

## ORDINANCE NO. NS -2349

### AN ORDINANCE AMENDING BEND DEVELOPMENT CODE CHAPTERS 3.4, PUBLIC IMPROVEMENT STANDARDS AND 4.2, MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

#### Findings:

- A. The application was processed in accordance with Bend Development Code (BDC) 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- B. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on May 17, 2019.
- C. Notice of the June 24, 2019, Planning Commission public hearing and of the August 7, 2019, City Council public hearing was printed in the Bend Bulletin on June 1, 2019. Notice was mailed to the Southern Crossing neighborhood association and property owners in the Woodriver Village subdivision on May 29, 2019. On July 10, 2019, a notice of the August 7, 2019, City Council hearing was mailed to the neighborhood associations and property owners in the Woodriver Village subdivision and emailed to those who requested information regarding the proposed amendments.
- D. On June 24, 2019, the Planning Commission held a public hearing on Project Number PZ 19-0352 to accept evidence and receive public testimony. During deliberation the Commission expressed concerns about setting a precedent by adopting criteria and a requirement for a payment in lieu of constructing a sidewalk as part of a land use application specifically for Woodriver Village into the Development Code. The Commission felt other subdivisions could request the same requirement based on similar criteria to their neighborhood. The Commission was also concerned with the timing of the proposed amendments because the Transportation System Plan (TSP) is currently being updated and will have a new pedestrian element and may include possible funding and sidewalk programs that could help with sidewalk infill. The Commission realizes that sidewalks may change the character of the neighborhood; however, they felt that the new homes being constructed are also changing the character. The Commission discussed their support for providing accessibility for all users and for requiring bicycle and pedestrian facilities in all neighborhoods including in the Woodriver Village subdivision. After discussion and deliberation, the Commission voted (3-1) to recommend that the City Council take no further action on the proposed text amendments in Exhibit A.
- E. The City Council held a public hearing on August 7, 2019, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. The City Council found that the proposed amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the proposed amendments to the Bend Development Code.

**Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:**

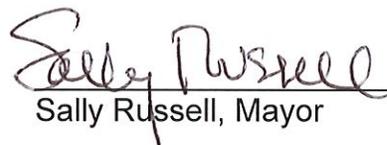
Section 1. The Bend Development Code is amended as shown in Exhibit A.

Section 2. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.

First reading: August 7, 2019

Second reading and adoption by roll call vote: August 21, 2019

YES: Sally Russell, Mayor      NO: none  
Bruce Abernethy  
Barb Campbell  
Bill Moseley  
Justin Livingston  
Gena Goodman-Campbell  
Chris Piper

  
Sally Russell, Mayor

Attest:

  
Robyn Christie, City Recorder

Approved as to form:

  
Mary A. Winters, City Attorney

**Exhibit A  
Development Code Update  
Draft**

August 21, 2019

Prepared by:  
City of Bend Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strike through~~ typeface is proposed to be deleted.

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

Staff comments are ***bold and italicized***

**Chapter 3.4**

**PUBLIC IMPROVEMENT STANDARDS**

**3.4.100 Purpose and Authority.**

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

**3.4.160 Payment in Lieu of Sidewalk Construction.**

**3.4.200 Transportation Improvement Standards.**

**3.4.300 Public Use Areas.**

**3.4.400 Sanitary Sewer and Water Service Improvements.**

**3.4.500 Storm Drainage Improvements.**

**3.4.600 Utilities.**

**3.4.700 Easements.**

**3.4.800 Construction Plan Approval and Assurances.**

**3.4.900 Installation.**

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

- A. Authority to Grant Waiver or Modification. Waivers and/or modifications of the standards of this chapter and/or the City of Bend Standards and Specifications may be granted as part of a development approval only if the criteria of subsection (B) of this section are met. A waiver for sidewalks for the Woodriver Village subdivision is not permitted under this subsection. See BDC 3.4.160, Payment in Lieu of Sidewalk Construction.

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### **3.4.160 Payment in Lieu of Sidewalk Construction.**

A. Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk per lot which is not required to construct a sidewalk as a condition of development approval. The payment will be established in the City's Fee Resolution. The payment requirement is limited to the Woodriver Village subdivision and is based on the unique characteristics of the Woodriver Village subdivision, as follows:

1. The subdivision was approved in Deschutes County in 1972 prior to annexation to City of Bend in 1993;
2. The public right-of-way width ranges between 40 feet to 60 feet;
3. The pavement width is less than 24 feet;
4. There are no curbs; and
5. The area includes significant trees, rock outcroppings and a rural appearance.

B. The applicant must make a payment in lieu of constructing the sidewalk prior to issuance of a building permit or land division final plat approval, whichever occurs first.

The payment in lieu of sidewalk construction is a one-time payment deposited into a sidewalk fund. The funds must be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident(s) of the Woodriver Village subdivision.

### **3.4.200 Transportation Improvement Standards.**

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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 Bend Urban Area 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.

a. Exceptions.

- i. Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk subject to BDC 3.4.160, Payment in Lieu of Sidewalk Construction.

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## **Chapter 4.2 MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW**

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### 4.2.400 Minimum Development Standards Review.

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- A. Minimum Development Standards Review for Single-Family Detached Dwellings, Single-Family Attached Townhomes, Accessory Dwelling Units and Duplex Dwellings.

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3. Approval Criteria. The Review Authority must approve, approve with conditions, or deny an application for Minimum Development Standards Review based upon the criteria listed below.

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- c. The following standards are met:

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- v. Sidewalk Improvements:

(A) When an existing public sidewalk exists within 600 feet of the front property line on the same side of the street of any of the frontages, sidewalks must be constructed along all frontage(s) of the site. A corner lot or parcel has two or more front property lines and frontages. Sidewalks are not required for accessory dwelling units.

(B) Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk subject to BDC 3.4.160, Payment in Lieu of Sidewalk Construction. A payment in lieu of constructing a sidewalk is not required for accessory dwelling units.

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**EXHIBIT B  
FINDINGS OF FACT  
BEND DEVELOPMENT CODE (BDC) UPDATE  
AMENDMENT PZ 19-0352**

**I. PROCEDURAL FINDINGS:**

- (1) **PUBLIC NOTICE AND COMMENTS.** Notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on May 17, 2019. Staff emailed the proposed amendments to the Bend Development Code Update Group on May 22, 2019. A notice of the June 24, 2019, Planning Commission public hearing and of the August 7, 2019, City Council public hearing was printed in the Bend Bulletin on June 1, 2019, and was mailed to the Southern Crossing neighborhood association and property owners in the Woodriver Village subdivision on May 29, 2019. On July 10, 2019, a notice of the August 7, 2019, City Council hearing was mailed to the neighborhood associations and property owners in the Woodriver Village subdivision and emailed to those who requested information regarding the proposed amendments. The City received 30 comments.
- (2) **PROPOSAL:** Bend Development Code (BDC) amendments to Chapters 3.4, Public Improvement Standards and 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. The amendments will require an applicant in the Woodriver Village subdivision to make a payment in lieu of constructing a sidewalk as part of a land use application.

**II. CRITERIA OF APPROVAL:**

- (1) The Bend Comprehensive Plan
- (2) Bend Development Code
  - (a) Chapter 4.6, Land Use District Map and Text Amendments;  
Section 4.6.200(B), Criteria for Legislative Amendments

**III. APPLICABLE PROCEDURES:**

- (1) Bend Development Code
  - (a) Chapter 4.1, Land Use Review and Procedures

**IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:**

**CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6,  
LAND USE DISTRICT MAP AND TEXT AMENDMENTS**

#### 4.6.200 Legislative Amendments.

**A. Applicability, Procedure and Authority.** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

**FINDING:** The recommended amendments to the text of the BDC involve broad public policy rather than application to an individual property owner. Therefore, the Legislative Amendment Procedures of this section are the appropriate procedures for this review.

**B. Criteria for Legislative Amendments.** The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a Legislative Amendment shall be based on all of the following criteria:

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

**FINDING:** The proposed amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 10: Housing, and Goal 12: Transportation.

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

On May 22, 2019, staff emailed the proposed amendment to the Development Code Update Group. The group includes community members comprised of architects, lawyers, developers, engineers, a representative from COBA, representatives from Central Oregon LandWatch, and a land use planner. A notice of the June 24, 2019, Planning Commission public hearing and of the August 7, 2019, City Council public hearing was printed in the Bend Bulletin on June 1, 2019, and was mailed to the Southern Crossing neighborhood association and to the property owners in the Woodriver Village subdivision on May 29, 2019. On July 10, 2019, a notice of the August 7, 2019, City Council public hearing was mailed to the neighborhood associations and property owners in the Woodriver Village subdivision and emailed to those who requested information regarding the proposed amendments.

On June 10, 2019, the Planning Commission held a work session and discussion the proposed amendments and on June 24, 2019, the Planning Commission held a public hearing and considered the proposed amendments.

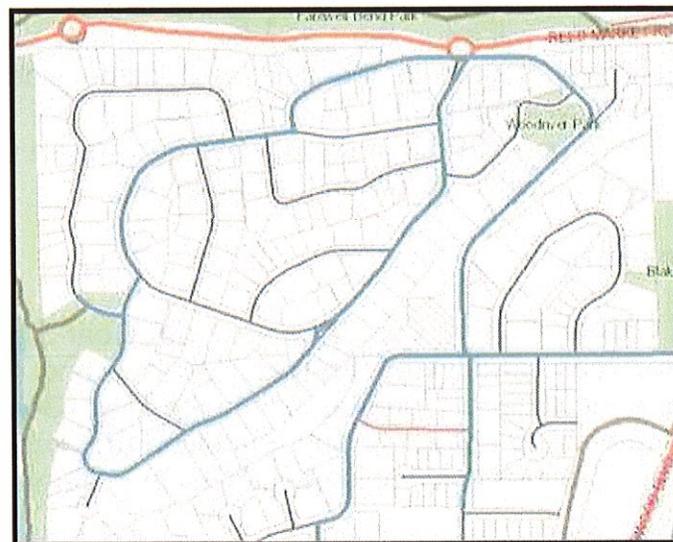
Therefore, Goal 1 has been met.

**Goal 2, Land Use Planning**, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the new regulations and to assure an adequate factual base for these decisions and actions. The proposed amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The following is the factual basis that is unique to the Woodriver Village subdivision, which supports the amendments:

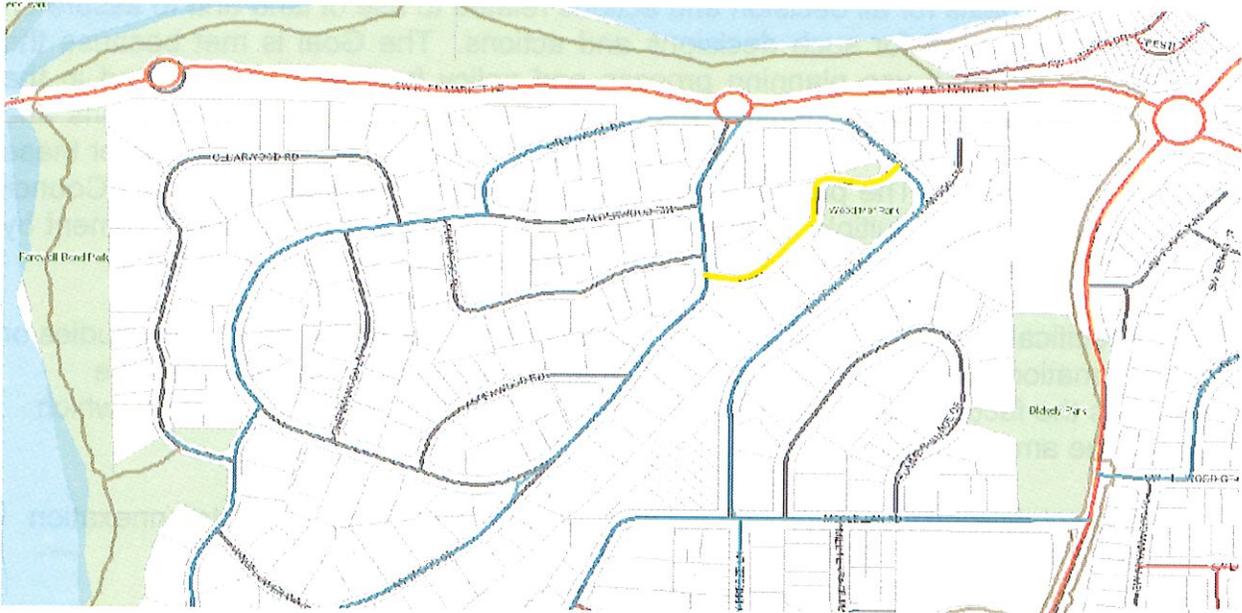
1. The subdivision was approved in Deschutes County in 1972 prior to annexation to City of Bend in 1993;
2. The public right-of-way width ranges between 40 feet to 60 feet;
3. The pavement width is less than 24 feet;
4. There are no curbs; and
5. The area includes significant trees, rock outcroppings and a rural appearance.

In addition, the Transportation System Plan (TSP) identifies several streets in the Woodriver Village subdivision as shared roadways (identified below in blue) which require pedestrian and bicycle facilities.



During the City Council public hearing on August 7, 2019, staff identified that Birchwood

Court and Birchwood Drive are dead end streets and therefore the map should include Wooddriver Drive as shown in yellow below as a shared roadway for connectivity.



The amendments create a Wooddriver Village sidewalk payment in-lieu program, which will include the following:

- Waive the sidewalk requirement in the Wooddriver Village subdivision based on specific criteria.
- Collect a payment in-lieu to fund sidewalks on TSP shared roadways, including all of Wooddriver Drive, in the Wooddriver Village Subdivision. The payment in-lieu fee, which like all fees will be in the City's fee resolution, will be set an amount which is roughly proportional to the cost of frontage sidewalk improvements typically required for development.
- Sidewalk construction on TSP shared roadways becomes a City project including Wooddriver Drive as shown in yellow on the above map.

Therefore, Goal 2 is maintained.

**Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

**Goal 6, Air, Water and Land Resources Quality** is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

**Goal 7, Areas Subject to Natural Hazards** is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

**Goal 8, Recreational Needs** is not applicable to the proposed amendments because the amendments do not limit any recreational uses in any zone.

**Goal 9, Economic Development**, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. Goal 9 is not applicable because these amendments do not affect any regulation that implements Goal 9 and the City's acknowledged regulations implementing Goal 9 remain in effect with no change in applicability.

**Goal 10, Housing**, requires provisions to provide for the housing needs of citizens of the state. The amendments may encourage more residential land divisions, which provides more opportunity for development of new dwelling units to be constructed in the Woodriver Village subdivision. In addition, the amendments may encourage development of single-family detached dwellings, single-family attached townhomes, and triplexes on existing lots. Therefore, the amendments could help provide Bend's identified needed housing and compliance with Goal 10 is maintained.

**Goal 11, Public Facilities and Services**, requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The proposed amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained.

**Goal 12, Transportation**, requires the City to provide and encourage a safe, convenient and economic transportation system.

**660-012-0045**

***Implementation of the Transportation System Plan***

***(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:***

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***(e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;***

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***(g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and performance standards of facilities identified in the TSP.***

***(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.***

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***(b) On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.***

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***(B) Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways;***

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The City of Bend land division and site plan review applications are subject to BDC 3.4.200, Transportation Improvement Standards, which requires sidewalks, planter strips, curbs, and bicycle lanes to be installed in conformance with the applicable provisions of the BDC, Bend Urban Area Transportation System Plan (TSP), Bend Comprehensive Plan, and City of Bend Standards and Specifications. In addition, MDS applications, except for ADUs, require a sidewalk to be constructed along all frontage(s) of the development site when there is an existing public sidewalk that exists within 600

feet of the front property line on the same side of the street of any of the frontages.

Other than for ADUs, the City therefore requires sidewalks along the frontage of all new development to meet the pedestrian circulation goals and requirements of OAR 660-012-0045, the City's adopted TSP and CP policies and the BDC. The requirement is intended, in part, to adopt a legislative mechanism to account for the impacts of new development. However, as further set forth in Chapter 5 Housing and the Findings, the City finds that the Woodriver Subdivision has unique characteristics so that an alternative to property owner construction of frontage improvements still meets the City's pedestrian transportation needs if is applied to shared roadways shown on the TSP including all of Woodriver Drive. At this time, this is intended as a limited exception to the MDS sidewalk requirement. As properties develop in the Woodriver Village subdivision, they will be required to make a payment in lieu of constructing sidewalks. The payment in lieu of sidewalk construction is a one-time payment deposited into a sidewalk fund. The funds will be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident(s) of the Woodriver Village subdivision. These requirements provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(2)(e and g) and (3)(b).

The proposed amendments are also not site specific and do not affect the functional classification of any street or change standards implementing a functional classification system. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore, the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

Therefore, compliance with Goal 12 is maintained.

**Goal 13, Energy Conservation** is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability

**Goal 14, Urbanization**, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The proposed amendments do not encourage sprawl or lower than targeted densities. The management of the City's land use inventories is unaffected by these proposed amendments and therefore, the City's long standing acknowledgment of compliance with Goal 14 is maintained.

**Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources** are not applicable to the proposed amendments.

Based on the above discussion, the proposed amendments to the BDC are consistent

with the statewide planning goals and therefore comply with the requirement that the amendments are consistent with state land use planning law.

Because the proposed code amendment is limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to this amendment (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

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

**FINDING:** The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

**Chapter 1: Plan Management and Citizen Involvement  
Goals:**

- **Foster a Balanced Transportation System**

Bend's balanced transportation system incorporates an improved, well-connected system of facilities for walking, bicycling, and public transit, while also providing a reliable system for drivers. Bend's transportation system emphasizes safety and convenience for users of all types and ages. Transportation and land use are integrated to foster livability.

**FINDING:** As properties develop in the Woodriver Village subdivision, they will be required to make a payment in lieu of constructing sidewalks. The payment in lieu is a one-time payment deposited into a sidewalk fund. The funds will be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident(s) of the Woodriver Village subdivision.

*Citizen Involvement*

**1-15.** The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

**1-16.** The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

**FINDING:** Staff emailed the proposed amendments to the Bend Development Code Update Group on May 22, 2019. The group includes community members comprised of architects, lawyers, developers, engineers, a representative from COBA, representatives from Central Oregon LandWatch, and a land use planner. A notice of the June 24, 2019, Planning Commission public hearing and of the August 7, 2019, City Council public hearing was printed in the Bend Bulletin on June 1, 2019, and was mailed to the Southern Crossing neighborhood association and property owners in the Woodriver Village subdivision on May 29, 2019. On July 10, 2019, a notice of the August 7, 2019, City Council public hearing was mailed to the neighborhood associations and property owners in the Woodriver Village subdivision and emailed to those who requested information regarding the proposed amendments.

Therefore, compliance with Chapter 1 has been met.

## **Chapter 5: Housing**

### **Goals:**

- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

**FINDING:** During visitor's communication on August 15, 2018, two residents of the Woodriver Village subdivision asked the City Council to consider exempting their subdivision from having to install sidewalks as part of a Minimum Development Standards (MDS) Review or land division application. They stated the reason for their request was due to substandard streets, mature Ponderosa Pines and large rock outcroppings in addition to the cost of installing sidewalks.

The Woodriver Village subdivision is a unique subdivision and has the following specific characteristics:

- 1. The subdivision was approved in Deschutes County in 1972 prior to annexation to City of Bend in 1993;***
- 2. The public right-of-way width ranges between 40 feet to 60 feet;***
- 3. The pavement width is less than 24 feet;***
- 4. There are no curbs; and***
- 5. The area includes significant trees, rock outcroppings and a rural appearance.***

The proposed amendments are specific to the Woodriver Village subdivision and provide flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features including significant trees and rock outcroppings.

### **Transportation connectivity**

**5-44** Sidewalks will be required in all new developments. Separated sidewalks will be required on all new streets. However, an alternative system of walkways that provide adequate pedestrian circulation may be approved.

**5-45** Per the City's Transportation Systems Plan, the City will complete or connect priority walkways on routes to schools, parks, or commercial areas.

**FINDING:** Sidewalks are typically required along the frontage of all new development. For the unique reasons identified in these findings, except for ADUs, all new development in the Woodriver Village subdivision that is subject to a land use application will be required to make a payment in lieu of constructing sidewalks. The payment in lieu of sidewalk construction is a one-time payment deposited into a sidewalk fund. The funds will be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident of the Woodriver Village subdivision.

Therefore, the proposed amendments satisfy Chapter 5.

## **Chapter 7: Transportation Systems**

### ***Pedestrian and Bicycle Systems***

#### ***Objectives:***

- To support and encourage increased levels of bicycling and walking as an alternative to the automobile
- To provide safe, accessible and convenient bicycling and walking facilities

**7-33** Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.

**FINDING:** Woodriver Village is a unique subdivision and has the following specific characteristics:

- 1. The subdivision was approved in Deschutes County in 1972 prior to annexation to City of Bend in 1993;**
- 2. The public right-of-way width ranges between 40 feet to 60 feet;**
- 3. The pavement width is less than 24 feet;**
- 4. There are no curbs; and**
- 5. The area includes significant trees, rock outcroppings and a rural appearance.**

Due to the Woodriver Village subdivision's unique characteristics list above, the amendments will require properties that develop in Woodriver Village to make a payment in lieu of constructing sidewalks. The payment in lieu is a one-time payment deposited into a sidewalk fund. The funds will be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident(s) of the Woodriver Village subdivision. The payment in lieu of constructing sidewalks will benefit the Woodriver Village subdivision by allowing preservation of significant trees, rock outcroppings and the rural appearance of the neighborhood.

Therefore, compliance with Chapter 7 has been met.

Based on the findings stated above, staff concludes that the proposed text amendment is consistent with the applicable Bend Comprehensive Plan Goals and Policies.

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

**FINDING:** Woodriver Village is a unique subdivision and has the following specific characteristics:

- 1. The subdivision was approved in Deschutes County in 1972 prior to annexation to City of Bend in 1993;**
- 2. The public right-of-way width ranges between 40 feet to 60 feet;**
- 3. The pavement width is less than 24 feet;**
- 4. There are no curbs; and**

**5. The area includes significant trees, rock outcroppings and a rural appearance.**

As properties develop in Woodriver Village, they will be required to make a payment in lieu of constructing sidewalks. The payment in lieu is a one-time payment deposited into a sidewalk fund. The funds will be spent on costs directly related to the maintenance or construction of public pedestrian facilities, including land acquisition, design, and construction of sidewalks, that are reasonably expected to benefit or serve the resident(s) of the Woodriver Village subdivision. The payment in lieu of constructing sidewalks will benefit the Woodriver Village subdivision by allowing preservation of significant trees, rock outcroppings and the rural appearance of the neighborhood.

Therefore, the proposed amendment to the BDC meet this criterion.

**4.6.500 Record of Amendments.**

**The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.**

**FINDING:** In the event the BDC text amendment is adopted by ordinance, the City Recorder will maintain a record of the amendment and the revised provision will be included as part of the BDC available to the public on the City's website.

**4.6.600 Transportation Planning Rule Compliance.**

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

**FINDING:** OAR 660-012-0045 requires local governments to adopt land use or subdivision regulations for urban areas that require bikeways to be along arterials and major collectors and sidewalks to be along arterials, collectors and most local streets. Land division and site plan review applications for properties located outside of Woodriver Village are subject to BDC 3.4.200, Transportation Improvement Standards which requires sidewalks, planter strips, curbs, and bicycle lanes to be installed in conformance with the applicable provisions of the BDC, Bend Urban Area Transportation System Plan (TSP), Bend Comprehensive Plan, and City of Bend Standards and Specifications. In addition, except for accessory dwelling units, applications subject to MDS for properties located outside of Woodriver Village, will continue to be required to construct a sidewalk along all frontage(s) of the development site when there is an existing public sidewalk that exists within 600 feet of the front property line on the same side of the street of any of the frontages. These requirements provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045(3)(b).

The new text amends the Bend Development Code, a functional component of the Bend Comprehensive Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore, the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

**V. CONCLUSIONS:**

Based on the above Findings, the proposed Development Code text amendment meets all applicable criteria for adoption.

