

## Elizabeth LaFleur

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**From:** JAMES THIELE <JRThiele@aol.com>  
**Sent:** Monday, August 22, 2022 2:16 PM  
**To:** Elizabeth LaFleur  
**Subject:** File PLSPR20220416 – Compass Corner

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August 22, 2022

To: Elizabeth LaFleur  
Planner for City of Bend Planning File PLSPR20220416 – Compass Corner

From: James Thiele  
625 NW Compass Ln  
Bend, OR 97703

Hello Elizabeth,

This is my fifth comment letter for the Compass Corner project. In this letter, I am pointing out limitations in the City Engineers authority to modify clear vision requirements.

### **Re: the TAM**

Project Number PLSPR20220416 comments:

This comment is to clarify that the scope incorporated within the Bend Development Code for the City Engineer to modify clear vision requirements is only authorized for elements where new construction within a relevant sight triangle will not adversely impact traffic or pedestrian safety. There is no authority granted for the City Engineer to modify any existing clear vision requirements, or apply mitigations, for any sight triangle outside of the new construction triangles, or in any circumstance to waive any requirements that negatively impacts safety.

#### **3.1.500 Clear Vision Areas.**

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). [Ord. NS-2303, 2018; Ord. NS-2177, 2012; Ord. NS-2016, 2006]

On page 4 of the TAM, the City Engineer confirms there are sight line deficiencies at the Awbrey Road / Compass Lane intersection. As described these are not related to new construction within the sight triangles. Therefore, there is no authority created for the City Engineer to apply any mitigations related to these sight line deficiencies. And particularly not for any mitigation in any circumstance that does not provide at a minimum an equivalent level of safety.

Note:

- A. An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process, subject to the provisions of BDC 4.1.412 and this chapter.
- B. The Review Authority shall not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application (as that term is defined in BDC Chapter 1.2, Definitions), unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 120-day review period as of the date the modification is submitted. The 120-day review period for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days from the day the application was accepted as complete.
- C. The Review Authority may require that the application be re-noticed and additional hearings be held.
- D. Up until the day a hearing is opened for receipt of oral testimony, the Community and Economic Development Director shall have sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Hearings Body shall make such determinations. The Review Authority's determination on whether a submittal constitutes a modification shall be appealable only to LUBA and shall be appealable only after a final decision is entered by the City on an application. [Ord. NS-2445, 2022; Ord. NS-2251, 2015; Ord. NS-2122, 2009; Ord. NS-2016, 2006]