

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



COMMUNITY
DEVELOPMENT

PROJECT NUMBER: PZ 19-0372

DATE MAILED: September 24, 2019
(Day 35 of the 120-day review period)

**APPLICANT/
OWNER:** Deschutes County / Lee Randall & James Lewis
63360 Britta Street
PO Box 6005
Bend, OR 97708

ARCHITECT: BLRB Architects / Lee Georgeton
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Bend, OR 97702

ENGINEER: Hickman Williams & Associates, Inc. / Brett Parker
62930 O.B. Riley Road, Suite 100
Bend, OR 97703

LOCATION: 63360 Britta Street; Tax Lot 100 on the Deschutes County Tax Assessor's
Map #17-12-17D.

REQUEST: Type II Site Plan Alteration to construct improvements to the parking lots,
a new shop building, an expansion of the Adult Parole and Probation
facility, and remodel of an existing structure to establish a Crisis
Stabilization Center at the Deschutes County Public Safety Campus in the
Industrial Light (IL) and Mixed Employment (ME) zones.

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I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of Bend Development Code

Criteria:

Chapter 4.2, MDS, Site Plan Review and Design Review

Standards:

Chapter 2.3, Mixed Use Zoning Districts
Chapter 2.4, Industrial Districts
Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation
Chapter 3.2, Landscaping, Street Trees, Fences & Walls
Chapter 3.3, Vehicle Parking, Loading & Bicycle Parking
Chapter 3.4, Public Improvement Standards
Chapter 3.5, Other Design Standards

Procedures:

Chapter 4.1, Development Review and Procedures

Deschutes County Code, Title 19 – Bend UGB Zoning Ordinance

- Chapter 19.04, Title, Purpose and Definitions
- Chapter 19.64, Industrial Light Zone District (IL)
- Chapter 19.76, Site Plan Review
- Chapter 19.80, Off Street Parking and Loading

BACKGROUND: Because a portion of the property is not located within the Bend City Limits, Title 19 of the Deschutes County Code includes the applicable land use review criteria for that portion. Pursuant to an IGA between the City of Bend and Deschutes County, the City of Bend planning division will conduct the land use review for such properties when located within the Bend UGB. This includes a portion of the parking lot improvements, the shop building and the expansion of the Adult Parole and Probation facility - on property zoned Light Industrial (IL). This is shown as Area C on the submitted site plan.

The remodel of an existing building to establish the Crisis Stabilization Center and another portion of the parking lot improvements are located within the City limits on property zoned Mixed Employment (ME). The applicable land use review criteria for these improvements/uses are found in the City of Bend Development Code. These are shown as Areas A and B on the submitted site plan.

The applicable sections of the both the County and City Codes are listed above, and will be addressed separately herein pursuant to the proposed improvements and uses as applicable to County/City zoning/development code criteria.

With regard to the applicability of two separate development codes, the City of Bend pre-application (PZ 18-0892) comments state the following:

- The three projects, as described in the application materials and verbally at the pre-app meeting, are described as: 1) expanded parking locations throughout the site and construct new Community Service Shop (new building), 2) Adult Parole & Probation Center building expansion, and 3) Remodel the existing structure in southwest corner of site to become a Stabilization Center. The Stabilization Center will be the only new function at the campus. A “stabilization center” could be considered to be a hospital or clinic type of use, which are permitted uses in the ME zone.
- Elements of this proposal are on property located inside the urban growth boundary (UGB) of the City but outside the City limits. This is the area shown below in the darker purple shading. The City of Bend zoning map identifies the zoning as (County) Light Industrial (IL). This area of the campus is designated Public Facilities (PF) on the City of Bend Comprehensive Plan diagram. This project area falls under jurisdiction of Title 19. The 2017 Joint Management Agreement between the City of Bend and Deschutes County provides that in this type of situation, land use reviews are conducted by the City of Bend, using the procedures set forth in the Bend Development Code, but the underlying zone and development standards of Deschutes County are applicable.

- Section 3.2(a) states that unless superseded by Title 19A, the standards, criteria and procedures of the BDC will apply to development applications. This was intentionally done such that the Deschutes County zoning district regulations apply, but the procedures sections of the Bend Development Code are followed. As such, the Site Plan Review applications would be subject to a criterion that requires development to meet both the standards of the zoning district as well as the standards of the district that implement the comprehensive plan designation for the site. This insures consistency with state statute and case law.
- Because this site is zoned IL but the Plan designation is PF, there is a potential for conflicting regulations. However, the County repealed their Bend Area PF zoning district in 2016 with the adoption of the City's new UGB. Because of this, the proposals need only to meet the County's IL zoning regulations.

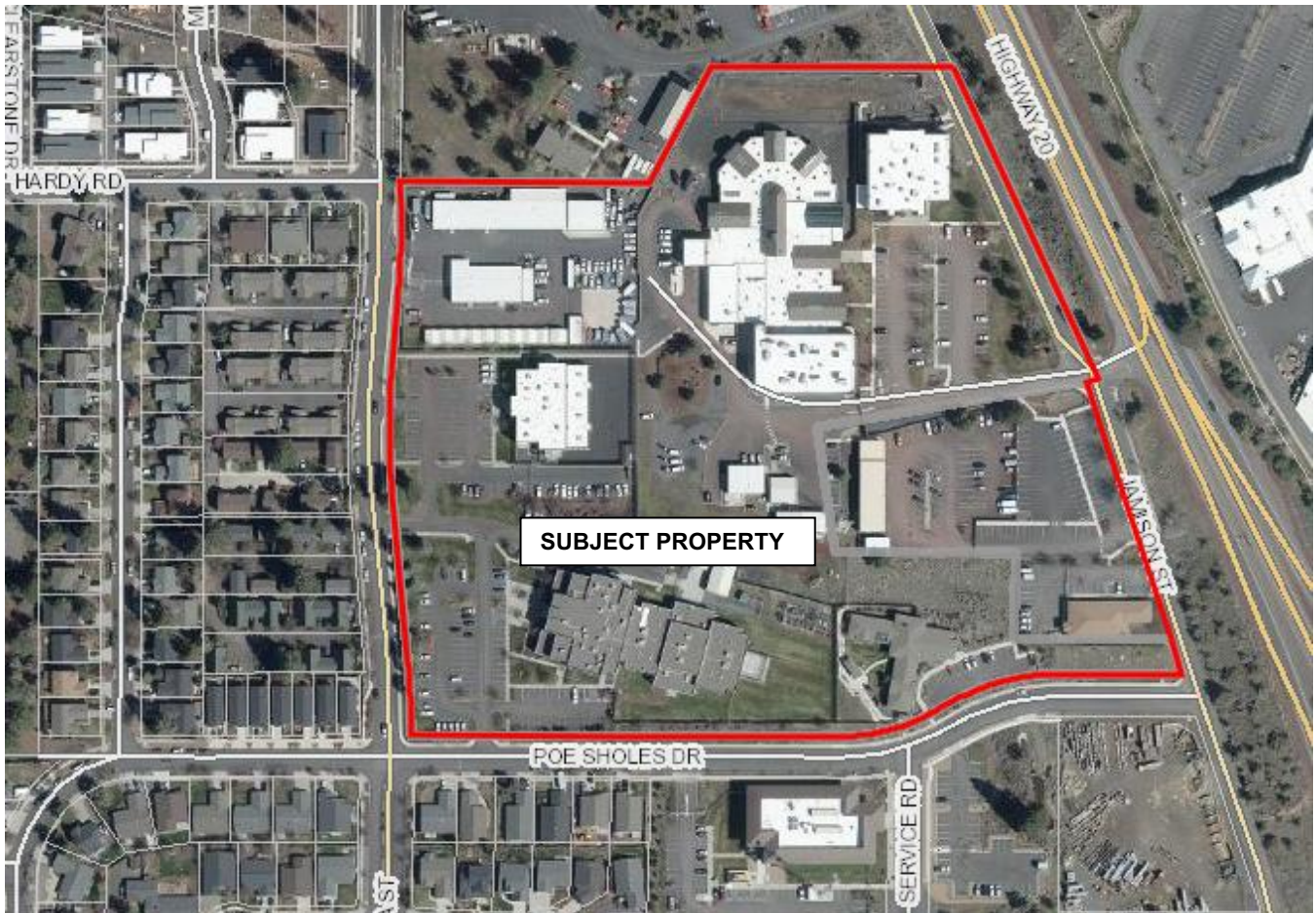
The elements of the proposal which are contained within the lighter purple shading below, in the southeast area of the campus, excepting a section of land along the southeast property line, are within the UGB and within City limits. The area is zoned Mixed Employment (ME) and designated ME on the Bend Comprehensive Plan. Land use in this particular area is governed entirely by the City of Bend Development Code.



II. FINDINGS OF FACT:

1. **LOCATION:** The subject property is located at 63390 Britta Street. The property is also recognized as Tax Lot 100 on Deschutes County Tax Assessor's Map 17-12-17D.
2. **ZONING:** The property is zoned Industrial Light (IL) and Mixed Employment (ME) and is designated both Mixed Employment (ME) and Public Facilities (PF) by the Bend Comprehensive Plan map.
3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is located to the west of Highway 20, just north of Poe Sholes Drive and west of Jamison Street. The property is part of the greater Public Safety Campus that is already developed with the following County uses: Sheriff's Office, Adult Correctional Facility (a.k.a. jail), Juvenile Justice Center, Adult Community Corrections/Work Center (Parole and Probation), a Sheriff's vehicle impound and maintenance building and the Emergency Services (Search

and Rescue) building, a Transitional Housing facility, and a Mental Health Recovery Center, collectively known as the Public Safety campus. There is an existing Oregon State Police/911 operations building south of Poe Sholes Rd.



The existing development and landscaping are shown on the “Existing Conditions” sheet included with this application. Most of the perimeter of this site is fenced for security and screening purposes. There are chain link fences with razor wire fencing in some locations, and sight-obscuring fences on the portions of the south and west sides of the campus. There is a 4-foot tall masonry block wall on the north and west sides of the existing jail, with chain link fencing inside of this. The site is served by City water and sewer services. There is a Swalley Irrigation District canal within the site, adjacent to the proposed CSC.

To the north of the subject property is Tax Lot 101, which is zoned Urban Low Density Residential (SR 2.5) on the west side and Industrial Light (IL) on the east side. It is owned by Deschutes County Rural Fire Protection District 2, and is developed with a fire station and training center. To the west of the campus is a neighborhood zoned SR 2.5, and is the Lavacrest East, Phase II subdivision. The neighborhood immediately to the south of Tax Lot 599 and west of Tax Lot 609 is zoned Urban Standard Residential (RS). This is the Chestnut Park Subdivision, Phase I.

All the privately owned properties to the east and south of the campus are zoned IL and have General Plan map designations of ME. Tax Lot 700 is vacant. Tax Lot 609 is owned by the County, is zoned IL and designated as ME on the General Plan map. Highway 20 is approximately 300 feet to the east. Access to the highway is via Jamison Street to the east and O.B. Riley Road to the north. Britta Street, a major collector according to the City's Transportation System Plan, runs North/South to the west of the site.

- 4. PROPOSAL:** The applicant proposes a Type II Site Plan Alteration to construct improvements to the parking lots, a new shop building, an expansion of the Adult Parole and Probation facility, and remodel of an existing structure to establish a Crisis Stabilization Center at the Deschutes County Public Safety Campus. The applicant is proposing an expansion of space and consolidation of the Adult Parole & Probation (P&P) program within a single building, increasing storage area for the Sheriffs Work Center Staff, creating a new Crisis Stabilization Center (CSC), and development of a small Community Service Shop Building that currently functions from a garage. Included with these are associated expansions of parking facilities to account for the increased square footage of the Adult P&P building, and the establishment of the CSC. Of these initiatives, only the conversion of an existing building (existing programs building) to the new CSC use creates any functional impact on existing public facilities. Other changes and improvements to the site are largely programmatic and reflect enhancing existing services or campus uses, better utilizing existing space, and creating new space for the current number of employees. In addition to the building expansion, the shop building and establishment of the CSC, minor parking alterations are also proposed. This will include new secure parking south of the Parole & Probation building, and expansion of the existing parking near the newly relocated stabilization center, new parking south the Juvenile Justice Center, and secure parking by the Special Services Storage building. Two new accesses are proposed on the north side of Poe Sholes Drive to provide access to the modified parking areas.

The proposed improvements with the portion of the property under County jurisdiction will include:

- 1,590 square feet of new community shop building (Site B)
- 5,986 square feet of expansion space to the new Adult P&P building (Site A)
- Two new groups of parking spaces totaling 25 spaces (Sites A & B)

The improvements within the portion of the property under City jurisdiction will include:

- Conversion of the programs building to the Crisis Stabilization Center
- Two new parking areas with a total of 49 new spaces.

- 5. PUBLIC NOTICE AND COMMENTS:** On August 23, 2018, the Bend Planning Division sent notice of the request to surrounding property owners within 250 feet of the subject property as shown on the most recent property tax assessment roll. No comments were received in response to the public notice. Various agencies were also sent notice, and their comments were considered in this Review and Decision and are contained in the file.

- 6. APPLICATION ACCEPTANCE DATE:** The application was submitted on May 28, 2019. The application was deemed complete when the remaining documents were submitted on August 21, 2019.

7. **LOT OF RECORD:** The subject property is a lot of record via a lot consolidation in 2009, PZ 09-94, Partition Plat No. 2011-1 (CS #18229).

II. APPLICATION OF THE CRITERIA:

**CONFORMANCE WITH DESCHUTES COUNTY CODE – Title 19
CHAPTER 19.64. LIGHT INDUSTRIAL ZONE - IL**

Section 19.64.020. Permitted Uses.

The following uses are permitted in the IL Zone subject to the provisions of DCC 19.76.

Q. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage, are permitted.

...

S. Public buildings.

FINDING: The only proposed new use within the public safety campus is the establishment of a Crisis Stabilization Center (CSC), a recovery-based facility serving youth and adults facing potential medical emergencies, within an existing building that will be remodeled to accommodate the use. However, the CSC is located within the City of Bend and located on property zoned ME, which will be addressed further under BDC Chapter 2.3. The expansion of the Adult P&P, construction of a new 1,580 square foot shop building, and two parking lot additions are not new uses, but rather are expansions to existing amenities and previously approved uses, and addressed here under County Title 19 requirements.

Section 19.64.040. Height Regulations.

No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 35 feet without a conditional use permit.

FINDING: The height of the proposed expansion of the Adult P&P building (Sheet A3.11) and construction of the new shop building (Sheet A3.22) will be 30 feet or less. This standard is met.

Section 19.64.050. Lot Requirements.

The following lot requirements shall be observed:

A. Lot Area. No requirements.

B. Lot Width. No requirements.

C. Lot Depth. Each lot shall have a minimum depth of 100 feet.

FINDING: No new land divisions are proposed. The existing lot size is approximately 20.1 acres. All proposed amenities, additions and new structures will be located within the existing property boundary and established setbacks.

- D. Front Yard.** Ten feet, except when abutting a lot in an R Zone, and then the front yard shall be the front yard required in the abutting R Zone.
- E. Side Yard.** None, except when abutting a lot in an R Zone, and then the side yard shall be a minimum of 20 feet. The required side yard shall be increased by one-half foot for each foot the building height exceeds 20 feet.
- F. Rear Yard.** None, except when abutting a lot in an R Zone, and then the rear yard shall be a minimum of 20 feet. The required rear yard shall be increased by one-half foot for each foot by which the building height exceeds 20 feet.

FINDING: The submitted site plan shows that the new shop structure will comply with the setback standards listed above as the proposed structure is centrally located well within the boundary of the parent parcel and is not immediately adjacent to any existing lot lines. Additionally, the addition to the Adult P&P building is toward the interior of the property, away from the lot boundary, no closer to the property boundary than the existing building. These standards are met.

...

- H. Solar Setback.** The solar setback shall be as prescribed in DCC 19.88.210.

FINDING: With a proposed highest shade producing point of 16 feet (at the peak above the primary entrance), and the majority of the roof line being approximately 14 feet from grade, the required solar setback is less than 30 feet. As proposed, the closest property boundary to the building (which is to the south) is approximately 75 feet. Therefore, the solar setback criteria will be met.

Section 19.64.060. Off-Street Parking and Loading.

Off-street parking and loading space shall be provided as required in DCC 19.80.

FINDING: Conformance with the off-street parking and loading standards is addressed further in this decision.

Section 19.64.070. Other Required Conditions.

- A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in an R Zone shall be conducted wholly within an enclosed building unless screened from the R Zone by a sight-obscuring fence or wall.**

FINDING: There are no residentially-zoned lots adjacent to or across the street from the specific project area (as located within the large parcel that includes many more structures of the Public Safety Campus). However, the subject property is technically across the street from residentially-zoned lots to the west and southwest. There is extensive existing development between the project area and the residential zones that will entirely screen the proposed shop building and addition to the Adult P&P building. Furthermore, there will not be any business, service, repair, processing, storage or merchandise displays on this property that might be visible from any abutting residential uses.

B. Openings to structures on sides abutting to or across the street from an R Zone shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions that would have an adverse effect on property in the R Zone.

FINDING: There are no building openings on sides abutting or across from an R zone that will cause glare, excessive noise or similar conditions that would have an adverse impact on property in the R zone. All of the building entrances/openings are adjacent to existing public safety uses, parking lots and IL zoned uses.

C. Motor vehicle, boat or trailer rental, sales or storage lots shall be drained and surfaced with pavement, except in those portions of the lot maintained as landscaped areas.

FINDING: There is no exterior vehicle or trailer storage, sales or rentals associated with this use. Therefore, this criterion is not applicable to this proposal.

D. In any IL zone directly across the street from an R zone, the parking and loading area and outdoor display or storage areas shall be set back at least 10 feet from the right of way, and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.

FINDING: As shown on the submitted Site Plan and Landscape Plan, the development site is not located immediately adjacent to any street rights of way. Nonetheless, the entire immediate area surrounding the proposed building will be landscaped. Therefore, this standard is met.

E. Access points from a public road to properties in an IL zone shall be so located as to minimize traffic congestion and to avoid directing traffic onto access streets of a primarily residential character.

FINDING: The portion of the proposal within the IL zone includes one new access point to the public street to Poe Sholes in Site B (Sheet L1.0). An existing driveway access from Poe Sholes Dr. to the existing parking lot south and west of the shop building site will also continue to serve the development. The new traffic to/from the new access point will primarily travel either east or west on Poe Sholes to Jamison Street on the east (to Highway 20 or Empire Avenue respectively), or to a lesser extent to Britta Street on the west. Based on the traffic analysis submitted with this application, neither the proposed shop building nor the expansion to the Adult P&P building will generate new traffic as they are intended to accommodate existing functions and employee needs on the campus. This is confirmed in the Transportation Facilities Report (TFR) prepared for this project, which indicates that there will be very limited traffic generated by the additions overall, and most of the traffic is expected to access Jamison Street via the Highway and Empire Avenue. Only ten (10) PM peak hour trips will impact the surrounding street system, and those are associated with the CSC in the ME zoned portion of the site and not the portion of the development within the IL zone that is addressed in this part of the document. By maintaining the existing and proposed access as shown on the site plan, most of the traffic will not be directed onto residential streets which are to the west off Poe Sholes Drive. Based on this information, this standard is satisfied.

F. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.

FINDING: No materials or waste will be stored on this site except for trash and recycling that is generated by the staff and associated users. All trash and recycling will be in existing enclosures located on the campus, and disposed of with routine and regular trash service.

G. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.

FINDING: No disturbing vibrations or unpleasant odorous gases or matter will be emitted with this development. All activities, except the traffic generated by existing levels of staff and customers, will be located completely inside the facility.

H. All uses in the IL zone shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other zone.

FINDING: Upon completion, the project will not include any manufacturing or services that typically generate the impacts listed in this criterion. All activities, except for the coming and going of staff and customers, will be conducted entirely within the building. Therefore, there will not be any smoke, gas, odor, dust, sound, vibration, soot or lighting that will be offensive to any neighbors.

CHAPTER 19.76. SITE PLAN REVIEW

Section 19.76.050. Other Conditions.

The Planning Director or Hearings Body may require the following in addition to the minimum standards of DCC Title 19 as a condition for site plan approval.

- A. An increase in the required yards.**
- B. Additional off-street parking.**
- C. Screening of the proposed use by a fence or landscaping or combination thereof.**
- D. Limitations on the size, location and number of lights.**

FINDING: Based on the submitted designs, and the fact that all on-site activities other than the coming/going to from the building by staff and customers and use of the expanded parking lots will be conducted entirely indoors, the applicant does not anticipate the need for additional or increased setbacks, parking, screening, and lighting. All such requirements have been taken into consideration with this development and are adequate for the site given the surrounding development pattern within the Public Safety Campus.

E. Limitations on the number and location of curb cuts.

FINDING: Except for the driveway approaches onto Poe Sholes, no new driveways from the surrounding public streets are necessary or required for this proposal. Thus, this criterion is not applicable.

F. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use.

FINDING: The existing streets within the necessary dedicated rights of way were previously constructed to City of Bend design standards and specifications and were found to be adequate to serve the Public Safety Campus. This is supported by the conclusions of the traffic analysis submitted with this application. Therefore, no new street right of way dedications or street improvements are warranted with this proposal.

G. Dedication of land or an easement for the creation or extension of Access Corridors for pedestrian and bicycle travel.

FINDING: There are no existing or planned access corridors on the project area. Furthermore, the applicant believes that it is impractical and inappropriate to provide such access across a secure public safety campus. Therefore, no dedication of land or easements are warranted for this proposal.

H. Improvement, including, but not limited to, paving, curbing, installation of traffic signals, constructing sidewalks, striping bike lanes, or other improvements to the street system which serves the proposed use where the existing street system will be burdened by the proposed use.

FINDING: As previously found, the existing streets within the necessary dedicated rights of way were previously constructed to City of Bend design standards and specifications (including sidewalks and bike lanes as appropriate) – and were found to be adequate to serve the Public Safety Campus. This is reinforced by the conclusions of the traffic analysis submitted with this application, which indicate that the portion of the proposal located in the IL zone will not generate any new traffic. Therefore, no new street right of way dedications or street improvements are necessary with this proposal. Staff notes that the Transportation Analysis Memo (TAM) from the Engineering Division dated July 30, 2019 (BP-19-3349) stated in Mitigation Measure #2 that additional curb must be constructed on the east side of Jamison Street. However, as further discussed in BDC 3.4.200 below, this improvement is not warranted with this proposal.

I. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include, but shall not be limited to, extension of utility facilities to serve the proposed use and installation of fire hydrants.

J. Landscaping of the site.

K. Transit Facility or an easement for bus pullout if on a mass transit route.

L. Location or orientation of buildings and entrances closer to street to serve pedestrians, bicyclists and/or mass transit use.

M. Any other limitations or conditions which it considers necessary to achieve the purposes of DCC Title 19.

FINDING: Based on the findings included in this decision, all of the above improvements will be provided for this development.

Section 19.76.060. Agreement and Security.

The developer and owner shall, as a condition of approval, execute a development agreement for any improvements required on a form approved by the County Counsel and may be required to file with the County a performance bond or other security as approved by the County Counsel to assure full performance of the required improvements. The bond shall be for the cost of the improvements plus 10 percent.

FINDING: The applicant is Deschutes County. The applicant agrees to meet this criterion if required by the City. However, this is typically only required for public improvements, and not private on-site improvements as proposed herein. Except for a stormwater maintenance agreement discussed below, additional public improvements (streets, water and sewer) are not warranted or necessary with this proposal as no additional impacts to such facilities will result.

Section 19.76.070. Site Plan Criteria.

Approval of a site plan shall be based on the following criteria:

A. Safety and Privacy. Residential site plans shall be designed to provide a safe living environment while offering appropriate opportunities for privacy and transitions from public to private spaces.

FINDING: This portion of the project does not include any residential elements. Therefore, this criterion is not applicable.

B. Special Needs of Disabled. When deemed appropriate, the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs, drop curbs and disabled parking stalls.

FINDING: The submitted site plan has been designed to meet accessibility standards and requirements through the incorporation of a new accessible parking stall and loading areas that are included in the parking lot additions and have been located close to the building entrances. Accessible routes to the primary building entrances (including an access ramp) and to the public right of way have been maintained. Full compliance will be verified upon review of the building permit application.

C. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.

FINDING: The entire project area (new building, addition, and parking areas) is generally level and has been disturbed in the past. It is currently devoid of significant vegetation (trees) except for lawn that has been planted and maintained. As a result, there is no natural landscaping (vegetation) or existing grade that is inherently significant enough that it needs to be retained. As shown by the submitted landscape plan, upon full development, the site will be landscaped.

D. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, designs of parking areas and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.

FINDING: There are ten existing access points on the perimeter of the Public Safety Campus. All of the existing access points have been previously approved through a City land use review process. No new access points are proposed with this portion of the application. The only access point to be utilized for this proposal is from Poe Sholes Drive and Britta Street to the existing and expanded parking lots that serve the site. The existing parking lots and driveways have two-way driveways serving internal parking spaces designed to required standards and specifications. None of the parking spaces require vehicles to back up into a roadway. There is a sidewalk directly linking the parking lots with the building entrances. These sidewalks will be retained and will continue to serve the site in the same manner. Based on the proposed design, the separation between pedestrians and moving and parked vehicles is designed to promote safety and avoid congestion on adjacent streets.

E. Buffering and Screening. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires and the like), loading and parking and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts to the site and neighboring properties.

FINDING: All storage, machinery, and equipment necessary to operate the facilities (Adult P&P addition and shop building) will be located within the structures. It is not anticipated that any new deliveries will need to be made as this is not an industrial use that requires large trucks on the site. Deliveries to the site that are associated with other public safety campus uses will continue to be from small delivery trucks for food, mail and office supplies, etc. All necessary deliveries will occur at the existing access points and no changes are proposed. There is no designated loading space or area proposed or required since the expansions and new building is less than 20,000 square feet. There will be landscaping incorporated as a buffer between the new building and all existing uses on the site. The trash/recycling will be enclosed as shown on the site plan.

F. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.

FINDING: There are no new above ground utilities proposed. All utilities to the new building will be underground.

NOTE: Swalley Irrigation District Easements: Although not technically a utility, there are easements benefitting the Swalley Irrigation District (SID) that run along the southeastern, southern and southwestern portions of the project area. The easements contain underground irrigation pipes for SID main canals. All structural development is outside the easement area, with only landscaping, hard surfaced areas (sidewalk and asphalt paving), and sanitary sewer service lines located within the easements. The applicant has met with SID staff and has submitted documentation from the District indicating that the project as designed is compliant with their easement, saving that they would like a condition of approval to be added indicating that evidence of an Easement Encroachment Agreement between SID and the County be submitted to the City prior to the issuance of building permits. The applicant is aware that any disturbance of the on-site amenities necessary for SID to maintain their facility are the responsibility of the applicant to repair.

G. Public Facilities. The proposed use shall not be an undue burden on public facilities, such as the street, sewer or water system.

FINDING: The proposed use will be served by the City's existing public facilities (water, sanitary sewer and streets). The existing water and sewer services to the property will be utilized for the Adult P&P expansion and the new shop building. Therefore, additional service and expansion of capacity is not necessary. Sewer and water facilities will be discussed further below in BDC 4.2.

Section 19.76.075. Design Review Standards.

A. Purpose. The purpose of DCC 19.76.075 is to provide design standards for commercial development within the CH, Highway Commercial zone...

FINDING: The subject property is not located in the Highway Commercial zone. Therefore, this section is not applicable.

Section 19.76.080. Required Minimum Standards.

A. Minimum Landscaping Standards. All developments subject to site plan approval shall meet the following minimum standards for landscaping:

- 1. A minimum of 15 percent of the area of a project shall be landscaped for multifamily, commercial and industrial developments, subject to site plan approval and the following requirements:**

FINDING: As stated previously, the development area (project site) lies within a larger parcel that is part of the Deschutes County Public Safety Campus. The larger campus includes a variety of buildings, each with significant landscaped areas that surround the individual buildings. The size of the entire parcel on which the project site is located is approximately 20.1 acres (876,100 square feet). The existing landscaped area is 172,450 square feet. The proposed landscaped additions will be 15,570 square feet, bringing the total on site landscaping to approximately 188,000 square feet – approximately 21% of the site. Thus, when completed, the expansion will not reduce the overall on-site landscaping below the 15% requirement as described above. The approved landscaping plan features a mixture of plant

materials (deciduous trees, shrubs and grasses) in order to provide a canopy of vegetation, with an understory as well.

a. Landscape Plan. The applicant shall submit a complete landscape plan...

FINDING: The applicant submitted a complete landscape plan with this application. The landscape plan shows that all required elements as required in the criteria listed below are included therein in the quantities and types specified. However, the primary impacts to the landscaping result from the removal of landscaping to add parking areas as described above. Thus, the addition of new landscaped materials is limited (primarily within the parking areas themselves).

b. Irrigation. All plant materials, except existing native plants not damaged during construction, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper water duration and ease of maintenance.

FINDING: As shown on the submitted Landscape Plan, all introduced landscaping (within the parking areas) will be irrigated by underground sprinklers set on a timer.

c. Non-Plant Materials. The use of certain non-plant materials as part of the landscape plan is highly encouraged. These materials may include the following: large landscape quality boulders, wood or concrete soil retaining devices, gravels, concrete garden amenities, approved mulch materials, stepping stones and water features. Borders for landscape beds abutting parking areas shall be constructed with extruded or poured-in-place concrete, retaining walls, sidewalks and/or other features acceptable to the County.

FINDING: As shown on the submitted Landscape Plan, there will be vegetative planting, surrounded by bark mulch to retain soil moisture. Additional materials such as landscaping boulders and rocks may be included and incorporated into the design as they are discovered with the on-site excavation and development.

d. Plant Materials. Minimum plant material sizes and placement: (Note: Annual type plants will not be counted as part of the landscaping requirement unless permanent architectural or other non-movable features are specifically created for these type of plants.)

i. Trees. A variety of tree species is encouraged as a way to provide visual interest and to protect against same species die out or disease. Acceptable tree species shall be those trees which are listed in DCC 19.76.080(A)(2)(g), readily available from local nurseries, tolerant of Central Oregon climate, disease resistant, and do not create unusual maintenance problems. All deciduous trees shall be a minimum of two inches in diameter at breast height. Larger diameter trees are encouraged if soil conditions allow.

FINDING: The submitted Landscape Plan shows multiple tree species located throughout the project area. All of the trees listed are acceptable and will be 2 ½ inches DBH at the time of planting.

- ii. Ponderosa Pine. There shall be one native Ponderosa species of pine planted for every four deciduous trees required to be planted on the site. Pine trees may require larger planting beds due to their size at maturity. All coniferous trees, except Ponderosa, shall be a minimum of six feet in height. Ponderosa trees shall be a minimum of three feet in height. Larger Ponderosa trees are encouraged if readily available.**

FINDING: Based on the ten new deciduous trees that are proposed, three new ponderosa pine trees are required under this criterion. However, due to the nature of the use (a public safety campus) the need for security and visibility is very necessary in order to ensure that persons are not hiding or otherwise trying to conceal themselves on site. Ponderosa pines and other coniferous trees are slow growing and typically contain large numbers of branches that are thick with needles close to the ground when immature (especially at the 6 foot height established herein). Such vegetation provides ample opportunity for concealment which is the primary concern stated above. For these reasons, the applicant is not proposing to add any new ponderosa pine trees with this proposal. However, the applicant would also note that on the western portion of the site, there are large native Juniper trees and some mature Ponderosa pine trees, and a significant amount of well-maintained landscaping elsewhere on the property.

- iii. Shrubs. All shrubs shall be a minimum of three gallons in size. Shrubs adjacent to parking areas with car overhang shall be planted at least three feet from the parking surface. Shrubs shall not be placed closer to other materials than the plant spread at maturity. At least 40 percent of the shrubs in the landscape plan shall include evergreens. The use of a variety of shrub types is encouraged.**
- iv. Ground covers. All ground covers shall be of sufficient size and quantity to provide for maximum coverage in five years based upon the species and growth pattern.**
- v. Planting beds. Planting beds shall be of sufficient width to accommodate the plants at maturity. The planting beds along the perimeter of a building shall incorporate a mix of trees, shrubs and ground covers to buffer the building and reduce the apparent mass of the building as viewed from the street. The plant materials within the planting bed shall not create hiding areas or other security concerns.**

FINDING: As shown on the submitted landscape plan, all shrub and ground cover plants proposed will meet the size requirements. The beds are of sufficient width that upon maturity the plants will not overhang sidewalks or other non-landscaped areas.

2. Street Trees.

FINDING: The larger parcel within which the development sits abuts Poe Sholes Drive and Britta Street. Both streets have street trees planted along their frontage with the site. This criterion was addressed as part of past site plan reviews conducted by the City and the necessary street trees were required and planted with prior development. Therefore, this criterion was met for the streets that abut the larger parcel and is not applicable at this time.

- 3. Areas of commercial and industrial zones used for vehicle maneuvering, parking, loading or storage shall be landscaped and screened as follows:**
 - a. Landscape coverage of the landscape area shall be 50 percent at the time of installation and 90 percent at five years.**

FINDING: As shown on the landscape plan, there is a mix of high desert ground covers, grasses and shrubs proposed for the irrigated planting areas on the site, with native vegetation on the southern portion of the site being retained and enhanced by the removal of invasive species. This landscape plan is similar to and carries the same vegetative theme as the landscaping surrounding other buildings within the Public Safety Campus. Similar to those plans, there will be at least 50% of the landscaped areas covered at the time of installation, and 90% at five years.

- b. Parking lot landscaping shall consist of a minimum of seven percent of the total parking area plus a ratio of one tree per eight parking spaces to create a canopy effect.**
- c. Landscape buffers between parking areas, parking pods and internal streets shall have a minimum width of five feet with no car overhang and 10 feet with a car overhang.**
- d. Landscape buffers between parking and an abutting property line shall have a minimum width of 10 feet.**
- e. Front or exterior yard landscaping may not be substituted for the interior landscaping required for interior parking stalls.**

FINDING: The proposal includes new parking areas to supplement existing parking lots in Site A and Site B (10 spaces in A and 15 in B). These areas are adjacent to existing parking lots that were previously approved by the City and found to meet all dimensional requirements. In addition, a third parking expansion is located to the west and south of the Stabilization Center (Site C) that is within the City limits zoned ME, which will be further addressed in BDC 3.3.300 below. All landscaped buffers (except where sidewalks are included) between the buildings and boundary of the project area, which includes the adjacent parking lots, will be at least 10 feet in width. None of the vegetation included therein will extend into the parking spaces or driveways.

- f. There shall be a landscaped and/or screened buffer area a minimum distance of five feet between commercial uses.**

FINDING: The proposed use is not a commercial use. Therefore, this standard is not applicable to this proposal.

- g. There shall be a minimum width of 10 feet for landscape buffers between buildings adjacent to streets.**

- h. Landscape buffers shall consist of evergreen ground cover and shrubs mixed with a variety of flowering and deciduous species of trees and shrubs.**
- i. Landscaping in a parking or loading area shall have a width of not less than five feet. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.**

FINDING: As stated previously, the development site is not directly adjacent to the surrounding streets, nor does this proposal include any alterations to the portion of the Public Safety Campus that abuts such streets. As shown on the submitted site plan and landscape plan, this criterion is satisfied.

- 4. Required landscaping shall be continuously maintained.**
- 5. Vegetation planted in accordance with an approved site plan shall be maintained by the owner, any heir or assignee. Plants or trees that die or are damaged shall be replaced and maintained.**

FINDING: Compliance with the above standards will be an ongoing condition of approval.
...

D. Drainage. Surface drainage shall be contained on site.

FINDING: The site has been designed and developed with a series of catch basins, sedimentation manholes, storm drainage lines (including roof drainage) and drywells to retain all surface drainage on this site. The parking lots within Sites A and B will be graded to direct all storm water to the existing and added drainage facilities as noted on the grading and drainage plan submitted with the application. The plan includes catch basins and dry wells within these areas. The City Engineering Division has commented that drainage facilities will be required to contain storm water runoff from Jamison Street. Compliance with all applicable City Grading Standards will be reviewed by the City Engineering Division in a separate submittal and review following approval of the site plan.

E. Bicycle Parking. The development shall provide the number and type of bicycle parking facility as required in DCC 19.80.080 and 19.80.090. The location and design of bicycle parking facilities shall be shown on the site plan.

FINDING: The existing secure bicycle parking spaces constructed with past development on the west side of the Adult P&P building (adjacent to the primary entrance) will continue to serve the site. As stated previously, the building addition, the new shop building and expanded parking lots will not generate any new employees or need for new bicycle parking. Compliance with DCC 19.80.080 and 18.80.090 is reviewed below.

F. Internal Pedestrian Circulation. Internal pedestrian circulation shall be provided in new office parks and commercial developments through the clustering of buildings, construction of hard surface pedestrian walkway, and similar techniques.

Walkways shall connect building entrances to one another and from building entrances to public street and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bikeways, and other pedestrian or bicycle connection on adjacent properties planned or used for commercial, multifamily, institutional or park use.

FINDING: This is not a new office park or commercial development. Rather, the proposal includes specific improvements within a larger Public Safety Campus (addition to Adult P&P building, new shop building and two new parking lot additions/expansions). These proposed improvements will be open only to staff, law enforcement personnel and customers brought to the facility. There are existing walkways that connect from the main entrances of the existing buildings to the existing parking lots and the surrounding public sidewalks (both on-site and within the street rights of way). However, a new striped walkway will be delineated to signify pedestrian access at the west end of the new parking area in Site B, to the existing Juvenile Justice Center.

Fixed route transit service is provided near the site on the southwest quadrant of the Jamison Street connection to Highway 20 via Cascades East Transit Route 4 within the City of Bend (North 3rd Street Route). This transit stop includes a bus shelter and is directly connected to the Public Safety Campus with sidewalks and ADA ramps. This stop and the associated pedestrian amenities also connects with uses on surrounding properties, such as the Cascade Village shopping plaza to the east. An additional transit stop is located approximately 2/3 mile to the south, at the intersection of Empire Avenue and N. 3rd Street, and near the Jamison Street intersection with Highway 20. The proposed pedestrian connections within the project site connect with all stops via the existing public and private pedestrian facilities, as well as with any future stops in this area.

G. Public Transit Orientation. New retail, office and institutional buildings on parcels within 600 feet of existing or planned transit routes shall provide preferential access to transit through the following measures:

- 1. Orienting building entrances to a transit facility; or**
- 2. Locating buildings as close as possible to the transit route street.**

FINDING: The closest existing transit stop is near the Jamison Street /Highway 20 intersection. Due to the arrangement of the buildings within the Public Safety Campus, and the fact that the addition/new shop buildings lie within the center of the property, it is not possible to directly orient the facility to the transit stop. The entire campus is connected through a series of both on-site and off-site pedestrian amenities. Therefore, this proposal meets these standards to the greatest degree practicable.

CHAPTER 19.80. OFF-STREET PARKING AND LOADING

Section 19.80.020. Off-Street Loading.

B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor space of 30,000 square feet or more shall

provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	No. of Berths Required
Less than 30,000	0
30,000-100,000	1
100,000 and Over	2

FINDING: The proposed new shop building is approximately 1,590 square feet. Therefore, no loading berths are required.

Section 19.80.030. Off-Street Parking.

Off-street parking space shall be provided and maintained as set forth in DCC 19.80.030 for all uses in all zones, except for the CB zone. Such off-street parking spaces shall be provided at the time a new building is hereafter erected or enlarged or the use of a building existing on the effective date of DCC Title 19 is changed. Improved off-street parking shall mean paved with two inches of paving.

Section 19.80.040. Number of Spaces Required.

Off-street parking shall be provided as follows:

Bank or Office (except medical and dental)	1 space per 300 sq. ft. of gross floor area
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FINDING: The proposal includes only two elements that involve new building space – those being the new shop building (which is intended to accommodate on-site repair and maintenance of equipment) and a 5,986 square foot addition to the existing Adult P&P building (which is intended to accommodate existing employees needs for additional space). Thus, the only use that could generate additional parking requirements per the code requirements is the addition to the P&P building. This use therefore has a parking requirement that is based on “Office” as listed in the chart in Section 19.80.040. Based on the proposed square footage for the office addition (5,986 square feet), a total of 20 new spaces would be required (based on the fact that the existing on-site parking that was previously approved meets the requirements for the existing campus development). The site plan shows that a total of 74 new vehicular spaces that are proposed in the entirety of the campus (10 in Site A and 15 in Site B). Thus, the number of new spaces available and added will satisfy the parking requirements. The applicant notes that parking throughout the campus is available to be shared by all interrelated uses based on the proximity of buildings to one another and the fact that employees and customers alike may need to access multiple buildings. Based on the calculations provided above, the parking requirement will be met.

Section 19.80.050. General Provisions-Off-street Parking.

A. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirement for off-street parking shall be the sum of the requirements of the several uses computed separately.

FINDING: The existing site development within the Public Safety Campus was previously approved by the City of Bend through multiple site plan review processes, including the existing parking lots. The existing parking was found to be adequate for all uses, with the proposed parking (74 total new spaces) deemed extra (over and above what was required to serve other uses approved on-site by the City) at the time of the request by the County. As discussed below under the criteria for required parking, and in the findings included in this decision that addresses BDC 3.3.300, the existing parking, with the additional parking proposed, is adequate for the entire Public Safety Campus.

...

C. Location of Parking Facilities. Off-street parking spaces for dwellings shall be located on the same lot with the dwellings. All other off-street parking shall be located on the lot with the use or, if not located on the same lot, shall be first approved as a conditional use. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the use. The burden of proving the existence of such off-premises parking arrangements rests upon the person who has the responsibility of providing parking.

FINDING: All of the proposed parking is located on the subject property, immediately adjacent to the buildings where the additions are proposed. All approved parking lots will have direct pedestrian connections (delineated with striping) to the proposed building.

D. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials or for the parking of trucks used in conducting the business or used in conducting the business or use.

FINDING: There will not be any storage of vehicles in required parking spaces and the parking will be available and reserved for the proposed use.

E. Parking, Front Yard. Unless otherwise provided, required parking and loading spaces for multifamily dwellings, commercial and industrial use shall not be located in a required front yard, but such space may be located within a required side or rear yard.

FINDING: As shown on the submitted site plan, there is no parking proposed in the front yard areas (10 feet front yard setback in IL Zone).

F. Disabled Parking. The number, location and design of disabled parking spaces shall be as required by the building code. Buildings and uses in existence on April 30, 1993 that are retroactively required to provide disabled parking facilities may place the disabled spaces in the front yard setback area if it is not possible to locate the parking elsewhere on the site.

FINDING: The site plan identifies one new disabled parking space and related loading area that will be added adjacent to the south side of the proposed shop building. This location is as near as possible to this building and will include a striped area between the space/loading area and

the ADA ramp providing access to the building. The existing ADA parking spaces adjacent to the other buildings included in the campus were previously approved by the City and are adequate to serve the site. Compliance with the ADA standards will be verified upon review of the building permit.

...

H. Maximum parking. The maximum number of parking spaces for a commercial development with a gross floor area of 30,000 square feet or greater, or a site with more than six acres shall not exceed 150 percent of the required parking.

FINDING: The 5,986 square foot building addition and the new 1,590 square foot shop building both fall below the threshold in this standard. However, the overall site area (20.1 acres) exceeds the 6-acre requirement listed above to which this criterion applies. The total number of parking spaces required for the building expansions/new building is 20 spaces (not counting the conversion of the programs building to the CSC in Site C as shown on the site plan) and the applicant is proposing to add 74 new spaces. However, the parking area may be utilized as spaces are available for future expansion and overall Public Safety Campus use. Also, the parking throughout the campus is available to be shared by all interrelated uses based on the proximity of buildings to one another and the fact that employees and customers alike may need to access multiple buildings. The applicant states that if necessary, they agree to designate the actual number of spaces necessary to serve the proposed uses, while retaining remainder as "extra" as previously approved.

...

J. Parking Pods. Developments that provide more than 75 parking spaces...

FINDING: As shown on the Site Plan, the project includes 4 new parking areas with 74 spaces; one in Site A with 10 spaces; one in Site B with 15 spaces; and, two in Site C with 33 and 16 spaces.

Section 19.80.060. Development and Maintenance Standards for Off-Street Parking Areas.

Every parcel of land hereafter used as a public or private area, including commercial parking lots, shall be developed as follows:

A. An off-street parking area for more than five vehicles shall be effectively screened by a site-obscuring fence, hedge or planting on each side which adjoins a residential use or property situated in a residential zone or the premises of any school or like institution.

FINDING: There are no new parking spaces proposed that adjoin a residential use or property situated in a residential zone or the premises of any school or like institution. Therefore, this standard is not applicable.

B. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining property in an R zone.

FINDING: This application includes cut sheets on all exterior light fixtures and photometric analysis (Sheets E1.0a through E1.2b). All lighting is designed to be full cut off and/or shielded to direct light downward and onto the subject property and not adjoining properties.

C. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right of way other than an alley.

FINDING: As shown on the site plan, there are no parking spaces that will require vehicles to back up into a public street or right-of-way, thereby complying with this standard.

D. Areas used for standing and maneuvering of vehicles shall be paved surfaces maintained adequately for all weather use and so drained as to contain any flow of water on the site.

FINDING: As shown on the site plan and drainage plans, all areas used for standing and maneuvering of vehicles, including the new parking areas and vehicular driveways, will be paved surfaces and are designed to contain any flow of water on the site with catch basins and dry wells (Sites A and B), or infiltration swales and drainage ponds (Site C). Compliance with the City Grading Ordinance will be verified by the Engineering Division upon infrastructure plan review.

E. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

FINDING: As shown on the site plan, there are no new parking or loading areas adjacent to or within residential zones.

F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

FINDING: As shown on the site plan, the existing access aisle (driveways) within the parking areas are 24 feet wide to accommodate two-way traffic. All new driveways to and within the new parking areas will include the same design and will be of sufficient width for all vehicular turning and maneuvering.

G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated. Service drives shall be clearly and permanently marked and defined throughout by the use of rails, fences, walls or other barriers or markers. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.

H. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points 30 feet from their intersection.

FINDING: As shown on the site plan, there are no service drives. The parking is served directly from a driveway.

I. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line, pedestrian walkway, bikeway, or a street right of way.

FINDING: As shown on the site plan, the new parking spaces along the outer boundary of the parking area will be contained by both a curb along the edge of the paved areas, and parking bumpers within each space.

Section 19.80.070. Off-Street Parking Lot Design.

FINDING: As shown on the submitted site plan, all of the existing parking spaces, aisles and access points meet the requirements of this section as they were approved through a previous site plan review process – the parking areas will match the same designs. There are no public alleys on this site.

Section 19.80.080. Required Bicycle Parking.

A. On-site bicycle parking shall be provided as listed below. Fractional spaces shall be rounded to the next highest number. Bicycle parking for multiple uses or large commercial developments may be provided in one or more locations.

Use	Requirement
Professional office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces

Section 19.80.090. Bicycle Parking Location And Design; Other Required Conditions.

A. Each required bicycle parking space shall be on asphaltic concrete, portland cement, or similar hard surface material and each space shall be at least two feet wide by six feet long with a minimum vertical clearance of seven feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.

B. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack upon which the bicycle can be locked. Bicycle rack design must accommodate both U-shaped locks and cables and include, but are not limited to, such shapes as an inverted "U" design or a "ribbon." Racks shall be securely anchored to a walkway, parking lot, building, or other approved structure.

- C. Where required, covered bicycle parking may be provided underneath an awning, eave, or other structural overhang, inside the main building or an accessory parking structure, or other facility as determined by the Site Plan Review that protects the bicycle from direct exposure to the elements.
- D. Except as noted below, all required bicycle parking shall be located on-site within 50 feet of well-used entrances and not farther than the closest motor vehicle parking space. Bicycle parking for multiple uses such as a commercial center or college may be clustered in one or more locations that are convenient for bicyclists but must meet all requirements for bicycle parking.
- E. Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots. Bicycle parking shall be at least as well-lit as motor vehicle parking.
- F. New commercial developments and public buildings in which 25 or more persons will be employed, shall provide changing room(s) and shower(s) for employees who bicycle to work. Such facilities may be incorporated into restrooms, exercise rooms or similar facilities in the building.

FINDING: The existing bicycle parking lies on the west side of the Adult P&P building, just south of and adjacent (within 50 feet) to the primary building entrance. The parking consists of a ribbon design of four inverted “U” spaces affixed to the concrete sidewalk, each suitable for two bikes to be secured/locked. The parking lot lighting and building lighting provide illumination during dark hours. Based on the existing design with the previous land use approval, this requirement is satisfied.

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE

Chapter 4.2, Site Plan Review and Design Review

4.2.200 Site Plan Review.

F. Site Plan Approval Criteria.

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

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

CHAPTER 2.3, Mixed Use Zoning Districts

2.3.200 Permitted and Conditional Uses.

A. Permitted and Conditional Uses. The land uses listed in Table 2.3.200 are allowed in the Mixed-Use Districts, subject to the provisions of this chapter. Only land uses that are listed in Table 2.3.200 and land uses that are approved as “similar” to those in Table 2.3.200 may be permitted or conditionally allowed. The land uses identified with a “C” in Table 2.3.200 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4.

B. Exceptions. Existing uses and buildings lawfully established under previously effective land use regulations are allowed to continue subject to BDC Chapter 5.2, except as otherwise specified in this section.

- 1. Existing lawfully established residential uses are permitted in all Mixed-Use Zones and are not subject to BDC Chapter 5.2 unless otherwise nonconforming.**
- 2. Uses in the MU and MN Zones that are not in conformance with the provisions in this section but that were lawfully established in their current location prior to the adoption of this code shall be treated as permitted uses. Expansion or enlargement 25 percent or less of the above-referenced uses or structures that are nonresidential shall be subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review. For expansion or enlargement greater than 25 percent, the conditional use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permits, shall also apply. Conditions of prior approvals shall continue to apply unless modified in conformance with BDC 4.1.1325, Modification of Approval.**

Table 2.3.200

Permitted and Conditional Uses

<i>Land Use</i>	<i>ME</i>	<i>MR</i>	<i>PO</i>	<i>MU</i>	<i>MN</i>
Commercial					
<i>Retail sales and service</i>	<i>L [see subsection (C)(2) of this section]</i>	<i>L [see subsection (C)(2) of this section]</i>	<i>N</i>	<i>P</i>	<i>L [see subsection (C)(2) of this section]</i>
<i>Offices and clinics</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
<i>– not enclosed (e.g., amusement)</i>	<i>P</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>N</i>
<i>Wholesale sales (more than 75% of sales are wholesale)</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>N</i>	<i>N</i>
<i>Broadcasting studios and facilities</i>	<i>P</i>	<i>P</i>	<i>N</i>	<i>P</i>	<i>N</i>
<i>Hospital</i>	<i>P</i>	<i>C</i>	<i>C</i>	<i>C</i>	<i>N</i>
Public and Institutional					

Table 2.3.200

Permitted and Conditional Uses

<i>Land Use</i>	<i>ME</i>	<i>MR</i>	<i>PO</i>	<i>MU</i>	<i>MN</i>
Government – point of service intended to serve the entire City (e.g., City Hall, main library, main post office, main Department of Motor Vehicles service center)	P	P	C	P	C
Government – branch service intended to serve a portion of the City	P	P	P	P	P
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	N	N	N	N	N
Parks and open space	P	P	P	P	P

Key to Districts

ME = Mixed Employment

MR = Mixed-Use Riverfront

PO = Professional Office

MU = Mixed-Use Urban

MN = Mixed-Use Neighborhood

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

L = Limited as specified in subsection (C) of this section

* Special standards for certain uses subject to BDC Chapter 3.6 and BDC 2.1.900.

FINDING: As stated in the pre-application notes issued by the City, the Crisis Stabilization Center (CSC) building is the only new function included in this proposal. The other elements are expansions of previously permitted/constructed facilities, and support amenities such as the parking lot expansion. The CSC is permitted outright in the ME zone as it is most similar to either the Hospital or Government use as listed in the chart above.

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;

Criterion #4. The proposal complies with the standards of the zoning district that implements the Bend Comprehensive Plan designation of the subject property.

FINDING: As stated in the following findings, the proposal complies with the standards of the Mixed Employment Zone. The Mixed Employment standards implement the Comprehensive Plan designation of the subject property, which is also ME.

Criterion #5. The applicable standards in BDC Title 3 are met;

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

Section 3.1.200 Lot, Parcel and Block Design

FINDING: The intent of this finding is to address all code provisions under this section. Not all code sections are listed or addressed individually because no new lots are being created as part of this proposal and this section does not apply. The 20.1 acre site is located at the northwest corner of the intersection of Jamison Street and Poe Sholes Drive. Street and block patterns were established with the development of the surrounding streets and previous land divisions. Additional land division, streets and blocks are not necessary at this time and are not part of this proposal as the entire site is developed as a cohesive public safety campus that shares internal amenities.

Section 3.1.300 Multi-Modal Access and Circulation

B. On-Site Pedestrian Facilities. For all developments except single-family and duplex dwellings on their own lot or parcel, pedestrian access and connectivity shall meet the following standards:

1. Pedestrian ways shall:

- 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 adjacent development to the building's entrances and exits.**
- c. Extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible as described in Section 3.1.300(C); Off-Site Multi-Modal Facilities.**
- d. Connect or stub to adjacent 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 adjacent 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 shall comply with all applicable accessibility requirements.
 - iv. **Primary Entrance Connection.** A pedestrian access route shall be constructed to connect the primary entrance of each building to the adjacent 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 shall be provided to each employee entrance. For multi-family and triplex 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.
2. **On-Site Pedestrian Facility Development Standards.** On-site pedestrian facilities shall meet the following standards:
- a. On-site pedestrian walkways shall have a minimum width of 5-feet.
 - b. Pedestrian walkways shall be lighted in conformance with Section 3.5.200; Outdoor Lighting Standards.
 - c. Switchback paths shall be 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 shall be provided when required.
 - d. The City may require landscaping adjacent to a pedestrian walkway for screening and the privacy of adjoining properties. The specific landscaping requirements shall balance the neighbors’ privacy with the public safety need for surveillance of users of the public walkway. Tall, sight-obscuring fences or dense landscaping thick enough to conceal hazards are prohibited.
 - e. **Vehicle/walkway Separation.** Where walkways are parallel and abut a driveway or street (public or private), they shall 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.
 - f. **Housing/Walkway Separation.** No walkway/building separation is required for commercial, industrial, public, or institutional uses.
 - g. **Walkway Surface.** Walkway surfaces shall 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) shall be the same materials. (See also, Chapter 3.4.200 Transportation Improvements for public, multi-use walkway standard.)
 - h. Additional standards for walkway design can be found in **BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.**

3. **Exception. The City may determine that a pedestrian facility is impractical due to:**
 - a. **Physical or topographic conditions (e.g., highways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints);**
 - b. **Buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and**
 - c. **Sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of the ordinance codified in this code prohibit the connection.**
4. **Developments subject to development review shall construct sidewalks within and abutting the subject property along public and private streets.**

FINDING: The site plan shows walkways providing direct connection from the existing and proposed building entrances, to the existing public sidewalks along Jamison Street on the west, Poe Sholes Drive on the south and Britta Street on the west. These walkways are all ADA accessible routes from the buildings, across the parking lots, to the public sidewalks in the street rights of way. All existing and proposed walkways are at least 5 feet in width, and are raised and curbed to separate them from adjacent driveways and parking, except for the portions of sidewalks extending from the front entrances of the buildings to the streets, which must cross the parking areas in certain locations. All new sidewalks will be built to City of Bend standards and specifications, and will comply with ADA requirements. Conformance with accessibility requirements will be reviewed through the building permit review process. The proposed sidewalks will provide direct access from the vehicular and bicycle parking areas (bike parking in front of the buildings and adjacent to the access to the path), to all building entrances. By nature of the use and the necessary amount of parking, there is a large amount of pavement in the parking area between the building and the public sidewalk along the adjoining streets. The paved areas will provide a hard surface for pedestrians to use when accessing the building from the parking area. The proposed pedestrian facilities will be safe, accessible, direct, and convenient for the anticipated pedestrian activity on-site.

C. Off-Site Multi-Modal Facilities.

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

constructed in accordance with the City's Design Standards and Construction Specifications.

FINDING: The Bend Urban Area Bicycle and Pedestrian System Plan does not include any multi-use path or trails across or adjacent to the site. Rather, multi-modal transportation opportunities in the area are dependent on the bike lanes and sidewalks within the rights of way for Jamison Street, Poe Sholes Drive and Britta Street adjacent to the property – and access to Highway 20 to the east. Based on the submitted site plan (and previously approved site plans) that show on-site hard surface connections (driveways and sidewalks) to the adjacent public facilities, ample opportunity for multi-modal access to the site will be provided.

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.**

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.

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.

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

- 1. Except as authorized under subsection (F)(4) of this section, lots and parcels in all zones and all uses shall have one access point. Single-family dwellings on corner lots at the intersection of two local streets may have one access point per frontage.**
- 2. If a lot or parcel has frontage on two or more streets of different street classifications, the property shall access the street with the lowest classification.**
- 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.**

7. Driveways shall be designed and located to provide a vehicle in the driveway with an unobstructed view of the roadway for a sufficient distance as required by City Standards and Specifications or the American Association of State Highway and Transportation Officials (AASHTO) policy on intersection sight distance requirements as determined by the City.
8. Driveway widths, designs, and materials shall comply with City of Bend Standards and Specifications.

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:

1. **Shared Driveways and Frontage Streets.** Shared driveways and frontage streets are encouraged, and may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable land to indicate future extension. For the purpose of this code, stub means that a driveway or street temporarily ends at the property line, and shall be extended in the future as the adjacent property develops, and developable means that a property is either vacant or it is likely to redevelop.
2. **Access Easements.** Access easements for the benefit of affected properties shall be recorded for all shared driveways, including walkways, at the time of final plat approval or as a condition of development approval.

H. Driveway Widths. Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). When obtaining access to off-street parking areas backing onto a public street shall not be permitted except for single-family, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

3. **Other Uses.** Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in **BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking**. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 35 feet.
4. **Driveway Aprons.** Driveway aprons shall be installed between the street and the private drive. Driveway apron design and location shall conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways.

FINDING: A Transportation Facilities Report (TFR) for the proposal was prepared by Transight Consulting LLC, and was submitted with this application. The TFR complies with City of Bend requirements and addresses all applicable transportation aspects related to the project, including all City of Bend Development Code provisions listed above. This decision addresses the impacts of the proposed expansions only, with respect to the existing site development and surrounding transportation system. The TFR concluded that the proposed change of use and building expansion will result in 10 new PM peak hour trips to/from the site (4 in and 6 out). After evaluating the number of trips against the existing vehicular, bicycle/pedestrian and transit systems serving the area of potential impact, the TFR concludes that no significant impacts to the surrounding systems will occur. Beyond paying the applicable System Development Charges, the TFR did not include any findings or recommendations for any physical improvements to public or private (on-site) transportation amenities.

The decision Transportation Facilities Report also analyzed the two new proposed access driveways to Poe Sholes Road on the south (within Site C there is one, within Site B there is one) in relation to surrounding traffic patterns and the proximity to existing driveways to the site. The TFR determined that the existing and proposed driveways do not pose any safety problems. The site distance and design of the driveways has been deemed adequate for the anticipated level of traffic generated from the project (including the additional traffic anticipated as a result of the proposed change in use of the Programs building to the CSC). Backing movements onto the street are not part of the driveway design. As part of the engineered plans submitted to the City for review and approval with the previous on-site development, the applicant constructed the new driveways to City of Bend standards and specifications, including necessary widths and surfacing. The Traffic Analysis Memo dated July 30, 2019 from the Engineering Division (BP-19-3349) concurred with the submitted TFR that a Transportation Impact Analysis is not required because the new trips will not exceed 100 ADT. With the following conditions, the access points will comply with these standards.

Condition of Approval: *The proposed driveway approaches onto Poe Sholes Drive must be constructed to meet City of Bend Standards and Specifications and PROWAG guidelines. Work must be done under an approved right of way permit. (Condition #10)*

Condition of Approval: *Construction plans for onsite building permits and right of way permits must show clear vision and sight distance at the proposed driveways. Where clear vision and sight distance is not in conformance, mitigation measures must be made to improve the deficiencies, if applicable. (Condition #11)*

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

FINDING: The existing on-site driveways are designed to City of Bend standards and specifications. The parking lot designs generally provide a circuitous route through the site that alleviates the need for emergency vehicle turning or backing. However, at the east ends

of the parking areas within Sites A and B, and the west of the new parking area within Site C, turnaround/backing areas are provided. The Fire Department did not raise concerns with fire access or turnaround deficiencies for this project. Based on the proposed design, these criteria are satisfied.

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 site plan shows that the new parking areas within Site C have hard surfaced driveway and parking areas that will have stormwater control consisting of catch basins that will collect water that will be directed to an infiltration swale and two new retention ponds. The applicant is aware that engineered plans for all stormwater facilities (as they may be affected by the proposed additions), must be submitted to and approved by the City of Bend Engineering Division prior to issuance of a building permit and/or construction. With the following conditions, surface water management can be met.

Condition of Approval: With review of the right of way permits and onsite building permits, a grading and drainage plan and report, including storm basin delineation, storm water runoff calculations, proposed retention facilities and design volume must be provided in conformance with City of Bend standards and Bend Code Title 16, Grading, Excavation, and Stormwater Management and the Central Oregon Stormwater Manual (COSM). (Condition #6)

Condition of Approval: Prior to occupancy, any UIC's (if applicable), must be rule registered and authorized with DEQ. Documentation must be provided to the City of Bend. (Condition #7)

Condition of Approval: Prior to issuance of the Certificate of Occupancy, a Stormwater Maintenance Agreement must be executed and recorded per the requirements of Bend Code Title 16, Grading, Excavation, and Stormwater Management. (Condition #9)

3.1.500 Clear Vision Areas

B. Applicability. In all zones except the CB Zone, clear vision areas as described below and illustrated in Figure 3.1.500.A must be established at the intersection

of two streets, an alley and a street, a driveway and a street or a street and a railroad right-of-way in order to provide adequate vision of conflicting traffic movements as well as street signs. These standards are applicable to public and private streets, alleys and mid-block lanes, and driveways.

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:

Table 3.1.500.B

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: As shown on the submitted site plan and landscape plan, there are not any fences, walls or landscaping (no vertical construction) within the clear vision area associated with the existing driveways or the new driveways onto Poe Sholes Drive. Additionally, the clear vision areas will be maintained at the Britta/Poe Sholes intersection and the Jamison/Poe Sholes intersection. No changes to these designs are proposed with this application. As discussed previously, all driveways and points of access must meet these standards.

CHAPTER 3.2, LANDSCAPING, STREET TREES, FENCES & 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.**

FINDING: As stated in the project description, much of the site has been landscaped as part of past development approved by the City of Bend. The areas that are proposed for development with this application are “infill” areas within the greater 20.1 acre property. The significant vegetation that could be retained on site was retained as part of the previously approved development plans. Thus, in the areas where new development is proposed, there is no existing native significant vegetation to retain. Thus, the only vegetation that will be removed in the development areas is native brush, thereby meeting this criterion.

3.2.300 New Landscaping

This section sets standards for and requires landscaping of all development sites that require Site Development Review. This section also requires landscape buffering for parking and maneuvering areas, and buffering between different land use districts. Note: Other landscaping standards are provided within the individual land use districts and in BDC Chapter 3.6, Special Standards for Certain Uses, for specific types of development.

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- A. Applicability. This section shall apply to all new development in all zones requiring Site Development Review.**

FINDING: A landscaping plan was prepared and submitted with the originally approved applications for the existing site development. The proposed parking lot expansions, which were anticipated with the original site development, will not result in any changes to the

existing on-site landscaping that will result in the site development becoming out of compliance with the standards included below.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in BDC 4.2.200(E)(7), Landscape Plan.

FINDING: A landscaping plan was prepared and submitted with all of the original application that were ultimately approved for the existing site development. The proposed expansions, will not result in any changes to the existing on-site landscaping that will result in the site development becoming out of compliance with the standards included below. The resulting landscaping, following the new parking lot construction and newly introduced landscaping within and adjacent to the parking areas, will still exceed the minimum requirement of 15% across the entirety of the property.

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 shall equal 15 percent of the gross lot area for the following uses:

FINDING: The existing landscaped area is 172,450 s.f. The proposed landscaped additions will be 15,570 s.f., bringing the total on site landscaping to approximately 188,000 s.f. – or approximately 21% of the site. Thus, when completed, the expansion will not reduce the overall on-site landscaping below the 15% requirement as described above. The approved landscaping plan demonstrated that a mixture of plant materials (deciduous trees, shrubs and grasses) were planted in order to provide a canopy of vegetation, with an understory as well.

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.**
- 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.**
- 3. Nonplant Ground Covers. Bark dust, chips, aggregate or other nonplant ground covers may be used, but must be confined to areas underneath plants and is not considered a substitute for ground cover plants. Measures shall 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 and one-half 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: The landscaping plan approved with all previous on-site development included a mixture of deciduous trees, shrubs, grasses and planter areas with /mulch/wood chips in proportionate shares as stipulated by the above listed criteria. The new landscaping proposed herein provides a harmonious design with both a canopy and understory of vegetation. Two stormwater detention/retention facilities and an infiltration swale will be located within the landscaped areas at the west and south ends of the two proposed parking areas, as permitted by these criteria.

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 landscaping plans approved with the previous on-site development included a mixture of deciduous trees, shrubs, grasses and planter areas with mulch/wood chips in proportionate shares as stipulated by the above listed criteria. The new plan provides a harmonious design with both a canopy and understory of vegetation. Two stormwater detention/retention facilities and an infiltration swale will be located within the landscaped areas at the west and south ends of the two proposed parking areas.

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: The site plan shows that 74 new parking spaces in four separate parking areas (three new and one as expanded) are proposed – two areas with a total of 49 spaces are included in Site C as shown on the site plan. The corresponding landscape plan shows that the parking areas are broken up into pods, with a landscape areas at the ends of each row, and islands within the rows to break up the parking – portions of these requirements will be satisfied by the existing landscaping adjacent to existing parking lots. A total of 10 trees are provided in the landscaped areas/islands within and surrounding the parking areas in Site C ,thereby satisfying the requirement of 1 tree for every 8 parking spaces.

Each landscape island includes at least one deciduous tree that will grow to sufficient size to create a canopy over portions of the parking area. The landscape islands and trees within the parking areas are evenly distributed in order to break up the overall effect of the asphalt parking areas. Based on the submitted site plan and the previously approved and developed landscape plan, the applicant believes this criterion is satisfied.

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.

FINDING: As shown on the landscape plan and described above, a variety of trees and shrubs were planted along the perimeter of the site (including street trees), as well as the retention of the existing mature on-site landscaping, which provide an adequate landscape buffer as required by this criterion.

- 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 north side of the proposed parking lot lies south of and immediately adjacent to the existing CSC building – this is the only location within Site C where new parking is adjacent to a building. At this location, the proposed parking spaces will be separated from the building by a raised concrete curb and landscaped area that will be a minimum of 5 feet wide. Based on the submitted site plan and existing development, this design meets these criteria to the maximum degree practicable.

- 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: No new mechanical equipment or outdoor storage areas (including trash areas) are included in this proposal. All existing site development will be retained as previously approved.

- 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: All existing landscaping that requires irrigation is provided with water via an on-site irrigation system. The applicant agrees that any dead or dying vegetation will be replaced as necessary to maintain the overall landscaping design to achieve the intent of these criteria.

- G. **Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified within the individual land use districts. In addition, the City may require additional landscaping through the Conditional Use Permit process.

FINDING: The existing and proposed development (the expansion) is similar to and compatible with the surrounding public safety campus development on the property, and has taken sufficient measures as in the past to buffer the development from the adjoining residential areas to the west. No further buffering or screening is required.

3.2.400 Street Trees.

This section sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. Street trees shall be planted for all developments that are subject to Site Development Review. Requirements for street tree planting and tree wells are provided herein. Planting along unimproved streets shall be deferred until the construction of curbs and sidewalks. Such deferrals shall be secured with a bond or cash deposit acceptable to the City. Street trees shall conform to the following standards and guidelines:

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 shall be limited to the following list. Exceptions may be granted by the Planning Director. Street trees shall be those species suitable for the location in which they are placed. 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:	
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’	
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’
3. Tall Mature Tree Height (50 feet or larger):	
Green Ash/Fraxinus pennsylvanica	Pin Oak/Quercus palustris
Honey Locust/Gleditsia tricanthos ‘variety’	Red Maple/Acer rubrum ‘variety’
Littleleaf Linden/Tilia cordata	Red Oak/Quercus rubra
Norway Maple/Acer platanoides ‘variety’	Pin Oak/Quercus palustris
Green Ash/Fraxinus pennsylvanica	
4. Other Tree Species: 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 shall be used.	

B. Growth Characteristics. Trees shall 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 shall be two and one-half inches DBH (diameter at breast height, or four feet above ground), based on the American Association of Nurserymen Standards. If the required caliper is not available, the Planning Director/Review Authority may accept replacement trees with an extended maintenance guarantee of two additional years depending on substituted size.
- D. Spacing and Location.** Street trees shall be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Small stature trees shall be planted no closer to the curb or sidewalk than three feet, medium trees – three feet and large trees – four feet. Root barriers may be required with street tree planting to protect the City’s curb and sidewalk. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. Small canopy trees and columnar shaped trees shall be planted no further than 30 feet apart; medium and large canopy trees shall be planted no further than 40 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A random spacing of street trees may be approved for the equivalent number of trees required for the length of the frontage.
- E. Sidewalk Tree Wells.** Street trees planted within sidewalk tree wells shall be installed with a City-approved tree grate.
- F. Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including, but not limited to, soil preparation, ground cover material, staking, and irrigation. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first year after planting unless an extended maintenance time is required.
- G. Assurances.** The City shall 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 shall 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: Previously approved landscape plans show that street trees were planted within the landscape strips at various locations adjacent to Britta Street, Jamison Street and Poe Sholes Drive as required by these criteria. Three additional red maple trees will be planted along the frontage on Poe Sholes Drive (2) and Jamison Street (1) – between the new parking area and the street. The species, spacing, and planting conform with these criteria as specified on the submitted landscape plan, and will not interfere with any utilities in these locations.

3.2.500 Fences and Walls

This section sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics. The following standards apply to all fences and walls:

FINDING: No fences or walls are necessary or proposed with this development, thus the criteria and standards included in this section are not applicable. The applicant is aware that any future construction of fences or walls that may be contemplated will be subject to these standards at that time.

CHAPTER 3.3, VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

- A. Off-Street Parking Requirements.** The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). In applying the exceptions and reductions listed in subsections (B), (C), and (D) of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces shall be rounded down to the nearest whole number.

Table 3.3.300 – Required Off-Street Parking Spaces
Required Off-Street Vehicle Parking Spaces

Use	Minimum Requirement
Government – point of service intended to serve a portion of the City	1 space per 350 square feet of gross floor area

FINDING: The existing site development within the Public Safety Campus was previously approved by the City of Bend through multiple site plan review processes, including the existing parking lots. The existing parking was found to be adequate for all uses, with the parking proposed to be used for this proposal (74 total new spaces) deemed extra (over and above what was required to serve other uses approved on-site by the City) at the time of the request by the County.

As stated previously in this document, the overall proposal includes only two elements that involve new building space – those being the new shop building (which is intended to accommodate on-site repair and maintenance of equipment) and a 5,986 square foot addition to the existing Adult P&P building (which is intended to accommodate existing employees needs for additional space). Thus, the only use that could generate additional parking requirements per the code requirements is the addition to the Adult P&P building.

The conversion of the Programs building to the CSC is a change of use from “Office” to “Government – point of service intended to serve a portion of the City.” When looking at the parking requirements for both of these uses in BDC Table 3.3.300, the requirement is the same (1 space per 350 square feet of gross floor area). Thus, based on the equivalent square footage of the building and the same parking requirement, no additional parking is necessary for the change in use. Nonetheless, the site plan shows a total of 74 new vehicular spaces that are proposed in the entirety of the campus (10 in Site A and 15 in Site B, and 49 in Site C, adjacent to the CSC). Based on the findings provided herein for Site C, and the previous findings for required parking in Sites A and B, the number of new spaces available and added will satisfy the parking requirements. Additionally, the parking throughout the campus is available to be shared by all interrelated uses based on the proximity of buildings to one another and the fact that employees and customers alike may need to access multiple buildings. Based on the calculations provided above, the parking requirement will be met.

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: All parking serving this development is located on-site. None of the proposed parking will be located within the required front yard setback.

- 2. Screening. Commercial or industrial off-street parking which adjoins a residentially designated district shall be effectively screened by a fence and landscaping with a minimum width of 10 feet unless otherwise specified in this code.**

FINDING: The existing site development, including all parking areas within the Public Safety Campus, was previously approved by the City through multiple site plan applications. The existing parking was found to meet the standards listed above as the parking areas relate to the residential development to the west. None of the new parking areas proposed are located adjacent to, or closer to, the residentially zoned land to the west than the existing parking lots. Thus, the new parking lots will not have any greater impact than the previously approved parking areas. Based on these factors and the proposed design, this criterion is satisfied.

D. Exceptions and Special Standards for Parking.

- 2. Special Standards for Commercial Customer Parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets, or transit stops.**

FINDING: The proposed Crisis Stabilization Center (CSC) relies upon customer visits to the site for stabilization and treatment. The clients of this facility are brought by law enforcement personnel and will not ride bikes (or not otherwise transport themselves to the facility). As shown on the submitted site plan, parking spaces for customers needing to access the building are located adjacent to or in close proximity to the north, west (north and west are existing) and south (south side is new parking area) sides of the building – with the primary building entrance being on the north. The parking areas are designed with an asphalt surface and include lighting during the dark hours. As proposed and previously approved vehicle parking areas, bicycle parking, and pedestrian access are located and designed to facilitate safe and convenient movement to and from the parking area, public sidewalks, streets, or transit stops to the greatest degree practicable.

E. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 50%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, shall not apply toward the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

FINDING: The combined square footage of the buildings on the subject property totals 182,406 square feet. The total number of parking spaces (both standard and ADA spaces) with the addition of the 74 spaces proposed will be 632. As stated previously, the existing site development was reviewed and approved by the City through multiple land use applications. During those reviews, a variety of parking scenarios were utilized based on the variety of uses on site (i.e. office, jail, shop building, government office), and based on the needed parking for fleet vehicles (which is not included in the required parking per the Code), and were found to satisfy the minimum parking need, and not exceed the 150% limit. If utilizing the parking requirements for “office”, and “government” uses, which is 1 space per 350 square feet of gross floor area (a reasonable assumption to use across the entire site based on the multiple interrelated uses), the minimum requirement would be 522 spaces. The maximum of 150% of that total would be 783 spaces. In a more detailed analysis conducted by the applicant based on past applications and City approvals (rather than the general requirement of 1 space per 150 gross square feet used above), an individual accounting of the spaces per building type and specific uses as referenced in the parking requirement table of the development code, the minimum calculation is 462 spaces and the 150% requirement would be 693. Based on the total of 632 spaces after completion of this project, the parking provided across the campus will fall within this requirement regardless of the higher or lower method of calculations used.

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: Two accessible parking spaces are provided directly adjacent to the two primary entrances of the (CSC) building (one on the north and one on the west) – these are the closest spaces to these entrances. All such spaces have been constructed with the appropriate loading areas and accessible ramps. The County is aware that the number, location, and design of these spaces will again be reviewed for compliance with the applicable accessibility requirements during the building permit review process for the expansion. However, because no building expansion or changes to the building are proposed, the two spaces currently provided are adequate to serve the proposed change of use.

3.3.400 Loading Standards.

A. Number of Loading Spaces.

1. Non-residential buildings.

- a. No loading spaces are required for buildings with less than 20,000 square feet of nonresidential floor area.**

FINDING: The existing CSC building is approximately 5,000 s.f. – with no square footage expansion proposed. Based on these factors, a loading area is not required.

3.3.600 Bicycle Parking Standards

All uses that are subject to Site Development Review shall 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), home occupations or 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

Requirement	
Medical or dental office or clinic or hospital	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces

FINDING: For a clinic or hospital (the most similar use to the CSC that is listed in this table), bicycle parking is required at a ratio of one covered space for every 10 employees and one additional space (covered or uncovered) space for every 20 vehicular parking spaces. This requirement is the same as the requirement for a professional office (which is the category that the existing Programs building use would fall under). The change from the Program building (office) use to the CSC will not result in a need for any additional bicycle parking beyond that which was previously approved by the City when the building was originally constructed. A new covered bicycle parking area will be built outside the southeast corner of the building. This area will provide a minimum of 4 spaces designed and constructed to City of Bend standards. With the following condition, the bicycle parking requirements can be satisfied.

Condition of Approval: The final site plan must show the covered bicycle parking area containing at least two inverted bicycle racks totaling four bicycle parking spaces. The covered bicycle area must be installed in conformance with BDC 3.3.600 prior to final occupancy. (Condition #12)

CHAPTER 3.4, PUBLIC IMPROVEMENT STANDARDS

3.4.100 Purpose and Authority.

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

FINDING: The applicant is aware that engineered public facility improvement plans will be required to be submitted to and approved by the City of Bend Engineering Division prior to the issuance of building permits for the proposed expansion. The public facility improvements that were contemplated with the existing site development and that were ultimately constructed, and the proposed improvements are discussed in the ensuing findings below.

3.4.200 Transportation Improvement Standards.

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

- 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 street right of way and private street easements shall be dedicated to the City, Deschutes County or the Oregon Department of Transportation.**
- 3. All new and/or existing streets and alleys shall be paved per the City of Bend Standards and Specifications document.**

FINDING: A Transportation Facilities Report (TFR) for the proposal was prepared by Transight Consulting LLC, and was submitted with this application. The TFR complies with City of Bend requirements and addresses all applicable transportation aspects of the project, including all City of Bend Development Code provisions listed above. The TFR addresses the impacts of the proposed expansions only with respect to the existing site development and surrounding transportation system. The TFR concluded that the proposed change of use and building expansion will result in 10 new PM peak hour trips to/from the site (4 in and 6 out). After evaluating the number of trips against the existing vehicular, bicycle/pedestrian and transit systems serving the area of potential impact, the TFR concludes that no significant impacts to the surrounding systems will occur. Beyond paying the System Development Charges applicable to the expansion, the TFR did not include any findings or recommendations for any physical improvements to public or private (on-site) transportation amenities.

The TFR also analyzed the two new proposed access driveways to Poe Sholes Road on the south (within Site C there is one, within Site B there is one) in relation to surrounding traffic patterns and the proximity to existing driveways to the site. The decision determined that the existing and proposed driveways do not pose any safety problems as is the purpose for the above listed criteria. The site distance and design of the driveways has been deemed adequate for the anticipated level of traffic generated from the project (including the additional traffic anticipated as a result of the proposed change in use of the Programs building to the CSC). Backing movements onto the street are not part of the driveway design. As part of the engineered plans submitted to the City for review and approval with the previous on-site development, the applicant constructed the new driveways to City of Bend standards and specifications, including necessary widths and surfacing.

Based on the TFR, there are no significant impacts resulting from the proposal that warrant any improvements to any surrounding streets. All of these streets are developed to City standards along the abutting frontages with the subject property. Additionally, the existing design/development condition was found to be adequate during previous land use applications approved by the City for existing on-site development. Thus, on the basis of the previous approvals which found the streets to be adequate, and the results of the TFR, there is no nexus under these criteria (supported through federal supreme court case law "Dolan") to require any improvements to surrounding streets through this application review. To require any improvements would require the City to establish significant impacts to surrounding street systems resulting from this specific proposal and relate any required improvements to the proportional impacts therefrom.

The Transportation Analysis Memo dated July 30, 2019 (BP 19-3349) required a facility upgrade to construct a section of curb on the east side of Jamison Street where currently there is none (Mitigation 2). Upon further review, there are no additional significant impacts resulting from the proposal that warrant offsite improvements to the surrounding streets. Therefore, this mitigation measure will not be included in the conditions of approval.

D. Creation of Vehicular Access and Public Utility Easements. The City may require a vehicular access and public utility easement established by deed when the easement is necessary to provide for vehicular access and circulation and/or provision of public utilities in conformance with **BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation**, or other sections of this code. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207 and City of Bend Standards and Specifications.

FINDING: No easements are warranted by this proposal.

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

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

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths defined in Street Improvement Standards Tables A through E. Additional right-of-way may be required at intersections of local streets with major collectors or arterial streets. The following tables and attached notes describe street improvement standards as follows:

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

Street Classification	Minimum Right of Way	Minimum Pavement Width	Minimum Planter Strip	Max Grade	Sidewalk Both Sides	Bike Lanes
Principal Arterial	100'	76'	5'	6%	Yes	Yes
Major Arterial	100'	76'	5'	6%	Yes	Yes
Minor Arterial	100'	56'	7'	6%	Yes	Yes
Major Collector	80'	56'	6'	8%	6'	Yes
Local Street	60'	24'/28'/32'	7'	10%	5'	No
Cul-de-sac	60'	24'	7'	10%	5'	No
Alley	20'	20'	None	10%	None	No

Notes:

1. Local Streets:

- a. 24 foot wide street – No parking allowed on either side of the street.
- b. 28 foot wide street – Parking allowed on one side in alternating parking bays (Parking bays shall alternate from side to side of the street to provide parking from both directions, and shall be 8-foot wide and meet City of Bend Standards and Specifications)
- c. 32 foot wide street – Parking allowed both sides in UAR, RL, RS, and RM-10 zones
- d. 36 foot wide street – Parking allowed both sides in RM and RH zones
- e. Special Street widths (see Section 3.4.200 (G) (3))

FINDING: As stated previously in this document, the surrounding streets (Jamison Street, Poe Sholes Drive and Britta Street) are all located within dedicated rights of way under City of Bend jurisdiction. All street improvements were previously approved by the City of Bend to support the existing development throughout the public safety campus (meaning, the existing street designs and construction were found to be adequate to support the transportation impacts from the existing site development). No new streets were necessary or proposed with the existing site development, nor with the proposed expansion. As previously determined, no further improvements are required to the surrounding street network.

I. Future Street Plan and Extension of Streets.

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

FINDING: As stated previously, the existing street design for the surrounding streets (Jamison Street, Britta Street, and Poe Sholes Drive) is the only configuration that is practicable and necessary to serve the site development as proposed. The surrounding development pattern prevents further extension of any internal streets to serve or facilitate development of other properties. In addition, the City of Bend TSP does not contemplate any further street extensions in this area. A future street plan is not required.

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

FINDING: As stated previously in this document, the existing street design for the surrounding streets (Jamison Street, Britta Street, and Poe Sholes Drive) is the only configuration that is practicable and necessary to serve the site development as proposed. The surrounding development pattern prevents further extension of any internal streets to serve or facilitate development of other properties. In addition, the City of Bend TSP does not contemplate any further street extensions in this area. Based on the submitted site plan, a future street plan is not applicable.

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

FINDING: No stubbed streets are proposed. Therefore this standard does not apply.

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

FINDING: A land division is not proposed and no partial width streets are proposed. Therefore, this standard does not apply.

J. Special Setbacks.

1. **Purpose.** The purpose of this subsection is to ensure that adequate rights-of-way will be available for the appropriate street improvements as the City grows and that there will be no conflicts with the built environment.
2. **Applicability.** The special setback standards shall be applied to any lot or parcel that abuts a public right-of-way.
3. **Setback.**
 - a. Unless waived under **BDC 3.4.150**, all buildings or structures shall be set back from planned future rights-of-way the minimum distance established in the applicable zoning district.
 - b. Unless waived under **BDC 3.4.150**, the special setback from existing substandard width rights-of-way shall comply with Table F.

Table F: Special Setback Standards

Street Classification	Additional Setback from Centerline of Street
Local Street	30 feet
Collector	40 feet
Arterial (Principal, Major, Minor)	50 feet

Note: The additional setback line shall be an assumed property boundary for the purpose of sidewalk construction.

FINDING: The adjacent rights of way for all surrounding streets (Jamison Street, Britta Street, and Poe Sholes Drive) are compliant with City of Bend requirements. Pursuant to subsection (J)(3)(a-c) above, the setbacks established by the underlying zone apply and the special setbacks established in Table F are not applicable. The yard and setback requirements have been discussed previously in this decision under the applicable provisions of the ME and IL Zones. Based upon previous findings, these standards are met.

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

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

FINDING: The rights of way for all surrounding streets (Jamison Street, Britta Street, and Poe Sholes Drive) were dedicated and the streets were constructed to City of Bend standards respectively as part of previous City of Bend capital improvement projects and surrounding development. The sidewalks, bike lanes, planter strips and street trees as constructed met City of Bend standards and specifications per multiple land use review approvals for the existing site development. As shown on the submitted landscape plan, street trees were

planted adjacent to adjoining streets in conformance with City standards and specifications pursuant to existing site development. No further improvements within the right of way are necessary at this time.

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: The minimum right of way width for local streets is 60 feet. This width is established in Table A of Section 3.4.200 of the Bend Development Code. Both Britta Street and Poe Sholes have 60 feet of right of way width adjacent to the property. Portions of Jamison Street adjacent to the property (south of the intersection at Highway 20) lie within the overall right of way for Highway 20. It is assumed that there is ample right of way for this portion of Jamison Street as constructed. The northern portion of Jamison Street (north of the intersection with Highway 20) is constructed across the subject property and is not located within public right of way. This portion includes access to the County Public Safety campus on the subject property, as well as access to the City of Bend fire station on the adjacent property to the north. Based on the previously approved site plans for the existing on-site development, and a partition which created the current property configuration, this standard is met.

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

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

FINDING: The submitted plans show that two new driveways providing access to the two new parking lots on the north side of Poe Sholes Drive are proposed. All other driveways were constructed with the previously approved exiting development and were checked by the City of Bend Engineering Division via the submittal of engineered public facility plans. Those plans were found to be in conformance with City of Bend Standards and Specifications. No changes to the existing driveways or curb cuts are necessary or proposed with the building expansion. The new driveways will include new curb cuts and driveway approaches as required as described above. Required engineered plans demonstrating compliance will be submitted to the City for review and approval following the land use approval process. *(Condition #6)*

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: A Utility Availability Memo prepared by the City of Bend was submitted with the original application. The memo addressed the water/sewer service and capacity available to the site. The memo indicated that there are facilities adjacent to the site within the public rights of way that will continue to be utilized and that such facilities have adequate capacity to serve the proposed development, including the building expansion to the Adult P&P building. It is not anticipated that the change of use to the Programs/CSC buildings will generate any additional water or sewer capacity.

The applicant understands that if necessary, engineered plans will be required to be submitted and approved by the City of Bend Engineering Division prior to issuance of building permits. With the following conditions, these standards are met

Condition of approval: No new water services shall be permitted to the property. If an existing water service needs to be upsized, the old service line shall be removed and replaced with the upsized water service to City of Bend standards constructed under an approved Right of Way permit. (Condition #3)

Condition of Approval: Any connection to the existing water service shall be made on the backside of the premise isolation and meter under a plumbing permit. If premise isolation does not exist at the property line one shall be installed prior to occupancy of the new building. (Condition #4)

Condition of Approval: No new sewer service shall be permitted to the property. If an existing sewer service needs to be upsized, the old service line shall be removed and replaced with the upsized water service to City of Bend standards constructed under an approved Right of Way permit. Each tax lot is authorized one sewer lateral unless a waiver is granted by the City Engineer. (Condition #5)

3.4.500 Storm Drainage Improvements.

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

FINDING: Storm drainage facilities were constructed with the existing on-site development. The existing facilities capture on-site runoff within a series of catch basins and drywells, in addition to bio-swales and on-site overflow drywells that are located within landscaped areas. These facilities capture the stormwater runoff from the buildings and paved/impervious areas. The existing locations of the proposed bio-swales and drywells are shown on the submitted grading/drainage and utility plans. In addition to the existing facilities that will continue to serve the site, the applicant is proposing to construct new catch basins and dry wells, and an infiltration swale and two retention areas to serve the new impervious surfaces.

Even though the majority of the on-site storm drainage facilities are existing and no changes are proposed, the applicant acknowledges that it will be an ongoing requirement to provide DEQ Documentation for a stormwater management plan, UIC decommissioning, and/or UIC Rule Authorization if applicable upon development of complete stormwater plans for the addition. Upon completion of the improvements, the Engineer of Record will provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements (if applicable) prior to City acceptance of public improvements.

With the following conditions, this standard can be met:

Condition of approval: *With review of the right of way permits and onsite building permits, a grading and drainage plan and report, including basin delineation, stormwater runoff calculations, proposed retention facilities and design volume in conformance with Bend Code Title 16, Grading, Excavation, and Stormwater Management and the Central Oregon Storm Water Manual (COSM). (Condition #6)*

Conditions of Approval: *Prior to occupancy, any UIC's, if applicable shall be registered and rule authorized with DEQ. Documentation must be provided to the City. (Condition #7)*

Condition of approval: *Upon completion of the improvements, the Engineer of Record shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements. Documentation of site inspections and testing of facilities shall be required as supporting information. (Condition #8)*

Conditions of Approval: *Prior to Certificate of Occupancy, a Stormwater Maintenance Agreement shall be executed and recorded per the requirements of Bend Code Title 16, Grading, Excavation, and Stormwater Management. (Condition #9)*

3.4.600 Utilities.

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

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

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. All above-ground equipment shall not obstruct clear vision areas and safe intersection sight distance for vehicular traffic in conformance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation.
2. The City reserves the right to approve the location of all surface-mounted facilities.

3. **All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.**
4. **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

FINDING: There are existing overhead electric lines within the portion of Site C where the new parking lot is proposed. These facilities/utilities were constructed within the subject property prior to the current development. However, power is supplied from these locations to underground lines that serve individual buildings. The existing poles and lines will remain, and no new overhead lines will be constructed. Additionally, all other utilities serving the site (telephone, television cable, data, natural gas) were also installed underground in conjunction with existing on-site improvements. The applicant is aware that engineered public facility/utility plans must be submitted to the City of Bend Engineering Division for review and approval prior to installation. However, it is not anticipated that any new utility extensions from the rights of way to the site will be necessary with the building expansion. Based on the submittal and construction of such plans in conformance with these requirements, as required through the conditions of approval, these standards are met.

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

FINDING: If, during the review of the engineered public facility/utility plans by the City of Bend Engineering Division, it is determined that utility placement requires the provisions of easements, the applicant agrees to provide such easements. All other existing facilities lie within easements created during past development.

3.4.700 Easements.

- A. Requirement. Easements for sewer facilities, storm drainage, water facilities, street facilities, electric lines or other public/private utilities shall be dedicated on a final plat, or provided for in the deed restrictions.**
- B. Provision. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.**
- C. Standard Width. The City's standard width for exclusive public main line utility easements shall be 20 feet, unless otherwise specified by the utility company, applicable district, or City Engineer.**

FINDING: The Engineering Division has not required any new easements for the provision of water, sewer and utility facilities to serve the site (specifically the proposed building expansion and shop building located in Sites A and B as shown on the site plan). Based on the required approval of engineered plans for all public services and utilities showing locations within the public right of way, these criteria are satisfied. Nonetheless, if during the review of the engineered public facility/utility plans by the City of Bend Engineering Division it is determined that utility placement requires the provisions of easements, the applicant agrees to provide such easements.

3.4.800 Construction Plan Approval and Assurances.

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

3.4.900 Installation

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

FINDING: Engineered public facility improvement plans must be submitted to the City of Bend Engineering Division for review and approval prior to any construction if found to be necessary with the review and approval of this application. The applicant also agrees to the requirements above regarding the performance guarantee and approval of contractors/subcontractors. These requirements will be included as standard conditions of approval.

CHAPTER 3.5, OTHER DESIGN STANDARDS

3.5.200 Outdoor Lighting Standards

- B. Outdoor Lighting Fixtures Subject to This Section.** Light fixtures subject to the standards in subsection (C) of this section are outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, lights for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot and maneuvering areas;
4. Landscape areas;
5. Streets and street signs;
6. Product display area;
7. Building overhangs and open canopies;
8. Holiday celebrations;

9. Construction lights.

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 section 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: A photometric plan was submitted for the exterior lights in the parking lots and around the proposed buildings. The lights on the existing buildings and within the existing parking areas are designed as full cut-off fixtures and do not shine direct illumination or glare onto adjacent properties. Matching lights with the same specifications are proposed for the building and parking lot expansions as necessary. The applicant is aware that specifications for all lights will be checked at the time building plans are submitted for review and approval, and the lighting will be confirmed at the time of final building inspection, prior to occupancy. With the following ongoing condition, this standard can be met.

Condition of Approval: All outdoor lighting fixtures shall be full cut-off fixtures or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties. (Condition #13)

4.2.200 (F) Site Plan Approval Criteria. (Continued)

Criterion #6. All applicable building and fire code standards are or will be met.

FINDING: The Fire Department comments did not identify any issues or concerns with the proposed development. Conformance with all applicable building and fire code standards will be determined during the building permit review process.

Criterion #7. All required public facilities have adequate capacity, as determined by the City, to serve the proposed use.

Criterion #8. The proposal complies with BDC Chapter 4.7, Transportation Analysis; and

FINDING: Fire flow, sewer, and traffic analyses were provided by the applicant, which demonstrate that all required public facilities will have adequate capacity to serve the proposed use. The Transportation Facilities Report (TFR) provided by Transight Consulting, LLC, states that the proposed use will generate 10 PM peak hour trips and 71 average daily trips (ADT). The traffic study analyzed all associated intersections and concluded the transportation system will operate within its carrying capacity with full development of the project. It was determined that the new uses will generate fewer than 100 average daily trips (ADT). Therefore, the proposal complies with BDC Chapter 4.7.

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

FINDING: As previously determined, the proposal is in substantial conformance with the Mixed-Use Employment Zone.

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 is aware of this requirement and agrees to make any necessary changes to the approved site plan and submit a final site plan prior to the issuance of any engineering or building permits, if necessary.

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: This standard is incorporated into the conditions of this decision.

CHAPTER 4.1, DEVELOPMENT REVIEW AND PROCEDURES

4.1.1310 Expiration of Approval.

B. Duration of Approvals.

- 2. Except as otherwise provided in this code, approval of tentative land division plats shall be void after two years from the date of preliminary approval, unless the final plat has been recorded with Deschutes County. A one-year extension may be approved by the Community Development Director if the applicant can demonstrate sufficient progress to reasonably assure the plat will be recorded at the end of the third year, and if:**
 - a. An applicant makes a written request for an extension of the development approval period; and**
 - b. The request is submitted to the City prior to the expiration of the approval period.**

FINDING: Per BDC 4.2.500.F and 4.1.1310 above, this land use approval shall lapse, and a new application shall be required, if building permits for the buildings have not been issued within two years of the date this decision becomes final.

DECISION:

Based on the submitted plans and application materials, Site Plan application PZ 19-0372 for a new building and additional parking, landscaping and walkways is approved, subject to the following conditions of approval.

CONDITIONS OF APPROVAL:

1. Approval is based on the plans submitted with the application between June 7, 2019 and August 21, 2019 and the improvements to the site and public facilities as depicted thereon. Where specific improvements have been proposed and approved as submitted, the construction of those improvements will not be listed as a specific condition of approval except as to the timing of those improvements. Any substantial alteration of the approved plan, other than those that may be required to comply with conditions of this approval, will require a new application. Development shall not begin until the applicant has received all required development approvals, grading and drainage permits, and building permits.
2. Prior to issuance of building permits, the applicant shall provide a final set of plans to the Planning Division with all revisions necessary to comply with these conditions of approval.
3. No new water services shall be permitted to the property. If an existing water service needs to be upsized, the old service line shall be removed and replaced with the upsized water service to City of Bend standards constructed under an approved Right of Way permit.
4. Any connection to the existing water service shall be made on the backside of the premise isolation and meter under a plumbing permit. If premise isolation does not exist at the property line, one shall be installed prior to occupancy of the new building.
5. No new sewer service shall be permitted to the property. If an existing sewer service needs to be upsized, the old service line shall be removed and replaced with the upsized water service to City of Bend standards constructed under an approved Right of Way permit. Each tax lot is authorized one sewer lateral unless a waiver is granted by the City Engineer.
6. With review of the right of way permits and onsite building permits, a grading and drainage plan and report, including storm basin delineation, storm water runoff calculations, proposed retention facilities and design volume must be provided in conformance with City of Bend standards and Bend Code Title 16, Grading, Excavation, and Stormwater Management and the Central Oregon Stormwater Manual (COSM)..
7. Prior to occupancy, any UIC's (if applicable) shall be registered and rule authorized with DEQ. Documentation must be provided to the City.
8. Upon completion of the improvements, the Engineer of Record shall provide a statement that all grading/clearing and drainage improvements were constructed in accordance with the approved plans and DEQ requirements, if applicable. Documentation of site inspections and testing of facilities shall be required as supporting information.

9. Prior to Certificate of Occupancy, a Stormwater Maintenance Agreement shall be executed and recorded per the requirements of Bend Code Title 16, Grading, Excavation and Stormwater Management.
10. The proposed driveway approaches onto Poe Sholes Drive must be constructed to meet City of Bend Standards and Specifications and PROWAG guidelines. Work must be done under an approved right of way permit.
11. Construction plans for onsite building permits and right of way permits must show clear vision and sight distance at the proposed driveway. Where clear vision and sight distance is not in conformance, mitigation measures must be made to improve the deficiencies, if applicable.
12. The final site plan must show the covered bicycle parking area containing at least two inverted bicycle racks totaling four bicycle parking spaces. The covered bicycle area must be installed in conformance with BDC 3.3.600 prior to final occupancy.
13. All outdoor lighting fixtures shall be full cut-off fixtures or have a shielding method to direct light emissions down onto the site and not shine direct illumination or glare onto adjacent properties.
14. Any mechanical equipment and machinery, including industrial or commercial heating, ventilation, air conditioning, or other mechanical equipment on rooftops or ground, shall be screened with a material and design that is visually compatible with the building. Rooftop mechanical equipment shall be screened from view.
15. All required improvements, public and private, including parking lot paving, striping, sidewalks, bicycle parking spaces, landscaping and irrigation system and any other required improvements shall be installed as approved, prior to occupancy of the building.

DURATION OF APPROVAL: In accordance with BDC Section 4.1.1310, this land use approval shall lapse, and a new approval shall be required if a building permit is not issued within two years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes.

THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT.

Written by: 
Brian Harrington, AICP, Senior Planner

Reviewed by: 
Aaron Henson, AICP, Senior Planner