

Mountain View NA Monthly Meeting: November 23, 2020In Attendance: attendance based upon Zoom meeting participation

Board members: Beth Hoover, chair; John Bennett, NART rep and parks; Sarah Spernak, secretary; Carol Elwood, land use; Steve Pine, NLA rep and treasurer; Jason Barber, social media/website

Attendees: iPad (5) guest; Karon Johnson, Carolyn Clontz, Rachel Zakem with Cascades East Transit, Derek Hofbauer with Cascades East Transit, David Gurule, one call-in guest from the Providence neighborhood, Phil Bertrand, Jim Connor (chair of the Oak Tree Home Owner's Association),

- I. Meeting called to order at 6:01 pm by Beth Hoover
- II. Approval for minutes for October: John B motions for approval; Steve Pine seconds, and motion passes
- III. Reports
 - a. Land Use (Carol Elwood) – emailed the report in full and it is copied here in its entirety:
 - i. 10/26 — Modify Reserves at Pilot Butte (Dalton & Sedalia). Add leasing/amenity building, modify phasing, and landscaping. Comment period has closed.
 - ii. 11/3 — Notice of November 18th meeting on Petrosa Master Plan, which I attended. It was about their Private Community Center, and BMPR neighborhood park. The community center is proposed to include a pool. Some parking will be provided, but is not required. The park is ~5.4 acres. Elements will be: adaptive playground, picnic shelter, probable bathroom, Bike skills course (similar to Rock Ridge), open lawn areas, natural areas, and both hard and soft surface trails connecting the elements. They used instant surveys to poll attendees (about 6 people) on park usage.
 - iii. 11/13 — Short Term Rental (STR) 21381 Pelican Drive. Comments close 11/27
 - iv. 11/17 — STR 2163 NE Castle Ave. Comments close 12/1.
 - v. 11/17 — Type II application for 20-lot subdivision on 3 acres, RS zone, 62849 Daniel Rd. Comments close 21/1.
 - vi. 11/17 — Planning Commission hearing December 14th having to do with Juniper Ridge Overlay Zone. Amendments to code addressing lanes that are “not authorized for lane expansion.” I had to ask for clarification on this, and haven't had time to read what the Planner sent me.
 - vii. 11/17 — PC hearing January 11, 2021. BDC amendments as recommended by NLA. To improve Land Use notification process. Add 2 days to comment period, increase notification period (from 16 days to 21 days). For Type III applications, increase notification area from 250' to 500'.
 - viii. 11/19 — STR at 1625 NE Pheasant Circle. Comments close 12/3
 - ix. 11/23 — email 1 hr ago: New Online Permit Center will launch Monday December 14th. Expect delays in application processing, inspections, and project related inquiries while this change is underway. Unable to accept new applications between Nov. 25-Dec. 14th.

- x. 11/23 — STR 1080 NE Parkview Ct. Comments close 12/7.
- b. NLA (Steve Pine)
 - i. NLA meeting was focused on land use, with a great deal of time on the SE area of Bend development – details can be shared upon request
 - ii. Juniper Ridge was discussed, pertaining to the issues regarding the homeless plans, which are still under advisement with no closure on that issue yet – meetings are on-going.
 - iii. Working Groups Reports – land use, NA boundary re-drawing – the December meeting of the NLA will be to discuss the responses from the individual NAs regarding the re-drawing of the boundaries for the NAs. There were three options proposed, but those are preliminary options and will not be the final options for how to develop considerations for boundaries changes and the NAs will be part of the collaborative process.
- c. NART (John Bennett)
 - i. Primary conversation at their past meeting was regarding the NA boundaries: some NAs want to merge, and some want to be divided more equitably. The goal of NART is to be a sounding board for the NA and to collect feedback from the NAs.
 - ii. Second conversation was the use of illegal fireworks and Lynn Nebus (sp?) is working to get all NAs on board. About 75% of the NAs seem to be on board for making progress on how to reduce illegal fireworks.
 - iii. Juniper Ridge homeless area was discussed – Boyd Acres NA is on the border of that development and has the most concern regarding that issue. YIMBY was discussed – this is a local group that stands for Yes In My Backyard – they plan to support the Juniper Ridge homeless plans.
 - iv. How can NLA's and NART's discussions be more visible to the community – one idea proposed was to reach out to Bulletin for a semi-regular “column” or even a letter to the editor on what is being discussed so the community knows what is being discussed.
 - v. Next NART meeting is in December.
- d. Transportation/Speed Radar Data (David Gurule)
 - i. Speed Radar data – David shared the data from the speed radar signs that the City has been completing. The chart shows the daily number of cars, the daily average of speed, and the percentage of cars that are not traveling the speed limit.
 - ii. A lot of discussion ensues regarding Wells Acres, in particular, and how to slow traffic on that street.
 - iii. There are questions raised about how to collect data without a speed radar sign as it invariably can cause drivers to slow down when they see the sign. Also, a question is asked regarding the City's criteria for designating a street eligible for traffic calming measures.
 - iv. Here is the website for the speed radar - <https://www.bendoregon.gov/government/departments/streets/neighborhood-street-safety-program/speed-radar-program>^[P]_[SEP]
 - v. Derek Hofbauer with Cascades East Transit suggests Rory Rowan is a good contact at the City. He is an engineer and works on a lot of bike/ped

- designs. Robin is good as well^[SEP]RRowan@bendoregon.gov^[SEP] for a person to contact with questions regarding speeding and traffic calming.
- e. Fireworks (Michael Whitter) – absent for tonight but Beth Hoover reports for him.
 - i. The committee is moving forward and has nine NAs committed to participating and they are looking for a meeting with Clint Burleigh and Larry Medina.
 - f. Karon Johnson, Tree Code Proposal (NOTE: Karon's shortened proposal is included in full at the end of these minutes).
 - i. Gives her background of interest in city planning and the land use chair of the Old Farm District. She noticed a pattern of complaints regarding the removal of trees in land use development. So, Karon did some research comparing the tree removal process for Bend (when creating new developments, etc.) as other cities around the U.S. Karon noticed that there was no standard for the size of the trees and how many, etc. Pahlisch Homes agreed with her and in regards to that they did not submit a tree preservation proposal because the City of Bend code regarding tree protection is unenforceable and not useful.
 - ii. Karon found that tree preservation standards must be specific and objective (not subjective). For example, measurable percentage of canopy. To make it enforceable, the standards must be required before the design can be approved – the design must take into count the trees from the beginning, it must be mandatory, and ...
 - iii. There can be waivers if the City wants to allow from them, especially if the preservation of trees is the goal.
 - iv. Karon found that Bend has a larger Right of Way allowance and Bend could reduce that
 - v. Karon used the Portland tree preservation code to create her proposal.
 - vi. Karon says that developers she has spoken with developers who say it is not possible due to design and density; the architect she consulted said it was possible
 - vii. Karon also acknowledges that it is going to cost developers money to save and protect the preserved trees during the construction process.
 - viii. Karon acknowledges that City planners also resist – one excuse the City planner gave was needing larger ROW for snow, or to put in utilities, etc. Karon compared our ROW to cities that get a lot of snow/ have more citizens and they do not use as large of ROWs as Bend.
 - ix. Karon got opposition from Mary Winters (sp?) in that code is written by City employees, not citizens.
 - x. Karon wants citizen support on this code, wants it adopted by the City Council, then committee work to adapt the code. Sally Russell has put this code on the Council agenda for January.
 - xi. Karon wants citizens to read the proposed code, lobby Council/City to adopt it, and then pressure for its approval.
 - 1. Beth suggests linking the proposed code to our website.
 - 2. Jim Connors applauds Karon's work.

3. Beth Hoover asks how as an NA we can support this proposal.
 - a. Karon answers that the best thing we can do is read the proposal and contact the council members, telling them we want it passed.
 - b. Karon does suggest that her next move would be to ask each NA to pass a motion of support for this code proposal.
- IV. John Bennet moves that the Mountain View Neighborhood Association makes a declaration of support for the code amendment for the Save Bend Trees; Carol Elwood seconds the motion. The vote passes unanimously.
- V. Rachel Zachem, Transit Planning Specialist with Cascades East Transit, proposals for expanding CET's Fixed Route service area in NE Bend
 - a. Rachel Zachem gives a presentation on all the regional efforts COIC does, and Cascades East Transit is part of that group.
 - b. CET wants to add a route to the area – they are at the point of sharing plans with community and gathering feedback.
 - c. There are two scenarios – scenario 1 is an independent route and scenario 2 is a connection to Hawthorne Station.
 - d. Jason Barber asks how these routes will be impacted by Petrosa development
 - i. Rachel shares that they have been in discussion with the developers of the Petrosa plan and the developers are willing to create bus stops as needed.
 - e. Steve Pine asks how the data was collected regarding jobs in the area; Rachel answers that this is all based upon census data. Some discussion ensues if the census data is “old” – Rachel points out the data is from 2017, so it may not be 100% census, but the data comes from a group called Remix (sp?) – a worldwide software.
 - f. Rachel asks the group for feedback on how we would see ourselves / neighbors using this route. Specifically, where would we be heading to if we were to use it.
 - g. Beth asks the running route – it runs until 7 pm.
 - h. The goal is to bring new transportation options, so having scenario 1 run to Hawthorne is not feasible.
 - i. Next steps – finalize the feedback process so they can finalize the routes. Deadline for the surveys is Dec. 6th.
 - j. Carol Elwood shares that the wait time between busses makes it less attractive to use the bus. Rachel shares that there is movement on increasing the frequency of busses on the four most popular routes (adding two busses).
 - k. Jason Barber shares that advertising using the bus to avoid snow driving is a good way to increase usership.
 - l. Rachel Zakem – rzakem@coic.org
- VI. Neighborhood Beautification Projects - Traffic Strips and Circles; what steps do we want to take next?
 - a. Carol Elwood shares how she feels that weeding maintenance is easier than trying to landscape.
 - b. Jason Barber suggests coordinating with MVHS to take care of the strips by MVHS.
 - c. Carol Elwood points out that the homes that front those sidewalks.

- d. Sarah Spernak suggests coordinating some clean up days and simply posting the info and inviting people to join the clean-up.
 - e. Action – Sarah Spernak will coordinate with MVHS and Carol E to select some dates for traffic circle clean up – will put up some Nextdoor posts when we are ready to do a clean-up day.
- VII. Do we want to ask for a Salvation Army barrel for donations for our NA; if so, where can we locate it and who wants to take on contacting the business owner for permission?
- a. Carol Elwood suggests the better service we might provide is constantly posting the information on Nextdoor and our Facebook page to keep the word out.
 - b. Carolyn Clontz reminds that the Fire Department has barrels out for winter clothes.
 - c. Sarah Spernak seconds Carol’s suggestion that we should find the key location for the Salvation Army drop site.
 - d. Carol Elwood will take point on posting regularly to Nextdoor to keep the information fresh.
- VIII. Next Meeting – January 25th – the December meeting will be postponed until then.
- IX. Motion to adjourn made by Jason Barber – meeting adjourns at 7:46 pm.

Speed Radar data from David Gurule’s report. Note – the second page would only insert AFTER the tree code proposal.

MOUNTAIN VIEW SPEED RADAR RESULTS
5/15/19 - 11/20/19

	Street	Cross street	Direction	Dates	Speed Limit	Ave Speed	85% speed	Ave Daily Vehicles	Total Vehicles
1	27th	Faith	Northbound	9/18/20-9/30/20	35	33.3	39.4	7,544	89,899
2	Wells Acres	Weeping Willow	Westbound	5/11/20-5/28/20	25	26.6	31.3	5,833	100,132
3	Purcell	Paula	Northbound	8/9/19-8/23/19	25	28.4	33.6	4,540	65,066
4	Wells Acres	Weeping Willow	Eastbound	11/4/20-11/13/20	25	30.0	34.1	2,701	21,708
5	Dagget	Sonya	Southbound	5/15/19-5/30/19	25	25.0	29.8	1,679	25,252
6	Purcell	Lynda	Northbound	9/26/19-10/11/19	25	24.9	28.8	1,492	22,443
7	Purcell	Lena	Southbound	6/27/19-7/18/19	25	24.9	28.8	1,492	22,443
8	Weeping Willow	Desert Willow	Southbound	5/7/20-5/28/20	25	21.2	25.3	1,135	24,704
9	Wells Acres	Purcell	Westbound	8/4/20-8/27/20	25	27.7	23.8	760	18,803
10	Yellow Ribbon	27th	Eastbound	8/6/19-8/23/19	25	18.9	23.3	506	8,675
11	Yellow Ribbon	27th	Eastbound	9/18/20-9/30/20	25	20.3	23.9	432	5,201
12	Jackson	Cretia	Eastbound	6/2/19-6/27/19	25	20.7	26.0	292	5,830

Karon Johnson's Tree Code Proposal

Note:

Text in underlined typeface is proposed to be added.

Text in ~~strikethrough~~ typeface is proposed to be deleted.

*** Indicates where text from the existing code has been omitted because it is unchanged.

Comments are [***bold and italicized***].

PROPOSED AMENDMENTS TO THE BEND DEVELOPMENT CODE

CHAPTER 1

Amendment to Chapter 1, section 1.2 Definitions

Qualified professional/individual means, for the purpose of preparing vegetation restoration or tree protection plans, assessing the health of trees or other similar activities, an individual approved by the City who through related training, or on-the-job experience or both, possesses knowledge in one or more of the following subject areas: (1) arboriculture, (2) natural resources, including water resources and riparian restoration, and (3) urban interface fire protection.

~~**Significant trees/significant vegetation**~~ means individual trees with a specific trunk diameter (as indicated below) as measured four feet above the ground (known as DBH, for "diameter at breast height").

1. Deciduous trees: six inches or greater.
2. Coniferous trees: 10 inches or greater.

Total Tree Diameter means the total diameter of all significant trees which are completely or partially on the site minus the diameter of trees that are exempt from the tree protection standards defined in BDC 3.2.200.

Tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is two inches or more DBH, and possesses an upright arrangement of branches and leaves.

Tree Grove means a group of six or more native trees at least 12 inches DBH that form a generally continuous canopy, or are spaced as appropriate for that species. A tree grove may be identified by a qualified professional based upon the types, configuration or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and over for birds and other wildlife.

Tree Removal Permit means written authorization from the City for a tree removal to proceed as described in an application.

Tree Protection Zone means the area reserved around a tree or group of trees in which no grading, access, stockpiling or other construction activity shall occur as determined by the City based on review of the tree and site conditions. To determine the required protection zone, measure the size of the tree to be protected. For each diameter inch of the tree, measure one foot away from the tree to establish the radius of the circle surrounding the tree. Each 1 inch diameter of tree requires 1 foot radius for the protection zone.

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Vegetation means any plant other than a tree.

CHAPTER 3

LANDSCAPE CONSERVATION, TREE PROTECTION, STREET TREES, FENCES AND WALLS

Sections:

- 3.2.100 Purpose.
- 3.2.200 Preservation of Significant Trees.
- 3.2.300 New Landscaping.
- 3.2.400 Street Trees.
- 3.2.500 Fences and Walls.

3.2.100 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protection natural vegetation, and setting development standards for landscaping, street trees, fences and walls, and significant trees. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees

provide climate control through shading during summer months and wind screening during winter. Trees reduce stormwater runoff and are a valuable component of the City's infrastructure. Trees and other plants also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage by capturing rainwater within their canopies and can improve air and water quality. [Ord. NS-2016, 2006]

3.2.200 Conservation of Significant Trees.

The purpose of this section is require that the preservation of significant trees be considered early in the design process, with the goal of retaining and protecting significant trees to the greatest extent possible. The preservation of existing mature, native trees within developments is a preferred alternative to removal of trees and re-planting. Mature trees should be preserved because they provide soil stability, noise buffering, wind protection, temperature mitigation, enhanced wildlife habitat, and esthetics. Mature, distinctive trees are an iconic symbol of the life style and values of Bend's citizens, and play a vital role in promoting Bend's special character and sense of place. Accordingly, significant trees are deserving of special status due to their size and age. [Ord. NS-2016, 2006]. This section cross-references BDC 2.7.600 and 2.7.700, which regulate development of areas of special interest.

A. Applicability. The standards in this section shall apply to all development sites containing significant trees except for residential development on Residential District lots that were created through a subdivision or partition plat filed with Deschutes County prior to the effective date of the ordinance codified in this code.

3.2.210 Tree Inventory.

A. Tree Inventory Required. All significant trees must be inventoried and mapped as required by BDC Chapter 4.2, Site Plan Review and Design Review. The inventory must identify each significant tree by species, size (DBH), and health, and note any physical characteristics and deformities of the tree which might affect its long-term viability.

3.2.220 Tree Protection Plan.

A. Tree Protection Plan Required. If there are any significant trees on the property, a Tree Protection Plan must be prepared on a site plan map, drawn to scale, that includes the following provisions:

1. Inventory of all significant trees by DBH and species, showing property lines and a site topography showing two-foot contours and rock outcroppings;
2. Identification of all trees proposed for preservation and those designated for removal.
3. Building envelopes commensurate with the lot coverage standard of the zone.

4. The location of any existing structures on the site;
5. The location of all utilities and other improvements;
6. Required setbacks for the proposed lots or parcels; and
7. The location of all construction roads, parking places for workers, and areas for the storage of building materials, gravel and soil.

B. Notice at Public Hearing. The Tree Protection Plan must be displayed at the public hearing required by Chapter 4, section 4.1.215(A). The visual description of the project must include an overlay showing all significant trees in relation to the proposed building envelopes.

3.2.230. Minimum Tree Preservation Standards.

Significant Trees should be preserved based upon their health, overall condition and potential for long-term viability, considering the anticipated impact of development and tolerance typical for the tree species.

A. The options listed below represent minimum tree preservation standards. The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the trees which are exempt from these regulations. The applicant must choose one of the following options:

1. Option 1: preserve all of the trees that are 20 or more inches in diameter and such other trees so that the cumulative diameter of the trees to be retained is at least 20 percent of the total tree diameter on the site;
2. Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and such other trees so that the cumulative diameter of the trees to be retained is at least 25 percent of the total tree diameter on the site;
3. Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and such other trees so that the cumulative diameter of the trees to be retained is at least 30 percent of the total tree diameter on the site;
4. Option 4: Where all trees are less than 20 inches in diameter, reserve at least 35 percent of the total tree diameter on the site; or
5. Option 5: If one or more tree groves are located completely or partially on the site, preserve all of the grove trees located on the site and such other trees so that the cumulative diameter of the trees to be retained is at least 20 percent of the total tree

diameter.

B. The City may grant an exception to the minimum tree preservation standards when alternatives to the removal of each significant tree have been considered and no reasonable alternative exists to meet the minimum tree preservation standard while allowing the property to be used according to the proposed density of the applicant's development.

1. Reasonable alternative means that there are no design alternatives, including waivers to the Public Improvement Standards and Bend Standards and Specifications, that would meet the minimum tree preservation standard for the development site.

C. The preservation of significant trees in good health, as determined by a qualified professional, which are located within the front yard setbacks or within an undeveloped right-of-way may count toward satisfying the minimum tree preservation standard.

3.2.240. Exemptions

A. Exemptions. In determining the number of trees which must be retained to meet the minimum tree preservation standard, the following shall not be counted:

1. Dead, Dying, Diseased, Unhealthy and/or Hazardous Trees. Trees that are dead, dying, diseased, or which pose a hazard to personal safety, property or the health of other trees, based on a recommendation from a certified arborist or other qualified professional.
2. Deciduous trees less than 6" DBH and coniferous trees less than 10" DBH.
3. Emergencies. Significant trees removed in the event of an emergency without land use approval pursuant to BDC Title 4, when the tree poses an immediate threat to life or safety, or an immediate threat to property, as determined by any public health, safety, or law enforcement agency otherwise authorized to issue orders for immediate action to abate an imminent threat to public health of safety;
4. Trees left in their present location will be so undermined by construction that their viability is threatened to the extent they become a danger in the future; or
5. The existing location is determined to interfere with the clear vision standards, intersection triangles, and intersection sight distances for traffic, bicycles, and/or pedestrian and causes safety concern that cannot be resolved by appropriate pruning or thinning.

3.2.250. Waiver of Certain Provisions of the Bend Development Code and Bend Standards and Specifications.

A. Modification of site plans. In order to meet the minimum tree preservation standard, the City may require an alternative site design, including modifications in the location, or design of a development or activities on a site, design of streets, sidewalks, planter strips, utilities, reductions of proposed site grading, changes of the locations of buildings or building lots, and other provisions of the Public Improvement Standards and Bend Standards and Specifications.

1. Modifications shall not reduce the density of the proposed residential development.

B. In order to facilitate the minimum tree preservation standard, if the proposed development otherwise satisfies 3.4.150.B, the City shall allow waivers of Bend Development Code and Bend Standards and Specifications Code. Such waivers include, but are not limited to, the minimum standards as they apply to:

1. The width of right of way;
2. The width of pavement;
3. The existence and width of planter strips;
4. The width of sidewalks and the requirements for sidewalks on both sides of a street;
5. The placement of street trees; and
6. On-street parking.

[This section requires the city to allow waivers of the BDC because BDC 3.4.150 presently gives the city the discretion to waive these standards and no one is using it.]

3.2.260. Protection of Trees To Be Preserved.

A. The applicant must protect every tree which is to be preserved prior to, during, and after construction.

1. A Tree Protection Zone is required for every tree which is to be preserved. The Tree Protection Zone shall be a circular area equal to one foot in radius for each diameter inch of the tree.
2. The applicant must submit a Tree Protection Plan on a site plan map, drawn to scale that includes the following provisions where appropriate:
 - a. The location and design of the barriers to be placed around each protected tree;
 - b. The proposed method to ensure protection from soil compaction;

- c. The placement of retaining walls and tree wells to protect against grade changes;
- d. Provisions for natural or artificial irrigation to ensure the trees will receive sufficient water;
- e. Techniques to prevent severing roots or above-ground injuries;
- f. Protection against soil contamination; and
- g. Protection against the operation of vehicles and heavy equipment, and the storage of supplies and construction materials.

3. Protective fencing shall be established at the edge of the root protection zone prior to the commencement of any construction.

B. The applicant may propose alternative measures to modify the prescriptive root protection zone, providing the following standards are met:

1. encroachments shall be no closer than one half of the required root protection zone radius; and
2. the alternative root protection plan must be prepared by a qualified professional. The plan must demonstrate that the alternative method provides an adequate level of protection based on the specific tree's size, location, extent of root cover and tolerance to construction impact.

3.2.270 Mitigation.

A. The mitigation standards of BDC 1.3.300(C) shall not apply to this section.

B. If no reasonable alternative exists for the proposed development to meet the minimum tree preservation standard in section 3.2.220, the City may allow one of the following mitigation procedures for each significant tree removed.

1. Replanting. For each significant tree not preserved and protected below the minimum tree preservation standard, a mitigation tree must be planted on the property. The mitigation tree must be of the same species as the protected tree which was removed, and must have a minimum caliper size of two and one-half inches DBH, based on the American Association of Nurserymen Standards.
2. If in the City's determination there is insufficient available space on the subject property, the replanting must occur on other property in the applicant's ownership or control within the City, in an open space tract that is part of the same subdivision, or in a City owned or dedicated open space or park. An approved mitigation plan must be fully implemented within

one year of a tree being removed unless otherwise set forth in a tree removal application and approved in the tree removal permit.

C. All significant trees or trees for which mitigation occurs must be protected prior to, during and after construction. Any tree which dies within three years of planting must be replaced with a tree of the same species and a minimum caliper size of two-and-one-half inches DBH.

3.2.280. Performance Bond.

A. To ensure that the significant trees identified through the development review process will be retained and protected, or that trees will be planted in mitigation, the Review Authority must require the developer to post a performance bond for each tree, in the amount to be determined by the size of the trees being preserved as shown below:

Tree Size	Bond Amount
6-20 inches DBH	\$3,000
Greater than 16 inches DBH	\$5,000

The amount of the required performance bond shall be determined by totaling the number of trees being preserved based on size and bonding value in the above table. The developer may utilize one of the following methods to assure full and faithful performance:

1. A separate surety bond or letter of credit executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
2. A cash deposit in a City account.
3. A general performance bond which incorporates specific provision of coverage for Performance, or default thereunder, of provisions of this code with respect to the tree preservation in the amount set forth in Section A above.
4. An irrevocable standby letter of credit from a federal insured banking institution or savings and loan operating in Oregon that unconditionally promises to pay the funds pledged upon demand by the City. Such obligation must be unaffected by the financial status of the person who has obtained the letter of credit.
5. An “assurance provider” arrangement between the developer, the City and a federally insured financial institution which assures the City that funds to mitigate the loss or damage of significant trees identified through the development review process for preservation and protection will be provided by the federally insured financial institution
to the City in the event the developer does not perform in conformance with the Land Use Development Agreement, and the federally insured financial institution must be

satisfactory to the City.

B. Termination of Bond. If a developer fails to carry out the provisions of the Tree Protection Plan, the City shall call upon the bond, letter of credit, or cash deposit or assurance arrangement, to finance any cost or expenses resulting from said failure. If the amount of the bond, letter of credit, or cash deposit or assurance agreement exceeds the cost and expense incurred by mitigating the loss or damage to the significant trees, the City shall deposit the remainder into a City account for the purpose of tree preservation, tree planting and maintenance. If the amount of the bond, letter of credit or cash deposit or assurance arrangement is less than the cost and expense incurred by the City for the improvements and repairs, the developer shall be liable to the City for the difference.

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. The use of existing mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting.

- A. Applicability. This section shall apply to all new development in all zones requiring Site Development Review.
- B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in BDC 4.2.2001 Landscape Plan.

[NOTE: 4.2.2001 is a typo. There is no 4.2.2001. This probably is meant to reference 4.2.300(A)(7) Landscape Plan.]

- C. Landscape Area Standards. A minimum percentage landscape covered 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:

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

- 7. Significant Trees. Significant trees preserved in accordance with BDC 3.2.200 may be credited toward meeting the minimum landscape area standards in subsection I of this section. Credit shall be granted based on the total square footage of the preserved

significant tree canopy. The street tree standards of BDC 3.2.400 may be waived when significant trees are preserved within the front yard setbacks.

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 setback 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;

- e. Provide focal points within a development, such as significant trees, hedges and flowering plants.

Chapter 3.4

PUBLIC IMPROVEMENT STANDARDS

3.4.100 Purpose and Authority

3.4.150 Waiver and Modification of Public Improvement Standards

- A. Authority to Grant Waiver or Modification. Waivers and/or modifications of the standards of this chapter and/or the City of Bend Standards and Specifications may be granted as part of a development approval only if the criteria of subsection (B) of this section are met.
- B. Criteria. The Review Authority, after considering the recommendation of the City Engineer, may waive or modify the standards of this title and the City of Bend Standards and Specifications based on a determination that (1) the waiver or modification will not harm or will be beneficial to the public in general; (2) the waiver and modification are not

inconsistent with the general purpose of ensuring adequate public facilities; and (3) one or more of the following conditions are met:

1. The modification or waiver is necessary to eliminate or reduce impacts on existing drainage patterns or natural features such as riparian areas, vegetation or steep slopes, or will facilitate the retention of the minimum tree preservation standard on the proposed development.
 - a. In the context of tree preservation, beneficial to the public in general means that the minimum tree preservation standard will be achieved.

3.4.200 Transportation Improvement Standards.

- A. Development Requirements. No development shall occur unless the development has frontage or approved access to 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:

- 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 to accommodate intersection widening and roundabouts.

1. Pavement Widths. The required pavement width shall be determined based upon the factors listed below:

- a. Street classification in the Transportation System Plan;
- b. Anticipated traffic volume for the City's planning horizon year;
- c. On-street parking needs;
- d. Sidewalk and bikeway requirements based on anticipated level of use;
- e. Requirements for placement of utilities;
- f. Street lighting;
- g. Minimizing drainage, slope, and sensitive lands impacts, as identified by the Bend Comprehensive Plan;
- h. Street tree location, as provided for in BDC Chapter 3.2;
- i. Protection of vegetation, as provided for in BDC Chapter ~~3.2~~ 3.3;
- j. Satisfying the minimum tree preservation standard on the property, as provided for in BDC Chapter 3.2.200;
- k. Safety and comfort for motorists, bicyclists, and pedestrians;
- l. Street furnishings (e.g., benches, lighting, bus shelters, etc.) when provided;
- m. Access needs for emergency vehicles; and
- n. Consistent extension of existing street section.

2. Future Street Widths and Special Building Lines. To ensure that adequate transportation

corridors will be preserved for the future, the special setbacks established in subsection (j) of this section shall apply.

3. Exceptions to Minimum Rights-of-way Standards.
 - a. Where opposite sides of the street are designated on the Bend Comprehensive Plan with different land use zones, the zone with the greater requirement for right-of-way dedication and pavement width will govern both sides.

APPLICATIONS AND REVIEW PROCEDURES

200. General Provisions

4.1.210 Pre-application Conference.

4.1.215 Public Meeting.

A. The applicant for a Bend Comprehensive Plan Map amendment, Zoning Map amendment, Conditional Use Permit, Subdivision or site Plan Review for new development or an alternation/addition to one or more buildings containing a total of 10,000 square feet or more shall present the proposal at a public meeting prior to submitting the respective application to the City Planning Division. The presentation shall be made at either a regular

or special meeting with a neighborhood association recognized by the city of Bend whose boundaries the subject property lies within or a public meeting arranged and conducted by the applicant. The presentation at the public meeting shall include the following:

1. A map depicting the location of the subject property proposed for development;
2. A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any structure if applicable. The visual description of the project must include an overlay showing the significant trees proposed to be removed and the significant trees to be retained in relation to the building envelopes on the site.
3. A description of the nature of the use including, but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

100. Purpose.

200. Review Processes

4.2.300 Submittal Requirements

A. An application for review under this chapter shall include the following information as deemed applicable by the Development Services Director based on the size, scale and complexity of the development.

1. Existing Site Conditions Map. At a minimum the existing site conditions map shall contain the following:

a. The applicant’s entire property and the surrounding property to a distance of 150 feet from the subject property. Existing aerial photos may be used. The property boundaries, dimensions and gross area shall be identified;

7. Landscape Plan. A landscape plan shall be required, and at the direction of the Development Services Director, shall show the following:

a. A planting schedule containing the location, size, and species of the existing and proposed plant materials (at tie of planting);

f. Other information as deemed appropriate by the Development Services Director. An arborist’s report shall be required for sites with mature trees that are protected under Chapter 3.2, Landscape Conservation, Tree Protection, Street Trees, Fences and Walls.

AMENDMENTS TO BEND STANDARDS & SPECIFICATIONS CODE

3.6 OTHER RIGHT OF WAY DESIGN ELEMENTS

3.6.2.6 Planter Strip

The Planter strip is that portion of the roadside that is located between the curb and the sidewalk. Planter strips are required to conform to roadside safety requirements in terms of their slope, landscaping, appurtenances, utilities, etc.

The landscaped portion of the planter strip must be a minimum of 5 feet wide, except where the sidewalk meander returns to be adjacent to the curb. In order to prevent sharp re-entrant

angles in the landscaped portion of the planter strip, an edge not less than 8 inches long and squared to the curb must be constructed at the juncture of the sidewalk to the curb.

Planter strips must contain street trees, when required by BDC, and the street trees shall conform to the City's landscaping requirements found in Chapter 12 and sight distance requirements in Chapter 3.3 of this document. Planter strips may be utilized for swales or landscaping and shall conform to the applicable Bend Development Code provision. When used for landscaping, the landscaping shall conform to the City's xeriscape and landscape provision found in Chapter 12 of this document. The requirement for planter strips and street trees may be waived if the designer substitutes a significant tree or trees within this same space.

12.2.2.2 Tree Removal and Relocation

Trees shall not be removed or relocated with the public ROW without approval from the City engineer. The applicant shall submit a Tree Removal and Planting Permit application to the City of Bend that identifies number and type of trees to be removed, location of tree to be removed, reason for removal, and proposed planting mitigations. Approval for removal/relocation of a tree shall require approval from the City Engineer based on the criteria and standards of BDC 3.2.230 and 3.2.240.

12.2.3 Street Trees and Plants

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Street trees shall be required to be located and planted with all public-ROW projects. They may be located within the ROW as indicated in 14.3.9, or location in the front yard setback or buffer area immediately adjacent to the ROW, as stated in the BDC Chapter 3.2.400, Street Trees. The requirement for street trees may be waived if the designer substitutes a significant tree or trees within this same space.

Second slide of Speed Radar – posted below:

13	Lynda Lane	John	Westbound	9/3/1 add9-9/26/19	25	20.8	25.2	223	5,121
14	Daniel Rd	Eagle Crossing	Northbound	6/27/19-7/11/19	25	15.6	22.1	121	2,551
15	Eagle Crossing	Nolan	Westbound	6/2/19-6/20/19	25	15.8	20.3	85	1,515