan. Additionally, the design include three new local roads in a grid pattern that creates block lengths of less than 660 feet and perimeters of less than 2,000 feet, to the extent possible at this time (given that the abutting properties restrict further connections at this time). As proposed, the design conforms to this standard.

### ***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-family and duplex dwellings on their own lot or parcel, pedestrian access and connectivity shall meet the following standards:***

**FINDING:** Sidewalks are proposed within the planned rights of way in accordance with City Standards. Other than the right of way improvements, the lots are planned to accommodate single-family home construction, to which the on-site pedestrian facility standards of this section do not apply.

**C. Off-Site Multi-Modal Facilities.**

- 1. Developments subject to development and having an access corridor alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan shall dedicate either right-of way or an access easement to the public for a primary or connector multi-use as outlined below.**
  - a. Primary multi-use paths shall be in the alignment shown on the City of Bend Urban Area Bicycle and Pedestrian System Plan to the greatest degree practical unless, with consideration of recommendations from the Bend Park and Recreation District, an alternate alignment is approved by the City through the development review process.**
  - b. Connector multi-use paths ...**
  - c. Primary and Connector Multi-Use Path Dedication and Construction. Primary and Connector multi-use path alignments shall be dedicated and constructed in accordance with the City's Design Standards and Construction Specifications.**

**FINDING:** Per the City of Bend Urban Area Bicycle and Pedestrian System Plan, an access corridor does not extend through or abut the subject property. Therefore, this subsection does not apply.

**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 applicant has proposed access onto public streets. As detailed in findings below, access has been designed in conformance with BDC 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 Transportation Facilities Report (TFR) and Traffic Impact Analysis (TIA) in accordance with BDC 4.7. Compliance with BDC 4.7 is detailed in findings below.

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

- 1. Except as authorized under subsection (F)(4) of this section, lots and parcels in all zones and all uses shall have one access point. Single-family dwellings on corner lots at the intersection of two local streets may have one access point per frontage.**

**FINDING:** While lot access locations are not proposed at this time, all lots are planned to have one access point from an abutting local street. No lots are planned to have more than one access point and no lots are planned to have access onto an arterial or collector street; therefore the proposal complies with this standard.

- 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:** All lots will have frontage onto local streets, the lowest classification possible. Where lots have frontage on the Collector Street of Chase Road (corner lots), access will be taken from the local street frontage; therefore the proposal complies with this standard.

- 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:** The proposal includes access onto the planned new local streets, allowing for an efficient design and limiting the number of collector street access points. No alleys are proposed; therefore, this standard does not apply.

#### **4. *Additional Access Points...***

**FINDING:** Each lot is only planned to have one access point; therefore this standard does not apply.

- 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:** The proposal does not include individual structure layout or driveway design at this time; distance between driveways will be reviewed at a later date, in association with the issuance of building permits.

- 6. *Access Operations Requirements. Backing from an access onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or for any use when backing into an alley if adequate backing distance is provided. The design of driveways and on-site maneuvering and loading areas shall include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.***

**FINDING:** This proposed lots are planned to accommodate single-family home development, therefore this standard does not apply.

- 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:** As previously mentioned, the structure design and driveway locations have not been designed at this time. Driveways will be reviewed in association with building permit review to ensure compliance with the requirements set forth by AASHTO and the City of Bend Standards and Specifications.

**G. Shared Access....**

**FINDING:** Shared driveways are neither proposed nor required; therefore this section does not apply.

**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-family, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:**

- 1. Single-family, two-family, and three-family residential uses shall have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads; however, the driveway opening or connection to the street shall not be wider than 24 feet.**

**FINDING:** As previously mentioned, individual structure design and driveway layout have not been completed at this time. It is planned that development will provide driveway openings between 10 and 24 feet in width, in conformance with this section. This standard will be reviewed in association with future Building Permit applications.

**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-family dwellings and alleys that provide adequate backing width).***

**FINDING:** The lots are sized and located so that all future homes can be located within 150 feet of a public street, which ensures that fire vehicles can safely access and serve each lot. Regarding fire truck maneuverability, the planned new street, Street C, exceeds 150 feet, which necessitates a temporary emergency access turn around. As shown on the Tentative Plan, a hammerhead style turnaround is planned for the terminus of Street C, in conformance with this section. Additionally, the applicant plans to install a fire access gate at the Chase Road stub, at the northeast corner of the development parcel, in conformance with City of Bend Standards, preventing public access from Chase Road to Brosterhouse Road. The fire gate will be removed with the construction of the future roundabout.

***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. [Ord. NS-2177, 2012; Ord. NS-2016, 2006]***

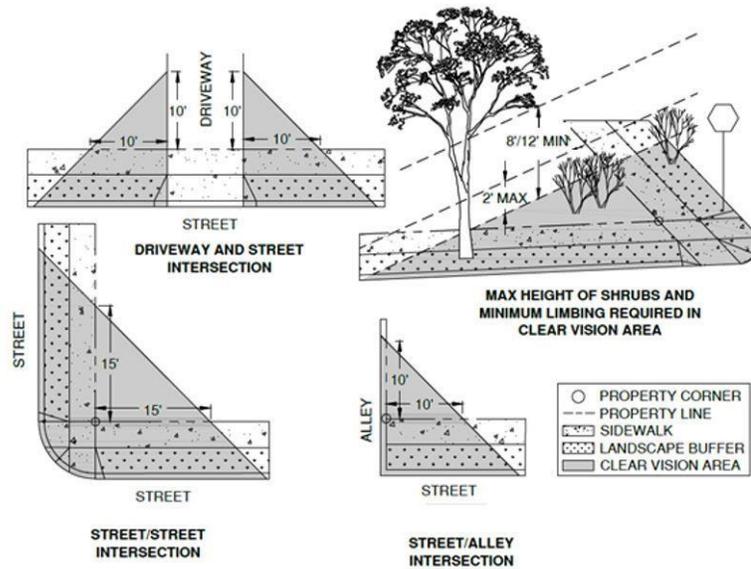
**FINDING:** As previously mentioned, individual structure designs and driveway layouts have not been completed at this time. It is planned that driveway run-off will be maintained on the lots where run-off is generated, and will not flow into the right of way. The proposed lot sizes exceed minimum size and dimensional standards of the RS zone; therefore they are sufficiently sized to accommodate run-off. This standard will be reviewed in association with future Building Permit applications.

### ***3.1.500 Clear Vision Areas***

***C. The following standards apply to clear vision areas:***

- 1. The clear vision area is in the shape of a triangle and extends across the corner of private property to the face of curb at the street or alley as shown in Figure 3.1.500.A. The two legs of the clear vision triangle are each measured from the point of intersection of the two corner lot lines, special setback lines, or access easement lines. Where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection. Measurements along a driveway are taken at the edge of pavement.***

**Figure 3.1.500.A**



**2. The following measurements define the clear vision areas:**

**Table 3.1.500.B**

<b>Intersection at a Street and the following:</b>	<b>Minimum Distance of Triangle Side</b>
<b>Street</b>	<b>15 feet</b>
<b>Alley</b>	<b>10 feet</b>
<b>Driveway</b>	<b>10 feet</b>
<b>Railroad</b>	<b>15 feet</b>

**3. Unless exempted below, there must be no fence, wall, vehicular parking, sign, building, structure, or any other obstruction to vision within the clear vision area between the height of two feet and eight feet above the top of the curb. In cut sections, embankments must be graded to comply with these requirements. Shrubs or foliage must not exceed two feet in height. Existing trees must be limbed to a minimum of eight feet above the top of curb or 12 feet above adjacent bike lanes. New trees are not permitted within the clear vision area.**

**a. Exemptions.**

- i. Street sign, post or pole (e.g., power, signal, or luminaire pole).**
- ii. Any private post or pole eight inches or less in diameter (width or length).**

**4. Driveway approaches and driveways are not permitted within the clear vision area. On-street parking is not permitted within 20 feet of an accessible ramp or within 10 feet of a driveway approach.**

**5. Additional clear vision areas may be required as directed by the City Engineer.**

**FINDING:** The proposal does not include structural development and as depicted on the Tentative Plan, development does not impose upon clear lines of vision. Furthermore, the lot layout ensures that development can occur in conformance with all clear vision standards. As designed, the proposal conforms to these development standards.

**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:** As detailed on the Existing Conditions and Tree Removal Plan (C2.0) submitted as part of the Modification of Application, all significant trees meeting the definition of this section have been mapped. The site has varied topography and grading will be needed, within and outside of the planned right of way areas, in order to provide a street system and building pads that meet City design requirements.

The applicant is proposing 5.3 units per acre (less than the maximum of 7.3 units per acre) and the design achieves the required block length, perimeter, and connectivity requirements (the extent possible at this time). The proposed density is near the lower end of the allowed density of the RS zone. Establishing necessary right of way for the 82 lots, in an area that has slightly varied topography will result in tree removal; as preserving all of the trees over the grade changes of the site is not practical. As depicted on the Existing Conditions and Tree Removal Plan (C2.0) and the Grading Plan (C4.0), the proposed tree removal areas are generally within right of way areas, or near to the roadway areas and buildable areas of the proposed lots. The planned tree removal allows street development to a width and grade that conforms to City

design guidelines and lots that are development ready. The proposal maintains trees and vegetation areas around the perimeter of the site, where feasible. As conditioned below, tree removal outside of the right of way areas and building envelopes is planned to be kept to a least amount possible, while ensuring that development ready pads are provided.

Given the needed roads, the needed density, and the minor topographic changes on the property, the proposed plan achieves a reasonable balance of tree preservation and housing density, and it conforms to the standards of this section.

**Condition of Approval:** *All significant trees that meet the following criteria must be retained:*

- *Affected by 1 ft or less of cut or fill (or 1.5 ft or less of fill near the subject property boundary); and*
- *Within 5 feet or less of a proposed side property line or 10 feet from a proposed front property line*

*If the applicant indicates that trees meeting these criteria need to be removed, an arborist report must be submitted to indicate that these trees will not be viable with slight modifications to the proposed grading or the utilization of shallow tree wells. A revised grading plan and tree removal plan must be submitted in accordance with this condition.*

**Condition of Approval:** *The proposed grading plan must be revised to show grading that is consistent with the retention of the 44" and 46" dbh Ponderosa pines on Lot 35.*

**Condition of Approval:** *All areas of significant trees shown to be retained under the Tier III (infrastructure) permit shall be protected, as well as the root systems of trees immediately off-site, prior to, during, and after construction. The proposed tree protection fencing shall be installed prior to any construction activities on the site, and shall remain in place until construction has been completed. Grading, operation of vehicles and heavy equipment, and storage of supplies and construction materials is prohibited within significant vegetation areas.*

### **3.2.400 Street Trees.**

***B. Street trees shall be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees shall be planted no closer to the curb or sidewalk than three feet, medium trees – three feet and large trees – four feet. Root barriers may be required with street tree planting to protect the City's curb and sidewalk. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. Small canopy trees and columnar shaped trees shall be planted no further than 30 feet apart; medium and large canopy trees shall be planted no further than 40 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A random spacing of street trees may be approved for the equivalent number of trees required for the length of the frontage.***

**FINDING:** Street trees are not proposed but landscape strips at least seven feet in width are shown in the submitted street sections. The infrastructure plan set must show the location and

species of street trees, in compliance with this section. 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.

**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 are required to 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 comply with the standards of BDC 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 Tentative Plan, each of the lots will have frontage on the planned public streets. A complete review of compliance with 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 new streets will be local streets, with the exception of the Chase Road extension, which will be a Major Collector (as described on the City of Bend Transportation System Plan (TSP)). The proposal includes full right of way improvements (travel lanes, parking areas, sidewalks, and landscape strips) on the streets of the subdivision as shown on the submitted cross-sections of the proposed streets. The street improvements conform to the design standards of Section 3.4.200.E & F and/or as authorized by the City Engineer, as noted in findings below. The planned improvements conform to the TSP and other applicable sections of the code, the final review of which will be reviewed through the public Tier III right of way (infrastructure) permitting process.

- 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 streets shall be dedicated to the applicable City, County or State jurisdiction.**

**FINDING:** The planned width of the new local streets provides 32 feet of pavement, and sidewalks and landscape strips that are sufficiently sized to accommodate the needs of the development. The Chase Road extension will provide adequate pavement, including bike lanes, 6-foot wide sidewalks, and landscape strips that are sufficiently sized to accommodate the needs of the development. The rights of way are planned to be dedicated to the public in conformance with this section.

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

**FINDING:** As detailed on the submitted Tentative Plan, the proposal includes an asphalt surface on top of an aggregate base for the street improvements. The planned paving will be reviewed in the infrastructure 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 right-of-way will be created through the final platting process, in accordance with this section. In addition to the proposed Chase Road extension and the new local streets, right-of-way dedication is also proposed to accommodate the future Chase Road/Brosterhous roundabout.

**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:** Access is planned to be provided to each property via public right of way. Additional easements for access are not needed. Where necessary (at the north end of Street C) a temporary emergency vehicle turn-around will be provided. The temporary emergency access easement will be protected via an easement, which is sufficient to conform to the Fire Code and City of Bend Standards and Specifications. Additional vehicular access easements are not needed.

**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 (l) 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.**

**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 of local streets with major collectors or arterial streets. The following tables and attached notes describe street improvement standards as follows:**

**Table A: Improvement Standards for Dedicated Public Roadways in Residential Zones.**

<b>Street Classification</b>	<b>Minimum Right of Way</b>	<b>Minimum Pavement Width</b>	<b>Minimum Planter Strip</b>	<b>Max Grade</b>	<b>Sidewalk Both Sides</b>	<b>Bike Lanes</b>	<b>Curbs</b>
<b>Major Collector</b>	<b>80'</b>	<b>56'</b>	<b>5'</b>	<b>8%</b>	<b>6'</b>	<b>Yes</b>	<b>Yes</b>
<b>Local Street</b>	<b>60'</b>	<b>24'/28'/32'</b>	<b>5'</b>	<b>10%</b>	<b>5'</b>	<b>No</b>	<b>Yes</b>

**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 in alternating parking bays (Parking bays shall alternate from side to side of the street to provide parking from both directions, and shall be 8-feet wide and meet City of Bend Standards and Specifications)**
  - 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 Section 3.4.200 (G) (3))**

**FINDING:** As detailed above, the proposal includes new local streets and an extension of Chase Road, which is a Major Collector street. As noted in the submitted street cross sections, the new local streets will have 60' of right-of-way and 32' of pavement, while the Chase Road extension will have 80' of right-of-way and a pavement width that conforms to City requirements. The proposed design is consistent with City standards.

**Condition of Approval:** Chase Road shall be constructed to full collector street standards from Coachman Way to the east side of Street B. The road shall be constructed to a 52-foot asphalt width (7 foot parking bays, 6.5 foot bike lanes, 2.5 foot bike lane/parking lane buffer, and 10 foot travel lanes) bounded by concrete curb and 6-foot sidewalk on both sides. The 52 foot road section permits on street parking west of Street B. If on street parking is not proposed, the minimum asphalt width is 40 feet (11 foot travel lanes, 6.5 foot bike lanes and 2.5 foot bike lane/parking lane buffer). Intersections shall have bulbs constructed, when parking is proposed, to maintain parked vehicles outside of the clear vision area and to promote safer pedestrian crossings. The road shall be striped and reviewed during the Tier III right of way (infrastructure) permit review. East of Road B, Chase Road shall be paved to the Brosterhous Road intersection, with the roadway width tapered to a minimum 24 feet in width with no parking signs on both sides up to a City standard fire gate on Brosterhous Road. The tapered roadway is to help prevent passage around the fire gate by the general public.

**Condition of Approval:** Bike lane striping shall be designed and applied under a right of way permit along the north side of Chase Road the full frontage length of Chase Village subdivision. Striping shall not eliminate frontage parking.

**Condition of Approval:** Right-of-Way dedication is required with the final plat. All local streets (streets A, B, C and Coachmen Way) shall have 60 feet of right of way. Chase Road shall have 80 feet of right of way to conform with collector street standards. Right of way dedication shall be required at the intersection of Chase Road and Brosterhous Road for a future single lane roundabout to City of Bend standards. Construction of the roundabout will be waived to another development.

**Condition of Approval:** All local streets shall be constructed to City of Bend local street standards. Accessible curb ramps shall be installed at every intersection in all direction unless topography prevents meeting PROWAG guidelines.

**Condition of Approval:** Brosterhous Road between the site and Stone Creek, where disturbed by the sewer installation, shall be reconstructed to collector standards. The width of road shall be maintained at current minimum width, but not less than 26 feet. Curb and sidewalk installation requirements will waived. The street will be reconstructed with the future roundabout, with the sidewalk and curb placed at the time of roundabout construction and as additional right of way is obtained.

**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.**
- 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 (l)(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:** As detailed on the Tentative Plan, the proposal extends Chase Road to the east, for future connection with Brosterhous Road and a fire access gate is planned for the stub, which complies with the standards of this section. The proposed subdivision will nearly complete the

Chase Road extension from Brosterhous Road to the existing terminus. However, the Chase Road/Brosterhous Road connection will not provide through access due to limited right-of-way at the Brosterhous Road curve.

In addition, the proposed new local road Street C is more than 150 feet in length, therefore a hammerhead style fire turnaround is planned for its terminus.

The private gravel alignment of News Lane will remain open for the use of the abutting property to the east until the full intersection with Brosterhous Road is completed or the abutting property redevelops. Access to 61390 News Lane will be provided via News Lane until such time as the property redevelops and/or the roundabout is constructed. The terminus of the shared access easement must include a fence to prevent interim use of the connection by the new lots as a through route, if one does not already exist. If the roundabout is constructed prior to the redevelopment of this property, then access for this property will be provided through an access easement through Lot 47 to connect with the road stub of Street C.

The proposal includes street and sidewalk improvements including pavement, curbs, planter strips and sidewalks adjacent to the subject property. The proposed design for the transportation system carries out the City's TSP and improves the connectivity of the immediate area. The proposal also includes three street stubs to the north and the applicant understands that barricades may be required at those locations.

**Condition of Approval:** *An approved temporary fire department turnaround shall be constructed at the end of Street C during Phase 3.*

**Condition of Approval:** *The temporary fire department turnaround at the end of Street C must be within a recorded emergency access easement with the City under a separate document for Phase 3.*

**Condition of Approval:** *A City-approved barricade shall be constructed at the end of Street C.*

**Condition of Approval:** *Prior to final plat of Phase 1, if a fence does not already exist, a fence must be constructed on Lots 61-63 along the western boundary of the News Lane access easement and the eastern boundary of Lots 59-60 to prevent access to News Lane as a through route.*

**Condition of Approval:** *Prior to final plat of Phase 2, a fence must be constructed along the eastern boundary of Lots 53-58 to prevent the use of the News Lane extension on the subject property as a through route.*

**Condition of Approval:** *Prior to final plat of Phase 3, if a fence does not already exist, a fence must be constructed at the northern boundary of the subject property abutting 61390 News Lane with a gate at the terminus of News Lane to prevent the use of News Lane as a through route.*

**Condition of Approval:** *Prior to final plat of Phase 3, a 20 foot access easement for the benefit of 61390 News Lane must be provided across the northern portion of Lot 47 from the terminus of News Lane to Street C from 61390 News Lane if the Brosterhous Road/Chase Road roundabout is constructed prior to redevelopment of 61390 News Lane.*

- 4. Construction of partial width streets shall not be permitted, except as approved by the City Engineer. A residential partial street improvement may be approved only at the outer boundaries of a subdivision where the street is required by other land use requirement and it is likely that adjacent underdeveloped property of residential zoning will complete the street construction.**

**FINDING:** No partial width streets are proposed. The proposal includes a half-street improvement to complete the full cross-section of the existing Coachmen Way half-street.

**K. Street Alignment and Connections.**

- 1. Staggering of streets making “T” intersections at collectors and arterials shall be located to conform with the spacing standards contained in the Bend Urban Area Transportation System Plan and BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.**

**FINDING:** The tentative plans detail the locations of the proposed new streets and the local/Major Collector intersections, all of which conform to the spacing standards of BDC Chapter 3.1, in compliance with this section.

- 2. Spacing between local/local street intersections shall conform to the spacing standards contained in the City’s Standards and Specifications document and BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation. This standard applies to four-way and three-way (offset) intersections. Offset local street alignments shall be at least 125 feet distance between the centerlines of the streets.**

**FINDING:** The proposal includes two new Major Collector/local street intersections and two new local/local street intersections. All intersections are planned to have at least 125 feet of distance between centerlines, in compliance with this section. A comprehensive review of BDC Chapter 3.1 was included above, and as detailed in that section, the proposed new intersections conform to the standards of that Chapter. As designed, the proposal conforms to the standards of this section.

- 3. All streets that abut a development site shall be extended within the site to provide through circulation, unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this code. This exception applies only when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is**

***not possible. The applicant must show why the environmental or topographic constraint precludes a street connection.***

**FINDING:** As detailed on the Tentative Plan, the proposal extends the abutting existing street system through the property, with the extension of Chase Road and the completion of the Coachmen Street half-street.

***4. Proposed streets or street extensions shall be located to provide access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.***

**FINDING:** As detailed on the Tentative Plan, the proposal extends the street system throughout the property in a logical manner that connects to the existing Chase Road and Coachmen Way alignments, which further extend to commercial districts, schools, shopping areas and parks. The extension of Chase Road toward the northeast also provides the future capability of a street connection to Brosterhouse Road. The access and connections provide the maximum amount of connectivity possible; therefore the proposal conforms to this standard.

***5. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of developments and alignment of new streets shall conform to the standards in BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.***

**FINDING:** As detailed in the findings or per the conditions in this decision, the proposal complies with all applicable sections of BDC Chapter 3.1, therefore the proposal complies with this reference provision.

***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 shall 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:** As depicted on the Tentative Plan, all sidewalks are proposed to be separated from the abutting streets by planter strips, which conforms to this standard.

***Condition of Approval:*** *Property tight sidewalks along all lots must be shown on the Tier III right of way (infrastructure) plans. Sidewalk will be permitted to meander as approved to because of topography or to avoid barriers (trees, utilities, etc.).*

***4. Bicycle lanes shall be constructed on all collector and arterial streets unless otherwise designated.***

**FINDING:** As shown on the Plan Set, the proposed Chase Road extension includes bike lanes, in conformance with this section. Bike lanes are not required on local streets.

**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:** As detailed above, the proposal includes two new Major Collector/local street intersections and two new local/local street intersections. The Chase Road extension must curve to connect with the existing road and the future Brosterhous Road roundabout location. The proposed streets have been laid out so as to intersect at as near to right angles as possible, in compliance with this section.

**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:** Coachmen Way at the northwest corner of the subject property is an existing street with insufficient right of way. As shown on the Plan Set, the proposal includes a 30-foot dedication for this right of way, bringing it into conformance with this standard.

**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.

1. All cul-de-sacs shall terminate with a circular turnaround. Circular turnarounds shall have a curb radius of no less than 45 feet. Turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width.

**FINDING:** No cul-de sacs are proposed as part of this subdivision.

**P. Grades and Curves.** Grades shall not exceed those shown in Tables A through 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:** As detailed on the Tentative Plan, the proposal conforms to the grade and curve standards of this section. These standards will be further reviewed through the public infrastructure permit review process.

**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.**

**FINDING:** As depicted on the Tentative Plan, curbs are proposed to be provided along all streets. Curbs are proposed to conform to City Standards, which will be further reviewed in association with the public infrastructure permit review process.

**Condition of approval:** *The driveway approaches for all lots abutting Chase Road must be located on the adjacent local street as far from Chase Road as feasible.*

**Condition of approval:** *The proposed new roadways, concrete 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.*

**S. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall provide access to/from the arterial consistent with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, and City of Bend Standards and Specifications.**

**FINDING:** The proposed subdivision does not abut any arterial street. Brosterhous Road and Chase Road are major collector streets.

**T. Alleys, Public or Private.**

**FINDING:** No alleys are proposed.

**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:** All street names must be submitted to the City for review and approval prior to final plat approval.

**Condition of approval:** *The proposed local streets must be named and approved prior to final plat approval.*

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

**FINDING:** Per City of Bend Specs 3.6.10, street lights are required at all roundabouts, signalized intersections, and all street intersections with collectors or arterials, including private streets. The intersection of Chase Road with the proposed local road extensions (Streets A and B) require street lights. Therefore, street lights are required at these two intersections.

**Condition of approval:** *Luminaires shall be placed at Chase Road intersections with Streets A and B.*

**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:**

Water

As detailed on the Tentative Utility Plan, there is an existing 16-inch water main on the site. 8-inch water mains will be extended throughout the development to provide service to the individual lots. The water main extensions must conform to the City’s “to and through” requirements. The City issued a water analysis documenting adequate capacity to serve the proposed development (BP-18-0411 SWA). Given the design and available capacity, the applicant has documented that the proposal conforms to City Standards and with the approval criterion below.

Sewer

As detailed on the Tentative Plan, and noted on the Sewer Analysis (BP-18-0411 SWA):

- The development site is not currently served by City sewer
- There is a 3-inch PVC Pressure Main located West of the property within Coachman Way
- There is a 4-inch PVC Pressure Main located West of the property within the neighboring property
- There is an 8-inch PVC gravity main located north of the property within Rolen Ave.
- There is an 8-inch PVC gravity main located east of the property within Kobe St.

As shown on the Tentative Plan, a 12-inch main will be extended within the Chase Road right of way and 8-inch sewer main lines within the local street rights of way, throughout the subdivision area. All subdivision sewer will be installed as gravity sewer to service all newly platted lots. The 12-inch main must connect to the existing dry gravity main in Chase Road, manhole CMH06230, sloping to the east toward Brosterhous Road. The sewer system within the subdivision will be a gravity system, however the connection to the existing/surrounding City sewer system, will be dependent on external development in the area. A connection to the broader City sewer system is planned via one of the following ways:

- In the event a gravity sewer main is extended to Brosterhous Road at a depth sufficient to gravity sewer Arena Acres subdivision (as required by the Stone Creek Master Plan and Tier III right of way permit BP17-2781-INFR) prior to final platting by the applicant, the system must be extended east within Brosterhous Road to connect to that system in accordance with City Standards.
- In the event that a gravity sewer main is not available in the area prior to final platting by the applicant, a regional pump station will be constructed on lot 63 within a public utility easement. The gravity sewer into the pump station that services the development would need to be designed to allow for future gravity extension to the Stone Creek development and a pressure main installed to the existing Kobe Street manhole CMH006128.

Extending the sewer mains as proposed ensures the entirety of the area is adequately served, conforming to the City's "to and through" requirements. The City sewer analysis (BP-18-0411 SWA) documents that the proposed sewer plan will ensure adequate capacity in the existing system to accommodate the proposed development.

Prior to installation of 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 City watermain shall be installed within all proposed public local streets, tapping into the existing 16-inch water main located in Chase Road. The water system shall be looped whenever possible to avoid deadend mains. Wall water infrastructure shall be installed under an approved Tier III right of way (infrastructure) permit.*

***Condition of approval:*** *Only one water service per property is permitted. Any unused service is required to be abandoned and capped at the main per City Standards.*

***Condition of approval:*** *Gravity sewer shall be installed within all proposed public streets under an approved Tier III right of way (infrastructure) permit. The sewer main shall be installed to connect into the existing gravity main in Chase Road at manhole CMH006230 / 67-89-1 flowing east to Brosterhous Road. The developer shall continue the gravity main from the subdivision east down Brosterhous Road to the StoneCreek subdivision future manhole CMH010183. In the event that the Stone Creek subdivision gravity sewer main in Brosterhous is not installed, the development shall construct a regional pump station on lot 63 within a public utility easement. A forcemain in Brosterhous Road shall be constructed to the existing Kobe Street manhole CMH006218.*

***Condition of approval:*** *Only one sewer service per property is permitted. Any unused service is required to be abandoned and capped at the main per City Standards.*

### **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 applicant is proposing to construct catch basins and drywells to manage stormwater from the proposed streets. A grading and drainage plan must be submitted with the infrastructure plan set submittal.

Grading/clearing and drainage plan approval is required in conjunction with public facilities improvement plans; such plans must include design assumptions, calculations, erosion control plan, and proposed temporary and permanent slope stabilization measures as outlined in the Title XVI - Grading Excavation and Stormwater Management and Central Oregon's Storm Water Manual (COSM).

**Condition of approval:** *With the Tier III right of way (infrastructure) permit a Stormwater Drainage Report and Grading/Drainage/Erosion Control Plan is required in conformance with City of Bend and COSM standards.*

**Condition of approval:** *Upon completion of improvements, the Engineer of Record (EOR) shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements. Documentation of site inspections shall be required as supporting information.*

### **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.**

**FINDING:** All utilities, including telephone, television cable, natural gas and power, shall be installed underground prior to surfacing the streets and alley and installing sidewalks. The

placement of underground utilities will be coordinated with each utility, and shown on the public facility improvement plans for the subdivision that will be reviewed and approved by the City of Bend Engineering Division.

The overhead utility line along the eastern boundary of the subject property that will continue to serve the abutting property to the east must be installed underground or relocated prior to final plat of Phase 3.

**Condition of Approval:** *All new utilities, including power, shall be installed underground prior to surfacing the streets. Final location of utilities shall be reviewed and approved by the City Engineer through the Tier III right of way (infrastructure) plan review process. No franchise utilities can be located within 10 feet of a City water main or sewer line.*

**Condition of Approval:** *The overhead utility line along the eastern boundary of the subject property that will continue to serve the abutting property to the east must be installed underground or relocated prior to final plat of Phase 3.*

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

#### **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 provided for in the deed restrictions.***
- 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. All existing easements that will remain (e.g., the existing natural gas easement along the eastern boundary) must be shown on the final plat.

**Condition of Approval:** *All existing easements that will remain must be shown on the final plat, including the Cascade Natural Gas easement (Instrument No. 203-1560).*

#### **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.

**CHAPTER 3.5, OTHER DESIGN STANDARDS**

**3.5.400 Solar Setbacks.**

**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.*
- 3. Exceptions to the Solar Lot Requirements.** *A proposed subdivision shall qualify for an exception to subsection (B)(2) of this section if one or more of the following development constraints are present:*
  - a.** *Compliance with applicable street standards or public street plans requires a street configuration that prevents the lot from being oriented for solar access.*
  - b.** *An existing public easement or right-of-way prevents the lot from being oriented for solar access.*
  - c.** *There is a significant natural feature on the site that will continue to exist after the site is developed, and that prevents the lot from being oriented for solar access.*

**FINDING:** The shape of the property is irregular and the lot layout (and street grid) is significantly impacted by the requirements related to Chase Road, including the TSP east/west direction specification, the requirement of no access onto a collector street, and the requirement of limited connections to a collector street. The shape and size of the property, combined with the TSP requirements and the need for connectivity, mean that the layout cannot accommodate the 80 feet of north-south lot dimension provisions. The property and design complies with the requirements for an exception to the Solar Lot Standards allowed by this section.

**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.**

**CHAPTER 4.7, TRANSPORTATION ANALYSIS**

**4.7.400 Approval Criteria.**

**Prior to land use approval, the City must review the applicant's transportation analysis to determine whether or not the proposal will create excessive demand on the public facilities and services required to serve the proposed development. The City will assess the impacts of new development on the transportation system. The key factors used to assess the impacts to the transportation system include, but are not necessarily limited to:**

- Number of trips by all modes associated with the proposal;**
- Turning movement demand by vehicles of various types;**
- Operations analyses results;**
- Location of the project;**
- Safety issues, location of the driveways (evaluated for conflict points and location criteria established in BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation).**

**The City Engineer will determine if the development or study area has adequate transportation facilities to support the proposed development based on compliance with the operations standards. The City shall also evaluate the crash histories and crash rates provided to identify any queuing issues. Crash rates greater than 1.0 per million entering vehicles and inadequate queue storage may need to be mitigated. Mitigation shall ensure that the transportation facilities are providing adequate capacity and safety concurrent with the development of the property.**

- A. Transportation System Assessment. This assessment of the transportation system will be used as the basis for requiring mitigation and imposing conditions of approval. Review measures for the transportation system include an evaluation of the existing and proposed transportation system.**
- B. Operations Standards. The intersection analyses provided in the Transportation Impact Study will be evaluated for safety deficiencies, queuing deficiencies, compliance with the Transportation Planning Rule, and the Bend Urban Area Transportation System Plan, any applicable Development Agreements, and regional transportation system plans. Intersections under the jurisdiction of the Oregon Department of Transportation shall also be evaluated for compliance with the Oregon Highway Plan. Intersections that do not comply with the criteria listed in those documents, as well as those criteria listed below, may be required to be mitigated.**

**FINDING:** Per the submitted Transportation Impact Analysis dated July 3, 2018 and the City's Transportation Review Memo dated July 23, 2018 (BP-18-2767-TRFA), the proposed Arena Acres subdivision is forecasted to generate 73 new p.m. peak hour trips and 699 new daily

trips on the average weekday. The following intersections were reviewed: Chase Road at Parrell Road, Brosterhous Road at Brentwood Avenue, Parrell Road at Brosterhous Road, and 3<sup>rd</sup> Street at Powers Road. BDC 4.7.400.C.4, only major intersections (collector and arterial) are required to be reviewed. The analysis includes impacts of the future Stone Creek development on the area traffic, using the project's traffic impact analysis to forecast future impacts.

Site generated traffic exceeds 15 vehicle trips per lane group at Parrell Road at Brosterhous Road and Parrell Road at Chase Road. Based on 2021 no-build out and build out conditions, only the Parrell Road at Brosterhous Road intersection fails to meet the delay and volume to capacity (v/c) ratio per Chapter 4.7 of the Development Code. Turn lane assessment identifies that the westbound left turn pocket is warranted, however, the trip distribution does not show that the development is adding any trips into those lane groups so having the applicant provide a proportionate share contribution is not applicable per the Bend Development Code 4.7.700. Sight lines are available where Chase Road connects with Parrell Road, which was confirmed by City staff.

The Parrell Road at Brosterhous intersection warrants a westbound left-turn pocket, however the right-of-way for this improvement does not exist at this time. When the abutting properties redevelop, the right-of-way will be dedicated and intersection improvements will be made at that time.

#### **4.3.300(E) continued...**

##### **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:** The development parcel abuts two existing streets, Chase Road right-of-way to the west, and News Lane, a private shared drive/street to the east. The proposed Chase Road extension is designated as a Proposed Major Collector Street on the City of Bend Transportation System Plan, and will connect to Brosterhous Road in the future, when funding is available for construction of a roundabout. The proposed subdivision design adds public right of way for Chase Road and the future roundabout. Individual access to the lots of the subdivision will be provided by one of three proposed new local streets (which are perpendicular to the Chase Road extension), or by Coachmen Way, which is currently developed as half a local street (but will be fully constructed with this development). The new local streets and the improvement of Coachman Way will provide a logical street grid in the area as well as opportunities for roadway extensions to the north. The planned additions to Bend's transportation system create a standard grid-style neighborhood in conformance with the City block length and perimeter requirements (to the maximum extent possible). The new local streets are designed to City standards, including necessary right of way, pavement width, planter strips and sidewalks. Also, the Chase Road extension will be designed for City Collector street standards, including necessary pavement width, parking areas, bicycle lanes, planter strips, and sidewalks.

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

**FINDING:** The proposed lots are adequately sized for development with single family detached residences as addressed in findings above. Additionally, the proposal complies with the density requirements of the RS zone.

A grazing easement exists on a portion of proposed Lots 18 through 21 for the benefit of 61360 Keelally Court\*. This grazing easement causes some of these proposed lots to not be suited for the intended residential use, as a single-family home could not be built on some of these lots on the remaining square footage outside of the easement. While this private easement is not under the purview of the Bend Development Code, this easement should be removed prior to final plat of Phase 1 to allow residential development on these residential lots.



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

**FINDING:** Comments from the City Engineer indicate that the sewer and water services 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.

**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 property is not located within a flood protection zone and no other potential natural hazards have been identified on the property. Regarding fire protection, the subdivision provides two connections to the existing public street system; as a fire access gate is planned at the east end of the Chase Road extension (until such time as the round-about and connection to Brosterhous is made). The two connections to the existing street system provide a safe level of access, in conformance with Fire Code requirements. Also, the City's Water Flow Analysis documents that at least 1,500 gallons per minute can be provided at 20 psi for 2 hours, which is sufficient for Fire Code conformance. Lastly, as shown on the Tentative Plan, existing hydrants are located to the northwest (at the intersection of Travelers Place and Coachman Way) and northeast of the property (at the proposed Brosterhous Road

connection) and new fire hydrants are proposed throughout the development. The design ensures that fire hydrants are located no farther than 400 feet apart and the combination of the access, the existing and planned hydrant locations, the available water flow, and future building permit review procedures all ensure Fire Code Requirements are 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.***

**FINDING:** Per the findings above under BDC 4.7, the proposal, as conditioned, complies with this code criteria.

**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.***
- 2. *If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within two years of the approval date of the tentative plan.***
- 3. *The final plats for any subsequent phase shall be filed within three years of the approved date for the tentative plan, unless a longer period of time is allowed through the tentative plan approval process. In no case shall the final plat be recorded more than five years from the date of the tentative approval.***
- 4. *If the applicant fails to file a final plat within the specified timelines, the tentative plan for those phases shall become null and void.***

**FINDING:** The final plat for the first phase of this tentative plan must be filed with the City within two years of the approval date of this decision. The final plat for the final phase of the subdivision must be filed with the City within five years of the approval date of this decision.

**DECISION:**

Based on the tentative plat submitted by the applicant and uploaded to ePlans on October 22, 2018, the approval criteria of Chapter 4.3, and applicable development standards in Chapter 2 and Chapter 3 of the Bend Development Code are met. Therefore, PZ 18-0625 for the 82-lot Arena Acres subdivision is hereby **approved** subject to the conditions of approval listed below.

**CONDITIONS OF APPROVAL:**

1. Approval is based on the plans uploaded to EPlans on October 22, 2018 and supporting materials uploaded to Eplans between August 3 and October 23, 2018 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. The applicant shall continue coordinating with the Oregon Department of Fish and Wildlife regarding compliance with state and federal guidelines for the protection of Golden Eagle habitat.
3. No access from private lots in the subdivision shall be permitted from Chase Road, Brosterhous Road or News Lane.
4. The proposed grading plan must be revised to show grading that is consistent with the retention of the 44" and 46" dbh Ponderosa pines on Lot 35.
5. In addition to the trees the applicant has proposed to retain, all other significant trees that meet the following criteria must be retained:
  - Affected by 1 ft or less of cut or fill (or 1.5 ft or less of fill near the subject property boundary); and
  - Within 5 feet or less of a proposed side property line or 10 feet from a proposed front or rear property line

If the applicant indicates that trees meeting these criteria need to be removed, an arborist report must be submitted to the City to indicate that these trees will not be viable with slight modifications to the proposed grading or the utilization of shallow tree wells. A revised grading plan and tree removal plan must be submitted in accordance with this condition.

## Infrastructure Plan Review:

6. Property tight sidewalks along all lots must be shown on the Tier III right of way (infrastructure) plans. Sidewalk will be permitted to meander as approved to because of topography or to avoid barriers (trees, utilities, etc.).
7. 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.
8. All areas of significant trees shown to be retained under the Tier III (infrastructure) permit shall be protected, as well as the root systems of trees immediately off-site, prior to, during, and after construction. The proposed tree protection fencing shall be installed prior to any construction activities on the site, and shall remain in place until construction has been completed. Grading, operation of vehicles and heavy equipment, and storage of supplies and construction materials is prohibited within significant vegetation areas.
9. Chase Road shall be constructed to full collector street standards from Coachman Way to the east side of Street B. The road shall be constructed to a 52-foot asphalt width ((7 foot parking bays, 6.5 foot bike lanes, 2.5 foot bike lane/parking lane buffer, and 10 foot travel lanes) bounded by concrete curb and 6-foot sidewalk on both sides. The 52 foot road section permits on street parking west of Street B. If on street parking is not proposed, the minimum asphalt width is 40 feet (11 foot travel lanes, 6.5 foot bike lanes and 2.5 foot bike lane/parking lane buffer). Intersections shall have bulbs constructed, when parking is proposed, to maintain parked vehicles outside of the clear vision area and to promote safer pedestrian crossings. The road shall be striped and reviewed during the Tier III right of way (infrastructure) permit review. East of Road B, Chase Road shall be paved to the Brosterhous Road intersection, with the roadway width tapered to a minimum 24 feet in width with no parking signs on both sides up to a City standard fire gate on Brosterhous Road. The tapered roadway is to help prevent passage around the fire gate by the general public.
10. Bike lane striping shall be designed and applied under a right of way permit along the north side of Chase Road the full frontage length of Chase Village subdivision. Striping shall not eliminate frontage parking.
11. Right-of-Way dedication is required with the final plat. All local streets (streets A, B, C and Coachmen Way) shall have 60 feet of right of way. Chase Road shall have 80 feet of right of way to conform with collector street standards. Right of way dedication shall be required at the intersection of Chase Road and Brosterhous Road for a future single lane roundabout to City of Bend standards. Construction of the roundabout will be waived to another development.
12. The temporary fire department turnaround at the end of Street C must be within a recorded emergency access easement with the City under a separate document for Phase 3.
13. A City-approved barricade shall be constructed at the end of Street C prior to final plat of Phase 3.

14. All local streets shall be constructed to City of Bend local street standards. Accessible curb ramps shall be installed at every intersection in all direction unless topography prevents meeting PROWAG guidelines.
15. Brosterhous Road between the site and Stone Creek, where disturbed by the sewer installation, shall be reconstructed to collector standards. The width of road shall be maintained at current minimum width, but not less than 26 feet. Curb and sidewalk installation requirements will be waived. The street will be reconstructed with the future roundabout, with the sidewalk and curb placed at the time of roundabout construction and as additional right of way is obtained.
16. The proposed new roadways, concrete 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.
17. Street tree locations 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.
18. Luminaires shall be placed at the Chase Road intersections with Streets A and B.
19. An 8-inch City watermain shall be installed within all proposed public local streets, tapping into the existing 16-inch water main located in Chase Road. The water system shall be looped whenever possible to avoid deadend mains. Wall water infrastructure shall be installed under an approved Tier III right of way (infrastructure) permit.
20. Only one water service per property is permitted. Any unused service is required to be abandoned and capped at the main per City Standards.
21. Gravity sewer shall be installed within all proposed public streets under an approved Tier III right of way (infrastructure) permit. The sewer main shall be installed to connect into the existing gravity main in Chase Road at manhole CMH006230 / 67-89-1 flowing east to Brosterhous Road. The developer shall continue the gravity main from the subdivision east down Brosterhous Road to the StoneCreek subdivision future manhole CMH010183. In the event that the Stone Creek subdivision gravity sewer main in Brosterhous is not installed, the development shall construct a regional pump station on lot 63 within a public utility easement. A forcemain in Brosterhous Road shall be constructed to the existing Kobe Street manhole CMH006218.
22. Only one sewer service per property is permitted. Any unused service is required to be abandoned and capped at the main per City Standards.
23. With the Tier III right of way (infrastructure) permit a Stormwater Drainage Report and Grading/Drainage/Erosion Control Plan is required in conformance with City of Bend and COSM standards.

24. Upon completion of improvements, the Engineer of Record (EOR) shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements. Documentation of site inspections shall be required as supporting information.
25. All new utilities, including power, shall be installed underground prior to surfacing the streets. Final location of utilities shall be reviewed and approved by the City Engineer through the Tier III right of way (infrastructure) plan review process. No franchise utilities can be located within 10 feet of a City water main or sewer line.
26. 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.

#### **Prior to Final Plat**

27. If not already recorded, an access and utility easement shall be provided on News Lane along the westerly frontage of taxlot 181209 C0 00600 (61390 News Lane). The easement shall fully encompass the existing gravel road and the utility services to the property.
28. Prior to final plat of Phase 1, if a fence does not already exist, a fence must be constructed on Lots 61-63 along the western boundary of the News Lane access easement and the eastern boundary of Lots 53-60 to prevent access to News Lane as a through route.
29. Prior to final plat of Phase 2, a fence must be constructed along the eastern boundary of Lots 53-58 to prevent the use of the News Lane extension on the subject property as a through route.
30. The overhead utility line along the eastern boundary of the subject property that will continue to serve the abutting property to the east must be installed underground or relocated prior to final plat of Phase 3.
31. Prior to final plat of Phase 3, a 20 foot access easement for the benefit of 61390 News Lane must be provided across the northern portion of Lot 47 from the terminus of News Lane to Street C from 61390 News Lane if the Brosterhaus Road/Chase Road roundabout is constructed prior to redevelopment of 61390 News Lane.
32. Prior to final plat of Phase 3, if a fence does not already exist, a fence must be constructed at the northern boundary of the subject property abutting 61390 News Lane with a gate at the terminus of News Lane to prevent the use of News Lane as a through route.
33. The temporary fire department turnaround at the end of Street C must be within a recorded emergency access easement with the City under a separate document for Phase 3.
34. All existing easements that will remain must be shown on the final plat, including the Cascade Natural Gas easement (Instrument No. 203-1560).

35. The proposed local streets must be named and approved prior to final plat approval.

**At Building Permit Submittal for individual homes:**

36. The driveway approaches for all lots abutting Chase Road must be located on the adjacent local street as far from Chase Road as feasible.

37. The residential compatibility setback standards of BDC 2.1.300.G. will apply to Lot 42-46, 47 and 61-63 at the time of building permit application.

38. Lot 41, a flag lot, is subject to the floor-area ratio (FAR) requirements of BDC 2.1.400 at the time of building permit submittal.

39. 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.**

Written by:   
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