

**ORDINANCE NO. NS - 2303**

**AN ORDINANCE AMENDING BEND CODE CHAPTER 9.50, SIGNS, AND BEND DEVELOPMENT CODE (BDC) CHAPTERS 1.2 DEFINITIONS, 2.1 RESIDENTIAL DISTRICTS, 2.3 MIXED-USE ZONING DISTRICTS, 2.4 INDUSTRIAL DISTRICTS, 2.7 SPECIAL PLANNED DISTRICTS, 3.1 LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION, 3.2 LANDSCAPING, STREET TREES, FENCES AND WALLS, 3.3 VEHICLE PARKING, LOADING AND BICYCLE PARKING, 3.4 PUBLIC IMPROVEMENT STANDARDS, 3.6 SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES, 4.1 DEVELOPMENT REVIEW AND PROCEDURES, 4.2 MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW, AND 4.5 MASTER PLANNING AND DEVELOPMENT ALTERNATIVES.**

Findings:

- A. The application was processed in accordance with Bend Development Code (BDC) 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- B. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on November 20, 2017.
- C. Notice of the January 8, 2018, Planning Commission public hearing was printed in the Bend Bulletin on December 17, 2017 and was mailed to the neighborhood associations on December 14, 2017.
- D. Notice of the February 7, 2018, City Council public hearing was printed in the Bend Bulletin on January 14, 2018 and was mailed to the neighborhood associations on January 11, 2018.
- E. The Planning Commission reviewed the proposed amendments during a work session on December 11, 2017, and held a public hearing on January 8, 2018, 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.
- F. The City Council held a public hearing on February 7, 2018, to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council found that the code update as amended satisfies the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted on the amendments to the Bend Code and Bend Development Code.

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

Section 1. The Bend Code and Bend Development Code are amended as depicted below in Exhibit A.

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

First Reading: February 7, 2018

Second reading and adoption by roll call vote: February 21, 2018

YES: Casey Roats, Mayor  
Sally Russell  
Bruce Abernethy  
Bill Moseley  
Justin Livingston  
Barb Campbell

NO: Nathan Boddie

  
\_\_\_\_\_  
Casey Roats, Mayor

Attest:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:

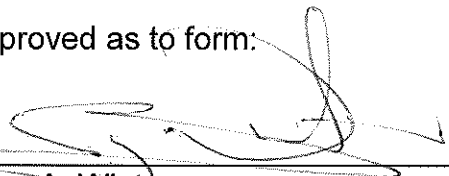
  
\_\_\_\_\_  
Mary A. Winters

Exhibit A

Bend Code and  
Development Code Update  
February 21, 2018

Prepared by:  
City of Bend Planning Division

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 will remain unchanged.

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

**These notations are not intended to be included in the Code text**

In the Bend Code replace the terms *Bend Area General Plan*, *Bend General Plan* and *General Plan* with *Bend Comprehensive Plan*.

In the Bend Development Code, replace all *home occupations* with *home businesses*.

BEND CODE

Chapter 9.50

SIGNS

9.50.030 Definitions.

\*\*\*

Multiple-Faced Primary Freestanding Sign means a Primary freestanding sign with three or more separate sign cabinets, or one or more sign cabinets with three or more separate sign panels, designed to allow replaceable copy without altering the sign. Alteration is as defined in Section 9.50.030 Definitions.



\*\*\*

### 9.50.060 Temporary Signs.

\*\*\*

C. The following temporary signs are allowed if a sign permit is obtained:

\*\*\*

### 3. Portable Signs.

- a. One nonilluminated portable sign may be up to six square feet in area with a maximum height of four feet and a maximum width of two feet.
- b. The portable sign may be displayed on a site for a maximum of 60 90 days per calendar year. (Amended by the City Council on February 7, 2018.)
- c. Not more than two temporary portable sign registrations can be issued per site per year.

\*\*\*

### 9.50.190 Nonconforming Sign.

- A. Any sign lawfully existing or lawfully permitted and constructed within the time allowed by the sign permit but which is made nonconforming by adoption or amendment of this chapter is a nonconforming sign.
- B. Nonconforming signs shall ~~must~~ be removed or brought into compliance if any of the following occurs:
  1. The sign or sign structure is moved, removed, replaced or structurally altered unless the moving is required by the City or other public entity to accommodate a public project. Changes in removable faces or panels are not structural alterations.
    - a. Exception: When a nonconforming sign is damaged by causes beyond the control of the owner, the sign may be rebuilt to the same size and height, using the same types of original material. **(City Council supported leaving the exception in on February 7, 2018.)**
  2. The use of the property where the sign is located changes to a different use. For purposes of this section, a change in use includes situations in which services or goods offered or provided on the property are totally changed.
    - a. Exception: When a nonconforming Multiple-Faced Primary Freestanding Sign is located on a developed site where there are three or more separate uses the copy may be changed without losing the nonconforming right unless and until the sign is moved, removed, replaced or altered.

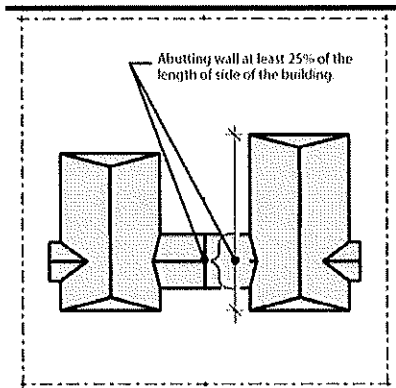
**DEVELOPMENT CODE**

**Chapter 1.2**

**DEFINITIONS**

~~**Attached building** means any building that is connected to another building by a common wall that is fully enclosed for at least 25 percent of the length of the side of both buildings. (Described "attached" for accessory structures, ADUs and townhomes in their respective sections in BDC 3.6, Special Standards and Regulations for Certain Uses.)~~

*Delete Graphic*



Attic means the unfinished space between the ceiling assembly and the roof assembly. (2014 Oregon Residential Specialty Code)

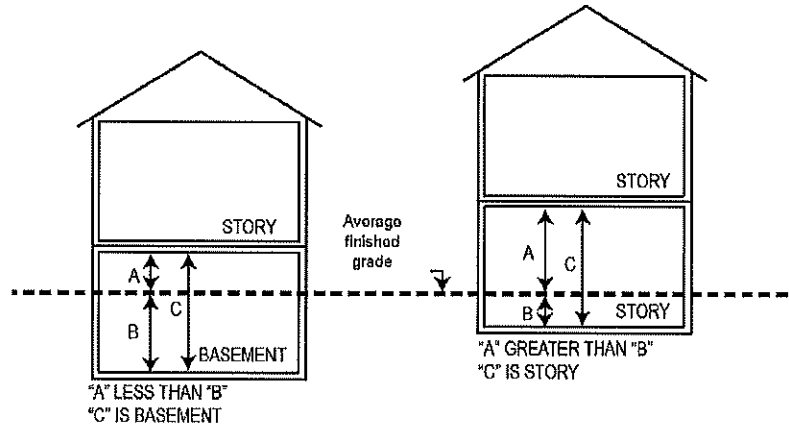
\*\*\*

**Automobile wrecking** means the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts. ~~Two or more than~~ two dismantled, obsolete or inoperable motor vehicles or parts thereof on one lot shall constitutes a wrecking yard. (Consistent with how City enforces automobile wrecking.)

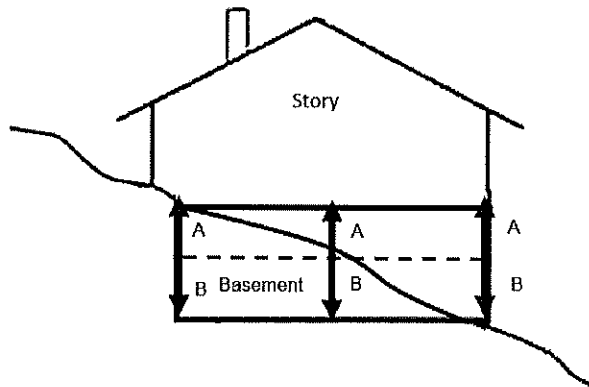
\*\*\*

**Basement** means any livable area space of a building not including a crawlspace that is wholly or partly below average finished grade when the vertical distance from average finished grade to floor is greater than the vertical distance from average finished grade to ceiling measured at a minimum of three points on all sides as shown on the following figures. A basement shall is not be counted as a story. *(Proposed revision and new exhibit adds clarity.)*

**Basement and Story**



**Add exhibit**



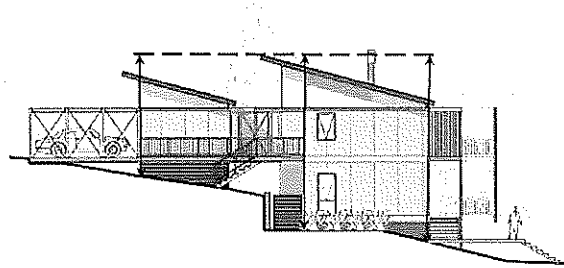
\*\*\*

**Bath, full bath** means a bathroom that contains a toilet, sink, and shower and/or bathtub and/or steam shower. *(Need for ADU and accessory structure regulations)*

**Bath, half bath** means a bathroom that contains a toilet and a sink. Half baths with floor area greater than 45 square feet that could accommodate a bathtub and/or shower and/or steam shower are considered as having a "Rough-in" for a full bath. *(Need for ADU and accessory structure regulations)*

\*\*\*

**Building height** means the average maximum vertical height of an enclosed building or structure measured at a minimum of three points from finished grade along each building elevation as shown on the following figure along each building elevation from finished grade to the highest point on the building or structure. The "highest point" means peak of roof for a building with a sloping roof or the top of the roof coping for a flat roof. Architectural elements that do not add floor area to an enclosed building or structure such as chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including minimum screening necessary to conceal mechanical roof equipment), and unenclosed decks and porches are not considered part of the height of a building or structure. For property located in the Water Overlay Zone (WOZ), see BDC 2.7.650(E)(4). *(Proposed revision adds clarity.)*



\*\*\*

**Cargo containers** means standardized reusable vessels that were originally designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods or commodities, and are capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device.

\*\*\*

**Duplex** means one building with two dwelling units on one lot or parcel. For permitting purposes, units may be detached or attached vertically or horizontally or detached. *(Consistent with current practice.)*

\*\*\*

**Dwelling unit** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking (limited to one kitchen only) and sanitation (full bathroom).

\*\*\*

**Floor area** means the area measured in feet ~~included in surrounding walls of~~ horizontal decked space intended to be a floored surface contained within the a-building or portion thereof, measured to the external face of the external walls, exclusive of vent shafts, and courts and basements. When calculating floor area, stairs are counted twice. *(Revisions are consistent with building codes.)*

**Floor area ratio (FAR)** means a measurement of building density calculated by dividing the gross enclosed floor area of a building measured to the external face of the external walls by the land area of the development.

\*\*\*

**Home ~~occupation~~ business** means a small ~~commercial-revenue-producing~~ use owned and/or operated by a resident of the home business site. ~~A home business is conducted entirely within a dwelling, or an approved accessory structure, operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit,~~ which is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and which complies with the conditions of BDC Chapters 2.1, Residential Districts and 3.6, Special Standards and Regulations for Certain Uses.

\*\*\*

**Infill, residential** means:

1) ~~1) The development of up to three dwellings on land that is zoned for residential use where at least 75 percent of the abutting parcels properties have a structure but not counting any abutting parcel property that is too small for a residence or any parcel that is large enough that it can be divided into four or more lots or is currently developed with multifamily residential as an outright use.~~

2) ~~“Residential infill” also refers to a~~ A situation in which a home single-family dwelling is removed to make way for up to three new dwellings (e.g., a house, ~~manufactured home~~ single-family dwelling, duplex, or ~~attached house~~ triplex).



3) "Residential infill" shall not refer to does not the development of one dwelling on apply to land that is large enough that it can be divided into four or more lots consistent with the minimum lot size of the zoning district.

\*\*\*

**Kitchen** means any area designed or used for preparation or cooking of food, and including any of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven. *(Need this for dwelling unit, accessory structure and ADU regulations.)*

\*\*\*

**Livable space** means the gross space of a dwelling unit(s) utilized for living, sleeping, eating, cooking, and sanitation. *(Need this for accessory structures and residential MDS)*

\*\*\*

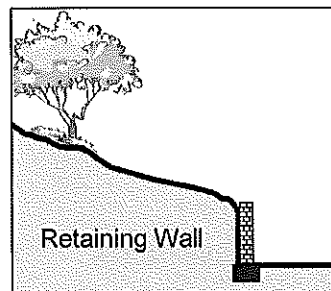
**Non-resident employee** means an employee, business partner, co-owner, or other person affiliated with a home business, who does not live at the site, but who visits the site as part of the home business. *(Need for home business section in BDC 3.6.200.N.)*

\*\*\*

**Primary** means the largest or most substantial element on the property, as in "primary" use, residence, entrance, etc. All other similar elements are secondary in size or importance.

\*\*\*

**Retaining Wall** means a vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site. *(Need this for 3.2.500 Fences and Retaining Walls)*



\*\*\*

Tandem parking means the parking of a motor vehicle behind another, such that a vehicle needs to be moved in order to move the other vehicle. *(Need for ADUs, home businesses and STRs).*

\*\*\*

Triplex means ~~one building with~~ three dwelling units on one lot or parcel. For permitting purposes, units may be attached vertically or horizontally or detached. *(Consistent with current practice.)*

\*\*\*

Use, Primary. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. The primary use usually occupies more than 50 percent of the gross floor area of a building or consists of more than 50 percent of a development, but floor area percentage may not be determinative of primary use on its own.

Use, Secondary. Any approved use of land or a structure that is incidental and subordinate to the primary use, and located in the same building or in the same development area as the primary use. Secondary uses do not occur or exist in the absence of at least one primary use. Secondary uses are not accessory uses, except as otherwise provided in this code.

\*\*\*

Wet bar means an area within a dwelling unit, other than a kitchen, that contains a sink with a maximum size of 18 inches by 18 inches. The maximum size of the trap arm and drain for the wet bar sink must not exceed 1.5 inches. The area is not a wet bar if any of the following is also present: a sink larger than 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven. *(Need for dwelling unit and accessory structure regulations.)*

\*\*\*

## Chapter 2.1 RESIDENTIAL DISTRICTS

\*\*\*

**2.1.200 Permitted Land Use.**

\*\*\*

**Table 2.1.200 – Permitted and Conditional Uses**

Land Use	SR 2 1/2	RL	RS	RM-10	RM	RH	UAR
*Home occupation <u>Business</u> (Type I/Type II <u>Class A/Class B/Class C</u> )	P/C	P/C	P/C	P/C	P/C	P/C	P/C

*(Added by the City Council on February 7, 2018)*

\*\*\*

**2.1.300 Building Setbacks.**

\*\*\*

**F. General Setback Exceptions.**

\*\*\*

- 3. ~~Open decks and similar structures not exceeding 18 inches in height may encroach into the front yard setbacks by no more than six feet, subject to the front yard setback provisions in Table 2.1.300. Walls and fences may be placed on property lines, subject to the standards in BDC 3.2.500, Fences and Walls. (Conflicts with 2.1.300(C)(2)(c)(i) which requires a six foot setback.)~~

\*\*\*

**2.1.400 Building Mass and Scale. (Revised to be consistent with FAR for ADUs and accessory structures.)**

**A. Floor Area Ratio Applicability. Floor area ratio shall apply to the following:**

1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;
  2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;
  3. The perimeter lots of all new single-family residential subdivisions that are less than 6,000 square feet or less in size and are adjacent abut to a subdivision platted prior to December 1998 where the any adjoining abutting lot development has a 0.5 FAR or less is 6,000 square feet or less.
- B. ~~Building construction may not exceed 0.50 FAR (50 percent) of the total lot area. The areas of a building subject to this development standard shall include the following:~~
- ~~1. Floor area as defined in BDC Chapter 1.2, Definitions. For garages, see subsection (B)(2) of this section.~~
  - ~~2. Only garage floor area that exceeds 480 square feet in size on lots or parcels 4,000 square feet or greater and only garage floor area that exceeds 325 square feet in size for lots or parcels less than 4,000 square feet. The first 480 square feet or 325 square feet, respectively, of the garage are excluded from floor area.~~

Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, shall must not exceed 0.55 0.60 for all buildings on site, cumulatively.

- C. Exceptions to FAR.
1. Attached single-family townhomes without an accessory dwelling unit.
  2. For, ~~S~~single-family detached dwellings with an accessory dwelling unit and attached single-family townhomes with an accessory dwelling unit., ~~S~~see BDC 3.6.200(B), Accessory Dwelling Unit (ADU), for FAR.
  3. Accessory structures less than 10 feet in height and 200 square feet in area.
  4. Lots and parcels subject to BDC 2.1.300(G), Residential Compatibility Standards.

\*\*\*

## **2.1.600 Residential Density.**

A. Residential Density Standard. The following density standards apply to all new development in all of the Residential Districts, except as specified in subsection (B) of this section. The density standards shown in Table 2.1.600 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Bend Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a Master Planned Development). ~~Duplex and triplex lots used to comply with the density standard shall be so designated on the final partition or subdivision plat.~~

\*\*\*

### **2.1.800 Building Height.**

\*\*\*

B. Exceptions to Maximum Building Height Standard.

- ~~1. Chimneys, bell towers, steeples and roof equipment (including minimum screening necessary to conceal mechanical roof equipment).~~
- ~~2. Flag poles and similar features that are not intended for human occupancy may be considered exceptions to the maximum building height subject to an application for height variance in accordance with BDC Chapter 5.1. (*Repeats revised definition for Building Height*)~~
- ~~3. 1. An increase in building height not to exceed 10 feet above the height of the underlying zone may be allowed for multifamily housing when the additional units gained by the height increase are affordable housing units in conformance with BDC 3.6.200(C).~~

\*\*\*

### **2.1.1000 Multifamily Residential Districts (RM, RH).**

A. Purpose/Intent Statement. The Medium and High Density Residential Districts are intended to provide land for a mix of attached and multifamily housing types in locations that are convenient to service commercial uses and future transit opportunities.

B. Development Standards for Large-Scale Multifamily Developments in the RM and RH Districts. In addition to the site development standards in BDC Chapter 4.2, the following standards shall apply to multifamily

developments of ~~20~~ four units or more, unless otherwise stated: ***(Code has requirements for duplexes and triplexes and for 20 or more units and nothing for 4-19 units.)***

1. Common Open Space. In addition to the required setback yards, a minimum of 10 percent of the site area shall ~~shall~~ must be designated and permanently reserved as usable common open space in all large-scale (20 units or more) multiple-family developments, unless a credit in subsection (1)(a) of this section is approved. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Bend Comprehensive Plan may be counted toward meeting the common open space requirements. ***-(Affordable Housing Advisory Committee recommended deleting this requirement. Planning Commission recommended a credit towards open space if located within ¼ mile of a public park.)***

a. Credit for proximity to a park. A common open space credit of 50% may be granted when the development is located within one-quarter mile walking distance of a public park; and there is a direct, accessible, and maintained trail or sidewalk between the development and the park that does not cross an arterial or collector street. ***(The City Council added "...that does not cross an arterial or collector street" on February 7, 2018.)***

2. Private Open Space. Private open space areas shall ~~are~~ be required for ground-floor and upper-floor housing units through compliance with all of the following standards:

a. Ground-floor housing units shall must have ~~front or rear~~ patios or decks at least four feet deep and measuring at least 48 square feet. **Ground-floor housing** means the housing unit entrance (front or rear) is within five feet of the finished ground elevation, after grading and landscaping;

b. A minimum of 50 percent of all upper-floor housing units shall must have balconies or porches at least four feet deep and measuring at least 48 square feet. **Upper-floor housing** means housing units that are more than five feet above the finished grade, after grading and landscaping; and

c. Ground-floor private open space areas shall must not be located ~~next to yard setbacks for property lines shared with single-family residences, or within 12 feet of trash receptacles, parking and maneuvering areas, and driveways.~~ ***(Private open space should be allowed in these areas.)***

3. Trash Receptacles. Trash receptacles shall must not be located next to yard within setbacks for property lines shared with single-family residences and shall must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles shall must be located for easy access by trash pick-up vehicles.

4. Inner Courtyard. When an inner courtyard is proposed, the courtyard providing access to double-row dwelling groups shall be a minimum of 20 feet in width.

~~4. Storage Facilities. Each unit must have a secure enclosed storage area with a minimum floor area of three feet by four feet and a minimum interior height of seven feet. The storage area must be accessed separate from the dwelling unit (e.g., attached to decks and patios) or may be located in a garage provided that it does not interfere with required vehicle parking (9X20 feet). Storage must not be located within the setbacks. (Deleted by the City Council on February 7, 2018.)~~

C. Housing Mix Standards in the RM District. In order to ensure a mix of housing types that meets the City's overall housing needs, in addition to minimum and maximum density standards in BDC 2.1.600, at least 50 percent of the total housing units in residential developments on any property or combination of properties between three acres and 20 acres in the RM District shall must be two- and three-family housing, attached single-family townhomes, and/or multifamily residential housing units. The standards of BDC 4.5.200(E) apply to properties of 20 acres in size and greater.

\*\*\*

## Chapter 2.3

### MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU AND MN)

\*\*\*

#### 2.3.300 Development Standards.

\*\*\*

B. Height. All buildings in the Mixed-Use Districts shall must comply with the height standards contained in Table 2.3.300, except as described below or in compliance with a variance approval.

\*\*\*

~~3. Building Height Step-Backs in the MU Zoning District.~~

- a. ~~Where portions of a building's street-facing facade are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must step back one foot from the street-facing property line for every one foot that the building exceeds 45 feet in height, with a minimum step-back of 10 feet and a maximum step-back of 15 feet. The required step-back may be reduced by one foot for each foot below the 45-foot height level that the step-back begins, e.g., for a building that begins its step-back at the 35-foot height level (10 feet below what is required) the required step-back can be reduced by 10 feet. *(Recommend deleting because this section encourages buildings to be further back from the sidewalk. This also requires structural design that is more expensive to build.)*~~
- b. ~~A reduction to the building height step-backs can be made for buildings that designate 25 percent of all residential units as affordable housing units (defined as 100 percent of the area median income). In those cases, where portions of a building are higher than 45 feet, 60 percent of the street-facing facades higher than 45 feet must step back one foot from the street-facing property line for every one foot that the building exceeds 45 feet in height, with a minimum step-back of five feet and a maximum step-back of 10 feet. *(Delete since step backs are no longer required)*.~~

3.4. Building Height Step-Backs Abutting a Residentially Designated District. In the ME, MU, and MN Zoning Districts, portions of the building subject to subsection (B) of this section that exceed 35 feet in height or the height limit of the abutting residentially designated district, whichever is greater, shall step back one foot from side or rear lot lines abutting a residentially designated district for each foot the building height exceeds 35 feet or the height limit of the abutting residentially designated district.

\*\*\*

## Chapter 2.4 INDUSTRIAL ZONING DISTRICTS (IG, IL)

\*\*\*

### 2.4.300 Permitted and Conditional Uses.

\*\*\*



**Table 2.4.300 – Permitted and Conditional Uses**

Land Use	IG	IL
<b>Commercial</b>		
Mini-storage warehouse	N-P	C-P

\*\*\*

**Chapter 2.7  
SPECIAL PLANNED DISTRICTS**

**Article II. NorthWest Crossing Overlay Zone**

\*\*\*

**2.7.320 Districts.**

**E. Residential Cluster Overlay District.**

\*\*\*

**4. Development Standards and Site Requirements for Cluster Housing Developments.**

**a. Site Requirements.**

\*\*\*

- ii. ~~Minimum lot size within the NorthWest Crossing Cluster Housing Overlay District is 2,000 square feet.~~ There is no minimum lot size for cluster housing developments.

\*\*\*

- vi. Rear yard setbacks shall be a minimum of 40 5 feet.

\*\*\*

**c. Required Open Space.**

**i. Shared Open Space.**

- (A) Shall provide a centrally located, focal area for the cluster housing development.

- (B) Shall total a minimum of 500 square feet per cottage when all shared open space areas are combined.
- (C) Shall abut at least 50 percent of the cottages.
- (D) ~~Shall have 75 percent of the open space area abut structures on at least two sides.~~ Each cottage must be connected to the shared open space by a pedestrian pathway.
- (E) Shall be within 75 feet walking distance of each cottage.
- (F) Common parking areas are not counted in the shared open space area requirements.

\*\*\*

### I. Industrial Employment Overlay District.

\*\*\*

- 2. Uses Permitted. The following uses are permitted in the Industrial Employment Overlay District subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review.

\*\*\*

- j. ~~Automobile and truck~~ Motorized and non-motorized vehicle repair, service and sales, provided wholly within an enclosed building.

\*\*\*

- r. Public buildings and public utility structures and yards. *(Relocated from conditional uses)*

- s. Fitness facility or health center, to include child care for patrons only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments. *(Relocated from conditional uses)*

- t. Veterinary clinics

- 3. ~~Conditional Uses. Uses subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4.~~

- a. ~~Public buildings and public utility structures and yards.~~

- b. ~~Fitness facility or health center, to include child care for patrons only, showers, spa, bathrooms, related offices, related retail for exercise clothing and equipment and sale of refreshments.~~ *(These*

are the only two conditional uses in the Industrial Employment Overlay District. They have been relocated to permitted uses above)

\*\*\*

**Article VII. Murphy Crossing Refinement Plan**

\*\*\*

**2.7.820 Districts.**

\*\*\*

B. District Location. The locations of the zoning overlay districts are depicted on the adopted Murphy Crossing Master Development Plan map and as described below.

**Table 2.7.820.B**

Zoning Overlay District (Zone)	Location and Characteristics
Multifamily Residential (RM)	<p>The RM overlay located within the central plan area provides a transition between the new standard density single-family homes and the more intense commercial development along the easterly portion of the refinement plan area. <u>RM development is also located at the north and south ends of the plan area along the Parkway.</u> The density range within the central core shall be <del>10</del> <u>is 7.3</u> to 21.7 units per gross acre. RM development is also located at the north and south ends of the plan area along the Parkway. The density range within these areas shall be <del>7.3 to 15</del> units per gross acre. <i>(Consistent with new RM zoning. Also helps comply with a 2013 agreement with ODOT and several property owners for the southern properties.)</i></p>

\*\*\*

D. Special Development Standards. In addition to the development standards outlined in the City's Development Code, the following standards shall apply as indicated.

Table 2.7.820.D

Standard	RS Single-Family	RM Multifamily	ME Mixed-Use	CG General Commercial
Density	2.3 <del>4</del> – 7.3 units/gross acre	7.3 – 21.7 units/gross acre (special location standards for density apply, see Table 2.7.820.B)		

\*\*\*

Article XI. Juniper Ridge Overlay Zone

\*\*\*

I. Development Standards.

Table 2.7.2030.C Development Standards

Maximum Building Height	65 feet
Minimum Front Yard Setback	10 feet
Maximum Front Setback on Primary Street Frontage	30 feet
Minimum Primary Street Frontage	50 feet
Minimum Side Yard Setback	40 <u>0</u> feet (100 feet when abutting a Residential Zone)
Minimum Rear Yard Setback	45 <u>0</u> feet (100 feet when abutting a Residential Zone)
Maximum Building Coverage	50 percent of total lot area

\*\*\*

### Article XIV. Bend Central District

\*\*\*

#### 2.7.3210 Applicability

A. Applicability. In addition to the provisions of the underlying zone, the standards and requirements of this section apply to lands within the BCD boundary as depicted on Figure 2.7.3210. These provisions modify existing standards of the Bend Development Code by applying requirements, limiting allowable uses, or allowing exceptions to general regulations. Where there is a conflict between the provisions of the Bend Central District BCD and those of the underlying zone or other portions of the Development Code, the provisions of this refinement plan District shall will control.

#### 2.7.3220 Land Uses.

\*\*\*

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Offices and Clinics	P	P	L (see subsection (D)(3) of this section)	P
Production businesses (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios)	P	C-P	C-L (see subsection (D)(3) of this section)	C-P

*(Added by the City Council on February 7, 2018)*

\*\*\*

L = Permitted with limitations, subject to subsection (D) of this section.

\*\*\*

D. Limitations. The following limitations apply to those uses identified as "L" in Table 2.7.3220.

\*\*\*

3. Offices and Clinics and Production Businesses. Offices and clinics and production businesses must not exceed 15,000 square feet per business. *(Added by the City Council on February 7, 2018)*

\*\*\*

### 2.7.3230 Development Standards.

A. The following table provides numerical development standards within the BCD.

Building setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures. Setbacks provide opportunity for pedestrian amenities; building separation for fire protection and building maintenance; sunlight and air circulation; noise buffering; and visual separation. ~~Building setbacks are measured from the building foundation to the respective property line.~~ *(Conflicts with the definition and how setbacks are measured.)*

Table 2.7.3230

Development Standards in the Bend Central District by Subdistrict

Standards	1st /2nd Street	3rd Street	4th Street	South
Rear and side yard setback	<del>None or 10 feet (see subsection (C) of this section)</del>	<del>None or 10 feet (see subsection (C) of this section)</del>	None or 10 feet (see subsection (C) of this section)	<del>None or 10 feet (see subsection (C) of this section)</del>

\*\*\*

Notes:

1. In all subdistricts, the first five feet of setback will be a dedicated ~~pedestrian public access~~ easement and will be developed according to the applicable cross-section for the fronting street.
2. Equipment used for small scale alternative energy production does not count towards maximum building heights.

\*\*\*

C. Rear and Side Yard Setback.

1. There is no rear or side yard setback required, except when abutting a Residential Zone that is located outside of the BCD. In such cases, the rear or side yard setback is 10 feet for all portions of the building 35 feet in height or less. Step-backs or other architectural features such as vertical breaks, balconies, bays or stories within gable roofs are required for portions of a building that exceeds 35 feet in height or the height limit of the abutting residentially designated district, whichever is greater.
2. When a public alley abuts a side or rear yard of property, the width of the alley can be included in the additional setback stepback calculation as described in subsections (1) and (2) of this section for the purpose of offsetting the impacts of the building height over 35 feet. The alley does not eliminate the required 10-foot building setback if applicable.

D. Multiple Frontage Lots. For buildings on sites with more than one frontage or through lots, the minimum maximum front yard setbacks standards in Table 2.7.3230 ~~shall be applied~~ apply as follows.

1. For corner lots with two frontages, the maximum setback standards indicated in Table 2.7.3230 ~~shall be applied~~ applies to all both street frontages.
2. For through lots with two frontages, the maximum setback standards indicated in Table 2.7.3230 ~~shall be applied~~ applies to only one of the frontages; provided, that where the abutting streets are of different street classification, the maximum setback standard ~~shall be applied~~ applies to the street with the higher classification.
3. For properties with three or more frontages, the maximum setback ~~must be met on~~ applies to two abutting contiguous frontages. Where the streets are of different street classifications, one of the maximum setbacks must apply to the street with the highest classification.

\*\*\*

F. Buffering. A 10-foot-wide landscape buffer is required along the side and rear property lines between nonresidential uses and any adjacent Residential Zones that are located outside of the BCD. The buffer is not in addition to (may overlap with) the side and rear setbacks required in subsection (B) of this section. The buffer shall provide landscaping to screen parking, service and delivery areas and walls without windows or entries. The buffer may contain passive outdoor seating but must not contain trash receptacles or storage of equipment,

materials, vehicles, etc. The landscaping standards in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls, provide other buffering requirements where applicable.

#### **2.7.3240 Design Standards.**

\*\*\*

B. Single-Use Residential Buildings. Single-use residential buildings including duplexes, triplexes and multifamily are also subject to the provisions in BDC 2.1.900 and 2.1.1000, with the following exception:

1. The common open space requirement in BDC 2.1.1000(B)(1) does not apply to any property with a residential building located within one-quarter mile of a public park. *(If revisions are made to the open space requirement in BDC 2.1.1000.B.1., then revise this section for consistency.)*

C. Awnings, marquees, balconies, overhangs, fabric tensile structures, building appendages, or other projections may extend into the front setback and public access easement.

#### **2.7.3250 Parking.**

---

A. In the BCD, the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. The minimum number of required off-street vehicle parking spaces is established below. Unless otherwise provided below, the number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by this section by more than 50 percent. 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).
  - a. Residential uses: one space per unit. Tandem parking is permitted when the spaces are assigned to the same unit.
  - b. Commercial uses:
    - i. Retail or restaurant uses totaling less than 5,000 square feet of floor area: none.



- ii. Retail or restaurant uses in excess of 5,000 square feet or more of floor area: one space per 1,000 square feet of gross floor area in excess of 5,000 square feet.
  - iii. The maximum for retail or restaurants is 150% of one per 1,000 square feet of gross floor area.
  - c. Entertainment uses: Determined by conditional use.
  - d. Hotel/motel: one space per room.
  - e. Office uses: one and one-half spaces per 1,000 square feet of floor area.
  - f. Light industrial/manufacturing uses: 0.7 spaces per 1,000 square feet of floor area.
  - g. Public and institutional uses, government uses: one and one-half spaces per 1,000 square feet of floor area.
2. Mixed-Use Developments. If more than one type of land use occupies a single structure or ~~parcel of land property~~ with no single use occupying more than 80 percent of the total square feet of the building, ~~the total requirements for minimum~~ off-street automobile parking shall be is 75 percent of the sum of the requirements for all uses.
3. The total number of required vehicle parking spaces for an industrial, commercial, or office use may be reduced by up to 10 percent in exchange for providing on-site public open space/green space at the following ratio: one vehicle parking space per 500 square feet of public open space/green space. This reduction is in addition to any reductions taken under BDC 3.3.300(D).
4. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.

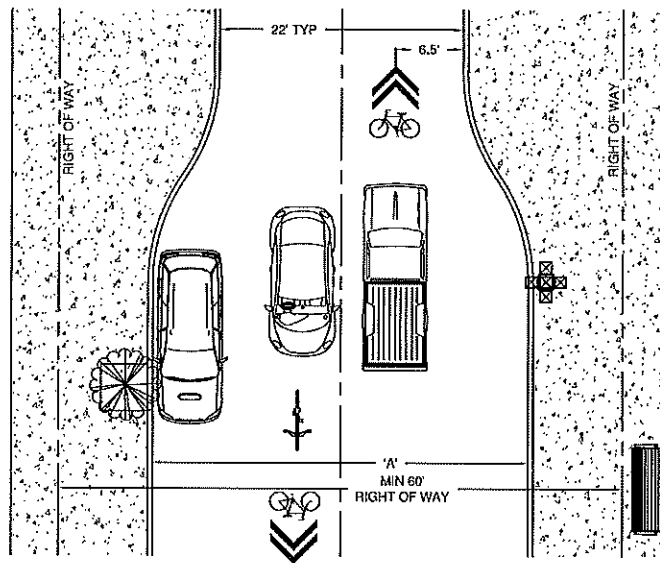
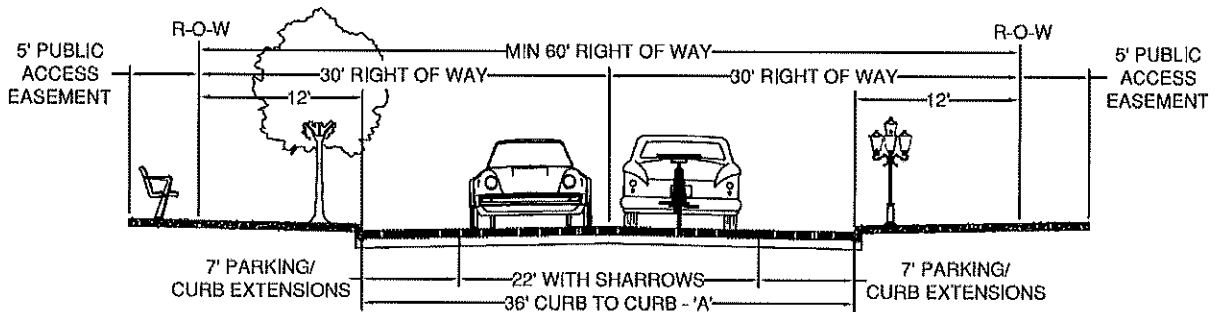
#### **2.7.3260 Special Street Standards.**

- A. The BCD considered special street standards for streets inside the District ~~the refinement plan area~~. The intent of the special street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. On-street parking, bicycle lanes facilities and wider sidewalks were identified as elements necessary for safe travel. ~~Below is a typical concept cross-section.~~ The following special street standards supersede the standards in BDC 3.4.200(F).

1. Figure 2.7.3260.A applies to 2<sup>nd</sup> Street north and south of Greenwood Avenue, 4<sup>th</sup> Street south of Greenwood Avenue and to all local streets in the BCD. Any of these blocks that are currently narrower than 36 feet wide must be widened to 36 feet.

Exception: Any block of 2<sup>nd</sup> Street that is currently 40 feet wide may remain 40 feet wide and use the 40 foot wide cross-section provided for in Figure 2.7.3260.B.

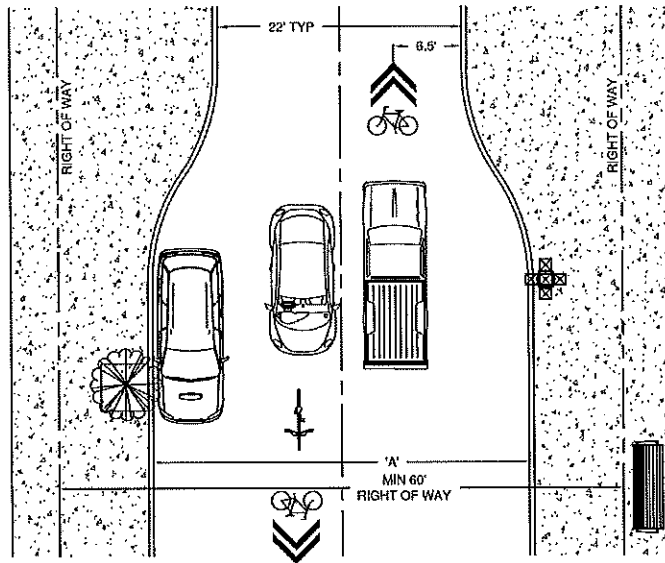
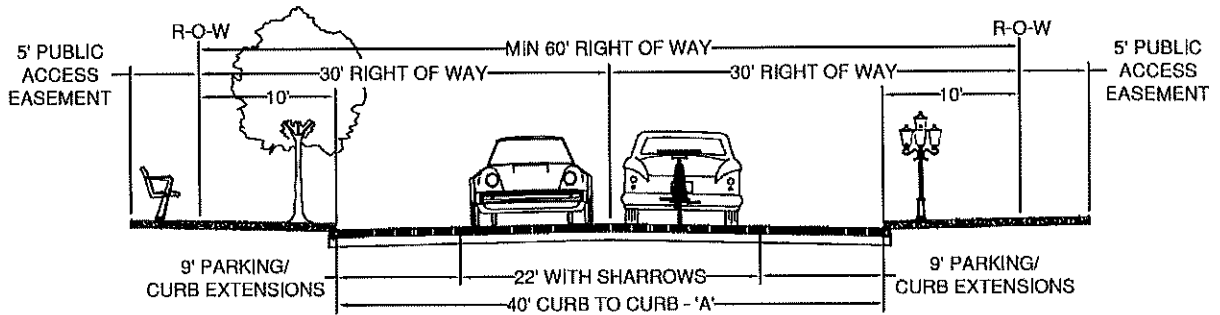
**Figure 2.7.3260.A**



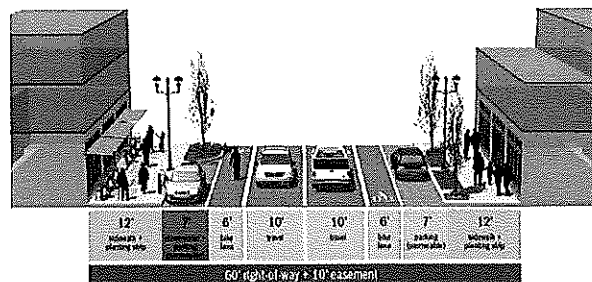
Note: Sharrows are not required on local streets.

2. Figure 2.7.3260.B applies to 4<sup>th</sup> Street north of Greenwood Avenue.

**Figure 2.7.3260.B**



Delete figure below  
 Figure 2.7.3260  
 Street Design Concept for 2nd/4th Streets



~~These special street standards will be developed as part of the City's Transportation System Plan (TSP). Until the special standards are available, the Transportation Improvement Standards of BDC Chapter 3.4 must apply in the BCD.~~

B. To accomplish new streets, additional street widths and street improvements envisioned for the BCD the following requirements shall apply.

1. The required five-foot front yard setback along all street frontages must be dedicated as a public access easement with site plan approval. This is in addition to any additional right-of-way that may be required by BDC Chapter 3.4.

\*\*\*

### Chapter 3.1

#### LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

\*\*\*

##### 3.1.500 Clear Vision Areas.

- A. Purpose. Clear vision areas are established to ensure that obstructions do not infringe on the sight lines needed by motorists, pedestrians, bicyclists and others approaching potential conflict points at intersections.
- B. Applicability. In all zones except the CB Zone, clear vision areas as described below and illustrated in Figures 3.1.500.A and 3.1.500.B shall 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. Standards. The clear vision areas extend across the corner of private property from one street to another. The two legs of the clear vision triangle defining the private property portion of the triangle are each measured 20 feet back from the point of intersection of the two corner lot lines, special setback line or access easement line (where lot lines have rounded corners, the lot lines are extended in a straight line to a point of intersection). Additional clear vision area may be required at intersections, particularly those intersections with acute angles, as directed by the City Engineer, upon finding that additional sight distance is required (i.e., due to roadway alignment, etc.).~~

~~There shall be no fence, wall, vehicular parking, landscaping, building, structure, or any other obstruction to vision other than a street sign post, pole (e.g., power, signal, or luminaire pole) or tree trunk (clear of branches or foliage) within the clear vision area between the height of two feet and eight feet above the level of the curb. In cut sections, embankments shall be graded to comply with these requirements.~~

~~D.—Exceptions.~~

~~1.— In all zones, at the intersection of an alley and a street or a driveway and a street, the minimum length of the two legs of the clear vision triangle defining the private property portion shall be 10 feet.~~

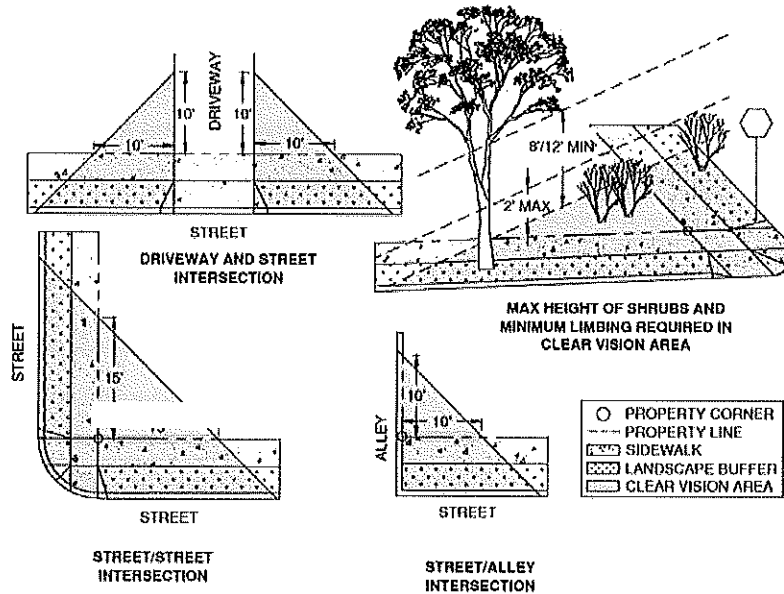
~~2.— In all Commercial Zones, except the CB Zone, at the intersection of an alley and a street or a driveway and a street the minimum length of each of the two legs shall be 15 feet.~~

~~3.— In the CB Zone, the clear vision area does not apply.~~

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.

**Figure 3.1.500.A**



2. The following measurements define the clear vision areas:

**Table 3.1.500.B**

<b>Intersection at a Street and the following:</b>	<b>Minimum Distance of Triangle Side</b>
<u>Street</u>	<u>15 feet</u>
<u>Alley</u>	<u>10 feet</u>
<u>Driveway</u>	<u>10 feet</u>
<u>Railroad</u>	<u>15</u>

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 8'-0" above the top of curb or 12'-0" 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)

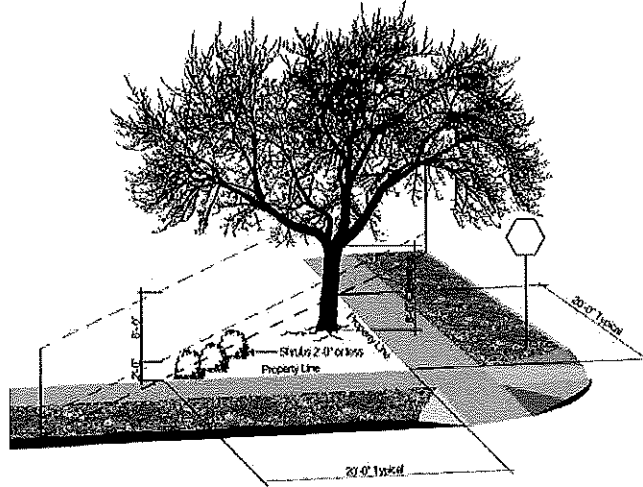
ii. Any private post or pole eight inches or less in diameter (width or length).

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.

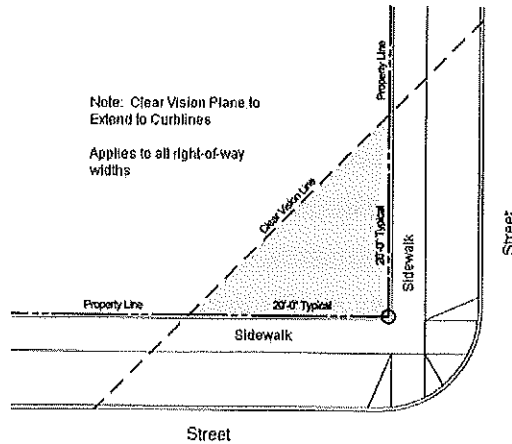
5. Additional clear vision areas may be required as directed by the City Engineer.

D. The City Engineer may modify the clear vision area requirements upon written request by the applicant if, in the City Engineer's determination, that 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). (Put in an exception for curb tight sidewalks so that the City Engineer may allow measurements to be taken from back of sidewalk.)

**Figure 3.1.500.A**  
**Clear-Vision Areas at Intersections**  
**Delete figure below**



**Figure 3.1.500.B**  
**Clear-Vision Areas at Intersections**  
**Delete figure below**



## Chapter 3.2 LANDSCAPING, STREET TREES, FENCES AND WALLS

\*\*\*

### 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 must be planted for all developments that are subject to BDC 4.2.500 Site Development Plan Review, BDC 3.6.200(H) Duplex and Triplex Development, and BDC Chapter 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments for residential land divisions. 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. Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. Street trees shall must conform to the following standards and guidelines: *(The requirement above implements a new Comprehensive Plan Policy 5-33 in Chapter 5, Housing, which states, "All new developments shall include trees in the road right of way, as practical, in the planter strip between the curb and sidewalk." Section 3.6.200.H already requires street trees so this is a cross reference).*

- 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 are limited to the following list. Exceptions may be granted by the Planning Director.



Street trees shall must be those species suitable for the location in which they are placed. Typically, trees with a hardiness rating for zones 1 through 5 will survive in Central Oregon as long as irrigation is provided. Approved tree species include:

<b>1. Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines or in small planting areas <u>less than 4 feet in width:</u></b>	
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' ( <u>choose fruitless varieties</u> )	
<b>2. Trees with Medium Mature Tree Height (30 to 45 feet):</b>	
American Hornbeam/Carpinus caroliniana	Hedge Maple/Acer campestre
Callery Pear/Pyrus calleryana	Mountain Ash/Sorbus acuparia 'variety'
<u>Hackberry/Celtis occidentalis 'variety'</u>	
<b>3. Tall Mature Tree Height (50 feet or larger) <u>to be used along collector and arterial streets to create a canopy over the roadway:</u></b>	
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
<u>Green Ash/Fraxinus pennsylvanica Green Beech/Fagus sylvatica</u>	
<b>4. Other Tree Species: <u>Multi-trunk and weeping varieties are not appropriate as street trees.</u> The Review Authority may approve other tree species as necessary to achieve the purposes of this code.</b>	
<b>5. Where the City has adopted a Street Tree Master Plan, those trees identified in the master plan shall <u>must</u> be used.</b>	

- B. Growth Characteristics. Trees shall must 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:

\*\*\*

- C. Caliper Size. The minimum caliper size at planting shall must be two and one-half inches DBH (diameter at breast height, or measured at four feet above ground), based on the American Association of Nurserymen Standards. If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the Planning Director/Review Authority may accept replacement trees with an extended maintenance guarantee of two additional years depending on substituted size a smaller caliper tree no less than one and one half inches. (Developers are having a hard time finding 2.5" caliper trees.)
- D. Spacing and Location. Street trees shall must be planted within existing and proposed planting strips, or in City-approved sidewalk tree wells on streets without planting strips. Where the landscape strip and/or sidewalk is not wide enough to accommodate street trees the Planning Director may allow the street trees to be planted within five feet from the back of the sidewalk. Where practical, Small stature trees shall must 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 must be based upon the type of tree(s) selected and the canopy size at maturity. Small canopy trees and columnar shaped trees shall must be planted no further than 30 25 feet apart; medium and large canopy trees shall must be planted no further than 40 35 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. Street trees must be planted no closer than 35 feet from a stop sign.
- E. Sidewalk Tree Wells. Street trees planted within sidewalk tree wells shall must be installed with a City-approved tree grate.
- F. Soil Preparation, Planting and Care. The developer shall be is responsible for planting street trees, including, but not limited to, soil preparation, ground cover material, staking, and irrigation. The developer shall is also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first year for a minimum of one full growing season after planting unless an extended maintenance time is required. ***(We need to make sure that an actively growing tree will winter over and return to a vigorous growing state. So if someone plants a tree in May 2017 the full growing season would be from May 2017 through the fall of 2018.)***

G. Assurances. ~~The City shall require~~ If the street trees are not otherwise covered by a maintenance bond for public infrastructure, then the Planning Director may 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 must 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.

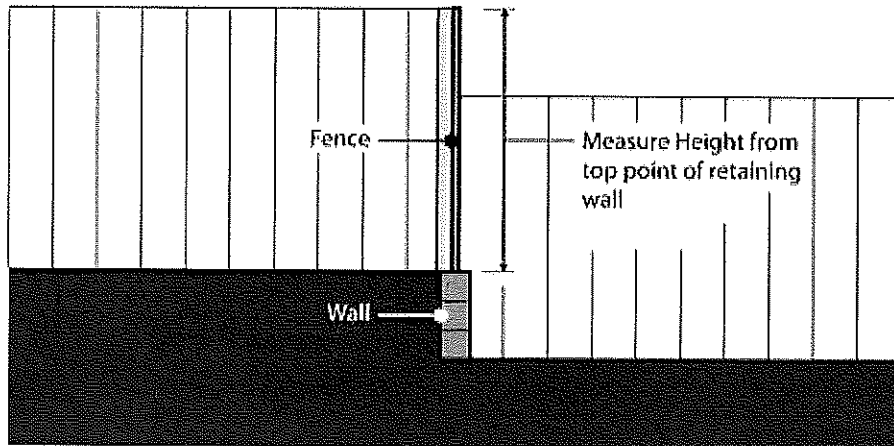
\*\*\*

### **3.2.500 Fences and Retaining Walls.**

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

- A. The City may require installation of fences and retaining walls as a condition of development approval.
- B. All fences and retaining walls, regardless of district or location, shall comply with the following requirements:
  - 1. The allowable height shall must be measured from the lowest grade at the base of the fence or retaining wall unless stated otherwise. Posts, trellises, lattice and any other material placed on top of the fence is considered to be part of the fence when measuring the overall height. As illustrated in Figure 3.2.500.A, when a fence is placed atop a retaining wall, the height of the fence is determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.

#### **Figure 3.2.500.A**



2. Fences to be built as required buffers shall comply with BDC 3.2.300.
3. Fences and retaining walls shall comply with the clear vision area standards of BDC 3.1.500.
4. Retaining walls that are over four feet in height measured from the bottom of the footing to the top of the wall, or if under four feet in height and support a surcharge, may require a building permit and/or approved engineered plans.
5. Fences over seven feet in height require a building permit and/or approved engineered plans.
6. Fences and retaining walls may be placed on property lines. (Relocated from residential setback section)

#### C. Fences.

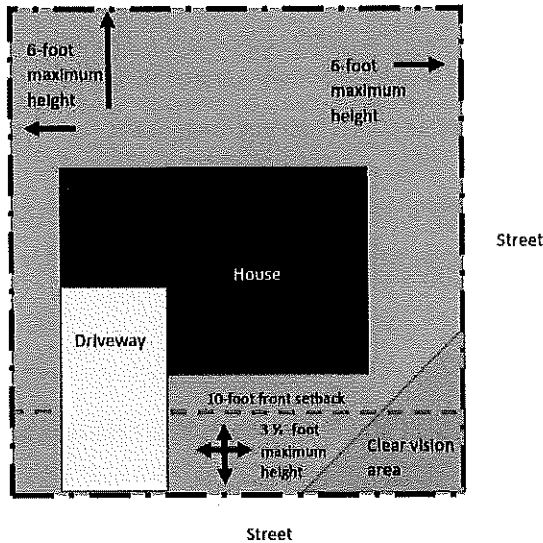
##### 1. Residential Districts.

- a. ~~In Residential Districts fences shall not exceed six feet in height. Fences located in the front setback area between the front of the house and the adjacent street shall must not exceed three and one-half feet in height, except decorative arbors, gates, and similar features which shall must not exceed six feet in length. (Remove reference to "house" since this section applies to all uses in the residential districts, not just a house.)~~
- b. On corner lots as illustrated in Figure 3.2.500.B, only one front setback area restriction shall ~~apply~~ applies relative to the three and one-half feet fence height restriction. The fence along the nonfront

area designated side area shall must not exceed six feet in height from the area subject to the front setback to the rear property line.

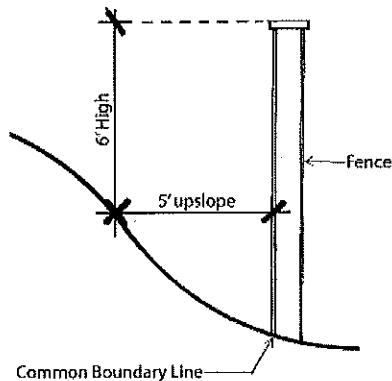
Fences shall be comprised of wood, vinyl, metal, masonry or other material that is able to be painted and/or maintained in structurally sound condition.

**Figure 4 3.2.500.B Fence Example**



- c. In Residential Districts fences shall must not exceed six feet in height in the side and rear setbacks. If there is a grade difference between two sites which would make a six foot high fence inadequate to provide for privacy, such fence must be no higher than six feet above the highest grade within five feet of the common boundary line, as illustrated in Figure 3.2.500.C.

**Figure 3.2.500.C**



- d. Barbed wire and razor wire fencing is prohibited.
2. ~~D.~~ In all other districts fences shall not exceed eight feet in height.
  3. ~~E.~~ The following fences ~~shall~~ are be exempt from these standards, except for the requirement to comply with the clear vision area standards in BDC 3.1.500 and any applicable building code requirements:
    - a. Any security fencing around a public or quasi-public utility facility.
    - b. Fences related to a park or approved recreational facility or a school athletic use including (but not necessarily limited to) tennis courts, driving ranges and ball fields.
    - c. Any fence exempted under subsection ~~(E)(1)~~ (C)(3)(a) and (b)(2) of this subsection that is in excess of 20 feet in height requires a Conditional Use Permit.
- ~~D.~~ F. Retaining Walls.
1. The maximum allowable height of retaining walls is six feet, ~~as measured from the lowest grade at the base of the retaining wall,~~ with the following exceptions:
    - a. Retaining walls and terraced walls may exceed six feet when permitted as part of a Site Plan Review or land division approval.

**Chapter 3.3**  
**VEHICLE PARKING, LOADING AND BICYCLE PARKING**

\*\*\*

**3.3.300 Vehicle Parking Standards for On-Site Requirements.**

\*\*\*

**Table 3.3.300**

**Required Off-Street Vehicle Parking Spaces Vehicle parking**

Use	Minimum Requirement
Short-term rentals	1 space per bedroom <u>See BDC 3.6.500(H)</u>

\*\*\*

**B. Credit for On-Street Parking.**

1. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement, except as specified in subsections (B)(1)(a) and (b) of this section.
  - a. Uses within the CB Zone shall not receive credit for on-street parking, but have the option to pay a fee in lieu of providing off-street parking per BDC 3.3.200.
  - b. For uses within the MU and MN Zones and in the Bend Central District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.

\*\*\*

**Chapter 3.4**

**PUBLIC IMPROVEMENT STANDARDS**

- 3.4.100 Purpose and Authority.**
- 3.4.150 Waiver and Modification of Public Improvement Standards.**
- 3.4.200 Transportation Improvement Standards.**
- 3.4.300 Public Use Areas.**
- 3.4.400 Sanitary Sewer and Water Service Improvements.**
- 3.4.500 Storm Drainage Improvements.**
- 3.4.600 Utilities.**
- 3.4.700 Easements.**
- 3.4.800 Construction Plan Approval and Assurances.**
- 3.4.900 Installation.**

\*\*\*

**3.4.200 Transportation Improvement Standards.**

\*\*\*

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.

\*\*\*

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 of the street.

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

(UAR, RL, RS, RM-10, RM and RH)

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Planter Strips	Max. Grade (3)	Sidewalks Both Sides	Bike Lanes	Curbs
Principal Arterial (2)	100'	76'	5'	6%	Yes	Yes	Yes
Major Arterial	100'	76'	5'	6%	Yes	Yes	Yes
Minor Arterial	100'	56'	5'	6%	Yes	Yes	Yes
Major Collector	80'	56'	5'	8%	6'	Yes	Yes
Local Street RM or RH	60'	36'	5'	10%	6'	No	Yes
Local Street (1) UAR, RL, RS, RM-10	60'	24'/28'/32'	5'	10%	5'	No	Yes
Cul-de-sac all Residential Zones	60'	24'	5'	10%	5'	No	Yes
Alley	20'	20'	No	10%	None	No	No

Requirements:



1. Local Streets:

\*\*\*

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 eight feet wide and meet City of Bend Standards and Specifications).

\*\*\*

**Table E: Improvement Standards for Dedicated Public Roadways on Hillsides**

Street Classification	Minimum Right-of-Way	Minimum Pavement Width	Max. Grade	Sidewalks Both Sides Curb Tight	Bike Lanes	Curbs
Minor Arterial (All Zones)	100'	36'	8%	6'	Yes	Yes
Major Collector (All Zones)	80'	36'	8%	6'	Yes	Yes
Local: RM or RH Parking Both Sides	60'	36'	10%	6'	No	Yes
Local: RS	60'	24'/28'/32' (3)	10%	5'	No	Yes
Local Cul-De-Sac	60'	24'/28'/32' (3)	10%	5'	No	Yes
Alley	20'	20'	10%	None	No	No

Requirements:

- Hillside street standards apply to those portions of streets constructed on existing slopes exceeding 15 percent.
- Planter strips are not required on those portions of the street that qualify for hillside standards.
- Local Streets:

\*\*\*

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 eight feet wide and meet City of Bend Standards and Specifications).

\*\*\*

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.

Exception. The special setback standards do not apply to intersections or streets that are already constructed consistent with the Bend Urban Area Transportation System Plan (TSP) including streets identified by the TSP as “not being authorized for lane expansion”.

\*\*\*

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

1. The planter strip distance is measured from the face of the curb to the inside edge of the sidewalk.
2. Sidewalks shall must be separated from the street by a planter strip and placed at the property line, where practicable, or as otherwise directed by the City Engineer.
3. In areas with high pedestrian volumes, the City Engineer may approve a minimum 10-foot-wide sidewalk, curb tight, with street trees in tree wells and/or landscape planters.
4. Bicycle lanes shall must be constructed on all collector and arterial streets unless otherwise designated.
5. Planter strips are not required on T-courts.

6. Where practical, sidewalks shall must be allowed to meander around existing trees in conformance with the requirements of the Americans with Disabilities Act.
7. All public and private streets shall must have sidewalks and curbs unless the City Engineer approves a request for a payment in lieu of installing a sidewalk subject to BDC 3.4.160 Payment in Lieu of Sidewalk Construction.

## Chapter 3.6

### SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

\*\*\*

#### 3.6.200 Residential Uses.

\*\*\*

B. **Accessory Dwelling Unit (ADU).** An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-family dwelling unit as the primary use. The ADU may be attached, detached, or within a portion of an existing dwelling unit. The maximum density standards do not apply to ADUs, due to their small size and low occupancy. The standards of this section are intended to control the size, scale and number of ADUs on individual properties to promote compatibility with adjacent land uses. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

1. ~~Permitted Accessory Dwelling Unit (ADU).~~ An ADU may only be permitted on a lots or parcels with a single-family detached dwelling, ~~or a single-family attached townhome,~~ or a manufactured home.
2. ~~Number of Unit~~ADUs. A maximum of one ADU is allowed per lot or parcel.
3. ADU Size.
  - a. An ADU on a property that is 6,000 square feet or less shall must not exceed 600 square feet of floor area.
  - b. An ADU on a property that is greater than 6,000 square feet shall must not exceed 800 square feet of floor area.
  - c. For purposes of measuring the ADU size in this subsection, floor area means the area measured in feet included inside the exterior surrounding walls of horizontal decked space intended to be a floored surface contained within the building or portion thereof, exclusive of vent shafts, and courts

and basements. When calculating floor area, stairs are counted twice. (Added by City Council on February 7, 2018.)

d. Exception to ADU size.

- i. Accessory structures attached to an ADU (e.g., garages and storage areas) do not count towards the maximum floor area if they are not accessible from the interior of the ADU. (Require storage areas that have an interior access from the ADU to count towards square footage maximums).

4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions, shall must not exceed 0.55 0.60 for all buildings on site, cumulatively.

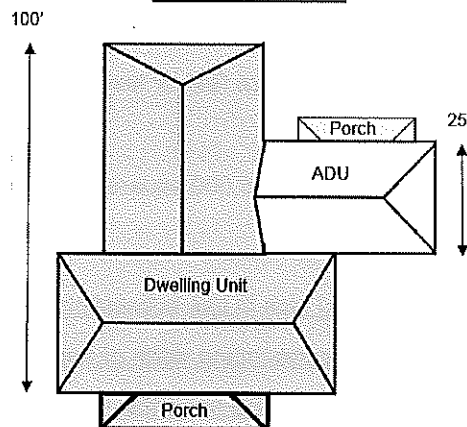
a. Exemptions to FAR.

- i. Accessory structures less than 10 feet in height and 200 square feet in area.
- ii. FAR does not apply to a property when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016. (Recognizes existing structures prior to ADU code update in 2016)

5. Building Height. ~~The building height of a detached ADU must not exceed 25 feet, or the building height of the primary dwelling unit, whichever is less. A detached ADU must not exceed 25 feet in height. In order to consider the ADU to be attached to the primary dwelling unit, it must be attached by one of the following options as illustrated in Figure 3.6.200.B. The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks or stoops.~~

- a. The ADU must share a common wall for at least 25 percent of the length of the primary dwelling unit; or
- b. The entire length of one elevation of the ADU must be attached to the primary dwelling unit.

**Figure 3.6.200.B**



Exemption to building height. The building height does not apply when the ADU is proposed to be located in a structure legally constructed prior to April 1, 2016. (Recognizes existing structures prior to ADU code update in 2016)

6. Parking. One parking space must be provided on site for the ADU in addition to the parking required for the primary dwelling unit. Required parking spaces for the ADU and primary dwelling unit may be provided in tandem on a driveway. ~~A tandem arrangement consists of one car behind the other.~~ **(Added definition for tandem.)**
7. Design Standards. A second story ADU over 600 square feet, abutting a SR 2 1/2, RL or RS property with a residential development, must comply with the following:
  - a. Exterior doorways and outdoor living spaces (e.g., balconies or decks) on the second story and exterior staircases ~~must be set back a minimum of 10 feet from an~~ not be located in a side or rear yard abutting a SR 2 1/2, RL or RS property with a residential development unless they are set back a minimum of 10 feet from the side or rear property line, or they must be oriented towards the interior of the property or an abutting alley. **(Proposed revision is easier to understand and clarifies that this requirement is not applicable if located next to a non-residential use).**
8. Detached ADUs. A detached ADU must be a minimum of six feet apart from the primary single-family dwelling unit as measured between their building footprints, unless exempted below.
  - a. Exemption. Does not apply when the primary single-family dwelling unit was legally constructed prior to April 1, 2016 and the ADU is proposed to be located in a detached structure legally constructed prior to April 1, 2016. (Recognizes existing structures prior to ADU code update in 2016)
9. Process. ADUs are subject to BDC 4.2.400, Minimum Development Standards Review.

\*\*\*

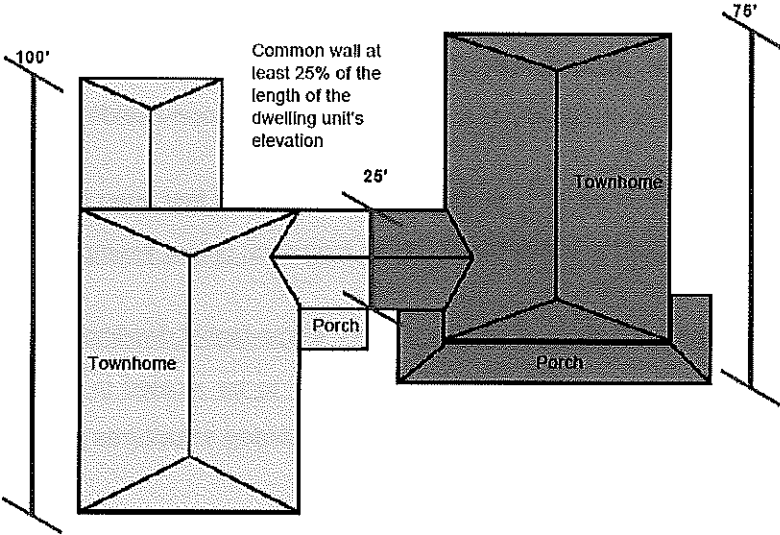
**D. Single-Family Attached Townhomes.** Single-family attached housing (townhome units on individual lots) shall must comply with the standards in subsections (D)(1) through (4) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Building Mass Supplemental Standard. Within the RS and RM-10 Districts, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall must not exceed four

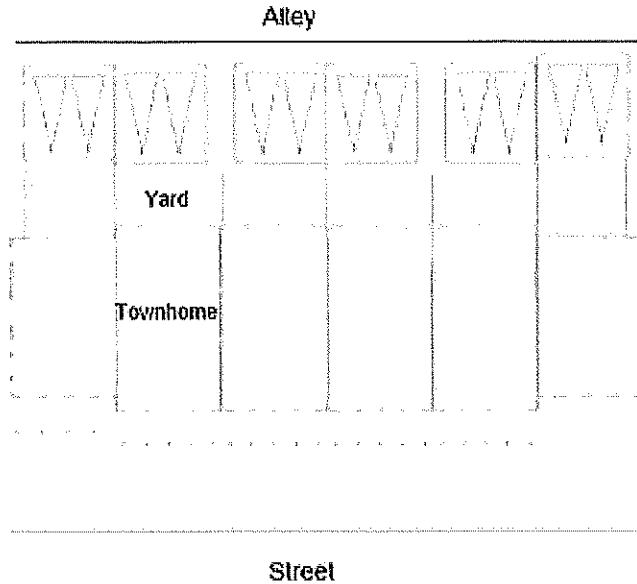
units. Within the RM and RH Districts the number and width of consecutively attached townhome units shall are not be restricted. For purpose of this section, a single-family attached townhome means a dwelling unit, located on its own lot, sharing one or more common walls with one or more dwelling units. As shown in Figure 3.6.200.D.1 the common wall must be fully enclosed and shared for at least 25 percent of the length of each dwelling unit's enclosed elevation, not including uncovered or open, covered porches, patios, decks or stoops. The common wall may be any wall of the dwelling unit, including the wall of an attached garage. As shown on Figure 3.6.200.D.2, attached single-family townhomes may have detached garages or ADUs that share a common wall between the two lots or parcels.

**Figure 3.6.200.D.1**

**Add figures below**



**Figure 3.6.200.D.2**



2. Alley Access Developments. Townhome developments and subdivisions (four or more lots) shall must receive vehicle access only from a rear alley, except when existing development patterns or topography make construction of an alley impractical (see subsection (D)(3) of this section for standards for street access developments). Alley(s) shall must be created at the time of subdivision approval, in accordance with BDC Chapters 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.4, Public Improvement Standards, and 4.3, Subdivisions, Partitions, Replats and Property Line Adjustments. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) is required to implement the standards in BDC 3.1.300, Multi-Modal Access and Circulation.

3. Street Access Developments. Townhomes receiving access directly from a public or private street shall must comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

~~a. When garages or carports face the street, the garage or opening shall set back a minimum of 20 feet from the property line fronting the street. (This is repetitive of setback requirements in BDC 2.1.300 Building Setbacks.)~~

~~a-b.~~ The maximum allowable apron and driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit facing the street is 50 percent of the total building width.

~~b.-c.~~ Two adjacent garages shall must share one driveway when individual driveways would otherwise be separated by less than 20 feet (~~i.e., the width of one on-street parking space~~). When a driveway serves more than one lot, the developer shall must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

4. Areas Owned in Common. Common Areas shall must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall must be recorded and provided to the City prior to issuance of a building permit.

\*\*\*

- H. Duplex and Triplex Development. Duplex and triplex development shall comply with the following standards. The standards are intended to control development scale, and minimize impacts associated with design compatibility.

\*\*\*

6. Each unit shall must provide a minimum of 60 square feet of enclosed storage area with a minimum interior height of seven feet for outdoor equipment, lawn chairs, barbecues, bicycles, etc. The storage area may be located in a garage provided that it does not interfere with required vehicle parking (9X20 feet). Storage shall must not be located within the setbacks.

\*\*\*

- M. ~~Timeshare Units. The purpose of this section is to establish standards for timeshare units in the applicable zoning districts in this code. (*The City does not regulate property ownership such as timeshare units.*)~~

- ~~1. Density. The density for a timeshare development shall be within the density range of the underlying zoning.~~
- ~~2. Landscaping. Timeshare operations are commercial in nature and shall be permanently landscaped and maintained, respecting the character of a residential area. In addition, the following requirements shall be met:~~



- a. ~~If outdoor recreation facilities are provided as part of the timeshare development, the outdoor facilities shall be screened for both sound and visual impacts.~~
  - b. ~~All vehicle parking, maintenance facilities and trash receptacles shall be screened from view by adjoining residential properties.~~
  - c. ~~On-site lighting needs shall be residential in character and shall comply with the provisions of BDC 3.5.200, Outdoor Lighting Standards.~~
3. ~~Unit Use. No structure shall be utilized for timeshare unless all the units in that structure are used for that purpose.~~
  4. ~~The Hearings Body may require bond(s) to assure installation and maintenance of landscaping, parking and facilities required for buffering. It may also require that an adequate mechanism will exist, such as an owners association, which will assure maintenance of the buffer.~~

***(Relocated accessory uses and structures from BDC 3.6.300.D to this section since it applies to residential uses. Proposed revisions add additional restrictions, height and size requirements, and FAR.)***

**Accessory Uses and Structures.** Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, green houses and similar structures. This section does not apply to accessory dwelling units (ADUs). For standards applicable to ADUs, see BDC 3.6.200(B). Accessory structures must comply with all of the following standards in addition to the standards of the applicable zoning district:

1. Primary Use Required. An accessory structure or use may only be permitted on a lot or parcel after the primary use is established. The accessory use must be a permitted use in the zoning district.
2. Restrictions.
  - a. A half bathroom and/or a wet bar may not be installed within an accessory structure unless the property owner signs a City of Bend compliance form stating that the structure will not be used as a dwelling unit.
  - b. A kitchen is not allowed.
  - c. A full bathroom is not allowed.

3. Floor Area. The maximum floor area of an accessory structure in a Residential Zoning District must not exceed 1,500 square feet. *(Previous version states, "The maximum floor area of the accessory structure in a Residential Zoning District shall not exceed 1,500 square feet or 65 percent of the total floor area of the primary structure, whichever is less". The proposed text still includes the maximum size limit. To control the massing the text below proposes a new FAR requirement. This is consistent with the FAR requirement for ADUs.)*
4. Floor Area Ratio. The FAR as defined in BDC Chapter 1.2, Definitions must not exceed 0.60 for all buildings on site, cumulatively.
  - a. Exemptions to FAR.
    - i. Accessory structures less than 10 feet in height and 200 square feet in area.
5. Building Height. The building height of a detached accessory structure must not exceed 25 feet. In order to consider the accessory structure to be attached to the primary dwelling unit, it must be attached by one of the following options and there must be an opening that allows for internal access through livable space to the primary portion of the dwelling unit:
  - a. The accessory structure must share a common wall for at least 25 percent of the length of the primary dwelling unit; or
  - b. The entire length of one elevation of the accessory structure must be attached to the primary dwelling unit.

The shared or attached wall must be the wall of an enclosed interior space, and does not include porches, patios, decks or stoops.

~~**N.— Home Occupations.** The purpose of this subsection is to support those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. There are two types of home occupation uses.~~

~~1.—Type I. Is subject to the Type I procedures outlined in BDC Chapter 4.1, Development Review and Procedures. A Type I home occupation is intended to have minimal impact to the existing neighborhood and shall meet the following operational criteria:~~

~~a.—The primary use of the property is residential.~~

~~b. Only one nonresident employee and the residents of the home shall participate in the home occupation.~~

~~c. The home occupation shall be restricted to lawfully built, enclosed structures not to exceed 25 percent of the total floor area per residential unit and be conducted in such a manner as not to give an outward appearance of a business.~~

~~d. The home occupation shall not result in any alterations or additions to a structure that will change its primary use or building code occupancy classification.~~

~~e. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.~~

~~f. There shall be no deliveries other than those normally associated with a single dwelling unit. Commercial vehicle deliveries shall not be made during the hours of 6:00 p.m. to 7:00 a.m.~~

~~**Normal deliveries** means that the home occupation shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. These deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7:00 a.m. and 6:00 p.m.~~

~~g. **Business Hours.** There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8:00 a.m. to 6:00 p.m. Monday through Friday.~~

~~2. **Type II.** A Type II home occupation exceeds the standards for a Type I home occupation and is subject to a Conditional Use Permit as described in BDC Chapter 4.4, Conditional Use Permits. In addition to the Type I requirements, a Type II home occupation shall also meet the following operational criteria:~~

~~a. The primary use of the property is residential.~~

~~b. In addition to the residents of the home, up to three nonresident employees may participate in the home occupation.~~

~~c. The home occupation site can accommodate parking for the total number of employees and customers on site.~~

d. ~~The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.~~

e. ~~No outdoor storage or display is allowed.~~

f. ~~There shall be no deliveries other than those normally associated with a single-family dwelling. Commercial vehicle deliveries shall not be made during the hours of 6:00 p.m. to 7:00 a.m.~~

g. ~~Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8:00 a.m. to 6:00 p.m. Monday through Friday.~~

### 3. ~~Prohibited Home Occupation Uses.~~

a. ~~Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, State or Federal standards, or that can be detected beyond the property line, is prohibited.~~

b. ~~Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed.~~

c. ~~Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:~~

i. ~~Ambulance service;~~

ii. ~~Animal hospital, veterinary services, kennels or animal boarding;~~

iii. ~~Auto and other vehicle repair, including auto painting;~~

iv. ~~Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on site.~~

d. ~~Marijuana businesses.~~

4. ~~Enforcement. The Planning Official or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during~~

~~normal business hours, and with reasonable notice. Code violations shall be processed in accordance with BDC Chapter 1.3, Enforcement.~~

**N. Home Business.** The purpose of this subsection is to support those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. More than one home business may be operated on site provided the home businesses comply with the following standards cumulatively. There are three classes of home businesses.

**1. General Operational Standards.** All home businesses must meet the following operational standards:

- a. The home businesses must be owned and/or operated by a resident of the home business site.
- b. The primary use of the dwelling unit must remain residential.
- c. The home business, except for outdoor storage, must be conducted wholly within lawfully built, enclosed structures and in such a manner as not to give an outward appearance of a business. For outdoor storage, see Section 3.6.200(N)(1)(d).
- d. Outdoor storage, including but not limited to, inventory, supplies, or equipment must be completely screened behind a sight-obscuring wall or fence or within an enclosed structure so that the products, equipment or materials are not visible from the public right of way or abutting properties or common areas.
- e. The home business must not result in any alterations or additions to a structure that will change its primary use or Building Code occupancy classification.
- f. A maximum of two personal motor vehicles and/or trailers owned or leased by the residents and used in conjunction with a home business may be parked outdoors. Any additional motor vehicles and/or trailers utilized for a home business must be parked inside a lawfully built, enclosed structure. The motor vehicles must not exceed 14,000 pounds GVW. No commercial motor vehicle as defined in ORS 801.208 is permitted as part of a home business.
- g. One non-illuminated wall or window sign limited to two square feet in area and located on or below the first story at a maximum height of 14 feet is permitted. No other building or freestanding signs as exempted in BC 9.50.050 are permitted.
- h. The home business must not involve any use prohibited under 3.6.200(N)(6).
- i. The home business must not produce radio or TV interference, glare, dust, vibration, smoke or odor beyond allowable levels as determined by local, State or Federal standards or that can be detected beyond the property line.

- j. The home business must comply with the daytime and nighttime noise levels set by the Bend Code 5.50.020, as measured at the property line.
- 2. Class A Home Business.** A Class A home business is one where the residents use their home as a place of work and no nonresident employees nor clients/customers come to the site. Class A home businesses also provide an opportunity for the residents to use their home as a business address but not as a place of work, for professions where the work is performed on-line or done at other locations.
  - a. Review Procedure. Class A home businesses are considered permitted accessory uses. No land use approval is required.
  - b. A Class A home business is intended to have no or negligible impact to the existing neighborhood and must meet the general standards of 3.6.200(N)(1) above and the following standards:
    - i. Only the residents of the dwelling unit participate in the home business on site.
    - ii. No nonresident employees nor clients/customers come to the home business site.
    - iii. There are no restriction on business hours.
    - iv. There is no outward indication of business activity.
    - v. No more than 25% of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.
- 3. Class B Home Business.** A Class B home business is one where the residents use their home as a place of work and involves a limited number of nonresident employees and/or clients or customers coming to the site.
  - a. Review Procedure. A Class B home business is subject to the Type I procedures outlined in BDC Chapter 4.1, Development Review and Procedures.
  - b. A Class B home business is intended to have minimal impact to the existing neighborhood and must meet the general standards of 3.6.200(N)(1) above and the following standards:
    - i. Only the residents of the home and one nonresident employee can participate in the home business. Off-site employees are permitted.
    - ii. Clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.
    - iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.
    - iv. No more than 25% of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.

- v. A Class B home business is not permitted on a site with a Type II short-term rental.
4. **Class C Home Business.** A Class C home business is one where the residents use their home as a place of work and the scope of the business activities exceeds the standards for a Class B home business.
- a. Review Procedure. A Class C home business is subject to the Type II procedures outlined in BDC Chapter 4.1, Development Review and Procedures.
  - b. A Class C home business is intended to have minimal impact to the existing neighborhood and must meet the general operational standards of 3.6.200(N)(1) above and the following standards:
    - i. Only the residents of the home and up to three nonresident employees can participate in the home business. Off-site employees are permitted.
    - ii. Clients or customers are only permitted at the home business from 8:00 a.m. to 7:00 p.m. Monday through Friday and 10:00 a.m. to 4:00 p.m. Saturday and Sunday.
    - iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.
    - iv. A Class C home business is not permitted on a site with a Type II short-term rental.
5. **Exemptions.** Garage, yard, or estate sales not to exceed three consecutive days three times per calendar year.
6. **Prohibited Uses.** The following uses are prohibited as home businesses:
- a. Any business utilizing the residence as a headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
  - b. On-site retail sales, except that the sale of items that are incidental to a permitted Class B or C home business are allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by art or craft instructors, computer software by computer consultants, and similar incidental items for sale by a home business are allowed.
  - c. Ambulance service.
  - d. Animal hospital, veterinary services, kennels or daytime or overnight animal boarding.
  - e. Any business involving repair, reconditioning, after-market modification or customization, sales or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on site.
  - f. Marijuana businesses.
7. **Enforcement.** The Planning Director or designee may visit and inspect the site of a home business in accordance with this chapter periodically to ensure compliance with all applicable regulations, during

normal business hours, and with reasonable notice. Code violations will be processed in accordance with BDC Chapter 1.3, Enforcement.

\*\*\*

### **3.6.300 Nonresidential Uses.**

\*\*\*

*(Moved to 3.6.200.M. above since it pertains to residential uses. Revisions are proposed.)*

~~D.—Accessory Uses and Structures. Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures include detached garages, sheds, workshops, green houses and similar structures not intended for habitation by people. (This section does not apply to accessory dwellings. For standards applicable to accessory dwellings see BDC 3.6.200(B).) Accessory uses and structures are allowed subject to Site Development Review for all permitted land uses within the Commercial and Industrial Districts except the CB Zone and are permitted outright in conformance with the provisions of BDC Chapter 2.1. All accessory structures shall obtain a building permit if required and comply with all of the following development standards:~~

- ~~1.—Primary Use Required. An accessory structure or use shall not be allowed on a lot before an allowed primary use is established.~~
- ~~2.—Restrictions. A structure shall not be placed over an easement that prohibits such placement. No accessory use or structure shall encroach into the public right-of-way without an approved revocable permit.~~
- ~~3.—Compliance with Land Division Standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.~~
- ~~4.—Floor Area. The maximum floor area of the accessory structure in a Residential Zoning District shall not exceed 1,500 square feet or 65 percent of the total floor area of the primary structure, whichever is less.~~
- ~~5.—Building Height. The building height of a detached accessory structure in a Residential Zoning District on a lot or parcel at least 15,000 square feet in area shall not exceed 25 feet. The building height of a detached accessory structure in a Residential Zoning District on a lot or parcel less than 15,000 square~~



~~feet in area shall not exceed 25 feet or the height of the primary structure, whichever is less, unless approved as a Conditional Use Permit.~~

~~6. Setback Standards. Accessory structures shall comply with the setback standards of the underlying zone.~~

\*\*\*

#### J. Neighborhood Commercial Uses.

1. Neighborhood commercial uses within the Residential Districts are intended to provide for the location of small businesses and services in a residential section of the City for the convenience of nearby residents; also to recognize existing uses of this type within the City. Neighborhood commercial uses are designed to provide land for small-scale commercial uses that are compatible with adjacent residential development. All neighborhood commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between neighborhood commercial and residential uses.
2. ~~Uses Not Permitted. Automobile-oriented and automobile-dependent uses and marijuana businesses are expressly prohibited.~~

a. Permitted Uses. Neighborhood Commercial uses listed in BDC Table 2.1.200, Permitted and Conditional Uses.

b. Prohibited Uses. Automobile-oriented and automobile-dependent uses and marijuana businesses.

\*\*\*

#### 3.6.400 Temporary Uses.

\*\*\*

- D. Temporary Building. A temporary building such as a trailer, cargo container, or prefabricated building may be used as a temporary commercial or industrial office or space associated with the primary use on a property. Temporary buildings are subject to temporary use permit review and must meet all of the following standards:
  1. The site is developed with a primary use or the primary use is under construction.
  2. The temporary ~~trailer or building shall~~ must be located within the boundaries of the property on which the primary use is located (temporary buildings used during construction of the primary use may be located off site, but must be a reasonable distance from the primary use).

3. Ingress and egress meet the applicable requirements of BDC Chapter 3.1.
4. There is adequate parking for the temporary and primary uses as required by BDC Chapter 3.3.
5. The temporary building complies with applicable building codes.
6. The use can be adequately served by sewer or septic system and water, if applicable.
7. All locational standards for structures in the applicable zoning district are met (e.g., setbacks, height and lot coverage).
8. The length of time that the temporary building will be used shall must not exceed 12 months. When a temporary permit expires, the applicant or owner shall must remove the temporary building from the site.
9. ~~Trailers~~ Temporary buildings used for construction purposes are allowed on a site ~~when a building is under construction~~ and do not need a temporary use permit; however, they must be removed 30 days after the final inspection is complete.

\*\*\*

### **3.6.500 Short-Term Rentals.**

\*\*\*

C. Review Type. Short-term rentals are permitted subject to the following permit processes, provided all other requirements of this section are met:

1. Other than as provided in subsection (C)(2) of this section, short-term rentals within commercial zoning districts (CL, CG, CC, CB, CN), the Mixed Employment Zone (ME), the Mixed-Use Urban Zone (MU), the Mixed-Use Neighborhood Zone (MN), and the Mixed-Use Riverfront Zone (MR) within the Old Mill District boundary (noted as Type I in Figure 3.6.500.C) ~~shall be~~ are:
  - a. Processed as a Type I application.
  - b. ~~These STRs shall be e~~Exempt from the concentration limits in subsection (E) of this section.

\*\*\*

3. Infrequent ~~S~~short-term rentals that are available for rent fewer than 30 days total per calendar year ~~shall be~~ are:
  - a. Processed as a Type I application.
  - b. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.

- c. Limited to no more than four rental periods per calendar year.

\*\*\*

5. Owner-occupied short-term rentals shall be are:

- a. Processed as a Type I application.
- b. Exempt from the concentration limits for short-term rentals in subsection (E) of this section.
- ~~c. Unless otherwise specified, all other standards within this section for short-term rentals shall apply to owner-occupied short-term rentals. ***(Relocated to "e" below)***~~
- c. Limited to renting up to two rooms to overnight guests for a period fewer than 30 consecutive days. The owner must occupy the dwelling unit during the overnight rental period. Only part of the dwelling unit is used for rental purposes. The room(s) for rent cannot include rooms within a detached or attached accessory dwelling unit or accessory structure where there is no internal access to the dwelling unit. ***(This is the definition for owner-occupied short-term rental in BDC 1.2, Definitions. The definition includes standards that belong in this section. Also clarified that the rooms for rent cannot be in an ADU or accessory structure unless there is internal access to the dwelling unit.)***
- d. Not permitted to have a kitchen or a wet bar in the room for rent.
- e. Subject to all other standards within this section for short-term rentals unless otherwise specified.

\*\*\*

- E. Concentration Limits. There shall must be at least 250 feet of separation between properties zoned SR2-1/2, RL, RS, RM, RH<sub>1</sub> and MR outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C), ~~with a permitted short-term rental~~ measured radially from the property boundary of the subject property as determined by the City of Bend Development Services Director or designee, which have a valid short term rental permit.

\*\*\*

- G. Occupancy. The maximum occupancy for the dwelling shall be two persons per bedroom plus two additional persons. For example, a two-bedroom dwelling would have a maximum occupancy of six persons. For

owner-occupied short-term rentals, the occupancy shall be two persons per rented bedroom, in addition to the long term residents of the dwelling.

H. ~~Parking. One parking space per bedroom is required,~~ the following parking standards are required, in accordance with BDC Chapter 3.3:

1. The parking requirement for STRs is one space per bedroom. In the case of an owner-occupied STR, the parking requirement is either one space per bedroom or two spaces for the owners occupying the dwelling unit plus one space per approved STR bedroom, whichever is less.
2. Each on-site parking space is required to be a minimum of 20 feet deep by 9 feet wide. Parking spaces may be in a garage or in an otherwise approved parking space on the property, such as a driveway, provided the parking dimension for the spaces are met. New parking spaces are required to be paved and cannot be gravel. The entirety of the parking space must be accommodated on-site such that the space does not cross over the property line. Tandem parking is allowed.
3. 4. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage shall-must be submitted to show the garage is available for parking. The garage shall-must continually be available for guest parking as long as the STR permit is valid.
4. Where on-street parking abutting the site is allowed, up to 50 percent of the required parking may be met with approved on-street parking spaces in accordance with BDC 3.3.300.B.

\*\*\*

## Chapter 4.1

### DEVELOPMENT REVIEW AND PROCEDURES

#### 4.1.1325 Modification of Approval.

- A. An approval may be modified at any time after a decision becomes final.
- B. Modification Review Procedures.
  1. A modification that does not have significant additional impacts on surrounding properties must be reviewed only under the criteria applicable to the aspect(s) of the proposal that are to be modified.

2. A modification that has significant additional impacts on surrounding properties must be reviewed under all criteria applicable to the entire approval and may, at the discretion of the City, require the filing of a new application.
  3. A modification must not be considered to have significant additional impacts on surrounding properties if the identified impacts could be addressed under the applicable provisions of this code at the time of future development (e.g., a future site plan review or conditional use permit application).
  4. A modification that is a new proposal must be filed as a new application.
- C. An application for a modification of a Type I approval must be processed as a Type I application. All other modifications must be processed as a Type II application unless elevated to a Type III process by the Development Services Director.
- D. The original approval time limitation is governed by BDC 4.1.1310.
- E. Modifications of development approvals must meet the approval criteria required in ~~this section~~ subsection (B) of this section in the appropriate corresponding section of this code (e.g., modification of a site plan review approval is subject to BDC Chapter 4.2; modification of a conditional use permit is subject to BDC Chapter 4.4, modification of a master plan ~~or PUD~~ or special planned district is subject to the applicable sections in BDC Chapter 4.5). For modifications of a master plan, PUD or special planned district approved under land use regulations in place prior to April 14, 2017; see BDC 4.1.1325 (F).
- F. Modifications of a master plan, PUD or special planned district approved under land use regulations in place prior to April 14, 2017 must meet the approval criteria required in subsection (B) of this section in one of the following sections in BDC Chapter 4.5, Master Planning and Development Alternatives:
1. The modification of a master plan, PUD or special planned district that is primarily for residential uses is subject to the applicable approval criteria in BDC Chapter 4.5.200(D).
  2. The modification of a master plan, PUD or special planned district that is primarily for institutional uses is subject to the applicable approval criteria in BDC Chapter 4.5.300(E).
  3. The modification of a master plan, PUD or special planned district that is primarily for employment uses is subject to the applicable approval criteria in BDC Chapter 4.5.400(D).

\*\*\*

**4.1.1600 Summary of Development Application Types.**

There are four types of procedures: Type I, II, III, and IV. Table 4.1.1600 lists the City's development applications and their required types of procedure(s).

**Table 4.1.1600**

**Summary of Development Application Types**

Development Application	Type I*	Type II*	Type III	Type IV
<del>Home Occupation Business Type-I</del> <del>(Minor) Class B</del>	X	-	-	-
<del>Home Occupation Business Type-II</del> <del>(Major) Class C</del>		X		-

\*\*\*

**Chapter 4.5  
MASTER PLANNING AND DEVELOPMENT ALTERNATIVES**

\*\*\*

**4.5.100 Master Plan General Provisions.**

\*\*\*

**F. Modifications to Approved Master Plans, PUDs and Special Planned Districts.**

1. The following modifications to a master plan, PUD or Special Planned District may be approved with a land division or with an application in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review, and Design Review, unless the Development Services Director elevates the application to the Planning Commission for hearing as a Type III application.

\*\*\*

3. All other changes for a ~~minor master plan~~ require a modification of master plan approval, in conformance with BDC Chapter 4.1.1325, Modifications of Approval, ~~Development Review and Procedures~~. All other

~~changes for a major master plan require a modification of master plan approval, in conformance with BDC Chapter 4.6, Land Use District Map and Text Amendments.~~

\*\*\*





**EXHIBIT B  
FINDINGS OF FACT  
BEND CODE (BC) AND BEND DEVELOPMENT CODE (BDC) UPDATE  
AMENDMENT PZ 17-0554**

**Procedural Findings**

Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on November 20, 2017. A notice of the January 8, 2018, Planning Commission public hearing was printed in the Bend Bulletin on December 17, 2017 and was mailed to the neighborhood associations on December 14, 2017. A notice of the February 7, 2018, City Council public hearing was printed in the Bend Bulletin on January 14, 2018 and was mailed to the neighborhood associations on January 11, 2018.

On December 11, 2017, the Planning Commission held a work session and discussed the proposed amendments and on January 8, 2018, the Planning Commission held a public hearing and recommended approval to the City Council of the proposed text amendments. On February 7, 2018, the City Council held a public hearing and conducted the first reading and on February 21, 2018, the Council held a second reading and voted to adopt the 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 AMENDMENTS**

**4.6.200 Legislative Amendments.**

- A. Applicability, Procedure and Authority.** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of

**the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.**

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

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

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

**FINDING:** The proposed amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economic Development, and Goal 10: Housing.

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

On November 17, 2017, staff emailed the proposed code update to the Development Code Update Group. The group includes community members comprised of architects, lawyers, developers, engineers, a representative from COBA, representatives from Central Oregon LandWatch, and a land use planner. Staff also emailed the code update to the ADU Committee that helped staff draft changes adopted for ADUS in 2016. Staff received comments from Brooks Resources, Central Oregon LandWatch and Pahlisch Homes. Revisions to the proposed draft were made based on the feedback received. Staff also received a letter from Craig and Barbara Achatz regarding the code amendments for ADUs and an email from Brooks Resources regarding production businesses in the Bend Central District (BCD).

On December 11, 2017, the Planning Commission held a work session and discussed the proposed amendments and held a public hearing on January 8, 2018, and recommended approval of the proposed amendments to the City Council. Following the Planning Commission hearing, staff received comments from Scott Ramsay, Bend Chamber of Commerce, Robin Vora, Richard E Takach, Bill Bernardy, Al Tozer, Old Farm District, Paul Biskup, Brian Mecey, Ellen Grover, Ian Schmidt, James Beauchemin and Jamie Christman.

On February 7, 2018, the City Council held a public hearing and conducted the first reading and on February 21, 2018, the Council held a second reading and voted to adopt the amendments.

Therefore, Goal 1 has been met.

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

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. According to the Bend Housing Needs Analysis (HNA), Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. In addition, according to the HNA, baby boomers and millennials will increase the need for more affordable housing units and some Baby Boomers may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums. The code update will revise the setbacks and open space requirements for cluster housing in the Northwest Crossings Overlay Zone to make projects more feasible. The update will also allow a detached accessory dwelling unit (ADU) to be up to 25 feet in height regardless of the height of the primary dwelling unit. In 2016, seventy-five ADUs were constructed citywide and in 2017, seventy-three ADUs were constructed citywide. The amendment to allow a detached ADU to be up to 25 feet in height may encourage more ADUs to be constructed. The update also reduces the amount of required open space for multi-family developments if there is a public park within ¼ mile walking distance. This would allow more units to be built on site. The amendments to cluster housing, ADUs, and multi-family developments are needed to help meet Bend's housing needs.

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

**Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the

City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

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

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

**Goal 9, Economic Development**, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth.

The "Home Occupation" section is proposed to be revised in its entirety and renamed to "Home Business" which is a more widely understood term. The purpose of the home business subsection is to support those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. The amendments to the home business subsection support economic growth for small businesses.

When the Sign Code updates were reviewed at a public hearing on April 19, 2017, the City Council approved the majority of the changes with the exception of changes to the non-conforming sign text. Following the hearing, City Council directed staff to work with the Bend Economic Development Advisory Board (BEDAB) regarding amendments for nonconforming signs since BEDAB is tasked with providing input and policy advice to the Council on issues relating to business development and economic growth which signs can contribute to. The Council was also interested in BEDAB's input on allowing portable signs citywide similar to the portable sign code standards for the Downtown Economic Improvement District.

Over the summer BEDAB members, representatives from the business community, and city staff met three times to review the applicable sign sections. This working group came up with recommendations that were reviewed and approved by the BEDAB with one revision. On November 15, 2017, the City Council reviewed BEDAB's recommendations presented in a letter and directed staff to include the following amendments in the 2017 Code Update:

- Allow temporary portable signs 60 days per calendar year.
- Remove the word "totally" when referring to change of use for nonconforming signs.
- Create an exemption for nonconforming multi-faced primary freestanding signs.

The working group recommended maintaining an exception for nonconforming signs damaged by causes beyond the control of the owner. The BEDAB, however, agreed with the original staff recommendation to remove the exception; noting that it didn't align with requirements related to other nonconforming uses. During the public hearing on February 7, 2018, Peter Carlson provided testimony and requested that the City Council retain the exception. A majority of the Council supported retaining the exception since a sign could be damaged by causes beyond the control of the owner. The majority of the Council also recognized that overtime many nonconforming signs have been brought into compliance, and others will continue to be brought into compliance even if the exception is retained.

A majority of the Council also supported allowing temporary portable signs 90 days per calendar year rather than 60 days per calendar year as originally proposed. The amendments for portable signs will help increase commerce for businesses and therefore support economic development.

The code update also supports economic growth in the Industrial Employment Overlay District in the NorthWest Crossing Overlay Zone by allowing public buildings, public utility yards, fitness facilities and health centers as a permitted use instead of a conditional use and by adding veterinary clinics as a new permitted use.

Also, during the Planning Commission hearing on January 8, 2018, Dale Van Valkenburg provided public testimony and asked the Commission to consider allowing production businesses in the Bend Central District (BCD) as an outright permitted use rather than a conditional use permit. Production businesses function similar to office uses which are an outright permitted use in the BCD. The BCD defines a production office as an office use that employs large numbers of persons that are performing similar functions in shifts such as a call center or an insurance claims center. The Commission was generally supportive and directed staff to research the request prior to the City Council hearing. Staff didn't find any issues with the request and proposed an amendment, which Council supported, to allow production businesses to be an outright permitted use. This amendment supports economic growth by allowing uses such as IT support centers, biotechnology, software/hardware development, broadcast and production studios to be an outright permitted use in the BCD.

Therefore, compliance with Goal 9 is maintained.

**Goal 10, Housing**, requires provisions to provide for the housing needs of citizens of the state. According to the Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and

growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments. Based on feedback from the public, the update will allow a detached ADU to be up to 25 feet in height regardless of the height of the primary dwelling unit. The update also reduces the amount of open space for multi-family developments if there is a public park within ¼ mile walking distance so that more units may be built on site. The code updates will revise the setbacks and open space requirements for cluster housing in Northwest Crossing Overlay Zone to make projects more feasible. The proposed BDC amendments will encourage the development of more ADUs, multifamily developments and cluster housing which will help provide affordable housing and meet the needs identified in the Housing Needs Analysis.

Therefore, compliance with Goal 10 is maintained.

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

**Goal 12, Transportation**, requires the City to provide and encourage a safe and convenient and economic transportation system. The proposed amendments are not site specific and therefore do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060. Therefore, compliance with Goal 12 is maintained.

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

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

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

Based on the above discussion, the proposed text amendments to the Bend Code and Bend 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.

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

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

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

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

- **Plan and Sustain a Strong Diverse Economy.** Bend has a good supply of serviced land planned for employment growth that supports the City's economic development goals, provides a range of diverse jobs and industries, and supports innovation. Employment areas, large and small, have excellent transportation access. Opportunities are created for a stable, vital and diverse economy while sustaining Bend's environment/ecological support systems.
- **Create Housing Options and Affordability.** Bend residents have access to a variety of high quality housing options, including housing affordable to people with a range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.
- **Fosters a Balanced Transportation System.** Bend's balanced transportation system incorporates an improved, well-connected system of facilities for walking, bicycling, and public transit, while also providing a reliable system for drivers. Bend's transportation system emphasizes safety and convenience for users of all types and ages. Transportation and land use are integrated to foster livability.
- **Build Cost Effective Infrastructure.** Bend plans and builds water, wastewater, storm water, transportation, and green infrastructure in a cost-effective way that supports other project goals. Efficient use of existing infrastructure is a top priority.
- **Create Clear and Consistent Implementing Ordinances.** Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

**FINDING:** The “Home Occupation” section is proposed to be revised in its entirety and renamed to “Home Business” which is a more widely understood term. Home businesses support a diverse economy by allowing those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit.

As previously discussed, the code update will allow a detached ADU to be up to 25 feet in height regardless of the height of the primary dwelling unit. The update also reduces the amount of open space for multi-family developments if there is a public park within ¼ mile walking distance so that more units may be built on site. ADUs and multifamily developments provide more housing options and according to the Bend Housing Needs Analysis, ADUs and multifamily developments are an identified housing need.

The code update, including the amendments above, implements the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

#### *Citizen Involvement*

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

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

**FINDING:** On November 17, 2017, staff emailed the proposed code update to the Development Code Update Group. The group includes community members comprised of architects, lawyers, developers, engineers, a representative from COBA, representatives from Central Oregon LandWatch, and a land use planner. Staff also emailed the code update to the ADU Committee that helped staff draft changes adopted for ADUS in 2016. Staff received comments from the Brooks Resources, Central Oregon LandWatch and Pahlisch Homes. Revisions to the proposed draft were made based on the feedback received. Prior to the Planning Commission hearing, staff received a letter from Craig and Barbara Achatz regarding the code amendments for ADUs and an email from Brooks Resources requesting an amendment to allow production businesses (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios) in the 3<sup>rd</sup> Street, 4<sup>th</sup> Street and South Subdistricts in the BCD as a permitted use rather than a conditional use permit.

A notice of the January 8, 2018, Planning Commission public hearing was printed in the Bend Bulletin on December 17, 2017 and was mailed to the neighborhood associations on December 14, 2017. A notice of the February 7, 2018, City Council public hearing was



printed in the Bend Bulletin on January 14, 2018 and was mailed to the neighborhood associations on January 11, 2018.

On December 11, 2017, the Planning Commission held a work session and discussed the proposed amendments and held a public hearing on January 8, 2018 and recommended approval of the proposed amendments to the City Council. Following the Planning Commission hearing, staff received comments from Scott Ramsay, Bend Chamber of Commerce, Robin Vora, Richard E Takach, Bill Bernardy, Al Tozer, Old Farm District, Paul Biskup, Brian Mecey, Ellen Grover, Ian Schmidt, James Beauchemin and Jamie Christman.

On February 7, 2018, the City Council held a public hearing and conducted the first reading and on February 21, 2018, the Council held a second reading and voted to adopt the amendments.

Therefore, compliance with Chapter 1 has been met.

## **Chapter 5: Housing and Residential Lands**

### **Goals:**

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.
- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Recognize the importance of transportation linkages (streets, bikeways, side-walks and paths) in connecting neighborhoods and building and maintaining a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

**FINDING:** The code update provides more flexibility in the development standards for ADUs and multifamily developments which provide needed housing.

### *Housing Mix, Density, and Affordability*

**5-4.** The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

**5-7** The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones, consistent with the density ranges and housing types allowed in the zones. This policy is intended to implement the City's

obligation under the State Housing Goal to “encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density”.

**FINDING:** According to the Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend’s housing needs are changing and key demographic changes are occurring in Bend and across the nation. Some Baby Boomers may choose to downsize their housing, resulting in greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments. The update will allow a detached ADU to be up to 25 feet in height regardless of the height of the primary dwelling unit. This may encourage more ADUs to be constructed. The update also reduces the amount of open space required for multi-family developments if there is a public park within ¼ mile walking distance which would allow more units to be built on site. The code update will revise the setbacks and open space requirements for cluster housing in Northwest Crossings to make projects more feasible. The code update will help implement the mix of housing indicated in the Housing Needs Analysis by removing barriers to development of ADUs, multifamily developments and cluster housing.

**5-17** The City will monitor parking needs for residential uses and set parking requirements to the lowest standards that will meet the community’s needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage a more walkable development pattern.

The BCD is intended to provide for a wide range of mixed residential, commercial and office uses throughout the District and, depending on the property and its surroundings, vertical mixed use (i.e., a mix of uses within the same building), with an emphasis on retail and entertainment uses at the street level. It is also intended to provide a variety of residential development types and greater density of development, with a transition area adjacent to the existing residential neighborhood east of 4th Street. According the Urbanization Report, the BCD area is expected to generate capacity for roughly 240 housing units and greater employment density, primarily through redevelopment of the areas along 1st and 2nd streets. The code update will allow tandem parking when the spaces are assigned to the same residential unit. It will also allow the amount of off-street parking required to be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement. These amendments will help reduce the land utilized for parking, which would help reduce the cost of housing development and encourage a more walkable development pattern.

## **Residential Compatibility**

**5-23** Of necessity, nonresidential uses may abut residentially planned and zoned areas in different parts of the community. In these instances, nonresidential uses will be subjected to special development standards such as setbacks, landscaping, sign regulations, and building design that harmonize and provide transitions consistent with the primary purposes of the adjacent zones.

**FINDING:** The amendments to the BCD clarify that additional setbacks are required when uses in the BCD abut Residential Zones located outside of the BCD and that a 10-foot-wide landscape buffer is required along the side and rear property lines between nonresidential uses and any adjacent Residential Zones that are located outside of the BCD.

**5-29** In many cases, small home-based businesses are a legitimate use within residential areas, and may be permitted subject to design and nuisance standards in the Development Code.

**FINDING:** The “Home Occupation” section is proposed to be revised in its entirety and renamed to “Home Business” which is a more widely understood term. Home businesses allow those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. The proposed amendments require home businesses to meet general operational standards so that they have minimal impacts to the existing neighborhood.

### **Neighborhood Appearance**

**5-33** All new developments shall include trees in the road right of way, as practical, in the planter strip between the curb and sidewalk.

**FINDING:** Bend Development Code 3.2.400, Street Trees sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. The code update will require street trees to be planted for residential land divisions in addition to the requirements for developments subject to BDC 4.2.500, Site Plan Review, and BDC 3.6.200(H), Duplex and Triplex Development.

Therefore, the proposed amendments satisfy Chapter 5 since they will help foster more development of needed housing and home businesses.

### **Chapter 6: The Economy and Lands for Economic Growth Goals**

- Promote a vital, diverse and sustainable economy, while enhancing the community’s overall livability
- Create more opportunities in Bend for jobs that pay a higher than median wage.

*Policies*

*General Policies*

**6-7** Bend will diversify its economic base to withstand expansions and contractions in the business cycle.

**FINDING:** The “Home Occupation” section is proposed to be revised in its entirety and renamed to “Home Business” which is a more widely understood term. Home businesses support a strong diverse economy by allowing those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. Home businesses provide an opportunity for local economic growth.

Therefore, compliance with Goal 6 has been met.

## **Chapter 7: Transportation Systems**

### **Plan Goals**

#### **Mobility and Balance:**

- Develop a transportation system that serves all modes of travel and reduces the reliance on the automobile.

#### **Environmental:**

- Recognize and respect the natural features over which transportation improvements pass to minimize adverse impacts.
- Design transportation improvements to preserve air and water quality, minimize noise impacts, and encourage energy conservation.

#### **Economic:**

- Implement transportation improvements to foster economic development and business vitality.

#### **Livability:**

- Design and locate transportation facilities to be sensitive to protecting the livability of the community.

#### **Safety:**

- Design and construct the transportation system to enhance travel safety for all modes.

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

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

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

**7-30** The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3<sup>rd</sup> Street, the Bend Parkway and the railroad.

**FINDING:** The BCD special street standards are consistent with the Transportation System Plan and the shared bike lanes are consistent with the intent of the typical cross section for bike facilities similar to downtown Wall and Bond Streets. The cross sections will help develop safe and convenient bicycle and pedestrian circulation in the BCD.

**Street System**

**Objectives:**

- To provide a practical and convenient means of moving people and goods within the urban area that accommodates various transportation modes
- To provide a safe and efficient means to access all parts of the community
- To provide an attractive, tree-lined, pedestrian friendly streetscape sensitive to protecting the livability of the community

**FINDING:** Bend Development Code 3.2.400, Street Trees sets standards and requirements for planting trees along all streets for shading, comfort, safety and aesthetic purposes. The code update will require street trees to be planted for residential land divisions in addition to the requirements for developments subject to BDC 4.2.500, Site Plan Review, and BDC 3.6.200(H), Duplex and Triplex Development. This will help provide attractive, tree lined, pedestrian friendly streetscapes.

**General Policies:**

**7-51** In order to reduce vehicle speed, avoid construction of excessive pavement, and create livable neighborhoods, the City shall adopt standards that allow for narrower streets and lane standards, on-street parking, and other pedestrian friendly design elements. The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.

**FINDING:** The BCD considered special street standards for streets inside the District. The intent of the special street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. The code update provides special street standards that will provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles,

street trees and pedestrian amenities. These special street standards will reduce vehicle speed, avoid construction of excessive pavement and create livable neighborhoods.

### **Bend Central District (BCD)**

**7-83** The city will partner with property owners and developers to make improvements to transportation facilities within the District Overlay to improve connections for all modes of travel, including implementing a well-connected system for pedestrians, bicyclists, and transit users.

**7-84** The city will implement street designs identified in the District Plan over the long term. Improvements may be phased in over time and will be refined, as needed and appropriate, through more detailed facility design processes.

**FINDING:** The code update includes two new cross-sections to allow most of 2nd & 4th Street and local streets in the BCD to keep their existing curb alignments. The cross-sections will provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities. The proposed cross-sections also allow the cross-section to be established prior to any re-development, and the roadway to begin functioning with the desired on-street parking to accommodate new developments as they occur. The City's Street's Department has an overlay of 4th Street in Summer 2018, and the proposed cross-sections will let the City create the desired cross-section at that time, rather than waiting until curbs are relocated with individual properties, each on their own timeframe. This implements Policies 7-83 and 7-84.

**7-86** The city will work with local businesses and property owners to develop and implement a parking strategy for the District that meets local parking needs while also encouraging use of alternative modes (e.g., bicycling, walking, and transit) to travel to, from, and within the District.

**FINDING:** The BCD is intended to provide reduced parking standards and encourage alternative parking arrangements. The code update will allow tandem parking when the spaces are assigned to the same residential unit and it will also allow the amount of off-street parking required to be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement. These amendments will help reduce the land utilized for parking and will encourage a more walkable environment.

Therefore, compliance with Chapter 7 has been met.

## ***Chapter 8: Public Facilities and Services***

### **Goals**

Adequate public facilities are the key to efficient and stable urban development. The goals below provide general guidance for maintaining and improving the level and quality of urban services as growth occurs in Bend. The citizens and elected officials strive:

- To locate and operate public buildings and other public facilities to best serve the needs of the residents.

### **Public Buildings and Facilities**

**8-45** Public buildings and facilities shall be located so as to provide convenient public use and to provide maximum service for the greatest economy. Governmental offices should locate downtown when practicable. Other governmental facilities, reservoirs, landfills and correctional facilities should be located in areas with good public access to principal streets.

**FINDING:** The code update will allow public buildings and public utility yards as permitted uses instead of conditional uses in the NorthWest Crossing Overlay zone.

Therefore, compliance with Chapter 8 has been met.

### **Chapter 9: Community Appearance**

#### **Goals**

- To make a concerted effort to improve the appearance of the community, particularly in the commercial, industrial and multifamily areas.
- To initiate community action programs for the purposes of developing an awareness in the community's citizens of appearance-related issues, evaluating community appearance and developing specific improvement programs.
- To identify those characteristics that give the community its individual identity and to preserve and expand those characteristics as growth occurs; and
- To significantly improve the appearance along the state highways and other transportation corridors as one means of recapturing the individual and distinct identity of the Bend area.

#### **Policies**

**9-3** *The city will use advisory committees, public workshops, and other measures, to identify those characteristics that give the community its individual identity and preserve and expand those characteristics as growth occurs.*

**9-4** *Sign regulations should limit the size, location, and number of signs in residential, mixed-use, commercial, institutional and industrial areas and have amortization provisions to remove non-conforming signs within a reasonable period of time.*

**FINDING:** In 2000, the sign code was significantly updated which created several non-conforming signs. For example, several pole signs became non-conforming because the permitted height was reduced from 30 feet to 15 feet. In 2012, the non-conforming sign

section of the code was revised to remove content based regulations. Since then it has proven to be less than effective in continuing the effort to bring non-conforming signs into compliance when it is appropriate.

When the Sign Code amendments were reviewed at a City Council public hearing on April 19, 2017, the Council approved the majority of the amendments with the exception of changes to the non-conforming sign text. Following the hearing, Council directed staff to work with the Bend Economic Development Advisory Board (BEDAB) regarding amendments for nonconforming signs since BEDAB is tasked with providing input and policy advice to the Council on issues relating to business development and economic growth which signs can contribute to. The Council was also interested in BEDAB's input on allowing portable signs citywide similar to the portable sign code standards for the Downtown Economic Improvement District.

Over the summer BEDAB members, representatives from the business community, and city staff met three times to review the applicable sign sections. This working group came up with recommendations that were reviewed and approved by the BEDAB with one revision. On November 15, 2017, the City Council reviewed BEDAB's recommendations presented in a letter and directed staff to include the following amendments in the 2017 Code Update for non-conforming signs:

- Allow temporary portable signs 60 days per calendar year.
- Remove the word "totally" when referring to change of use for nonconforming signs.
- Create an exemption for nonconforming multi-faced primary freestanding signs.

The working group recommended maintaining an exception for nonconforming signs damaged by causes beyond the control of the owner. The BEDAB, however, agreed with the original staff recommendation to remove the exception; noting that it didn't align with requirements related to other nonconforming uses.

Since the Planning Commission hearing several emails and letters have been submitted on the non-conforming sign amendment. As such, further background is included to provide context. The major overhaul to the sign code that went into effect in 2001 reduced the size of monument signs and prohibited pole signs. Such signs were allowed to remain in place, but had to be brought into compliance with the new code when the wording on the sign changed. Many hundreds of signs were brought into compliance during the 11 years that this policy was in place. Based on legal advice from the City Attorney's Office the Sign Code was amended in 2012 to remove all regulations that were based on content. Regulating by content is a violation of First Amendment free-speech guarantees. As part of this effort, the non-conforming sign rules were changed because the trigger for compliance involved reading the sign. The 2012 code requires compliance when there is a change of use. However, the word "totally" has turned out to be too discretionary of a term for it to be an effective method. Because of this, compliance has fallen off dramatically. The new language recommended by BEDAB will help provide clearer



direction to staff and business owners. The intent of the 2012 amendments was not to revisit the policy of bringing non-conforming signs into compliance, it was to develop a new method to trigger compliance since content-based approach was eliminated.

During the public hearing on February 7, 2018, Peter Carlson provided testimony and requested that the City Council retain the exception for nonconforming signs damaged by causes beyond the control of the owner. A majority of the Council supported retaining the exception since a sign could be damaged by causes beyond the control of the owner. The majority of the Council also recognized that overtime many nonconforming signs have been brought into compliance, and others will continue to be brought into compliance even if the exception is retained. A majority of the Council also supported allowing temporary portable signs 90 days per calendar year rather than 60 days per calendar year as originally proposed.

The purpose of the amendments is to provide the adequate tools to keep the effort of bringing the remaining signs into compliance and to permit temporary portable signs with limitations. Therefore, compliance with Chapter 9 has been met.

## ***Chapter 11: Growth Management***

### **Goals**

The following goal statements describe the future urban form and growth aspirations of the community and serve as the foundation for policy statements in this chapter. The citizens and elected officials of Bend wish to:

- Encourage the city's evolution from small town to livable city, with urban scale development, amenities, and services in appropriate locations, while preserving and enhancing the natural environment and history of the community;
- Use Bend's existing urban land wisely, making efficient use of land inside the boundary, with infill and redevelopment focused in appropriate areas within the Central Core, along transit corridors, and in key opportunity areas (see Figure 11-1);
- Create new walkable, mixed use and complete communities by leveraging and complementing land use patterns inside the existing boundary and using expansion to create more complete communities;
- Plan Bend's infrastructure investments for the long term;
- Implement an overall strategy to "*Wisely grow up and out*".

**FINDING:** During the UGB Remand planning process (2014 to 2016), the City evaluated the efficient use of existing urban land through the lens of "opportunity areas". Opportunity areas are locations within the City that are appropriate to focus new growth due to their location, zoning (existing or planned), amount of vacant or underdeveloped land, and/or proximity to urban services. Each opportunity area will serve a unique role in the City's

future – some are vacant land and will develop primarily through private sector initiative; others are redevelopment opportunities and will require a partnership of private sector investment and City support or investment. The BCD is one of the opportunity areas. The code amendments for the BCD address parking, setbacks, buffering, and street cross-sections. These amendments are needed to encourage development and redevelopment in the BCD.

### **General Growth Management Policies**

**11-2** The City will encourage infill and redevelopment of appropriate areas within Bend's Central Core, Opportunity Areas and transit corridors (shown on Figure 11-1).

**FINDING:** The amendments to the BCD will encourage infill and redevelopment by establishing street cross-sections for 2<sup>nd</sup> and 4<sup>th</sup> Street and local streets. This will allow developers to keep their existing curb alignments and on street parking in most cases. The amendments also allow 100% of the abutting on-street parking to count towards meeting the required parking which allows more of the site to be developed.

**11-4** Streets in the Centers and Corridors, Employment Districts, Neighborhoods, and Opportunity Sites will have the appropriate types of pedestrian, biking, and transit scale amenities to ensure safety, access, and mobility.

**FINDING:** Code amendments to the BCD provide special street standards that will allow the cross-section to be established for most of the streets prior to any re-development. The special street standards will provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities. The special street standards will help create a safe and accessible environment for all modes of travel.

Therefore, compliance with Chapter 11 has been met.

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

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

**FINDING:** The amendments will help bring non-conforming signs into compliance which will improve the appearance of transportation corridors and neighborhoods. The amendments will also permit temporary portable signs with limitations which will help increase commerce for businesses. Therefore, the proposed amendments to the BC meet this criterion

The amendments support home businesses which provide economic diversity which is a benefit to the public. Also by providing opportunities for residents to work in their homes, the number of home-to-work and work-to-home trips during peak periods are reduced,

relieving some of the congestion on the City's streets. The amendments to the cluster housing, ADUs and multifamily development standards could contribute to more units being built which would help provide identified needed housing. 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 BC and 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 BC and 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:** The new text amends the BC and BDC, a functional component of the Bend Comprehensive Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

#### **V. CONCLUSIONS:**

Based on the above Findings, the proposed BC and BDC text amendments meet all applicable criteria for adoption.

