

**CITY OF BEND PLANNING DIVISION
TYPE II ADMINISTRATIVE DECISIONS**



**COMMUNITY
DEVELOPMENT**

PROJECT NUMBER: PLSPR20230010

DATE MAILED: June 28, 2023

APPLICANT/ OWNER: Holliday Ave Partners LLC
456 Manzanita Drive
Los Osos, CA 93402

ARCHITECT: Ten Over Studio
Aisling Burke
539 Marsh Street
San Luis Obispo, CA 93401

ENGINEER: Ashley and Vance Engineering, Inc.
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Bend, OR 97703

TRAFFIC ENGINEER: Transight Consulting LLC
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61271 Splendor Lane
Bend, OR 97702

PLANNER: Blackmore Planning and Development Services, LLC
Greg Blackmore, Principal Planner
19454 Sunshine Way
Bend, OR 97702

LOCATIONS: 2101 NE Holliday Ave, Bend, OR 97701; 171227DB01000; Lot 19,
Block 1, Holliday Park First Addition

REQUEST: Type II Site Plan review application for a new 14,600 square foot, 3-
story Micro Unit Development in the RM Zone. Twenty-nine units and
18 parking stalls, and associated site improvements are proposed.

STAFF REVIEWER: Alexa Repko, Associate Planner
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APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

City of Bend Development Code

Criteria

Chapter 4.2, MDS Review, Site Plan Review and Design Review

Standards

Chapter 2.1; Residential Districts (RM)
Chapter 3.1; Lot, Parcel and Block Design, Access and Circulation
Chapter 3.2; Landscaping, Street Trees, Fences and Walls
Chapter 3.3; Vehicle Parking, Loading and Bicycle Parking
Chapter 3.4; Public Improvement Standards
Chapter 3.5; Other Design Standards
Chapter 3.8; Development Alternatives

Procedures

Chapter 4.1; Development Review and Procedures

FINDINGS OF FACT:

1. **LOCATION:** The subject property is located at 2101 NE Holliday Avenue. The property is also recognized as Lot 19 of Block 1 of the Holliday Park First Addition, and further recognized as tax lot 1000 on the Deschutes County Assessor's Map #17-12-27DB.
2. **ZONING:** The property is zoned Residential Medium Density (RM) and is designated RM by the Bend Comprehensive Plan map.
3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is approximately 20,000 square-feet in area and located on the west side of NE Holliday Avenue, mid-block between NE Neil Way and NE Patterson Circle. The property is provided access along its frontage on NE Holliday Avenue, a designated Local Street. NE Holliday Avenue is improved with 36-feet of asphalt and curbs on both sides as a Local Street. There are 5-foot curb-tight sidewalks on the east side of NE Holliday Avenue, but no sidewalks along the property frontage. The site does contain some topography on the east side of the lot as well as in the northwest corner with several older established deciduous juniper trees. Surrounding properties are also zoned RM and developed with a variety of different types of multi-family housing complexes.



4. **PROPOSAL:** Type II Site Plan Review for a new 14,600 square foot, 3-story, 29-unit Micro-Unit Development in the RM zone. The proposal includes access from NE Holliday Avenue, 18 parking spaces, and 15.7% landscaping.
5. **PUBLIC NOTICE AND COMMENTS:** The applicant conducted a neighborhood public meeting on July 6, 2022 as well as February 23, 2023 as required by BDC 4.1.215. Notification of the request was sent to the Mountain View Neighborhood Association (MVNA), and to surrounding property owners and residents as shown on the most recent property tax assessment within 250 feet of the subject property on March 30, 2023. Notice of Pending Administrative Review was also posted on site at the subject property on March 29, 2023. The Planning Division received several public comments pertaining to the development proposal before the close of the open comment period on April 13, 2023. The substance of the comments is detailed and addressed by staff below. Certain comments have been combined or separated for clarity.

Comments:

1. The proposed development does not include sufficient parking at 18 parking spaces vs. 29 units.
2. Parking is inadequate, will there be a live in property manager, concerns about the decrease in the north side easement. Fencing should be required, what is the length of the lease, do the balconies extend beyond the depth of the building. Are sidewalks proposed, are property lines established, concerns about building height. What are the construction timelines and will neighbors be informed on progress.
3. Parking is inadequate due to the proposed amount, the adjacent development, and the layout of existing streets.

Staff Response:

1. Per OAR 660-012-0430, effective December 31, 2022, Cities and Counties may not require parking for residential units smaller than 750 square feet.
2. The applicant does not speak to whether a property manager will live on site or not. There is a 6’ cedar fence proposed around the property’s perimeter. The applicant does not discuss the lease length in the submitted burden of proof, nor are there any applicable standards related to lease length. Relevant standards for the proposed balconies are addressed in the findings in this decision. Sidewalks are proposed and required to be constructed at the time of development. Property lines were established with the recording of the Holliday Park, First Addition plat recorded in 1976, and are shown on the submitted site plan, which was prepared by a licensed engineer. The proposed building height is 34’ which is under the 40’ maximum for the RM Zone. The applicant did not outline construction timelines in the submitted burden of proof.
3. As is stated above, OAR 660-012-043 prohibits parking requirements for residential units of this size (750 square feet or smaller).

- 6. APPLICATION ACCEPTANCE DATE:** The application and submission documents for the project were submitted on January 6, 2023 and the required fees were paid on January 10, 2023. Staff reviewed the application materials and noted that the required Authorization, Title Report, Preliminary grading Plan, Verification of Compliance Public Meeting Form, Public Meeting Documents, Site Plan, and Traffic Analysis Memo were all either incomplete or outstanding. The aforementioned required documents were either updated or submitted and the application was accepted as complete on March 21, 2023. The 120-day clock therefore expires on July 22, 2023.
- 7. LOT OF RECORD:** The subject site is Lot 19, Block 1 of the Holliday Park First Addition subdivision, CS 07580 filed in 1976 and is therefore a legal lot of record.

APPLICATION OF THE CRITERIA:

CHAPTER 4.2; MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.500 Site Plan Review.

D. Site Plan Review Approval Criteria. The City shall approve, approve with conditions, or deny the proposed Site Plan Review application based on the following criteria:

CRITERION #1: The proposed land use is a permitted or conditional use in the zoning district;

CHAPTER 2.1; RESIDENTIAL DISTRICTS

2.1.200 Permitted and Conditional Uses.

Table 2.1.200 - Permitted and Conditional Uses

<i>Land Use</i>	<i>RM</i>
<i>Residential</i>	
Micro-units. See BDC Chapter 3.8.200	<i>P</i>

FINDING: Micro-unit developments are permitted outright in the RM zone subject to the special standards of BDC Chapter 3.8.200. This criterion is found met. The applicable standards from BDC 3.8 will be addressed below in this review.

CRITERION #2: Conditionally permitted uses require approval of a Conditional Use Permit and shall meet the criteria in BDC 4.4.400;

FINDING: The proposed use is permitted outright in the underlying zone and comprehensive plan map designation. Therefore, a conditional use permit is not required.

CRITERION #3: The land use, building/yard setback, lot area, lot dimensions, density, lot coverage, building height, design review standards and other applicable standards of the applicable zoning district(s) are met;

FINDING: The development is subject to the special standards of BDC 3.8.200 as a Micro-Unit Development, the standards of which supersede the standards of the underlying zone where conflicting. Therefore, the below sections of BDC 2.1 shall be limited to those which do not conflict with the special standards of BDC 3.8.200.

2.1.300 Setbacks.

C. Front Setbacks.

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

FINDING: The proposed front setback along NE Holliday Avenue is greater than 10-feet.

D. Rear Setbacks.

- 2. RS, RM-10, RM and RH Districts. The minimum rear setback is five feet. When multifamily residential or nonresidential uses abut a detached single-family dwelling unit in the RS District, the rear setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.
*Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.***

FINDING: The subject property does not abut the RS Zone nor a single-family dwelling unit therefore the rear setback requirement is the standard 5-feet. The proposed rear setback is greater than 5-feet.

E. Side Setbacks.

- 2. RS, RM-10, RM and RH Districts. The minimum rear setback is five feet. When multi-unit residential or nonresidential uses abut a single-unit detached dwelling in the RS District, the rear setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.
*Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.***

FINDING: The side setbacks are greater than 5-feet to both the north and south.

F. Additional Setback Requirements.

- 3. Clear Vision Areas.** All structures must comply with this section, except as necessary to comply with BDC 3.1.500, Clear Vision Areas.
- 5. Architectural Features.** Except as prohibited in subsection (F)(6) of this section, the following architectural features are allowed to encroach into the front, side and rear setbacks by no more than two feet provided a minimum setback of three feet is provided from the property line: eaves, chimneys including fireplace enclosures and chimney chases, bay windows up to eight feet in width, window wells, and similar architectural features.
- 6. Front Setbacks.** The following may encroach into the front setback:
 - b. RS, RM, RM-10 and RH.** An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be set back a minimum of six feet from the front property line, as long as it does not encroach into a public utility easement. No portion of the structure can encroach closer than six feet to the front property line including the architectural features in subsection (F)(5) of this section.
 - c. Stairs, ramps and landings** that are not roofed or enclosed above or below the steps may be in the front setback when they follow the grade.
- 7. Side and Rear Setbacks.** The following may encroach into the side and rear setback in the UAR, RL, RS, RM, RM-10 and RH:
 - a. An uncovered porch, patio, deck or stoop** located above finished grade with a maximum floor height not exceeding 18 inches must be set back a minimum of 18 inches from the side and rear property lines, as long as it does not encroach into a public utility easement.
 - b. Uncovered patios at finished grade** are exempt from setbacks as long as it does not encroach into a public utility easement.
 - c. Stairs, ramps and landings** that are not roofed or enclosed above or below the steps may be in the side and rear setback when they are at ground level and follow the grade.

G. Prohibited in Setbacks. The following are prohibited, unless stated otherwise, within the following setbacks:

- 1. Front Setbacks.** Satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects.
- 2. Side and Rear Setbacks.** Satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/ use being screened.
- 3. Balconies.**

FINDING: Architectural features such as eaves and balconies do not encroach into any setback.

2.1.500 Lot Area and Dimensions.

2.1.700 Maximum Lot Coverage and Floor Area Ratio.

FINDING: The lot area and dimensions and lot coverage requirements of 3.8.200.C for Micro-unit Development supersede the underlying residential zone standards.

3.8.200 Micro-Unit Development.

C. Development Standards.

1. The following table provides the numerical development standards:

Standards	RS & RM-10	RM	RH	Mixed-Use and Commercial Districts Zoning Districts
Minimum lot area	4,000 square feet for the first four micro-units plus 1,000 square feet per additional micro-unit	2,500 square feet for the first four micro-units plus 625 square feet per additional micro-unit	No minimum	No minimum
Minimum lot width at the front property line	40 ft.	30 ft.	30 ft.	No minimum
Corner lots or parcels must be at least five feet more in width than the minimum lot width required				
Minimum lot depth	50 ft.	50 ft.	50 ft.	No minimum
Maximum lot coverage	50% for lots or parcels with single-	60%	none	none

FINDING: The minimum lot size for the proposal is 18,125 square feet as 2,500 square feet are required for the first 4 units plus 625 square feet for each additional unit (25 units x 625 square feet). The subject lot is 19,895 square feet in size. The lot width is 71-feet and the lot depth is approximately 200-feet. The lot coverage is 25% (4,865 square feet building foot print / 19,895 square feet lot size). These standards are met.

2.1.600 Residential Density.

Table 2.1.600 Residential Densities

Residential Zone	Density Range
<i>Medium Density Residential (RM)</i>	<i>7.3 – 21.7 units/gross acre</i>

C. Density Calculation.

1. Maximum housing densities are calculated as follows:

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

3.8.200 Micro-Unit Development.

B. Maximum Density. *The maximum density must not exceed that of the relevant zoning district and is based on the following calculation:*

1. Four micro-units equal one dwelling unit. Fractional units are rounded up.

FINDING: The special standards of BDC 3.8.200 apply requirements to maximum density which complement the standards of the RM zone. The density range remains the same, however, the standards allow 4 micro-units to be counted as one unit, specifically for maximum density. Below are the calculations used to determine the allowable density, referencing the special standards of 3.8.200 only for maximum density.

Maximum density calculation:

0.46 acres x (21.7 units/acre) = 9.98 units

2.1.600.C. Residential Density. (continued)

2. Minimum housing densities are calculated as follows:

- a. The area subject to minimum housing density is the total site area excluding any land to be developed with or dedicated for neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit; sensitive lands; fire breaks; and canals and their associated easements.**

- b. The area for future streets is included in the area subject to minimum housing density.*
- c. For purposes of calculating minimum density, fractional units are rounded up to the next whole unit.*
- d. As an illustrative example, if the total site area is five acres, of which a half-acre is sensitive lands, and another acre will be developed with neighborhood commercial uses, and new streets will be created, the area subject to minimum housing density is three and one-half acres (total site area minus one acre of neighborhood commercial uses, minus a half-acre of sensitive lands). If the minimum density is 4.0 dwelling units per acre, then a minimum number of 14 units is required on the site.*

FINDING: The minimum density standards are only those of the underlying zone.

Minimum density calculation:

$$0.46 \text{ acres} \times (7.3 \text{ units/acre}) = 3.36 \text{ units}$$

Micro-Unit Development density calculation:

$$29 \text{ Micro-units} / 4 \text{ units per one equivalent unit} = 7.25 \text{ units}$$

The proposed number of micro-units are within the minimum to maximum density range of 7.3 – 21.7 units/gross acre. The density standards are found met.

2.1.800 Building Height.

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

2. Buildings within the RM Zone may be no more than 40 feet in height.



FINDING: The proposed height of the development is 34-feet which complies with the maximum building height of 40-feet in the RM Zone. This standard has been met.

Chapter 2.1.1100 Other Design Standards.

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

FINDING: The submitted preliminary grading and drainage plan indicates that all on-site stormwater is to be retained on the property of origin. Stormwater is proposed to be maintained using dry wells. This standard is met. A condition of approval will ensure these standards remain satisfied. The standards for on-site retention will be further reviewed under a future site-improvement (building) permit.

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

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

Condition of Approval: Prior to occupancy, a Stormwater Maintenance Agreement must be executed and recorded in accordance with Bend Code Title 16, Grading, Excavation, and Stormwater Management.

B. Development must comply with BDC 3.5.200, *Outdoor Lighting Standards*, and *3.5.400, Solar Standards*.

FINDING: The standards of BDC 3.5.200 and 3.5.400 are addressed below in this review.

3.8.200 Micro-Unit Development. (Continued)

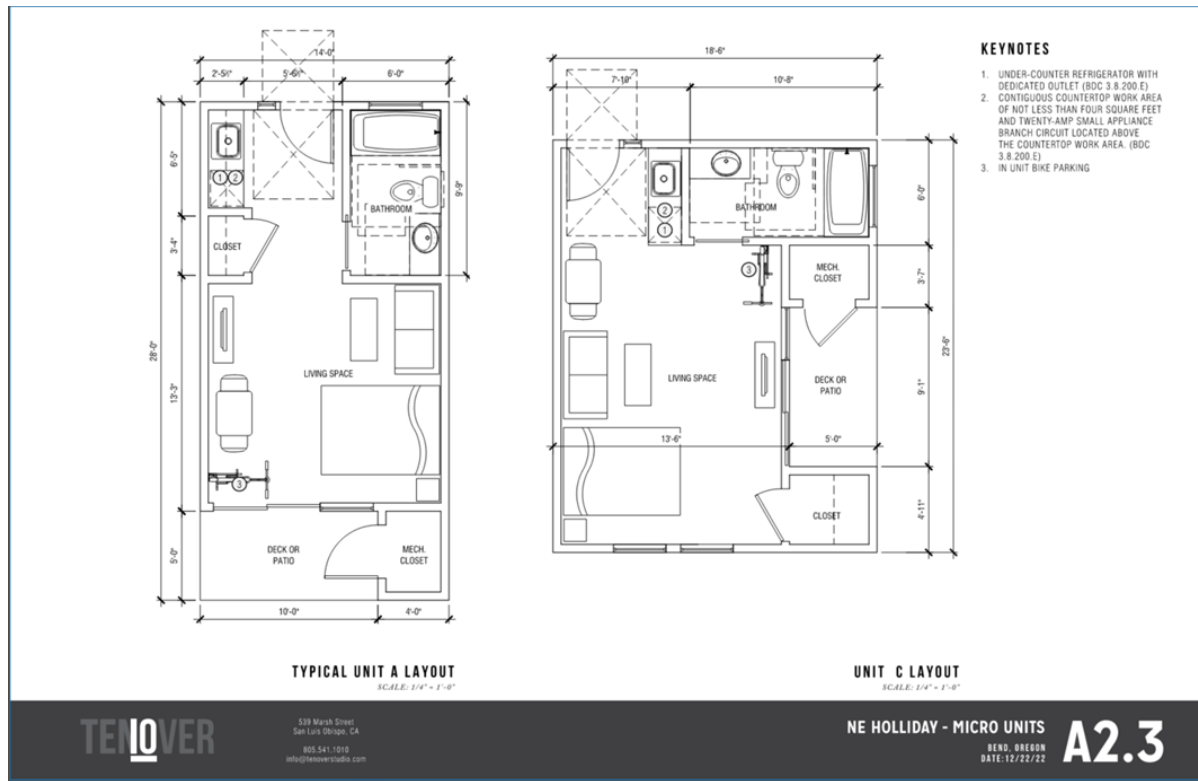
D. Micro-Unit Size.

- 1. Minimum Floor Area: 150 square feet.**
- 2. Maximum Floor Area: 400 square feet, exclusive of lofts.**
 - a. Exception. Accessible units designed to meet the accessible requirements of the current Oregon Building Code may be 450 square feet, exclusive of lofts.**

FINDING: The definition of floor area in BC 1.2 states as follows:

Floor area means the area measured in feet of horizontal decked space intended to be a floored surface contained within a building or portion thereof, measured to the external face of the external walls, exclusive of vent shafts, and courts and basements. When calculating floor area, stairs are counted once unless the area under the stairs is part of the dwelling unit's floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.

26 of the proposed 29 units are 300 square-feet in floor area, 2 of the proposed 29 units are 350 square-feet in floor area, and 1 of the proposed 29 units is 405 square-feet in floor area. The unit that is 405 square-feet in floor area is an accessible unit, therefore these standards have been met.



Enlarged Unit Types

E. Private Facilities.

1. Each micro-unit must contain the following:

a. An area that includes the following at a minimum:

- i. Under-the-counter refrigerator with a dedicated outlet;
- ii. Contiguous countertop work area of not less than four square feet; and
- iii. Twenty-amp small appliance branch circuit located above the countertop work area.

b. A bathroom that contains a toilet and a shower and/or bathtub.

c. A sink. For the purposes of a micro-unit, the sink may be larger than 18 inches by 18 inches and will not be considered a kitchen.

FINDING: The Enlarged Unit Types plan submitted indicates that each unit will be improved with the required amenities per this section. There is an under-counter refrigerator adjacent to the sink, with a counter prep-area at least 4 square-feet in size. The bathroom contains a toilet and a shower/bath. The submitted narrative indicates that the units contain the required elements above, which include the 20-amp appliance branch circuit above the countertop. These standards are met.

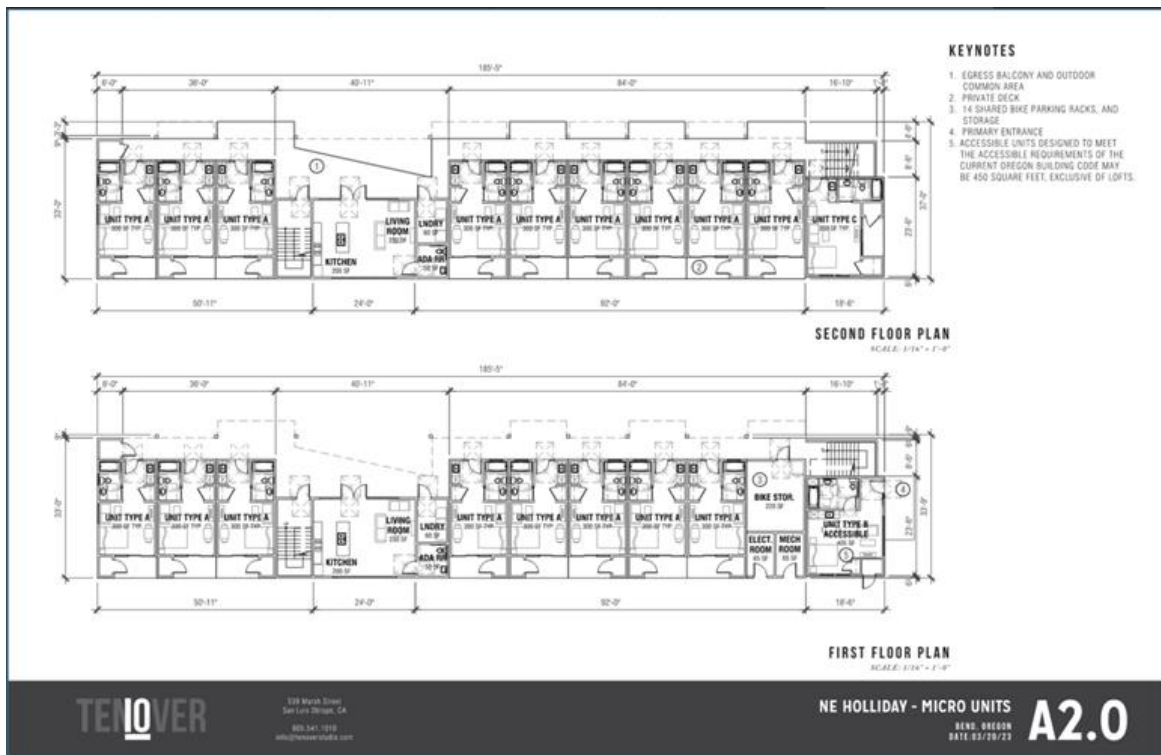
2. Restrictions.

- a. A kitchen is not allowed, except the sink required in subsection (E)(1)(c) of this section may be larger than 18 inches by 18 inches.

FINDING: No kitchens are permitted nor proposed in any of the units. This standard is met.

F. Common Kitchen and Laundry Facilities.

1. One common kitchen must be provided for every 10 micro-units or portion thereof. For purposes of this section, a common kitchen must include a sink larger than 18 inches by 18 inches, a refrigerator, and a stove, range top, or oven and be a minimum of 120 square feet in area.
2. One common laundry facility must be provided for every 10 micro-units or portion thereof.



First and Second Floor Plans

FINDING: A total of 29 micro-units are proposed, requiring a minimum of 3 kitchen facilities, each at least 120 square-feet in area and containing the elements listed above, as well as 3 laundry facilities. The submitted floor plans indicate that each floor contains a separate kitchen facility, which happen to share a large common room intended to be used by all residents and guests. The kitchens are each on the side of a large room, and when measuring the floor area, there is 200 square-feet of the floor area that is available to the kitchen. Each of the three floors has a dedicated laundry facility as well, for a total of 3 laundry facilities. These standards are found met.

G. Private and Common Space: The micro-unit development must contain private and/or common space consistent with the following:

1. Private and common space may be satisfied by a selection or combination of the following:

- a. Private space: balconies, courtyards, decks/rooftop decks, gardens and patios.*
- b. Common space: atriums, balconies, courtyards, decks/rooftop decks, gardens, patios, playgrounds/tot lots, swimming pools, gyms/exercise rooms, living rooms and dining rooms.*
- c. Bathrooms, laundry facilities, storage (including bicycle storage), hallways, the main lobby, and kitchens do not count as private or common space.*

FINDING: The units are improved with private balconies, as well as an outdoor shared common area. The proposed bathrooms, laundry facilities, storage areas, and kitchens do not count as common spaces, but the proposed living rooms do.

- 2. Private space must be provided with a minimum dimension of five feet on any side and common space must be provided with a minimum dimension of 10 feet on any side.*
- 3. The applicant must provide private or common space, or a combination thereof, consistent with the following:*
 - a. RS, RM and RH: minimum 10 square feet of private space or 20 square feet of common space per micro-unit.*

FINDING: Each unit has private space via a balcony 50 square feet in size. Common space is also provided indoors and outdoors. These criteria are satisfied.

H. Design Standards. Micro-units are subject to the following standards. These standards are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, but replace the design standards of the underlying zoning district.

1. Garage Door Standards.

FINDING: The proposed development does not include garages. All parking on-site is limited to the parking area accessed via NE Holliday Avenue. These standards do not apply.

2. Orientation Standards.

- a. At least one front door entrance of the micro-unit development must orientate to an abutting street or open to a porch covered by either a roof or enclosed floor area. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:*
 - i. Meet a minimum area of 20 square feet;*
 - ii. Meet a minimum depth of four feet; and*
 - iii. Have an entry that faces a street.*

For properties with more than one frontage, the applicant may choose which frontage to meet this standard.

FINDING: The proposed building's primary entrance is oriented towards NE Holliday Avenue and the other proposed entrances are covered and are oriented towards the common space area. These standards are satisfied.

I. Off-Street Parking. The following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, and BDC 2.7.3250, Parking, apply.

1. RS, RM and RH: minimum one space per micro-unit.

a. Exception: Micro-unit developments located within a quarter of a mile (1,320 feet as the crow flies) of a transit route may provide 0.5 parking spaces per micro-unit.

FINDING: As is mentioned above, OAR 660-012-0420 mandates no required parking for units less than 750 square feet in size. All of the proposed units are less than 750 square feet in size, thus no off-street parking is required. The applicant has proposed 18 off-street parking spaces that comply with the parking stall standards in BDC 3.3.300. Criteria are satisfied.

3. The maximum is 150 percent of one per micro-unit.

FINDING: The proposal is for 29 units, 150% of 29 units is 43.5 parking spaces maximum. The proposal includes 18 parking spaces which is well below the maximum of 43.5 parking spaces. This standard is met.

4. When four or more required spaces are provided, up to 50 percent of the required off-street parking spaces may be developed as compact parking spaces. Where a fractional number of compact spaces results, the allowed number of compact spaces is rounded down to the nearest whole number.

FINDING: The proposal is for 6, or 33 percent of the 18 proposed parking spaces to be compact parking spaces. This standard is met.

5. Parking is prohibited between the street and the micro-unit development when more than three parking spaces are provided. When more than three parking spaces are provided, backing onto the street is not allowed.

FINDING: No parking is proposed between the street and building, nor is backing into a street required to exit the parking area. This standard is met.

J. Trash receptacles. Trash receptacles must not be located within setbacks for property lines shared with single-family dwelling units. Trash receptacles must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height and must be located for easy access by trash pick-up vehicles.

FINDING: The proposed trash receptacle is in the side parking area, and is not within the side-yard setback, and not within a setback abutting a residential single-family dwelling. The enclosure is screened on all sides, with a height of 6-feet, and is located in a manner that is accessible for collection vehicles to maneuver. These standards are met.

K. Short-term rentals. The use of a micro-unit as a short-term rental is prohibited.

FINDING: Micro-Units are prohibited from operating as Short-Term Rentals. This will be a condition of approval.

Condition of Approval: No Short-Term Rentals are permitted in the micro-unit development.

4.2.500.D. Site Plan Review Approval Criteria. (continued)

CRITERION #4: The proposal complies with the standards of the zoning district that implements the Bend Comprehensive Plan designation of the subject property;

FINDING: The subject property is zoned RM and designated RM on the Comprehensive Plan Map. This criterion will be met as detailed in the findings under Criterion #3 above.

CRITERION #5: The applicable standards in Chapter 3 are met;

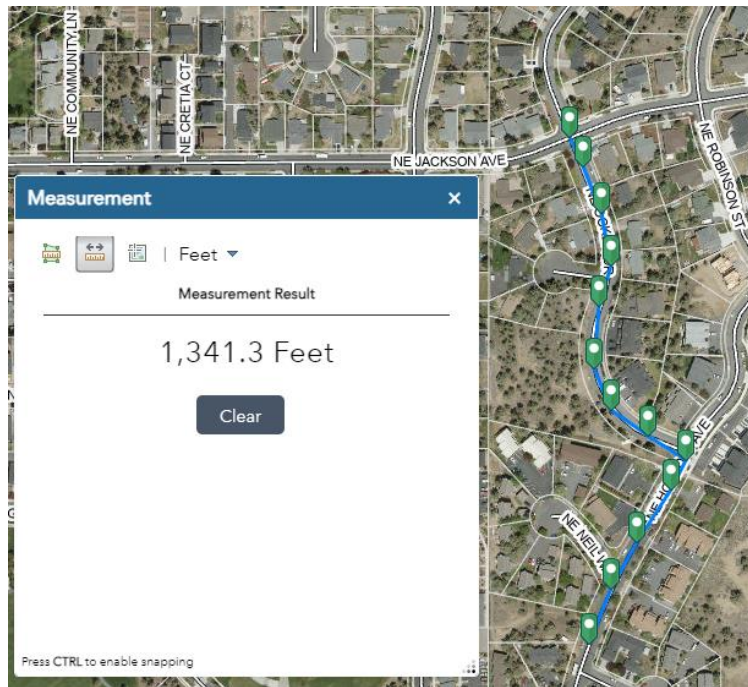
CHAPTER 3.1; Access, Circulation and Lot Design.

3.1.200 Lot, Parcel and Block Design.

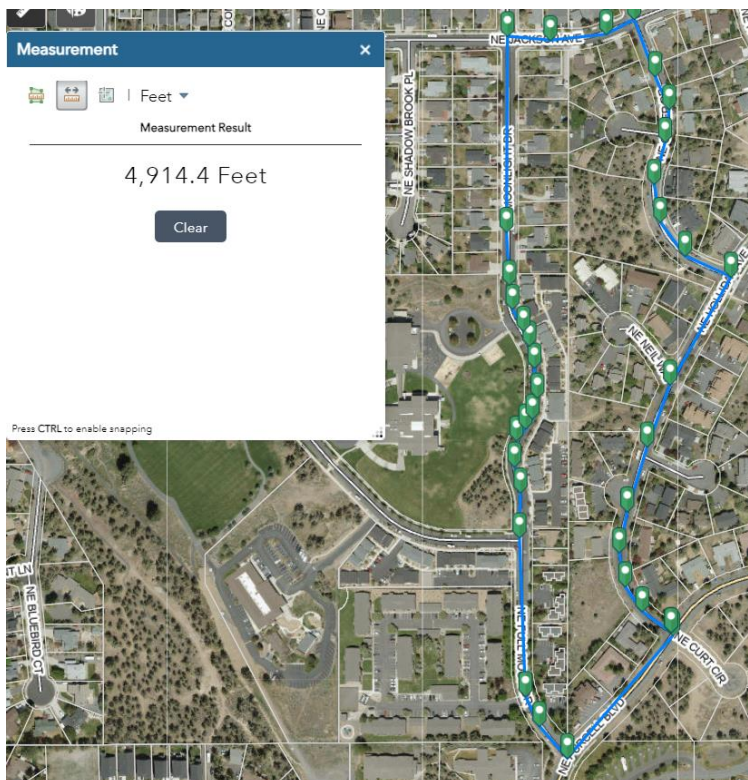
D. Street Connectivity and Formation of Blocks. To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments must produce complete blocks bounded by a connecting network of streets, in accordance with the following standards:

- 1. New development must 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 must be developed within a framework that is established in the City of Bend Transportation System Plan and any applicable Special Planned District, Refinement Plan, Area Plan or Master Plan or other adopted or approved development plan. Where such plans do not provide specific block length and perimeter standards, the requirements listed below apply:***
- 2. Block lengths and perimeters must 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 must be located to minimize out-of- direction travel by pedestrians and bicyclists and must meet all applicable accessibility standards.***

FINDING: The subject property does include a pedestrian connection to the property to the west through an existing access easement. As a Condition of Approval the applicant shall grant a public access easement along the proposed walkway through the site. The subject property is within the Residential Medium Density Zone. The block length is about 1,341 feet which exceeds the 660 foot block length maximum. The perimeter is about 4,914 feet which exceeds the 2,000 foot block perimeter maximum. The walkway to the western pedestrian connection will reduce out of direction travel due to the large block length and perimeter.



Block Length



Block Perimeter

Condition of Approval: Prior to occupancy the applicant shall grant a public access easement along the walkway through the site to connect to the existing public access easement through the townhome development to the west, which connects to the public sidewalk along NE Moonlight Drive.

3.1.300 Multi-Modal Access and Circulation.

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

1. Pedestrian ways must:

- a. Connect all building entrances within the development to one another.**
- b. Connect all parking areas, storage areas, recreational facilities, common areas (as applicable), and abutting development to the building's entrances and exits.**
- c. Extend throughout the development site, and connect to all future phases of development, abutting trails, public parks and open space areas whenever possible as described in subsection (C) of this section, Off-Site Multi-Modal Facilities.**
- d. Connect or stub to abutting streets and private property, in intervals no greater than the block perimeter standards.**
- e. Provide pedestrian facilities within developments that are safe, accessible, reasonably direct and convenient connections between primary building entrances and all abutting streets, based on the following:**
 - i. Convenient and Direct.** *A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.*
 - ii. Safe.** *Bicycling and pedestrian routes that are free from hazards and safely designed by ensuring no hidden corners, sight-obscuring fences, dense vegetation or other unsafe conditions.*
 - iii. Accessible.** *All pedestrian access routes must comply with all applicable accessibility requirements.*
 - iv. Primary Entrance Connection.** *A pedestrian access route must be constructed to connect the primary entrance of each building to the abutting streets. For commercial, industrial, mixed-use, public, and institutional building entrances, the primary entrance is the main public entrance to the building. In the case where no public entrance exists, connections must be provided to each employee entrance. For multi-unit dwellings, the primary entrance is the front door (i.e., oriented toward the street). For buildings in which each unit does not have its own exterior entrance, the primary entrance may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling and be accessible.*

FINDING: The primary building entrances are located along the north side of the building with access to the parking areas and site amenities. The proposed design of the building entrances provides direct connections to the abutting street. The primary building entrances are connected internally and/or externally to all other entrances of the site.

The proposed walkway system is 5 feet in width and straight/direct. It connects to the abutting right-of-way and to the property to the west via an existing access easement. The proposed walkway system also extends to onsite amenities such as parking areas and common spaces.

Furthermore, sidewalks will be improved in the abutting right-of-way, which ultimately will connect to the area around the property. All proposed walkways are safe and free of objective hazards, and direct. A condition of approval will ensure all walkways comply with all applicable accessibility standards.

Condition of Approval: All pedestrian access routes must comply with all applicable accessibility requirements.

2. On-Site Pedestrian Facility Development Standards. On-site pedestrian facilities must meet the following standards:

- a. On-site pedestrian walkways must have a minimum width of five feet.**
- b. Pedestrian walkways must be lighted in conformance with BDC 3.5.200, Outdoor Lighting Standards.**

FINDING: The location of the walkways are adjacent to the building and will be lit by the fixtures along the façade of the building. The proposed compact parking spaces about the walkway, in order to maintain walkways with 5 feet of width curb stops shall be installed.

Condition of Approval: Prior to occupancy, the applicant shall install curb stops in each parking space that is adjacent to a walkway that is less than 7 feet wide.

- c. Switchback paths are required where necessary to meet the City's adopted accessibility requirements and City of Bend Standards and Specifications. Accessible alternate routes such as ramps and/or lifts must be provided when required.**
- d. Vehicle/Walkway Separation. Where walkways are parallel and abut a driveway or street (public or private), they must be raised six inches and curbed, or separated from the driveway/street by a five-foot minimum landscaped strip. Special designs may be permitted if this five-foot separation cannot be achieved.**

FINDING: The walkways along the north of the site are adjacent to parking stalls, and the walkways along the south of the site are adjacent to the building. Walkways are raised and curbed, but they will also need curb stops in parking spaces to keep vehicles from overhanging onto the walkway.

- e. Housing/Walkway Separation. Pedestrian walkways must be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the walkway edge to the closest dwelling unit. The separation area must be landscaped in conformance with the provisions of BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. No walkway/building separation is required for commercial, industrial, public, or institutional uses.**
- i. Exemption to the housing/walkway separation standard: when the walkway abuts residential living areas with no windows.**

FINDING: The proposal includes a 5-foot wide landscape area between the walkway and the ground floor units. Walkways along the ground floor units containing doors shall have opaque or frosted windows for privacy except where there are building entrances.

Condition of Approval: Walkways along the ground floor units containing doors shall have opaque or frosted windows for privacy except where there are building entrances.

- f. Walkway Surface. Walkway surfaces must be concrete and conform to accessibility requirements. Asphalt, brick/masonry pavers, or other durable surface that makes a smooth surface texture, and conforms to accessibility requirements, may be allowed as determined by the City. Multi-use paths and trails (i.e., for bicycles and pedestrians) must be the same materials. (See also BDC 3.4.200, Transportation Improvement Standards.)***
- g. Additional standards for walkway design can be found in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.***

FINDING: The walkways throughout vary in size, but are all at least 5-feet in width and comprised of concrete.

3.1.400 Vehicular Access Management.

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

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

FINDING: The proposal includes a new access point from NE Holliday Avenue, a local City street. The access will be reviewed for compliance with Chapter 3.4 Public Improvement standards below.

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 as part of the proposal. The Transportation Facilities Report is reviewed for compliance with Chapter 4.7 Transportation Analysis below.

E. Conditions of Approval. To ensure the safe and efficient operation of the street and highway system, the City may require the closing, consolidation, or relocation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways and cross access routes), development of frontage or backage streets, installation of traffic control devices, and/or other mitigation measures that comply with this code, the City's Standards and Specifications, and are approved by the City.

FINDING: Based on the City issued Traffic Analysis Memo, a modification to the proposed accessed is not anticipated.

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

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

FINDING: The proposal includes one access point on NE Holliday Avenue in compliance with this standard.

- 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: City of Bend Engineering Division stated in the Traffic Analysis Memo issued, "There is no access on the opposite side of the street that would create conflicts with the site's access." The closest adjacent access point is approximately 50 feet. This standard has been met.

- 6. Access Operations Requirements. Backing from an access onto a public street is not permitted except for single-unit, duplex, triplex or quadplex 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 must 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: The proposal is for a micro-unit development and it does not include backing onto a public street from the access point. The proposed drive aisles are at least 20 feet in width or 24 feet abutting parking spaces which has been deemed adequate for maneuvering. This standard has been met.

- 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.**

FINDING: Site access was reviewed as part of the Traffic Analysis Memo and was deemed to sufficient. The driveway does have an unobstructed view of the roadway.

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

FINDING: The proposed driveway is planned to be 20 feet wide and constructed of asphalt in compliance with the City of Bend Standards and Specifications.

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

FINDING: Shared access is not proposed as part of this development.

H. Driveway Widths. *Driveway openings (or curb cuts) must 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 is not permitted except for single-unit, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:*

- 2. Multi-unit developments must have a minimum driveway opening width of 20 feet, and a maximum width of 30 feet. The dimension may exceed 30 feet if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.**

FINDING: The proposed driveway is 20 feet wide in compliance with this standard.

I. Fire Access and Parking Area Turn-around. *A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive as measured around the building. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner (except for single-unit dwellings and alleys that provide adequate backing width).*

FINDING: In the Fire Department's review of this application they concluded that firefighting activities would occur from the abutting right-of-way, NE Holliday Ave, and/or the proposed drive aisle. Fire did not identify the need for additional on-site turnaround.

J. Vertical Clearances. *Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet six inches for their entire length and width.*

FINDING: The proposal does not include any encroachments into vertical clearance areas such as those mentioned above. Criterion has been met.

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

FINDING: Barricades are not required nor proposed as part of the subject development.

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

- 1. Surface Options.** *Driveways, required parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing or a durable nonpaving*

material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality. Gravel is not allowed.

- 2. Surface Water Management. When an impervious surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to prevent the flow of stormwater onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City specifications. Durable nonpaving materials (e.g., grass-crete, eco-stone) are encouraged to facilitate on-site infiltration of stormwater.**

FINDING: The proposed driveway and drive aisle are planned to be constructed of asphalt. A drainage plan was submitted as part of the application and reviewed for compliance with this section.

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

Condition of Approval: Prior to occupancy, a Stormwater Maintenance Agreement must be executed and recorded in accordance with Bend Code Title 16, Grading, Excavation, and Stormwater Management.

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

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

- 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.

D. The City Engineer may modify the clear vision area requirements upon written request by the applicant if, in the City Engineer's determination, the construction within this triangle will not adversely impact traffic or pedestrian safety. Reasons for the modification(s) are limited to special circumstances such as the existence of available right-of-way in excess of City standards, curb extensions, or unique traffic flow (one way).

FINDING: Clear vision areas as per this section are documented on the submitted Site and Utility Plan. It appears as though a street tree is proposed in the clear vision area. The proposed street tree on the north side of the driveway shall be removed from the plans and clear vision areas shall be maintained. As an ongoing Condition of Approval, clear vision areas shall be maintained.

Condition of Approval: Prior to the issuance of any building or site improvement permits, the Landscape Plan must be revised to remove or relocate the proposed street tree north of the driveway entrance to a location outside the clear vision triangle. There must be no fence, wall, parking, landscaping, structure, or any other obstructions to vision other than a street signpost, pole, or tree trunk (clear of branches or foliage) within the clear vision areas on the subject property between the height of 2 feet and 8 feet.

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.

C. Mapping and Protection Required. A Tree Protection Plan shall be prepared and submitted with the development application. Significant vegetation shall be inventoried and mapped as required by BDC Chapter 4.2, Site Plan Review and Design Review, BDC 2.7.600, Waterway Overlay Zone (WOZ), and 2.7.700, Upland Areas of Special Interest Overlay Zone. Trees shall be mapped individually and identified by species and size (DBH). A protection area shall be defined around the edge of all branches (drip-line) of each tree (drip-lines may overlap between trees) or stand of trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine tree health, vegetation boundaries, building setbacks, and other protection or mitigation requirements.

[illegible]

FINDING: Significant trees are displayed on the Existing Conditions Plan and have been mapped per 3.2.200 C. Other trees will be removed to develop the property with the micro-units, walkways, parking, and open space. Topographical constraints, size of property, and placement of structures/infrastructure are the reasons for removing existing trees.

3.2.300 New Landscaping.

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C. Landscape Area Standards. A minimum percentage landscape coverage is required. Coverage is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner. The minimum required landscaping is 15 percent of the gross lot area for the following uses:

1. Residential – micro-unit developments and multiple-unit developments.



Landscape Plan

FINDING: The site is required to supply 15% landscaping, or 2,984 square-feet of landscaping (on a 19,895 square-foot site). The proposed plans include 2,813 square-feet of landscaping with 312 square-feet of hardscape areas, for a total of 3,125 square-feet or 15.7 percent landscaping per this section. The specific composition standards are reviewed in detail below.

D. Landscape Materials. Landscape materials include live trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

1. Plant Selection. Native vegetation shall be preserved or planted where practical. A combination of live deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. Fire resistive plants should be planted in forested areas or on slopes where necessary to reduce the risk of fire spreading to structures. As necessary, soils shall be amended to allow for healthy plant growth.

FINDING: Specific plant selection is displayed on the Landscape Plan pictured above. Plant selection includes a variety of deciduous trees, perennial flowers, plants, and shrubs, as well as accent grasses. The proposed vegetation was chosen by a local Landscape Architect and is proven to be adaptable to this climate. This standard satisfied.

- 2. Hardscape Features.** *Ground-level areas for passive use, such as patios, decks, plazas, paved dining areas, etc., may cover up to 15 percent of the required 15 percent landscape area; swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.*

FINDING: The proposal includes a walkway as well as a common space. Only 447 square feet of hardscape is permitted to count towards the landscaping minimum (15 percent of the required landscaping of 15 percent of the site); 312 square feet of the landscaping is hardscape. This standard is met.

- 3. Nonplant Ground Covers.** *Bark dust, chips, aggregate or other nonplant ground covers may be used and are not considered a substitute for ground cover plants. Measures must be taken to prevent erosion of nonplant ground covers onto adjacent properties or rights-of-way.*
- 4. Tree Size.** *Required deciduous trees shall have a minimum caliper size of two inches or larger at time of planting, including trees planted adjacent to a public right-of-way.*
- 5. Shrub Size.** *Shrubs shall be planted from two-gallon containers or larger.*
- 6. Ground Cover Location and Size.** *All of the landscaped area that is not planted with trees and shrubs or covered by allowable hardscape features must be planted in ground cover plants, including grasses. Ground cover plants shall be sized and spaced in the following manner: planted at a rate of at least one plant per 18 inches on center, in triangular spacing based on plant habitat (growth rate) with an expected coverage of 80 percent within five years of the time of planting.*
- 7. Significant Vegetation.** *Significant vegetation preserved in accordance with BDC 3.2.200 may be credited toward meeting the minimum landscape area standards in subsection (C) of this section. Credit shall be granted based on the total square footage of the preserved canopy. The street tree standards of BDC 3.2.400 may be waived when trees preserved within the front yard setbacks provide the same or better shading and visual quality as would otherwise be provided by street trees between the street and sidewalk.*
- 8. Stormwater Facilities.** *Stormwater facilities (e.g., detention/retention ponds and swales) shall be landscaped. Landscaped bio-swales are encouraged and can be counted in the required amount of landscaped area on the site. Planting of broad leaf canopy trees is encouraged as effective surface water interceptors.*

FINDING: Non-plant ground-covers are limited to the areas underneath plants and are not proposed to represent any landscaping. All proposed landscaping is to meet the dimensional requirements for trees and shrubs, per the submitted narrative. Shrubs are proposed to be planted in containers 2 gallons or larger. The site is proposed to be covered by either development components such as buildings, parking, public improvements etc. or landscaping. Stormwater is proposed to be managed via catch basins and dry wells, thus, no landscaped stormwater facilities are included.

Condition of Approval: Ground cover shall be planted at a rate of at least one plant per 18 inches on center, in triangular spacing based on plant habitat (growth rate) with an expected coverage of 80 percent within five years of the time of planting.

E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped at the time of site development in accordance with the provisions of this chapter. All required landscaping and related improvements shall be completed prior to the issuance of a Certificate of Occupancy. Only during winter months when the ground is frozen shall the required landscape improvements be eligible for financial guarantee prior to occupancy. Landscaping shall provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:

- 1. Yard Setback Landscaping.** Landscaping in yard setbacks shall satisfy the following criteria:
 - a. Based on the proposed use of the site, provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes; and observing the clear vision requirements of BDC Chapter 3.1;**
 - b. Use shrubs and trees as windbreaks or solar shading, where needed;**
 - c. Retain natural vegetation, as practicable;**
 - d. Define pedestrian pathways and open space areas with landscape materials;**
 - e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;**
 - f. Use trees to provide summer shading within common open space areas and parking lots, and within front yards when street trees cannot be provided;**
 - g. Use a combination of plants for year-long foliage, color and interest; and**
 - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.**

FINDING: The proposed landscaping is designed to screen rear and side yards with front yards visible per clear vision requirements. Trees and shrubs are used around the parking area for shading. Landscaping lines the proposed pedestrian pathways as to define them. Trees, hedges, and flowering plants are all included as part of the landscaping plan. The proposed common space is surrounded by landscaping. The proposed trash enclosure is also surrounded by landscaping.

- 2. Parking Areas.** A minimum of 10 percent of the total paved area of all parking lot(s), as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of broad-canopied deciduous shade trees with shrubs and/or ground cover plants. Evenly distributed means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per eight parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 50 spaces shall include landscape islands with trees to break up the parking area into rows.

All landscaped areas for trees shall have minimum dimensions of four feet by four feet to ensure adequate soil, water, and space for healthy plant growth. Where

practical, landscape areas within parking lots shall be designed at a lower grade than the parking surface to allow surface water drainage to collect in the planter areas.

FINDING: Greater than 10-percent of the area within the perimeter of the parking lot is to be landscaped per this section. The proposed parking area is 7,692 square feet in size, the applicant has included 1,878 square feet or 24.4% landscaping in the parking area. The parking area also includes 3 canopy trees for the 21 parking spaces. This standard is met.

3. *Landscape Buffering and Screening Required. Landscape buffering and screening are required under the following conditions:*

- a. *Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area for more than 10 vehicles is adjacent and parallel to a public or private street, a landscape buffer consisting of a variety of trees and/or shrubs shall be provided. The width of the landscape buffer shall be the same width as the front yard setback or a minimum of three feet, whichever is greater. The required screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways.***

The design of the screening shall also allow for visual surveillance of the site for security. Any areas between the parking and maneuvering area and the street/driveway line shall be landscaped with plants or other ground cover. All walls and hedges shall be maintained in good condition, or otherwise replaced by the owner.

- b. *Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised walkway, plaza, or landscaped buffer no less than two feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. The use of sidewalks adjacent to a building shall comply with ADA standards.***

When parking areas are located adjacent to residential ground-floor living space, a landscape buffer with a minimum width of five feet is required.

FINDING: The proposed parking area contains more than 10 parking spaces. The parking area includes a landscape buffer between the street and stalls as per the aforementioned standard. The proposed building is separated from the parking area by a 5-foot-wide walkway as well as landscaping. These standards have been met.

- c. *Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses. All mechanical equipment, outdoor storage, manufacturing, and service and delivery areas shall be screened to the greatest extent practical from all public streets, Residential Districts, and housing units on the same site. Screening shall be provided by one or more of the following: decorative wall (i.e., masonry or similar quality material as the building), evergreen hedge, non-see-through fence, or a similar feature that provides a non-see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation. (See BDC 3.2.500 for other standards related to fences and walls.)***

FINDING: As shown on the submitted Landscape Plan, the trash and recycling area in the northeast side of the parking area, is screened behind a gated enclosure and surrounded by an additional landscape buffer. Necessary mechanical equipment is proposed to be contained within the mechanical room. No additional outdoor storage or mechanical equipment areas are planned, but they may be screened with landscaping or other appropriate materials if necessary in the future. The applicable criteria are met, and a condition of approval will address any new mechanical equipment that may be installed.

Condition of Approval: Any new outdoor mechanical equipment must be architecturally screened (or screened with non-deciduous landscaping) prior to issuance of a Certificate of Occupancy.

F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged. Water efficient irrigation shall be provided for new plants. If the plantings fail to survive, the property owner shall immediately replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this code shall be maintained in good condition, or otherwise replaced by the owner.

FINDING: The proposed vegetation is drought tolerant and/or native. The submittals include a plan for irrigation. If the plantings fail to survive, the property owner shall be responsible for their replacement with an equivalent specimen, and this will be a condition of approval.

Condition of Approval: All landscape features required by this code shall be maintained in good condition, or otherwise replaced by the owner with an equivalent specimen.

3.2.400 Street Trees.

A. City of Bend Approved Tree List. The City has developed a list of desirable trees for planting along streets in three size classes: low, medium and tall. Choices of trees are limited to the following list. Exceptions may be granted by the Planning Director.

Street trees must be those species suitable for the location in which they are placed. Typically, trees with a hardiness rating for zones 1 through 5 will survive in Central Oregon as long as irrigation is provided. Approved tree species include:

1. Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines or in small planting areas less than four feet width:	
Amur Maple/Acer ginnala	Hawthorn/Crataegus 'variety'
Canada Red Cherry/Prunus virginiana 'Shubert'	Japanese Lilac Tree/Syringa reticulata
Eastern Redbud/Cercis canadensis	Serviceberry/Amelanchier
Flowering Crabapple/Malus 'variety' (choose fruitless varieties)	
2. Trees with Medium Mature Tree Height (30 to 45 feet):	
American Hornbeam/Carpinus caroliniana	Hedge Maple/Acer campestre
Callery Pear/Pyrus calleryana	Mountain Ash/Sorbus acuparia 'variety'
Hackberry/Celtis occidentalis 'variety'	
3. Tall Mature Tree Height (50 feet or larger) to be used along collector and arterial streets to create a canopy over the roadway:	

Green Ash/ <i>Fraxinus pennsylvanica</i>	Pin Oak/ <i>Quercus palustris</i>
Honey Locust/ <i>Gleditsia tricanthos</i> 'variety'	Red Maple/ <i>Acer rubrum</i> 'variety'
Littleleaf Linden/ <i>Tilia cordata</i>	Red Oak/ <i>Quercus rubra</i>
Norway Maple/ <i>Acer platanoides</i> 'variety'	Pin Oak/ <i>Quercus palustris</i>
Green Beech/ <i>Fagus sylvatica</i>	
4. Other Tree Species: Multi-trunk and weeping varieties are not appropriate as street trees. The Review Authority may approve other tree species as necessary to achieve the purposes of this code.	
5. Where the City has adopted a Street Tree Master Plan, those trees identified in the master plan must be used.	

B. Growth Characteristics. *Trees must be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:*

1. *Provide a broad canopy tree variety unless limited by overhead clearance.*
2. *Use lower-growing or open-branched trees for spaces under utility wires.*
3. *Select trees that can be “limbed-up” where vision clearance is a concern.*
4. *Use narrow or “columnar” trees where awnings, other building features, or narrow sidewalks limit growth, or where greater visibility is desired between buildings and the street.*
5. *Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.*
6. *Select trees that are well adapted to the local environment, considering soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.*
7. *Select trees for their seasonal color, as desired.*
8. *Use deciduous trees for summer shade and winter sun.*

C. Caliper Size. *The minimum caliper size at planting must be two inches measured at four feet above ground. If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the Planning Director/Review Authority may accept a smaller caliper tree no less than one and one-half inches.*

D. Spacing and Location. *Street trees must be planted within existing and proposed planting strips or in City- approved sidewalk tree wells on streets without planting strips. Where the landscape strip and/or sidewalk is not wide enough to accommodate street trees the Planning Director may allow the street trees to be planted within five feet from the back of the sidewalk. Where practical, small stature trees must 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 must be based upon the type of tree(s) selected and the canopy size at maturity. Small canopy trees and columnar shaped trees must be planted no further than 25 feet apart; medium and large canopy trees must be planted no further than 35 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. Street trees must be planted no closer than 35 feet from a stop sign.

- E. Sidewalk Tree Wells. Street trees planted within sidewalk tree wells must be installed with a City-approved tree grate.*
- F. Soil Preparation, Planting and Care. The developer is responsible for planting street trees, including, but not limited to, soil preparation, ground cover material, staking, and irrigation. The developer is also responsible for tree care (pruning, watering, fertilization, and replacement as necessary) for a minimum of one full growing season after planting unless an extended maintenance time is required.*
- G. Assurances. If the street trees are not otherwise covered by a maintenance bond for public infrastructure, then the Planning Director may require the owner/developer to provide a performance and maintenance bond in an amount equal to 120 percent of the actual cost to purchase, plant and maintain for a minimum of one full growing season, to ensure the planting of the tree(s) and care during the first year after planting.*
- H. Utility Easements. All street trees must be placed outside utility easements unless the utilities can be placed in a conduit for maintenance. If the existing parking/planter strip contains such easements and is not wide enough to also accommodate street trees, the street tree location requirement in subsection (D) of this section may be adjusted as approved by the Planning Director.*

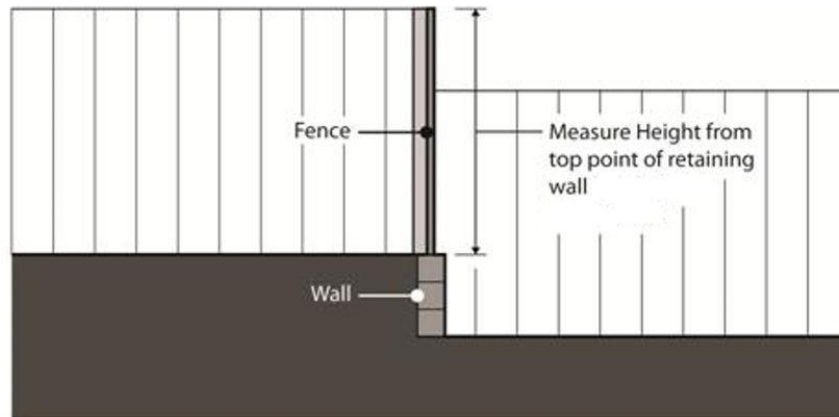
FINDING: The frontage along NE Holliday Avenue is 71 feet in length. The proposed landscaping plan indicates that 2 deciduous trees are proposed along the frontage within the planter strip. The trees are a maple variety in particular with a 2" caliper minimum. A condition of approval will address caliper size, and otherwise, these standards are found met.

Condition of Approval: The minimum caliper size for all required street trees at planting must be two inches measured at four feet above ground. If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the City may accept a smaller caliper tree no less than one and one-half inches. This must be confirmed prior to issuance of a Certificate of Occupancy.

3.2.500 Fences and Walls.

- A. The City may require installation of fences and retaining walls as a condition of development approval.*
- B. All fences and retaining walls, regardless of district or location, shall comply with the following requirements:*
 - 1. The allowable height must be measured from the lowest grade at the base of the fence or retaining wall unless stated otherwise. Posts, trellises, lattice and any other material placed on top of the fence is considered to be part of the fence when measuring the overall height. As illustrated in Figure 3.2.500.A, when a fence is placed atop a retaining wall, the height of the fence is determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.*

Figure 3.2.500.A



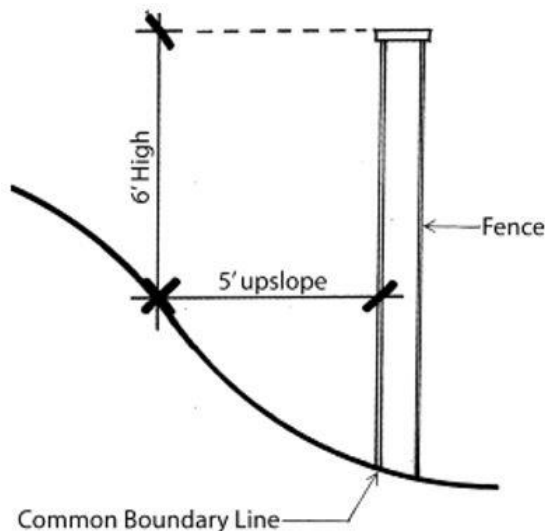
2. Fences to be built as required buffers shall comply with BDC 3.2.300.
4. Retaining walls may require a building permit and/or approved engineered plans.
5. Fences over seven feet in height require a building permit and/or approved engineered plans.
6. Fences and retaining walls may be placed on property lines.

C. Fences.

1. Residential Districts.

- a. Fences located in the front setback must not exceed three and one-half feet in height. For front setbacks, see BDC 2.1.300.
- c. Fences must not exceed six feet in height in the side and rear setbacks. If there is a grade difference between two sites which would make a six-foot-high fence inadequate to provide for privacy, such fence must be no higher than six feet above the highest grade within five feet of the common boundary line, as illustrated in Figure 3.2.500.C.

Figure 3.2.500.C



d. Barbed wire and razor wire fencing is prohibited.

D. Retaining Walls.

1. The maximum allowable height of retaining walls is six feet, with the following exceptions:

a. Retaining walls and terraced walls may exceed six feet when permitted as part of a Site Plan Review or land division approval.

FINDING: The subject property contains existing fencing along the rear property line as well as southern side property line. The existing fencing is 6 feet in height, in compliance with this chapter. The applicant plans to maintain the existing fencing along the rear property line, but remove the existing fencing along the southern side property line and replace it with new cedar fencing. The development does not propose any retaining walls and the applicant plans to remove an existing wall at the access point of the property.

Condition of Approval: Any fencing within the side and rear setback must be no taller than 6-feet. Any portion of the fence within 10 feet of the front property line must be no taller than 3.5 feet. No fencing shall be placed across the public access easement on the walkway.

CHAPTER 3.3; VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.8.200. Micro-Unit Development.

I. Off-Street Parking. The following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, and BDC 2.7.3250, Parking, apply.

FINDING: The special standards of BDC 3.8.200 as well as OAR 660-012-043 supersede the requirements of this section, where conflicting. Therefore, the standards below are limited to those not addressed in the special standards and Oregon Administrative Rules as addressed in previous findings.

B. Credit for On-Street Parking.

FINDING: The site plan shows one on-street space adjacent to the site. However, as discussed in previous findings, no parking is required for dwelling units that are less than 750 square feet in size.

C. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated within the individual land use districts for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). Required off-street parking shall not be located within the front yard setbacks except for single-family dwellings, ADUs, duplexes and triplexes.

FINDING: Parking is proposed in the designated parking area adjacent to the building which is outside of any front yard setback as per this section.

F. Parking Stall Standard Dimensions and Compact Car Parking. *All off-street parking stalls must be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with Table 3.3.300.E.1 and Figure 3.3.300.*

G. ADA Accessible Parking Spaces. *Accessible parking shall be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking is included in the total minimum number of required parking spaces in Table 3.3.300. Accessible parking facilities shall comply with the design requirements of the current building code as adopted by the State of Oregon.*

FINDING: The proposal includes 18 total parking stalls, 11 of which are proposed to be standard 9' x 18' stalls (with 2' overhang), while the other 6 stalls are proposed to be compact 8' x 17' stalls. There is also 1 proposed ADA parking which will be reviewed for compliance at the time of building permit review.

3.3.600 Bicycle Parking Standards.

All uses that are subject to site development review must provide bicycle parking, in conformance with the following standards, which are evaluated during site development review. This section does not apply to single-family, two-family and three-family housing (attached, detached or manufactured housing), and home businesses. A minimum of one bicycle parking space is required for all other developments with fewer than 10 vehicle parking spaces.

A. Number of Bicycle Parking Spaces. *A minimum of one bicycle parking space per use is required for all uses subject to site development review. Table 3.3.600 lists additional standards that apply to specific types of development:*

Table 3.3.600 Required On-Site Bicycle Parking

Use	Requirement
Multifamily dwellings and micro-units with 4 units or more	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

C. Location and Design.

1. All bike racks shall have following design features:

- a. Inverted "U" style racks or similar design as illustrated below.**
- b. Each rack shall provide each bicycle parking space with at least two points of contact for a standard bicycle frame.**
- c. The bike rack shall have rounded surfaces and corners;**

- d. The bike rack shall be coated in a material that will not damage the bicycle's painted surfaces.*
- 2. Each required bicycle parking space shall be on asphaltic concrete, portland cement, or similar hard surface material and each space shall be at least 2 feet wide by 6 feet long with a minimum vertical clearance of 7 feet. An access aisle width of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.*
- 3. The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per use.*
- 4. Bicycle parking shall be conveniently located to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters, and other pedestrian amenities.*
- D. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage, except for bicycles stored per subsection E below;*
- F. Lighting. Bicycle parking should be at least as well-lit as vehicle parking for security.*
- G. Reserved Areas. Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only.*
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 3.1 - Access and Circulation).*

FINDING: The proposal includes 29 micro-units, thus, the total bicycle parking requirement is 29 bicycle parking spaces (1 bicycle parking space per unit). The submitted floor plans show a 220 square foot designated bike storage area on the first floor with seven u-racks providing space for 14 bicycles, and another u-rack next to the staircase for an additional 2 spaces. Two more u-racks for 4 bicycles are partially covered by eave overhang near the ADA parking space. Five more covered u-racks for 10 more spaces are proposed adjacent to the trash enclosure. The bike storage areas will be covered and lit. Additionally, each unit will be provided one bicycle space (hanging wall unit). This makes for a total of 30 bicycle parking spaces when 29 spaces are required.

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 Chapter 3.1, Access, Circulation and Lot Design, and the following standards are met:*
 - 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.*

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

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements must be the widths defined in Street Improvement Standards Tables A through E except as identified in subsection (F)(3)(b) of this section. Additional right-of-way may be required at intersections to accommodate intersection widening and roundabouts.

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Max. Grade (3)	Sidewalks Both Sides	Bike Lanes	Curbs
Local Street RM or RH	60'	36'	5'	10%	6'	No	Yes

FINDING: The subject lots abut NE Holliday Avenue for 71 linear-feet, designated a Local Street per the City of Bend Transportation System Plan with 36-feet of asphalt width, with curbs and a sidewalk on the east side of the street. The abutting right of way must be improved per the standards of this section and the table above.

NE Holliday Avenue is proposed to be improved with a property-tight sidewalks 6-feet in width along the frontage of the property. The existing asphalt width is adequate at 36-feet, and the proposed improvements comply with the table above.

Condition of Approval: All street improvements must be reviewed, approved, and inspected under a City of Bend Right of Way permit. All work performed in the right of way must be under an approved right of way permit and completed by a City qualified contractor. Right of way design and construction requirements will be based on the City of Bend Standards and Specifications current at the time of right of way permit submittal. Right of way permits must have uploaded current City of Bend standard drawings that are applicable to work being completed under the permit.

L. Sidewalks, Planter Strips, Curbs, Bicycle Lanes. Sidewalks, planter strips, curbs and bicycle lanes must be installed in conformance with the applicable provisions of the City of Bend Transportation System Plan, the Bend Comprehensive Plan, City of Bend Standards and Specifications and the following standards:

1. ***The planter strip distance is measured from the face of the curb to the inside edge of the sidewalk.***
2. ***Sidewalks must be separated from the street by a planter strip and placed at the property line, where practicable, or as otherwise directed by the City Engineer.***
3. ***In areas with high pedestrian volumes, the City Engineer may approve a minimum 10-foot-wide sidewalk, curb tight, with street trees in tree wells and/or landscape planters.***
4. ***Bicycle lanes must be constructed on all collector and arterial streets unless otherwise designated.***
5. ***Planter strips are not required on T-courts.***

- 6. Where practical, sidewalks must be allowed to meander around existing trees in conformance with the requirements of the Americans with Disabilities Act.**
- 7. All public and private streets must have sidewalks and curbs.**

FINDING: Sidewalks are required along the NE Holliday Avenue frontage. A planter strip along the sidewalk is also proposed per these standards.

Condition of Approval: All sidewalks must be constructed property tight, permitted to meander to avoid existing utilities, existing trees and steep topography as approved during right of way permit review. All sidewalk construction must conform to City of Bend standards and PROWAG guidelines. Where the sidewalk is designed and/or constructed outside the right of way, a public access easement must be recorded over the encroachment. Water meter boxes, manholes and valves are not permitted within sidewalks.

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: Holliday Avenue is designated as a local street which requires 60-feet of right-of-way. The existing right-of-way is 60-feet. This standard has been met.

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

- 1. Curb exposure shall be per City Standards and Specifications.***
- 2. All public and private streets shall have curbs, except there shall be no curbs on alleys unless otherwise approved by the City Engineer.***
- 3. Curb extensions at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24 feet. Curb extensions shall not be used on streets with bike lanes.***

FINDING: The Applicant has indicated a willingness to construct any required curbs in conformance with this section.

Condition of Approval: Prior to issuance of a Certificate of Occupancy, vehicular access to NE Holliday Avenue from the private site must be constructed to conform to City of Bend concrete driveway aprons standards and PROWAG guidelines.

3.4.400 Sanitary Sewer and Water Service Improvements.

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

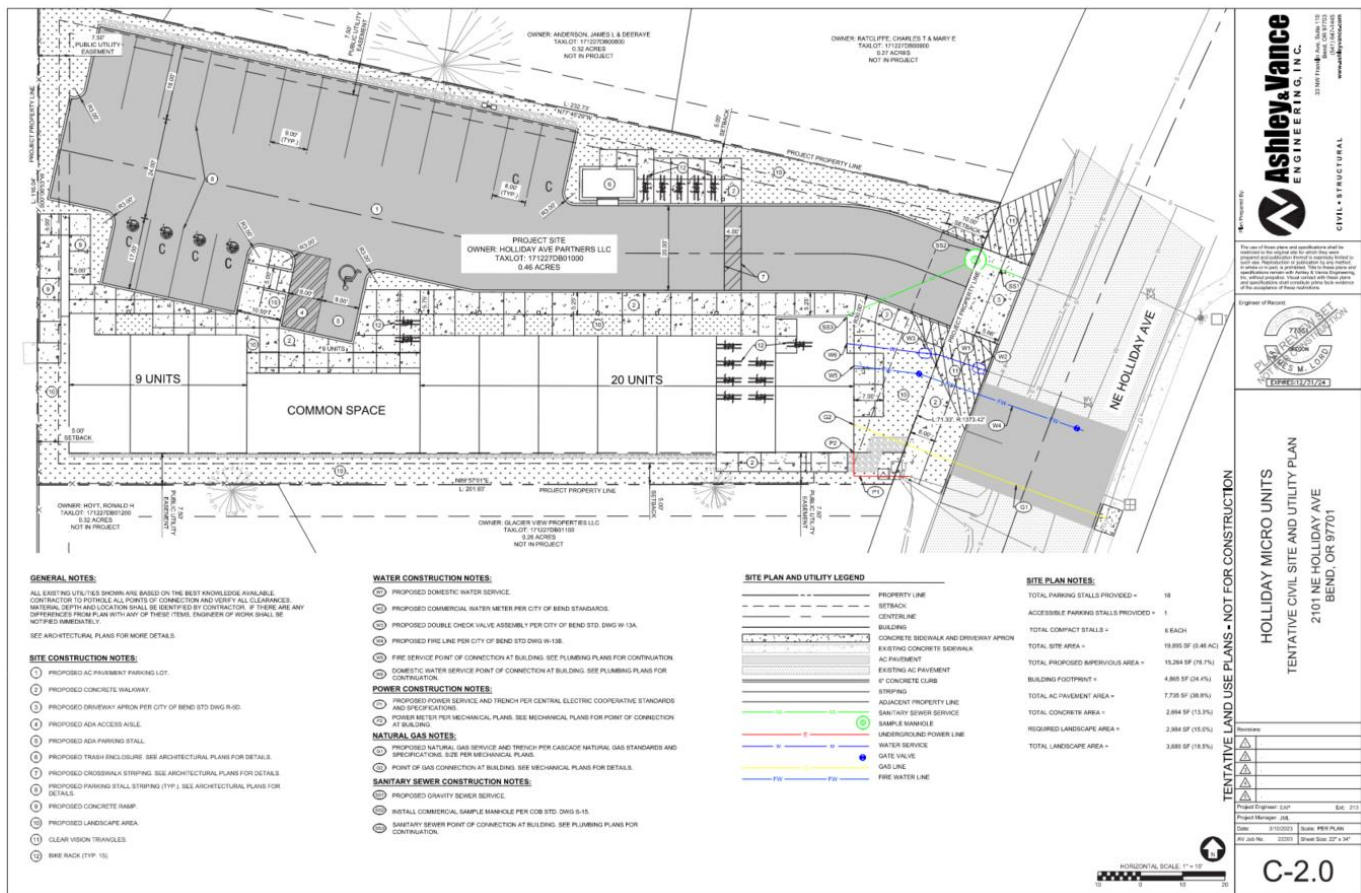
B. Sewer and Water Plan Approval. Construction of sewer and water improvements shall not commence until the City Engineer has approved all sanitary sewer and water plans in conformance with City of Bend Standards and Specifications.

FINDING: The Private Development Engineering Department reviewed the existing water/sewer services and noted that the development can continue to be served by the 4-inch PVC sewer lateral. If the Engineer of Record determines that a larger lateral is needed, then the existing lateral must be abandoned and removed from the right of way. A new lateral must be extended to the property that meets City of Bend Standards. All lateral extensions and abandonments must be done through a Right of Way Permit. Only one lateral is allowed per lot.

The development must install a commercial water meter with backflow prevention per City of Bend Standards and Specifications. The new meter is required to be installed in the Right of Way under the building permit.

During the building permit review, the development must provide a fixture count for the entire site, including the proposed development. The size of the meter will be verified by the City to determine that the water meter will sufficiently serve the buildings. If the water meter is determined not to be large enough the development will be required to upsize the water meter and/or water lateral.

PDED's review comments will be included as Conditions of Approval.



Site and Utility Plan

Condition of Approval: The development can continue to be served by the 4-inch PVC sewer lateral. If the Engineer of Record determines that a larger lateral is needed, then the existing lateral must be abandoned and removed from the right of way. A new lateral must be extended to the property that meets City of Bend Standards. All lateral extensions and abandonments must be done through a Right of Way Permit. Only one lateral is allowed per lot.

Condition of Approval: The development must install a commercial water meter with backflow prevention per City of Bend Standards and Specifications. The new meter is required to be installed in the Right of Way under the building permit.

Condition of Approval: During the building permit review, the development must provide a fixture count for the entire site, including the proposed development. The size of the meter will be verified by the City to determine that the water meter will sufficiently serve the buildings. If the water meter is determined not to be large enough the development will be required to upsize the water meter and/or water lateral.

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.***
- B. Accommodation of Upstream Drainage. Drainage facilities shall be designed and constructed to accommodate increased runoff so that discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbance or development activity. Such facilities shall be subject to review and approval by the City Engineer.***
- C. Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for management of additional runoff caused by the development in accordance with City of Bend Standards and Specifications. Drainage shall not be directed to an existing watercourse, channel, stream or canal. Storm drainage facilities shall comply with applicable State and Federal regulatory requirements.***
- D. Easements for Existing Watercourses. Where an existing watercourse traverses a development, such as a natural watercourse, drainage way, channel or stream, or any other existing drainage facility including but not limited to irrigation canals, laterals and associated ditches, there shall be provided and recorded an easement conforming substantially with the lines of such existing watercourses and such further width as will be adequate for conveyance and maintenance, as determined by the City Engineer.***
- E. Easements for Developed Drainage Facilities. Where new drainage facilities are provided that include elements located outside the dedicated public right-of-way, such facilities shall be located within an area provided for in a recorded easement. The easement shall be adequate for conveyance and maintenance as determined by the City Engineer.***

FINDING: New drainage facilities are required for public infrastructure and must meet City standards and specifications. The standards of this section are to be met conditionally.

3.4.600 Utilities.

- A. Underground Utilities.** All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities, shall be placed underground, except for surface-mounted transformers; surface-mounted connection boxes and meter cabinets; temporary utility service facilities during construction; and high capacity electric lines operating at 50,000 volts or above, which may be placed above ground. The following additional standards apply to all development, in order to facilitate underground placement of utilities:
1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All above-ground equipment shall not obstruct clear vision areas and safe intersection sight distance for vehicular traffic in conformance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.
 2. The City reserves the right to approve the location of all surface-mounted facilities.
 3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- B. Easements.** Easements shall be provided and recorded for all underground utility facilities where required by the City.

FINDING: All permanent utilities required to serve the project will be provided underground, as depicted on the submitted Site and Utility Plan.

Condition of Approval: All new utilities necessary for this project shall be installed underground unless prohibited by the applicable authorities.

Condition of Approval: No structures, including eave overhangs, will be permitted to be constructed within the existing public utility easements.

CHAPTER 3.5; OTHER DESIGN STANDARDS

Section 3.5.200 Outdoor Lighting Standards.

- C. Standards for Installation and Operation of Outdoor Lighting.** Except as exempt by subsection (D) of this section, new outdoor lighting fixtures installed after February 18, 2004, shall be subject to the standards below. No provision of this section is intended to preempt BC Chapter 9.50, Signs, or applicable State codes.
1. All outdoor lighting fixtures subject to this Ordinance shall be designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties.

FINDING: The submitted narrative indicates compliance with this section and sample lighting fixtures were submitted with the plans and illustrate a fully-canned design. These standards are found met, but will be confirmed upon subsequent inspection prior to issuance of a Certificate of Occupancy.

Condition of Approval: Prior to issuance of building permits, fixture cut-sheets shall be submitted as to ensure all new outdoor lighting fixtures are designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties.

C. Solar Setback Standards.

- 1. Applicability. These standards apply to all structures on RS and RM zoned lots, 5,000 square feet or greater, with a minimum north-south lot dimension of 80 feet.**

Table 3.5.400.B. Solar Setback from Northern Lot Line for RM Zone [SSB]

Shade Point Height* [SPH]	North-South Lot Dimension		
	90 feet [N]	85 feet [N]	80 feet [N]
24 feet	5	2.5	0
26 feet	10	7.5	5
28 feet	15	12.5	10
30 feet	20	17.5	15
32 feet	25	22.5	20
34 feet	30	27.5	25
36 feet	35	32.5	30

FINDING: The subject property is in the RM zone and is greater than 5,000 square feet in size, the average north/south lot dimension is also greater than 80 feet (about 93 feet), therefore the standards of this section apply. The building height is 30 feet and the setback to the north property line is greater than 20 feet. These criteria are satisfied.

CRITERION # 6: All applicable building and fire code standards are or will be met;

FINDING: Compliance with Building Code will be reviewed by the Building Department during the building permit process. The Fire Department has reviewed this application for compliance with Fire Code and provided the following comments which will be addressed through the building permit review process.

An approved fire hydrant shall be located at the primary entrance to an apartment/multi-family complex per Bend Fire Code. An approved fire hydrant shall be located within 50-feet of an FDC and on the same side of the street as the building.

Where a portion of the facility or building is more than 400 feet from a hydrant on a fire apparatus road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. For Group R-3 and Group U occupancies the distance requirement shall 600 feet. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.3.1.2, the distance requirement shall be 600 feet. Fire hydrants shall be provided along required fire apparatus roads and adjacent public streets. The minimum number of fire hydrants shall not be less than that listed in table C105.1 of the 2010 OFC. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. The average spacing between fire hydrants shall not exceed that listed in table C105.1 of the 2010 OFC.

Fire lines, if applicable, require a separate tap from the domestic supply. The tap is required to be located at least two feet away from any other taps in accordance with City of Bend Standards. Buildings that are located within 20 feet of the property line can place the backflow within the structure, with the premise isolation located on the exterior wall immediately beyond the wall penetration. Buildings located further away from the property line than 20 feet, require a premise isolation vault per the City of Bend Standards and the Oregon Building Code. The fire line must be constructed through a Tier 3 Right of Way (Infrastructure) Permit.

CRITERION #7: All required public facilities have adequate capacity, as determined by the City, to serve the proposed use;

FINDING: Based on the sewer and water analysis PRSWA202201615, there is adequate sewer capacity and fire flow available to serve the proposed development. Public facilities have been reviewed above as part of BDC 3.4 Public Improvement Standards. Public facilities have been deemed adequate with the completion of the following conditions of approval:

Condition of Approval: If the Engineer of Record determines that the existing water service needs to be upsized to serve the development, the existing service must be abandoned and removed from the right of way and a new service extended to the property to City of Bend Standards. Only one water service is allowed per lot. All lateral abandonments and new installations must meet City of Bend Standards and be done through a right of way permit by a City of Bend Qualified Contractor.

CRITERION #8: The proposal complies with BDC Chapter 4.7, Transportation Analysis;

FINDING: A Transportation Facilities Report (TFR) was prepared by Transight Consulting, LLC, and was reviewed under Traffic Analysis Memo (TAM) PRTR202203497. The TFR studied the proposed development and established that the development is forecast to generate 209 new weekday daily trips and 16 new weekday p.m. peak hour trips. The mitigation requirements from the TAM were incorporated into the findings and conditions of approval as addressed throughout this review and decision.

CRITERION #9: The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, area plan and/or special planned district.

FINDING: The subject property is not located within any master plan areas or special planned districts.

CRITERION #10: The proposal complies with BC Title 15, Sewer.

FINDING: The Private Development Engineering Department reviewed this application for conformance with all applicable sewer standards. With the following condition of approval these standards will be met:

Condition of Approval: All commercial uses must construct a sample manhole that meets City of Bend Standards, Standard Drawing S-15 and comply with the City of Bend's Pre-Treatment Program. During Building Department review, the site plan must show the location of the sample manhole. A sample port is not permitted on new construction.

4.2.500 Site Plan Review. (continued)

E. Final Site Plan. A Final Site Plan shall be submitted to the Community Development Department. The Final Site Plan shall depict the proposal as approved and shall incorporate all conditions of approval contained in the decision. No building or engineering permits will be issued until the Final Site Plan is approved.

FINDING: The applicant shall submit a final plan set incorporating all revisions required to comply with the conditions of approval.

Condition of Approval: Prior to issuance of building or engineering permits, the applicant shall upload a Final Plan set incorporating all revisions required to comply with the conditions of approval.

F. Expiration of Approval. In accordance with BDC Chapter 4.1, Development Review and Procedures, the land use approval shall lapse, and a new application shall be required, if a building permit has not been issued within the duration of Site Plan Review approval.

FINDING: The land use approval shall lapse if building permits have not been issued within the duration of the Site Plan Review approval.

DECISION:

Based on the submitted plans and application materials, and the findings in this decision, Type II Site Plan Review application PLSPR20230010 for a 29-unit Micro-Unit Development is approved subject to the conditions of approval listed below. Where specific improvements are proposed and approved as submitted, the construction of those improvements may not be listed as a specific condition of approval. Any substantial alteration of the approved plans, other than revisions required to comply with the conditions of approval, may require a new application. Development must not commence until the applicant has received all required approvals, including Right of Way Permits, Grading and Drainage Permits, and Building Permits.

CONDITIONS OF APPROVAL:

Prior to Issuance of Permits:

1. Prior to the issuance of any building or site improvement permits, the Landscape Plan must be revised to remove or relocate the proposed street tree north of the driveway entrance to a location outside the clear vision triangle. There must be no fence, wall, parking, landscaping, structure, or any other obstructions to vision other than a street signpost, pole, or tree trunk (clear of branches or foliage) within the clear vision areas on the subject property between the height of 2 feet and 8 feet.
2. Prior to issuance of building or engineering permits, the applicant shall upload a Final Plan set incorporating all revisions required to comply with the conditions of approval.
3. Prior to issuance of building permits, fixture cut-sheets shall be submitted as to ensure all new outdoor lighting fixtures are designed as a full cut-off fixture or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties.
4. During the building permit review, the development must provide a fixture count for the entire site, including the proposed development. The size of the meter will be verified by the City to determine that the water meter will sufficiently serve the buildings. If the water meter is determined not to be large enough the development will be required to upsize the

water meter and/or water lateral.

5. Tree protection fencing must be installed prior to any construction activities on the site, and must 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. All trees to be retained must be protected, as well as the root systems of trees immediately adjacent to the site.
6. All street improvements must be reviewed, approved, and inspected under a City of Bend Right of Way permit. All work performed in the right of way must be under an approved right of way permit and completed by a City qualified contractor. Right of way design and construction requirements will be based on the City of Bend Standards and Specifications current at the time of right of way permit submittal. Right of way permits must have uploaded current City of Bend standard drawings that are applicable to work being completed under the permit.
7. All commercial uses must construct a sample manhole that meets City of Bend Standards, Standard Drawing S-15 and comply with the City of Bend's Pre-Treatment Program. During Building Department review, the site plan must show the location of the sample manhole. A sample port is not permitted on new construction.
8. The development must install a commercial water meter with backflow prevention per City of Bend Standards and Specifications. The new meter is required to be installed in the Right of Way under the building permit.
9. The development can continue to be served by the 4-inch PVC sewer lateral. If the Engineer of Record determines that a larger lateral is needed, then the existing lateral must be abandoned and removed from the right of way. A new lateral must be extended to the property that meets City of Bend Standards. All lateral extensions and abandonments must be done through a Right of Way Permit. Only one lateral is allowed per lot.
10. If the Engineer of Record determines that the existing water service needs to be upsized to serve the development, the existing service must be abandoned and removed from the right of way and a new service extended to the property to City of Bend Standards. Only one water service is allowed per lot. All lateral abandonments and new installations must meet City of Bend Standards and be done through a right of way permit by a City of Bend Qualified Contractor.
11. Walkways along the ground floor units containing doors shall have opaque or frosted windows for privacy.

Prior to Occupancy:

1. Prior to final approval by the City, the Engineer of Record must provide written documentation that all storm water management systems have been designed and installed in accordance with the approved plans and/or any applicable Oregon DEQ requirements. The EOR must test the constructed storm water facilities and provide written testing results. DEQ registration is required for private UIC storm facilities, including UIC decommissioning, and/or UIC Rule Authorization, if applicable.
2. Prior to occupancy the applicant shall grant a public access easement along the walkway through the site to connect to the existing public access easement through the townhome development to the west, which connects to the public sidewalk along NE Moonlight Drive.

3. Prior to occupancy, a Stormwater Maintenance Agreement must be executed and recorded in accordance with Bend Code Title 16, Grading, Excavation, and Stormwater Management.
4. Prior to occupancy, the applicant shall install curb stops in each parking space that is adjacent to a walkway that is less than 7 feet wide.
5. Prior to issuance of a Certificate of Occupancy, vehicular access to NE Holliday Avenue from the private site must be constructed to conform to City of Bend concrete driveway aprons standards and PROWAG guidelines.
6. The minimum caliper size for all required street trees at planting must be two inches measured at four feet above ground. If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the City may accept a smaller caliper tree no less than one and one-half inches. This must be confirmed prior to issuance of a Certificate of Occupancy.
7. Prior to final approval by the City, the Engineer of Record must provide written documentation that all storm water management systems have been designed and installed in accordance with the approved plans and/or any applicable Oregon DEQ requirements. The EOR must test the constructed storm water facilities and provide written testing results. DEQ registration is required for private UIC storm facilities, including UIC decommissioning, and/or UIC Rule Authorization, if applicable.
8. Any new outdoor mechanical equipment must be architecturally screened (or screened with non-deciduous landscaping) prior to issuance of a Certificate of Occupancy.
9. All sidewalks must be constructed property tight, permitted to meander to avoid existing utilities, existing trees and steep topography as approved during right of way permit review. All sidewalk construction must conform to City of Bend standards and PROWAG guidelines. Where the sidewalk is designed and/or constructed outside the right of way, a public access easement must be recorded over the encroachment. Water meter boxes, manholes and valves are not permitted within sidewalks.
10. Ground cover shall be planted at a rate of at least one plant per 18 inches on center, in triangular spacing based on plant habitat (growth rate) with an expected coverage of 80 percent within five years of the time of planting.
11. Any fencing within the side and rear setback must be no taller than 6-feet. Any portion of the fence within 10 feet of the front property line must be no taller than 3.5 feet. No fencing shall be placed across the public access easement on the walkway.

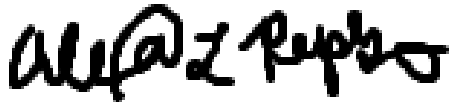
Ongoing:

1. All on-site surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property.
2. No Short-Term Rentals are permitted in the micro-unit development.
3. All pedestrian access routes must comply with all applicable accessibility requirements.
4. All landscape features required by this code shall be maintained in good condition, or otherwise replaced by the owner with an equivalent specimen.

5. All new utilities necessary for this project shall be installed underground unless prohibited by the applicable authorities.
6. No structures, including eave overhangs, will be permitted to be constructed within the existing public utility easements.

DURATION OF APPROVAL: In accordance with Section 4.1.1310 of the Development Code, this land use approval shall lapse and a new approval shall be required if all building permits are not issued within two (2) years of the date that this decision becomes final.

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY A PARTY OF INTEREST.



Written by: _____
Alexa Repko, AICP, Associate Planner



Reviewed by: _____
Amy Barry, AICP, Principal Planner