

ORDINANCE NO. NS 2301

**AN ORDINANCE AMENDING BEND DEVELOPMENT CODE (BDC) CHAPTER 2.7,
ARTICLE IV. MEDICAL DISTRICT OVERLAY ZONE.**

Findings:

- A. The application was submitted in accordance with BDC 4.1.500. Timely and sufficient notice pursuant to Section 4.1.515 of the Bend Development Code was provided.
- B. The proposed Bend Development Code text amendments will allow extended stay hotels in the Medical District Overlay Zone (MDOZ).
- C. Notice of the November 27, 2017, Planning Commission public hearing and of the December 6, 2017, City Council public hearing was printed in the Bend Bulletin on November 5, 2017 and sent to the Mountain View Neighborhood Association on November 02, 2017.
- D. The Planning Commission held a public hearing on November 27, 2017 to accept testimony on the request. At the conclusion of the hearing, the Planning Commission voted to recommend the proposed text amendments be approved by the City Council.
- E. The Bend City Council held a public hearing on December 6, 2017 to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council found that the text amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted on the amendments to the Bend Development Code.

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

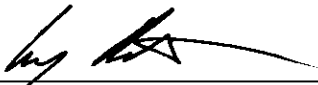
Section 1. The Bend Development Code is amended as depicted in Exhibit A.

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

First Reading: December 6, 2017

Second reading and adoption by roll call vote: December 20, 2017

YES: Casey Roats, Mayor NO: NONE
Sally Russell
Bill Moseley
Bruce Abernethy
Nathan Boddie
Justin Livingston
Barb Campbell



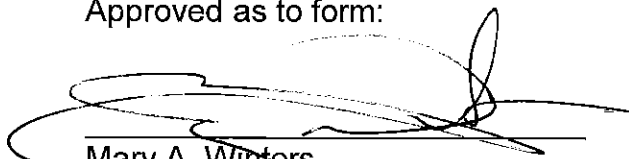
Casey Roats, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

Draft Development Code Update

Text in underlined typeface is proposed to be added

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

2.7.500 Medical District Overlay Zone.

2.7.510 Purpose and Applicability.

A. Purpose. The purpose of the Medical District Overlay Zone is to allow for the continuation and flexible expansion of the hospital, medical clinics and associated uses in a planned and coordinated manner. Flexibility is essential to allow existing and future uses to respond and adapt to changes in technology, the medical profession, and society as a whole. The primary uses in the Medical District Overlay Zone are hospitals and other medical clinics and uses. Related uses may be located within the hospital or clinic buildings or as independent uses within the overlay zone area. The overlay zone is intended to enhance the underlying zones of the Urban Medium Density Residential (RM) Zone, Urban High Density Residential (RH) Zone, and the Convenience Commercial (CC) Zone. The overlay zone standards will:

- Strengthen the role currently played by the Medical District area around 27th Street and Neff Road as a regional center for healthcare and related services.
- Provide flexibility within the underlying zones to allow medical uses.
- Allow ~~small-scale supportive~~ limited commercial/retail uses to supplement the Medical District.
- Balance the need for residential development within the overlay zone to provide options for medical services development.

B. Applicability. Provisions of this section apply to all property within the boundaries of the Medical District Overlay Zone as shown on the attached boundary map, Figure 2.7.550.F and on the Bend Urban Area Zoning Map. These provisions modify existing standards of the City of Bend Zoning Ordinance, by applying requirements, limiting allowable uses, or allowing exceptions to general regulations. Where there is a conflict between the provisions of the Medical District Overlay Zone and those of other portions of the Zoning Ordinance, the provisions of this overlay district shall control.

2.7.520 Permitted Land Uses.

A. Permitted Uses. The land uses listed in Table 2.7.520 are permitted in each of the applicable districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.520, and land uses that are approved as similar to those in Table 2.7.520, may be approved.

B. Determination of Similar Land Use. Similar land use determinations shall be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.

Table 2.7.520 Permitted Uses within the Medical Services District Overlay Zone			
Land Use	RM	RH	CC
Residential			
All residential uses permitted or conditionally allowed in the applicable zoning district unless specifically listed herein	P/C	P/C	N
Public and Institutional			
All public and institutional uses permitted or conditionally allowed in the applicable zoning district unless specifically listed herein	P/C	P/C	P/C
Hospitals	N	P	P
Commercial			
All commercial uses permitted or conditionally allowed in the applicable zoning district unless specifically listed herein	N	N	P/C*
General office* <ul style="list-style-type: none"> • In buildings built after April 2, 2004, office uses may occupy no more than 33% of the floor area* • In buildings built after April 2, 2004, offices may occupy more than 33% of the floor area* 	P* C*	P* C*	P*
Dancing and music schools	N	N	P
Mortuaries	N	N	P
Photographic studios	N	N	P
<u>Hotels</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>
Service commercial uses up to 4,000 square feet, gross floor area, excluding drive-through and auto-related and auto-dependent uses*	C*	C*	P
Eating and drinking establishments up to 4,000 square feet, gross floor area, in size.*	C*	C*	P
Auto parts sales	N	N	N
Automobile service station	N	N	N
Minor auto repair	N	N	N
Medical offices/uses including a pharmacy	P	P	P
Miscellaneous Uses			
Club, lodge and fraternal organization	N	N	C
Plant nursery	N	N	N

Table 2.7.520 Permitted Uses within the Medical Services District Overlay Zone

Land Use	RM	RH	CC
Timeshare units	N	N	N
Short-term rental	N	N	N
Wireless and broadcast communication facilities	See BDC Chapter 3.7		

Key to Districts:

RM = Medium Density Residential

RH = High Density Residential

CC = Convenience Commercial

Key to Permitted Uses

P = Permitted, subject to the provisions of BDC Chapter 4.1

N = Not Permitted

C = Conditional Use, subject to permit standards in BDC Chapter 4.4

* Use has Special Development Standards subject to BDC 2.7.540.

2.7.530 Development Standards.

A. Height Regulations. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 45 feet without approval of a variance.

B. Lot Requirements. The following lot requirements shall be observed:

1. Lot Area. For all dwelling units including single-family dwellings, two- and three-family housing, and multiple-family housing in the underlying RM Zone, the lot shall be a minimum area of 2,500 square feet for the first unit plus 2,000 square feet for each additional dwelling unit.

For all dwelling units including single-family dwellings, two- and three-family housing, and multiple-family housing in the underlying RH Zone, the lot shall be a minimum area of 2,500 square feet for the first unit plus 1,000 square feet for each additional dwelling unit.

For any other use there shall be no minimum lot area.

2. Lot Width. For single-family dwellings, two- and three-family housing, and multiple-family housing the lot shall be a minimum width of 30 feet. This lot width may be reduced to 20 feet for lots in an approved zero lot line subdivision.

For any other use there shall be no minimum lot width.

3. Front Yard. The minimum front yard setback shall be 10 feet except on corner lots where the clear vision clearance area requirements shall apply and, except when adjacent to a lot outside of the Medical District Overlay Zone, the front yard setback shall be same as the front yard setback required in the adjacent zone.

4. Side Yard. The minimum side yard setback shall be five feet. The side yards shall be increased by one-half foot for each foot by which the building exceeds 15 feet in height.

For existing or development of new single-family detached housing the side yard setback shall be a minimum of five feet on each side.

The side yard setback distance for one or both sides may be waived for an approved zero lot line subdivision or partition.

5. Rear Yard. The minimum rear yard setback shall be five feet except when adjacent to a lot outside of the Medical District Overlay Zone and then the rear yard setback shall be a minimum of 20 feet. The required rear yard setback shall be increased by one-half foot for each foot by which the building exceeds 15 feet in height.

6. Side and rear yard setbacks for duplexes and triplexes are subject to standards in BDC 3.6.200(H), Duplex and Triplex Development.

7. Lot Coverage. For single-family dwellings, two- and three-family housing, and multiple-family housing the lot coverage shall be a maximum of 50 percent.

For any other use there shall be no maximum lot coverage.

C. Off-Street Parking. Off-street parking shall be provided as required in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

2.7.540 Special Development Standards.

Within the Medical Services District Overlay Zone certain nonmedical uses are permitted or conditionally allowed within the RM and RH Zones. These uses are intended to support the medical services uses and their customers.

A. Nonmedical Uses. Nonmedical uses excluding residential uses as specified in Table 2.7.520 shall be developed in conformance with the following special standards.

1. ~~Small-scale nonmedical~~ Nonmedical uses may be allowed when accessory to a medical use building or development provided the gross floor area of the accessory use does not exceed 4,000 square feet in area for buildings less than 50,000. For medical buildings with a gross floor area greater than 50,000 square feet, no more than 10 percent of the gross floor area of the building may be occupied by an accessory nonmedical use, unless otherwise approved through a Conditional Use Permit.

2. ~~Small-scale~~ Except for hotels, nonmedical uses may occur within the Medical Service District Overlay Zone as a stand-alone business when provided the total gross floor area of any individual building does not exceed 4,000 square feet. ~~For multiple- or, where more than one nonmedical uses, where the uses share use shares~~ one building, the total building area shall does not exceed 8,000 square feet.

3. Hotels may be developed as a stand-alone business within the Medical Service District Overlay Zone provided 75 percent of the guest rooms are designed and furnished for multi-night stays by providing in-unit amenities for sleeping, eating, cooking (more than a microwave), and sanitation.

B. Standards for Commercial/Retail Uses and Eating and Drinking Establishments.

1. Drive-up windows and/or drive-through services shall not be permitted.

2. A restaurant, delicatessen, cafeteria, or coffee shop may include an outdoor seating/eating area, provided the outdoor area consists of an all-weather surface not greater than 900 square feet in gross floor area and screened from residentially zoned properties by a sight-obscuring hedge and/or fence as determined through the Site Plan Review process.

3. For service commercial/retail uses, hotels, and eating and drinking establishments as allowed in Table 2.7.520:

a. There shall be no more than a total of eight acres of site area developed for stand-alone ~~service~~ commercial/retail uses, hotels, and/or eating and drinking establishments within the Medical District Overlay Zone on residentially zoned land.

b. Four of the allowable eight acres shall be located south of Neff Road and are in addition to the existing Commercial Convenience zoned property along 27th Street and Cushing Drive (Watt Way) and Medical Center Drive.

c. The other four acres of allowable area shall be located north of Neff Road.

C. Landscaping Requirements. The following standards shall apply to all new development.

1. Street Trees. Street trees shall be planted along the frontage of all properties. Only street trees from a list maintained by the City shall be planted. Street trees shall be planted a maximum of 30 feet on center. Trees shall be a minimum of two-inch caliper measured four feet from ground level.

2. Buffering. The City may require additional landscaping within setback areas to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent residential properties from new development.

2.7.550 Architectural Design Standards.

The design standards are intended to provide detailed human-scale design to preserve the character of the area and surrounding neighborhoods while allowing flexibility to develop a variety of building types.

A. Detailed Design Elements. The following standards shall be met for all new development. A design feature used to comply with one standard may be used to comply with another standard.

1. Design of Small-Scale Buildings. All buildings under 20,000 square feet in size shall provide detailed design along all elevations (front, sides, and rear). A minimum of five architectural features shall be provided on the front elevation and a minimum of three architectural features shall be provided on the side and rear elevations selected from the following list of features:

- a. Dormers.
- b. Gables.
- c. Recessed entries.
- d. Covered porches.
- e. Cupolas or towers.
- f. Pillars or posts.
- g. Eaves with a minimum 12-inch projection.
- h. Window trim with a minimum four-inch width.
- i. Offsets in building face or roof by a minimum of 16 inches.
- j. Bay windows.
- k. Balconies.
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, board and batt, masonry).

2. Design of Large-Scale Buildings and Developments. The standards in subsection (A)(2)(c) of this section shall apply to “large-scale buildings and developments,” as defined in subsections (A)(2)(a) and (b) of this section:

- a. Individual buildings with more than 20,000 square feet of enclosed ground-floor space (i.e., “large-scale”). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
- b. Multiple-building developments with a combined enclosed ground-floor space more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments).
- c. All large-scale buildings and developments, as defined in subsections (A)(2)(a) and (b) of this section, shall provide human-scale design by conforming to all of the following criteria:

i. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown in Figures 2.7.550.C and 2.7.550.D. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting); and similar features.

ii. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way.

Note: The illustrations provided are intended to show how to comply, not restrict building types. Other building types and design can be used to comply so long as they are consistent with the design standards.

Figure 2.7.550.A

Examples of Architectural Details (Typical)

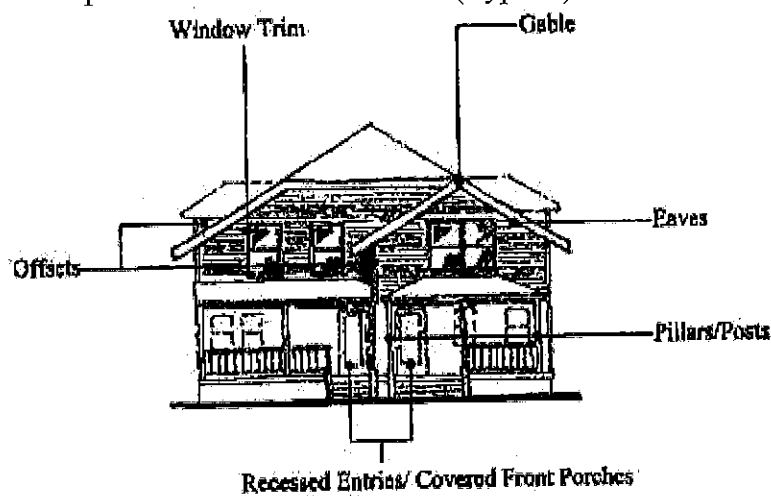


Figure 2.7.550.B

Examples of Architectural Details: Townhomes and Multifamily (Typical)

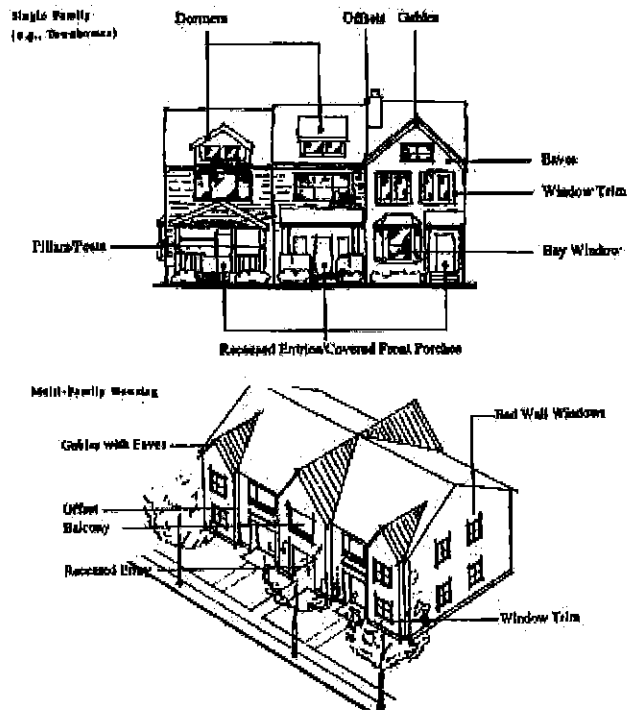


Figure 2.7.550.C

Design of Large-Scale Buildings and Developments (Typical)

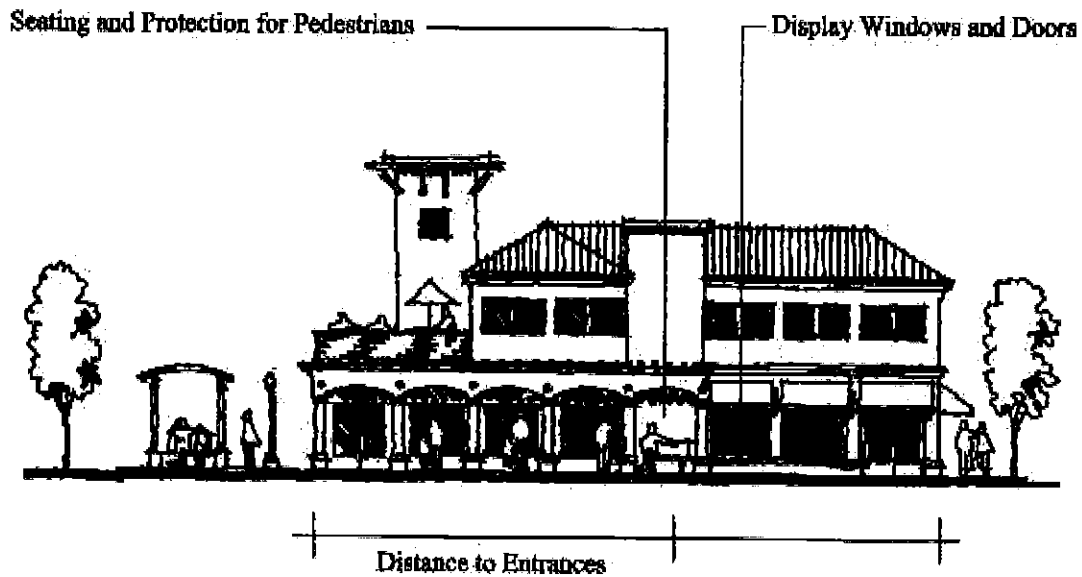
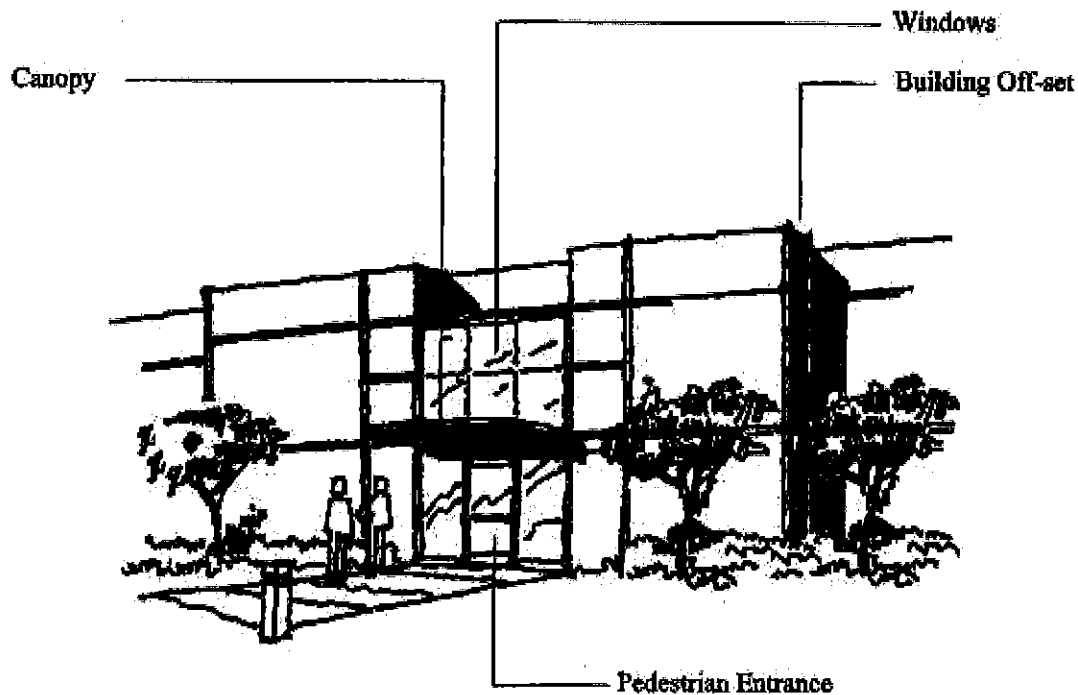


Figure 2.7.550.D

Design of Large-Scale Buildings and Developments (Typical)

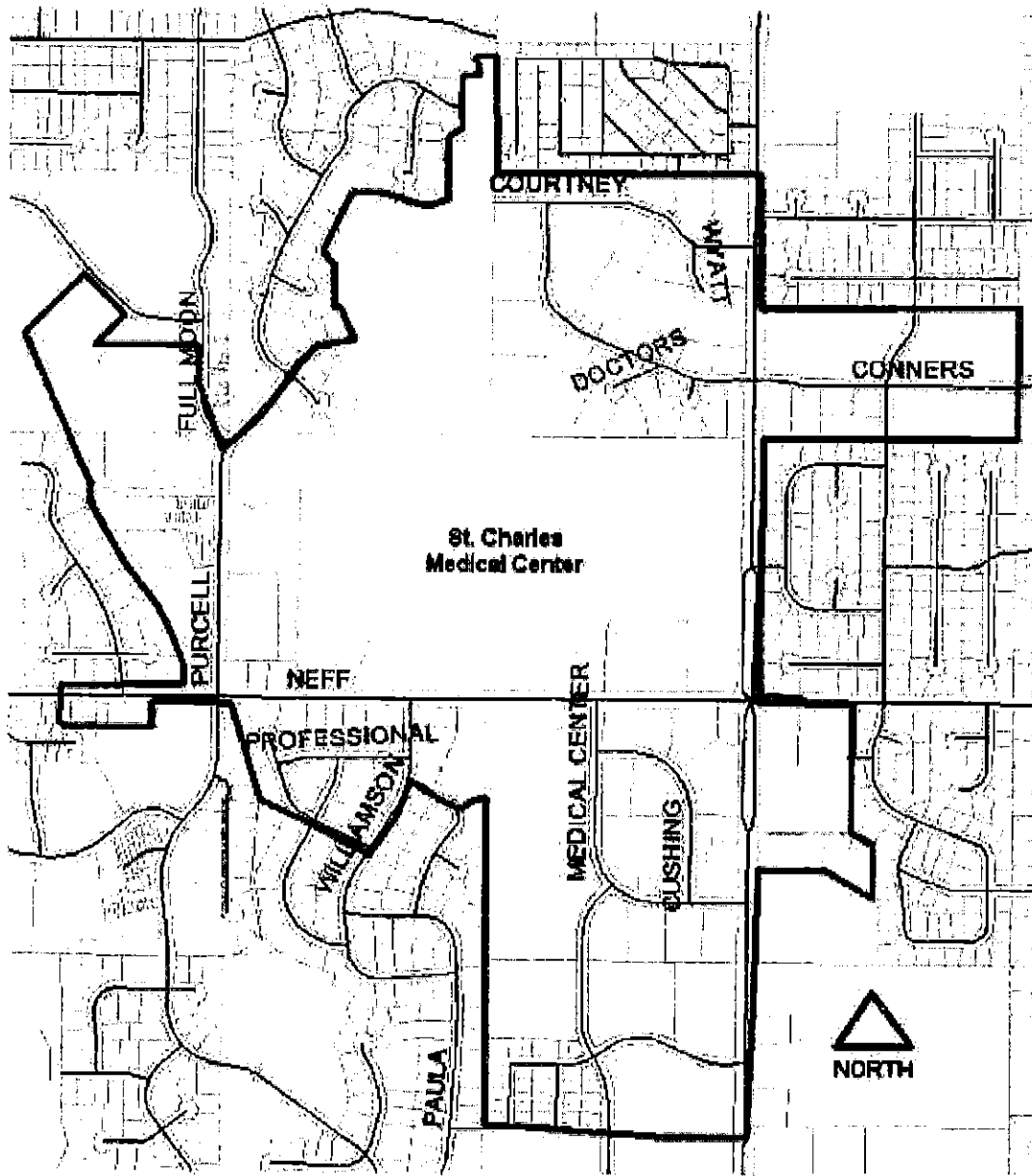


Note: the examples shown above are meant to illustrate examples of these building design elements, and should not be interpreted as a required design style.

B. Building Height Transition.

1. This standard applies to new and vertically expanded buildings on property located in the Medical District Overlay Zone within 100 feet of the boundary of the overlay zone and new or vertically expanded buildings adjacent to properties developed with single-story residential uses within the Medical District Overlay Zone, except that this standard shall not apply to new or vertically expanded single-family detached houses.
2. Any new or vertically expanded building, meeting the applicability criterion above, within 20 feet (as measured horizontally) of an existing single-story building with a height of 25 feet or less, as shown in Figure 2.7.550.E, shall meet the building height transition requirements.
3. To provide compatible building scale and privacy between developments, buildings taller than 25 feet shall “step-down” to create a building height transition to adjacent single-story building(s).

4. The building height transition standard is met when the height of the taller building (“x”) does not exceed one foot of height for every one foot separating the two buildings (“y”), as shown in Figure 2.7.550.E.





**EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 17-0702**

Procedural Findings

Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on October 12, 2017. A notice of the November 27, 2017, Planning Commission public hearing and of the December 6, 2017, City Council public hearing was printed in the Bend Bulletin on November 5, 2017. A notice was mailed to the Mountain View Neighborhood Association on November 02, 2017.

The Planning Commission held a public hearing on November 27, 2017 and recommended approval of the proposed text amendments to the City Council. On December 6, 2017, the City Council held a public hearing and conducted the first reading and on December 20, 2017, the Council held a second reading and voted unanimously to adopt amendments.

Criteria of Approval

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

Applicable Procedures

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

Findings Regarding Compliance with Applicable Criteria:

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

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed

using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The proposed amendments to the City's BDC are generally applicable to a large area within the City. Accordingly, the proposed amendments are legislative in nature and are subject to the provisions for legislative amendments.

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

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

FINDING: The proposed amendments are consistent with the applicable State land use laws. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economic Development, Goal 12: Transportation, and Goal 13: Energy Conservation.

Goal 1, Citizen Involvement. This goal will be satisfied through following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing. A notice of the November 27, 2017, Planning Commission public hearing and of the December 6, 2017, City Council public hearing was printed in the Bend Bulletin on November 5, 2017. A notice was mailed to the Mountain View Neighborhood Association on November 02, 2017. Prior to the Planning Commission hearing, staff received letters of support from St. Charles, COPA, Mid-Columbia Credit Union, Killian Pacific, and the Sobala Family Trust.

The Planning Commission held a public hearing on November 27, 2017 and recommended approval of the proposed text amendments to the City Council. On December 6, 2017, the City Council held a public hearing and conducted the first reading and on December 20, 2017, the Council held a second reading and voted unanimously to adopt amendments.

Therefore, Goal 1 has been met.

Goal 2, Land Use Planning. Goal 2 requires a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. This Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and Development Code as a basis for the decisions and actions related to the new regulations regarding the use of land and transportation and to assure an adequate factual base for these decisions and actions. The proposed amendments will be adopted by the City Council after public hearings

before both the Planning Commission and the City Council. Multiple opportunities were provided for review and comment by the public and affected governmental units during the review of the proposed amendments.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. As set forth in the City's Comprehensive Plan, the MDOZ is a regional medical overlay zone serving populations throughout central and eastern Oregon. With the large non-resident population served by the MDOZ, as well as non-resident relatives visiting residents undergoing treatment at facilities within the MDOZ, there is a need to allow for extended stay lodging facilities in proximity to St. Charles and the other medical offices within the MDOZ. The existing Ronald McDonald House is the only such facility in proximity to St. Charles, but is limited to serving six families and only serves a targeted population. The nearest extended stay hotel is located in the Old Mill District, several miles from the MDOZ. To meet the need, and to reduce cross-town vehicle trips, the applicant is proposing to allow extended stay hotels within the MDOZ.

Therefore, the proposed amendments are justified and needed, and compliance with Goal 2 is maintained.

Goals 3, Agricultural Lands. This goal is not applicable as it does not affect any lands subject to Goal 3.

Goal 4, Forest Lands. This goal is not applicable as it does not affect any lands subject to Goal 4.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. This goal is not applicable because it does not directly affect or otherwise alter any protections for Goal 5 resources.

Goal 6, Air, Water and Land Resources Quality. This goal is not applicable as the proposed amendments do not present any particularized risk of air, water, or land resource quality. Hotels in the MDOZ would be subject to all regulations governing air, water, and land resources.

Goal 7, Areas Subject to Natural Hazards. This goal is not applicable as the area subject to the MDOZ does not present any extraordinary risk of natural hazards and the proposed amendments do not increase risk of natural hazards.

Goal 8, Recreational Needs. This goal is not applicable as the proposed amendments have no effect on the availability of or access to recreational opportunities.

Goal 9, Economic Development. Goal 9 requires local jurisdictions to provide adequate opportunities throughout the state for a variety of economic activities vital to

the health, welfare, and prosperity of Oregon's citizens. Beyond the direct economic opportunities provided by allowing hotels to operate within the MDOZ, including employment opportunities and property/transient room taxes, hotels will provide indirect economic opportunities for medical uses operating within the MDOZ and the broader community. Extended stay format hotels will make the MDOZ a more desirable location to receive medical services and thus expand opportunities for businesses operating within the MDOZ to receive patients. Guests will also spend money throughout the community during their stay. Therefore, compliance with Goal 9 is maintained.

Goal 10, Housing. This goal is not applicable as the proposed amendments do not affect the supply or availability of housing. Despite the underlying zoning, the MDOZ regulations largely prohibit residential uses and certain acreage has already been set aside for commercial uses within the MDOZ.

Goal 11, Public Facilities and Services. The proposed amendments do not alter any public facility plans and hotels do not place more demand on public facilities and services than other forms of development permitted in the MDOZ.

Goal 12, Transportation. The proposed amendments do not affect any transportation related planning document. However, Goal 12 is also implemented through the transportation planning rule, OAR 660-012-060 (the "TPR"). The TPR is addressed below.

Goal 13, Energy Conservation. The proposed amendments will not result in any increase in energy use compared to other uses permitted within the MDOZ. Rather, permitting hotels will likely reduce energy use as users of the MDOZ can now stay in proximity to those services instead of more distant accommodations, which would require greater vehicle travel. Therefore, compliance with Goal 13 is maintained.

Goal 14, Urbanization. This goal is not applicable as the proposed amendments concern areas within an acknowledged urban growth boundary.

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

Based on the above discussion, the proposed text amendments to the Development Code are consistent with the statewide planning goals and therefore comply with the requirement that the amendment be consistent with state land use planning law.

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

FINDING: The only reference in the Comprehensive Plan goals and policies to the MDOZ is Chapter 6: Economy. General Policy 6-2 provides as follows:

6-2 *Bend is a regional center for health care, art and culture, higher education, retail, tourism, and employment. The economic land policies recognize Bend's role in the region, and the need to support uses that bolster the local and regional economy:*

- *The Medical District Overlay Zone provides economic lands for a variety of health care and related services to a population much larger than the City of Bend.*
- *Commercial and Mixed Use-designated lands support retail, tourism, and arts and culture uses to serve a local and regional role.*
- *Public Facility and Special Plan Districts support higher education to serve Bend residents and the needs of the region.*
- *Industrial and Mixed Employment-designated land located at Juniper Ridge has a local and regional role.*

This policy acknowledges that the MDOZ supports a population larger than City residents. Moreover, the policy recognizes that the MDOZ should support services related to health care. Extended stay format hotels satisfy this policy by providing accommodations (an ancillary service to the provision of health care) for users of medical services within the MDOZ, both for non-residents and for family members of residents.

Based on the findings stated above, staff concludes that the proposed text amendments are consistent with the applicable Bend Comprehensive Plan Policy.

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

FINDING: As discussed above, the nearest accommodations available to the general public are located more than a mile from St. Charles Hospital. Moreover, proximate facilities are traditional format hotels. The nearest extended stay format accommodations are located in the Old Mill. Given the regional population served by the MDOZ, and to reduce vehicular trips by such populations during their visit, there is both a need and benefit to the proposed amendments.

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

4.6.500 Record of Amendments.

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

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

4.6.600 Transportation Planning Rule Compliance.

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

FINDING: OAR 660-012-0060 provides in part as follows:

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The TPR is applicable to the subject application because it involves an amendment to the City's land use regulations. However, the proposed amendments will not affect a transportation facility and no mitigation is required.

The TPR provides that where a change in a land use regulation will significantly affect a transportation facility, the change cannot be adopted unless appropriate mitigation is provided or where an exception to providing mitigation is available. There are three bases for finding a significant effect. The first two bases are not applicable because the proposed amendments do not change the functional classification of an existing or planned transportation facility or change the standards implementing a functional classification system. The third basis is potentially applicable as it concerns impacts from development associated with the proposed amendments.

To evaluate the third basis, the TPR requires a determination of whether the proposed regulations would allow for more transportation intensive development than would occur under a reasonable worst-case scenario with the existing regulations. A reasonable worst-case scenario examines the most intensive trip generating use among the existing outright permitted uses compared to the new outright permitted form of development under the proposed amendment.¹ The proposed amendment adds extended stay format hotels as a permitted use in the MDOZ. Such hotels would be subject to the same development regulations (height, setback, landscaping, etc.) as other outright permitted uses in the MDOZ and thus the analysis is simply whether hotels generate more trips than existing outright permitted uses.

The Institute of Transportation Engineers manual does not list extended stay format hotels as a separate use, but ordinary hotels are an appropriate proxy as the two uses function more or less the same from an operational perspective.² The 9th Edition of the ITE manual provides the following trip generation rates for hotels and outright permitted uses in the MDOZ.

Use	Code	Trip Rate
	Lodging	

¹ Other commercial uses require conditional use approval and are thus not eligible for analysis. While the MDOZ permits up to 8 acres of commercial uses, the regulations do not restrict non-commercial uses from occupying those eight acres. Accordingly, larger scale outright permitted medical uses are appropriate for analysis as a reasonable worst-case scenario.

² Extended stay hotels likely generate fewer trips as guests can cook in their room instead of going out for all meals.

Hotel		310	.6/room
Motel		320	.47/room
Resort Hotel		330	.42/room
Medical			
Hospital*		610	.93/1,000 sq.ft.
Clinic^		630	5.18/1,000 sq.ft.
Office			
Medical-Dental Building	Office	720	3.57/1,000 sq.ft.
Retail			
Pharmacy w/o drive-thru		880	8.4/1,000 sq.ft.
Pharmacy w/ drive-thru		881	9.91/1,000 sq.ft.

* Hospitals are not permitted within the RM zoned sections of the MDOZ.

^ Clinics are not expressly identified as an allowed use in MDOZ, but arguably fall within medical-dental offices, an outright permitted use in all zones within the MDOZ.

Even using the highest trip generation rate for lodging (.6 per room), using a lower average room size of 250 square feet per room, and ignoring that each room would require additional square footage of lobby, hallways, stairs, and service areas (the MyPlace extended stay format hotel recently constructed on Bond Street had 63 rooms in a 29,600 square foot building for an average of 469.94 square feet of building per room), this would equate to 2.4 trips per 1,000 square feet of hotel structure. This conservative figure is lower than the trip generation rate for clinics, medical-dental office buildings, and pharmacies, which are outright permitted uses within the MDOZ. Accordingly, the proposed amendments do not allow more traffic intensive uses than were previously permitted under the BDC. Because the systems transportation facilities were planned and designed under the City's TSP to handle allowed uses permitted under the BDC, the proposed amendments will not be significantly affect a transportation facility.

Conclusion: The proposal is in compliance with this section of the TPR.

V. CONCLUSIONS:

Based on the above Findings, the proposed Bend Development Code text amendments meet all applicable criteria for adoption.