

ORDINANCE NO. NS-2180

AN ORDINANCE AMENDING THE BEND CODE BY CREATING NEW CHAPTERS 3.80 RIGHT OF WAY VACATION AND 3.90 STREET NAMES AND ADDRESS NUMBERS, REPEALING CHAPTERS 10-9 AND 10-18, AND ADDING A NEW CHAPTER 10.10

Findings

- A. The City is in the process of reviewing and revising the Bend Code.
- B. Existing Chapters 10-9 Addressing and Street Names and 10-18 Vacation of Rights of Way relate to rights of way, and staff proposes to include updated versions of those Chapters in the Bend Code in a new Title 3 Rights of Way. Council is aware that staff has prepared other chapters to be included in Title 3 and that the other chapters will be presented to Council in the near future. The amendments and renumbering of the existing Chapters 10-9 and 10-18 are consistent with the approach of updating and simplifying language as the Code is updated.
- C. Existing Chapter 10-10 Development Code of the Bend Code has been maintained essentially as a separate document, and the new Title 10 Development Code maintains the status of the Development Code as a stand-alone document with its own numbering system, while remaining part of the Bend Code.

BASED ON THESE FINDINGS THE CITY OF BEND ORDAINS AS FOLLOWS:

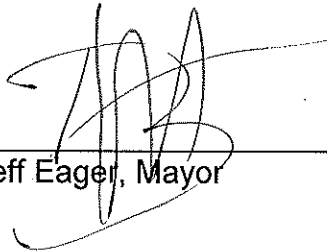
- Section 1. The Bend Code is amended by adding a new Chapter 3.80 Right of Way Vacation to read as shown in the attached Exhibit A.
- Section 2. The Bend is amended by adding a new Chapter 3.90 Street Names and Address Numbers to read as shown in the attached Exhibit B.
- Section 3. Bend Code Chapter 10-9 and 10-18 are repealed.
- Section 4. The Bend Code is amended by adding a Chapter 10.10 to read as shown in the attached Exhibit C.
- Section 5. The material formerly included in the Bend Code as Chapter 10-10 Development Code shall be maintained as a separate document known as the Bend Development Code. This reorganization does not make any substantive changes in the Bend Development Code.

First Reading on February 15, 2012.

Second Reading and Adoption by Roll Call Vote on March 7, 2012.

YES: Tom Greene
Scott Ramsay
Mark Capell
Jodie Barram
Jim Clinton
Kathie Eckman
Mayor Jeff Eager

NO: None



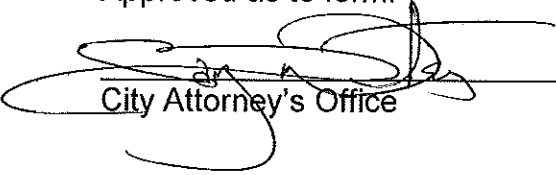
Jeff Eager, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office

Exhibit A

CHAPTER 3.80 RIGHT OF WAY VACATION

3.80.010 Policy

Vacations of public rights-of-way are not favored by the City. A person proposing a vacation has the burden of showing the vacation will serve the public interest.

3.80.020 Vacation Petitions

(1) Any person may file a petition with the City Recorder for vacation of any property dedicated to or owned by the public. The petition must include a description of the property proposed to be vacated, the purpose for which the vacated property ground is proposed to be used and the reason for the vacation.

(2) The person petitioning to vacate a public right-of-way shall deposit with the City the amount set by council resolution for the cost of publishing and posting notices of the proposed vacation and other expenses. If the actual cost exceeds the amount of the deposit, the petitioner shall pay the deficiency before the vacation is completed. If the actual costs are less than the amount deposited, the excess shall be refunded.

(3) The petition shall contain the information required by state law, and:

(a) A title report showing ownership of the property abutting the area proposed to be vacated and in the affected area; and

(b) A tax map showing the area proposed to be vacated and the affected area.

(4) The city manager has authority to give or withhold consent as to any property owned by the City.

(5) The City Council may initiate a vacation.

3.80.030 Review of Petition

(1) On receipt of a petition, the City Manager shall place the matter on the Council agenda for initial consideration. The City Manager may include a recommendation as to whether the Council should reject or deny the petition. If the recommendation is to reject the petition, notice to the Petitioner shall be provided prior to Council's consideration of the matter. On initial consideration, the Council may accept the petition and require staff to process the petition, or reject the petition without consideration. Rejection may occur only after notice to the petitioner.

(2) If Council accepts the petition, it shall be reviewed by city staff for a determination of whether payment is appropriate to service the public interest, and if so, the amount of the payment. Staff shall notify all affected public utility companies of the petition. Responses from the utility companies shall be included in the Planning Commission's recommendation to council, if available.

3.80.040 Review Standards and Guidelines

The standards and guidelines in this section are not intended to be exclusive. The City Council, in its sole discretion, on consideration of any factor it determines relevant, must determine whether or not a proposed vacation would be in the public interest.

(1) Right of way will not be vacated if it is in use for right of way purposes unless the vacation involves a trade of property and the creation of an alternate right of way that will be used in place of the existing right of way.

(2) Right of way will not be vacated if there is a reasonable possibility it will be used for right of way purposes at any time in the future.

(3) Right of way purposes include:

- (a) streets;
- (b) bike paths;
- (c) trails, paths or sidewalks;
- (d) public utilities.

(4) The City may consider the current use, if any, of the right of way in determining whether it should be vacated.

(5) The City may consider the history of the property proposed to be vacated, how it was acquired by the public, the cost of acquisition, current value, the benefit to any adjacent property to which the vacated property will be attached.

3.80.050 Grant or Denial

(1) The council shall conduct a public hearing. At the hearing, the affected property owner(s) and any other person may present evidence regarding any aspect of the vacation. The Council may approve the vacation in whole or in part if it finds it in the public interest to do so, and must deny the vacation if it finds that the vacation is not in the public interest. Approval of a vacation is by ordinance, denial may be by resolution. Any approval may include conditions or reservations to protect the public interest. Conditions may include a requirement that other property be dedicated or that payment be made. Any payment received shall be used only for the acquisition of right of way. Reservations may include reservations of utility and access easements.

(2) If the petition is wholly denied, the City may retain from the deposit only the cost of publishing and posting.

3.80.060 Satisfaction of Conditions

A vacation ordinance that contains conditions of approval shall not be effective and may not be recorded until the conditions are fully complied with.

3.80.070 Recordation

(1) A certified copy of a vacation ordinance shall be filed for record with the county clerk by the city recorder after all conditions are met. The recorder shall also provide a copy of any the ordinance after it is recorded with the county assessor, county surveyor and each affected public utility.

(2) No vacation shall be effective until the ordinance vacating the property is recorded by the city recorder with the county clerk.

3.80.080 Relationship to State Law

The provisions in this chapter are in addition to the provisions of ORS 271.080 through 271.230, but do not supersede them.

Exhibit B

CHAPTER 3.90 STREET NAMES AND ADDRESS NUMBERS

3.90.010 Purpose

The purpose of this Chapter is to provide standards and processes for assigning street names and address numbers. Accurate and identifiable street names and building numbers facilitates the location of buildings by emergency service providers and others.

3.90.020 Definitions

- (1) **Address:** A unique site location identifier of a property. If there is more than one building on a property, the separate buildings may have separate addresses.
- (2) **Building:** Any structure used or intended for supporting or sheltering any use or occupancy.
- (3) **Occupancy:** An area of a building used for a separate purpose or by a different owner or tenant. Examples of occupancies include apartment units and individual retail stores on a multi-store property.

3.90.030 Authority

Unless otherwise provided in this Chapter, the Community Development Director has authority to approve street names and addresses and has full discretion to approve exceptions to these standards or apply alternate standards on a case-by-case basis. The Community Development Director has authority to enforce this Chapter. No street or alley may be named or address assigned without approval of the Community Development Director.

3.90.040 Map

The City shall maintain a map of streets, address numbers and districts within the City.

3.90.050 Addresses

- (1) At least one address shall be assigned to each property. Additional buildings on a property may have separate addresses when approved by the City. Separate occupancies shall have separate unit numbers that will be assigned by the City.
- (2) Addresses shall be assigned based on the street fronting the building's main entrance if practical. For vacant lots, the address shall be assigned based on the most probable entrance location. For multiple buildings on a property, the addresses shall be based on the location of the main access driveway if practical.

(3) Duplexes, triplexes, and multi-family residential buildings shall be assigned one address per building with separate unit numbers for each unit. Manufactured home parks shall be assigned one address for the park with space numbers for each manufactured home. Larger apartment and condominium complexes shall be assigned a minimum of one address per complex, and may be assigned additional addresses if the complex contains more than one building.

(4) Commercial and industrial complexes shall be assigned one address for each building. Unit numbers may be used to differentiate between occupancies in each building.

(5) Addressing and street naming may be coordinated with Deschutes County to eliminate the potential for inconsistencies with Deschutes County address numbers and to avoid duplication of street names.

3.90.060 Numbering

(1) The City's four address districts are the northeast, the northwest, the southeast and the southwest districts which shall be used for address prefixes (NE, NW, SE and SW). All street signs shall indicate the district in which the street is located. The district shall be used as a prefix preceding the name of the street.

(2) Both sides of the same street shall be in the same series of numbers whenever practicable and the numbers shall increase away from the division lines. The address number shall be determined by where the building's main entrance faces a public street or an approved signed private road. An occupancy may have an address on a public alley if an occupancy's only frontage is on the alley with City approval.

(3) For irregular or winding blocks and streets, numbers shall be assigned and placed corresponding to the general direction of the street.

(4) Loop streets shall be numbered progressively as if they were a section of the street they are accessed from, regardless of any change of direction.

(5) Properties on the north and east side of streets shall have even numbers and properties on the south and west side of the streets shall have odd numbers. If a street changes direction, the odd and even sides shall be assigned to reflect the general direction (north-east or south-west) of the street. Odd and even sides shall remain the same for the entire length of the street, regardless of changes in direction. A circle street or loop street shall have even numbers on the inside of the circle or loop and odd numbers on the outside.

(6) Where a building has several entrances for use by different occupancies, a separate unit number may be assigned to each occupancy.

(7) Address numbers assigned to sites with new construction shall be displayed on site when construction begins.

(8) If an address is found to be incorrect or inconsistent, the City has full authority to make the necessary changes to the address and will communicate these changes to the owner and applicable agencies. Address numbers that are changed must be displayed within 30 days from the date on which the address becomes effective.

3.90.070 Street Naming

(1) All new public and private streets must be named consistent with this Chapter.

(2) The name shall be limited to a maximum of two words not including the directional or street suffix.

(3) Street names shall be continuous. When a new development puts in a street that connects to an existing street, the existing street name will be continued.

(4) The street name shall not be a duplicate of a street name already in use (unless it is a small court off of that street), even if the suffix (avenue, street, etc.) is different unless it is likely that the street sections will be connected in the future. New streets shall be designated as numbered streets only if they fall on the gridline and it is likely that they will connect with another section of the numbered street. Public and private streets shall have the following designations:

- (a) Continuous north-south streets shall be designated "street."
- (b) Continuous east-west streets shall be designated "avenue."
- (c) Short or interrupted streets shall be designated "place."
- (d) Short or interrupted streets with no outlet shall be designated "court."
- (e) Streets that intersect the same street twice at different locations shall be designated "loop."
- (f) Short or interrupted diagonal streets shall be designated "way."
- (g) Continuous meandering streets shall be designated "drive."
- (h) Short or interrupted meandering streets shall be designated "lane."
- (i) Streets that flow in a circular pattern and intersect the same street at only one location shall be designated "circle."
- (j) A court that comes off a street at a perpendicular may take that street's name, but with a "court" designation.
- (k) Public alleys shall not be named except in special situations with City approval.
- (l) Designations such as "highway", "road", "terrace" may be used only in special situations with City approval.

3.90.080 Size and Placement of Address

Except for accessory structures that do not require an address, a building's assigned address number shall be placed at the main entrance. Separate occupancies with assigned units must display the unit numbers at the main entrance for each occupancy. The address number must be clearly visible from the street on which the property is addressed or in another location allowed by this Chapter or approved in writing by the City. The address number shall be included on any primary freestanding sign for commercial buildings, but shall not be considered part of the sign area.

- (1) The figures in the numbers shall not be less than four inches high and have a minimum stroke width of 0.5 inches, shall be a contrasting color to the background visible both day and night, shall be Arabic numerals or alphabet letters and shall be affixed permanently in a conspicuous place at the main entrance and clearly visible from the street to which the property is addressed.
- (2) The owner or occupant of any building may place address numbers on the street curb in front of the building, in addition to the required posting at the main entrance.
- (3) If the building is not visible from the street, the City may require that the address number be posted so that it is visible from the street where addressed to ensure that emergency vehicles will be able to locate the building.
- (4) Commercial buildings and commercial complexes addressed from a main street and not the driveway access shall have adequate signage indicating access. The City may require that the address number be placed at the access to the complex. The address number on each building shall be on the façade or entrance of the building facing the street from which the address is taken.
- (5) Construction sites or buildings under construction shall display the address number or subdivision lot number visible from the street to which the property is addressed.

3.90.090 Request for New Street Name

- (1) New street names must be approved by the City. The request for a new street name shall contain the proposed street name and a map showing the location of the proposed street and shall be submitted to the City in a format established by the Community Development Director.
- (2) The application must be accompanied by the fee in the amount prescribed by council resolution.

3.90.100 Renaming Streets

(1) Process. The Bend City Council or the Planning Commission may initiate changing the name of any street within the City. A property owner may request a change in the name of a street on which they own property by filing an application with the City. A request for a street name change shall be first considered by the Planning Commission, which shall make a recommendation to City Council after a public hearing. The City Council shall hold a public hearing to consider the Planning Commission recommendation and adopt any street name change by resolution. The new name will become effective 30 days after the resolution is approved for residential properties and 90 days after approval for commercial and industrial properties.

(2) A property owner initiated application for a street name change shall be submitted in a format established by the Community Development Director and shall contain the following information:

- (a) Name of applicant;
- (b) Proposed street name, with two alternative choices;
- (c) Reason for request;
- (d) A map showing the location of the street;
- (e) List of the names and addresses and zip code of each owner of all property abutting the street;
- (f) Signature of at least 51 percent of the property owners abutting the street proposed to be changed, signifying they agree with the proposed name change.

(3) The application for a street name change must be accompanied by the fee set by council resolution.

(4) Criteria for Name Selection When A Street Has More Than One Name. The Planning Commission and City Council shall base their decision to change the name of a portion of a street so that the name is consistent with other portions of the street based on the following criteria:

- (a) The least number of addresses that will need corrections;
- (b) The name that was platted first;
- (c) The street with the longest segment length;
- (d) Consistency with other street names in the area (e.g. Oak Street over Madison in an area with streets named after trees, but Madison over Oak in an area with streets named after presidents);
- (e) The use of historical names;
- (f) The street segment name with the heaviest travel;
- (g) Highest street classification.

(5) Criteria for Name Selection When an Existing Street Name is Changed. The Planning Commission and City Council shall base their decision on the following criteria in determining whether or not an existing street name shall be changed:

- (a) The street name causes confusion and a new name will improve or clarify the identification of the area.
- (b) The street name sounds like another street name or is spelled similarly and causes confusion.
- (c) The street name is a word other than a proper name that is deliberately misspoken or misspelled to emphasize a pun or other frivolous association with another word or slang term, resulting in confusion.
- (d) The street is known by more than one name.
- (e) The street is different than the name of the street of which it is a continuation or the street is in more than one section interrupted by topographical barriers.

(6) Person(s) receiving notice of the street name change shall promptly notify tenants or other occupants of the approved name change.

3.90.110 Violation

A violation of this Chapter is a Class C civil infraction.

Exhibit C

TITLE 10 DEVELOPMENT CODE

Chapter 10.10 Bend Development Code

10.10.010 Development Code as Separate Document

The Bend Development Code shall be maintained as a separate document, with its own organization and numbering system.

10.10.020 References to "This Code"

The term "this code" as used in the Bend Code includes both the Bend Code and the Bend Development Code.