

## ORDINANCE NO. NS - 2367

### **BEND DEVELOPMENT CODE (BDC) CHAPTER 1.2, DEFINITIONS AND CHAPTER 2.7, SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS**

#### 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 December 3, 2019.
- C. Notice of the January 13, 2020, Planning Commission public hearing and of the February 5, 2020, City Council public hearing was printed in the Bend Bulletin on December 22, 2019, and was mailed to the neighborhood associations and property owners in the Bend Central District on December 16, 2019. The February 5, 2020, City Council hearing was rescheduled to February 19, 2020. A notice of the February 19, 2020, City Council public hearing was printed in the Bend Bulletin on January 26, 2020, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 22, 2020.
- D. On December 9, 2019, the Planning Commission along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Bend Economic Development Advisory Board (BEDAB) and Urban Renewal Advisory Board (URAB) held a work session and reviewed a parking analysis for the area and the proposed amendments.
- E. On January 13, 2020, the Planning Commission held a public hearing on Project Number PZ 19-0861, and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed text amendments as amended in Exhibit A.
- F. The City Council held a public hearing on February 19, 2020, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. The City Council found that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the amendments to the Bend Development Code as amended by the City Council on October 16, 2019.
- G. The Council recognizes that under the current Bend Central District parking requirements, it will be difficult to achieve existing housing needs and goals for the District adopted in the City's Comprehensive Plan. The Council also recognizes that the parking amendments may impact on-street parking in the Bend Central District and abutting neighborhoods as development occurs in the District over time. Accordingly, the Council directs City staff to monitor development progress and parking impacts in the District and abutting neighborhoods, and work with Council advisory committees as appropriate, reporting to Council when parking studies and

parking management strategies, including potential revisions to this Code, may be needed to ensure adequate parking availability in the District

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

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

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

First Reading: February 19, 2020

Second reading and adoption by roll call vote: March 4, 2020

YES: Sally Russell, Mayor  
Bruce Abernethy  
Barb Campbell  
Bill Moseley  
Justin Livingston  
Chris Piper

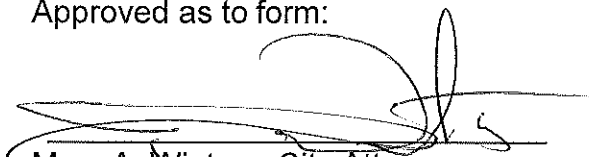
NO: none

  
Sally Russell, Mayor

Attest:

  
Robyn Christie, City Recorder

Approved as to form:

  
Mary A. Winters, City Attorney

**Development Code Update**  
March 4, 2020  
Prepared by: Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strike through~~ 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***

**DRAFT**

**Chapter 1.2  
DEFINITIONS**

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Commercial-ready space provides a ground floor that is designed to accommodate commercial uses, with a minimum floor-to-ceiling height and other features that comply with applicable design and building code standards. Commercial-ready space provides the flexibility of occupying a space with residential uses in accordance with market demand and allowing the use in such space to change to commercial uses. See BDC 2.7.3245.

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Live/work dwelling unit means a structure or portion of a structure that combines a nonresidential use that is allowed in the zone with a residential livable space. A live/work dwelling unit is allowed instead of, or in addition to, a home business as defined by this code.

\*\*\*

Plaza means a public square or extra-wide sidewalk (e.g., as on a street corner) that provides space for special events, outdoor seating, sidewalk sales, and similar pedestrian activity (e.g., extra-wide sidewalk, outdoor dining area, or landscape area with seating).

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**Chapter 2.7**

**SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS**

**Article XIV. Bend Central District**

**2.7.3200 Bend Central District (BCD).**

**2.7.3205 Bend Central District Purpose.**

**2.7.3207 Main Streets.**

**2.7.3210 Applicability.**

**2.7.3220 Land Uses.**

**2.7.3230 Development Standards.**

**2.7.3240 Design Standards.**

**2.7.3245 Commercial-Ready Space.**

**2.7.3250 Parking.**

**2.7.3260 Special Street Standards.**

**2.7.3270 Low Impact Stormwater Management.**

**2.7.3280 Landscaping.**

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**Article XIV. Bend Central District**

**2.7.3200 Bend Central District (BCD).**

**2.7.3205 Bend Central District Purpose.**

The Bend Central District is intended to implement the goals and objectives for the creative redevelopment of the central Third Street Corridor and surrounding areas west to the Parkway and east to and including 4th Street as indicated below:

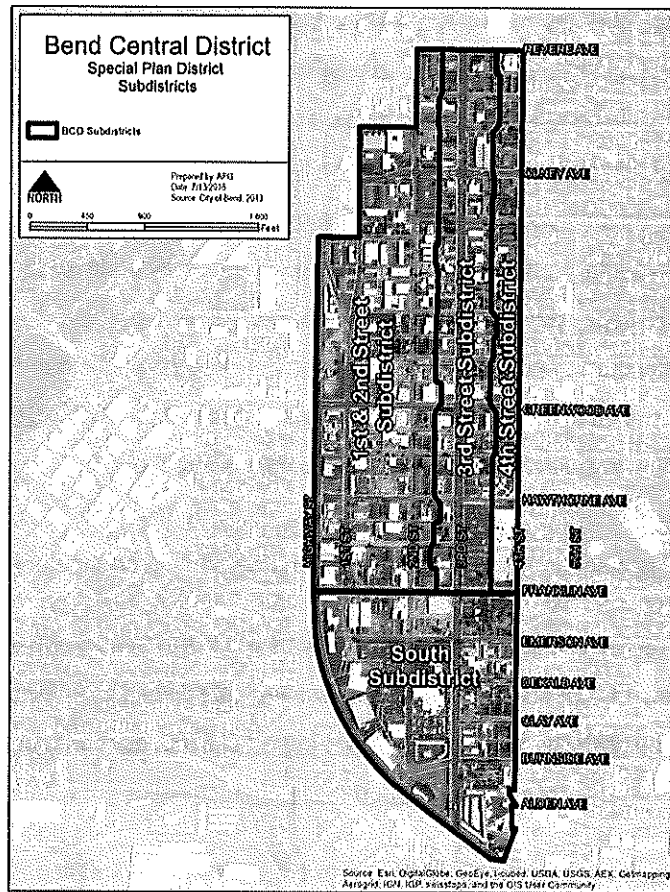
- A. ~~Provide for a wide range of mixed residential, commercial and office uses throughout the area and, depending on the parcel and its surroundings, vertical mixed use (i.e., a mix of uses within the same building), with an emphasis on retail and entertainment uses at the street level. Provide for a wide range of residential, commercial and office uses throughout the BCD that result in a walkable, vibrant, diverse mixed-use district, with an emphasis on commercial uses at street level on designated Main Streets.~~
- B. 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.
- C. Provide for development that is supportive of transit by encouraging a pedestrian-friendly environment.
- D. Provide development and design standards that support the goals of the Plan BCD.
- E. Limit development of low-intensity uses while allowing continuation of existing industrial and manufacturing uses.
- F. Provide reduced parking standards and encourage alternative parking arrangements.

~~The Bend Central District has distinctly different characteristics within the Bend Central District boundary. Subdistricts that recognize and support these characteristics are established as follows: The Bend Central District is made up of four subdistricts, as established by Figure 2.7.3205, each with distinctly different characteristics. Subdistricts that recognize and support these characteristics are established as follows:~~

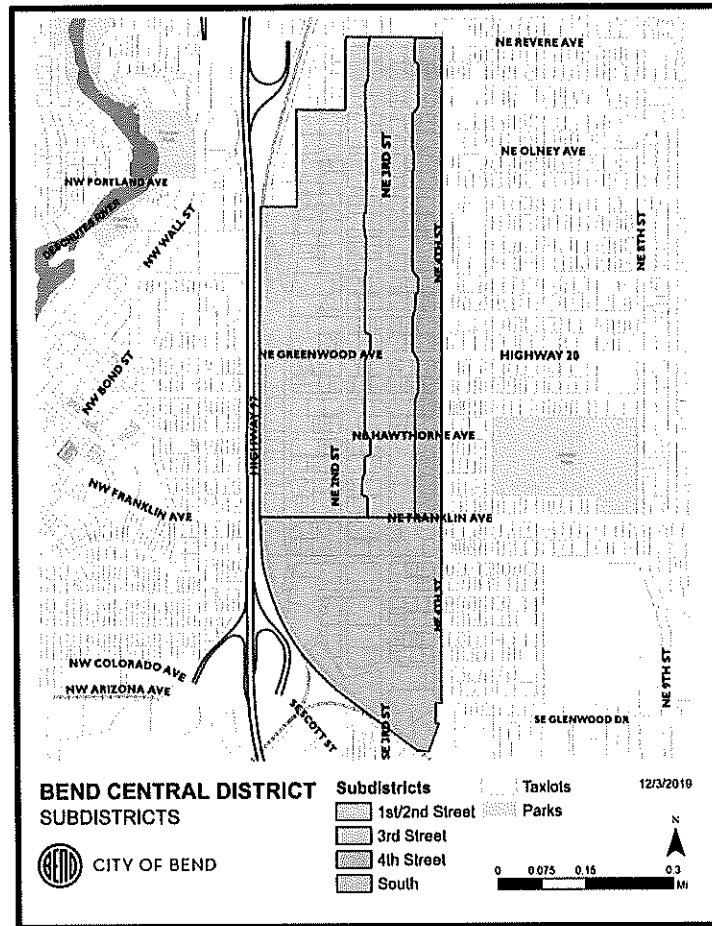
1. 1st/2nd Street Subdistrict. Applies to properties in the vicinity of 1st and 2nd Streets within the BCD and is intended to provide for a mix of office, higher density residential, live/work and small-scale retail uses while also allowing for continuation of existing light industrial/manufacturing uses in the area.
2. 3rd Street Subdistrict. Applies to properties in the vicinity of 3rd Street between Revere and Franklin Streets and is intended to provide a range of mixed-uses including large-scale commercial, retail and limited residential uses.
3. 4th Street Subdistrict. Applies to properties in the vicinity of 4th Street within the BCD and is intended to provide a transition between the more intense central area and existing residential neighborhoods to the east.
4. South Subdistrict. Applies to properties south of Franklin Avenue along and between the railroad 2nd and 4<sup>th</sup> 3rd Street and is intended to provide a range of mixed-uses including high density multifamily and office space above ground floor retail/service uses.

**Figure 2.7.32405 Subdistrict Map**

***Delete the following figure***



*Add the following figure*

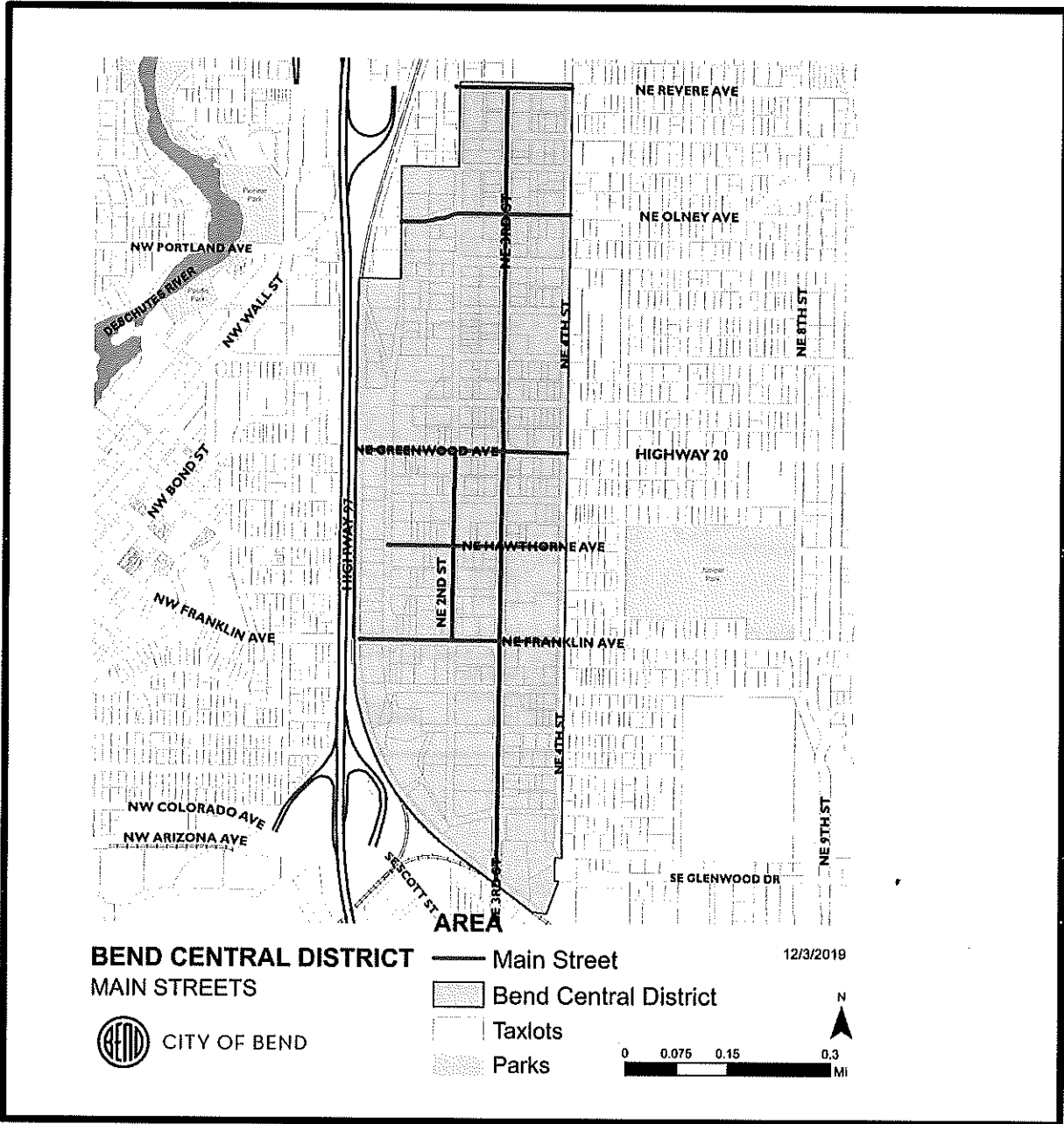


**2.7.3207 Main Streets.**

The BCD establishes Main Streets as shown on Figure 2.7.3207, Main Streets. The purposes of Main Streets are to:

- A. Provide focal streets for mixed-use and commercial activity;
- B. Create vibrant pedestrian environments with human scaled commercial character; and
- C. Encourage the formation of solid blocks of commercial-ready buildings for a walkable mixed-use district.

**Figure 2.7.3207 Main Streets**



**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 2.7.324005. 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



BCD and those of the underlying zone or other portions of the Development Code, the provisions of this district will control.

**2.7.3220 Land Uses.**

- A. Permitted and Conditional Uses. The land uses listed in Table 2.7.3220 are allowed in BCD subdistricts, subject to the provisions of this chapter. Only land uses that are listed in Table 2.7.3220 and land uses that are approved as "similar" to those in Table 2.7.3220 may be permitted or conditionally allowed. The land uses identified with a "C" in Table 2.7.3220 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4. Land uses identified with an "L" in Table 2.7.3220 are allowed with limitations in accordance with subsection (D) of this section.
- B. Existing Uses and Structures. Uses and structures that are not in conformance with the provisions in this section but that were lawfully established within the BCD prior to the adoption of this code are considered a permitted use. Expansion or enlargement ~~25 percent or less of the above referenced uses or structures that are nonresidential~~ will be subject to the provisions of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. ~~For expansion or enlargement greater than 25 percent, the conditional use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permits, will also apply.~~ For sites with no existing structures, new structures may only be constructed for uses allowed in Table 2.7.3220. Conditions of prior approvals will continue to apply unless modified in conformance with BDC 4.1.1325, Modification of Approval.
- C. Determination of Similar Land Use. Similar land use determinations ~~shall~~ must be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.

**Table 2.7.3220**

**Permitted Uses in the Bend Central District by Subdistrict**

Land Use	1st/2nd Street	3rd Street	4th Street	South
<b>Residential</b>				
Single Family Detached Dwelling	N	N	N	N
<u>*Accessory Dwelling Units (ADUs)</u>	P	P	P	P

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Attached Single-Family Townhomes	N <u>P</u>	L (see subsection (D)(1) of this section) <u>P</u>	P	P
Multifamily Residential	L (see subsection (D)(1) of this section) <u>P</u>	L (see subsection (D)(1) of this section) <u>P</u>	P	P
<u>Live/work dwelling unit</u>	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)	L (see subsection (D)(1) of this section)
Residential as Part of Mixed-Use Development	P	P	P	P
<b>Commercial</b>				
Retail Sales and Service	L (see subsection (D)(2) of this section) <u>P</u>	P	L (see subsection (D)(2) of this section) <u>P</u>	P
Retail Sales and Service (Auto Dependent*)	N	N	N	N
Retail Sales and Service (Auto Oriented*)	N	C	N	N

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
*Medical Marijuana Dispensary and Marijuana Retailer	L-(see subsection (D)(2) of this section)-P	P	L-(see subsection (D)(2) of this section)-P	P
*Marijuana Wholesale (more than 75% of sales are wholesale)	P	P	C	C
*Marijuana Testing, Research and Development Facilities	P	P	L-(see subsection (D)(3) of this section)-P	P
Restaurants/Food and Beverage Services				
- with drive-through*	N	C	N	N
- without drive-through	P	P	P	P
Offices and Clinics	P	P	L-(see subsection (D)(3) of this section)-P	P
Production Businesses (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios)	P	P	L-(see subsection	P

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
			(D)(3) of this section) <u>P</u>	
Conference Centers/Meeting Facility Associated with a Hotel/Motel	<u>C</u> <u>P</u>	P	N	<u>C</u> <u>P</u>
Lodging (bed and breakfast inns, vacation rentals, boarding houses, timeshare)	P	P	P	P
*Short-term rentals	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Hotel/Motels	P	P	C	C
Commercial and Public Parking, structure	P	P	C	P
Commercial and Public Parking, surface lot	P	P	P	P
Commercial Storage				
– enclosed in building and on an upper story	C	C	P	N
– not enclosed in building	N	N	N	N
– enclosed in building on ground floor (i.e., mini-storage)	N	N	N	N
Entertainment and Recreation				

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
– enclosed in building (e.g., theater)	L/C (see subsection (D)(6) of this section) <u>P</u>	L/C (see subsection (D)(6) of this section) <u>P</u>	N	L/C (see subsection (D)(6) of this section) <u>P</u>
– not enclosed (e.g., amusement)	C	C	N	C
Wholesale Sales (more than 75% of sales are wholesale)	P	P	C	C
Hospital	C	C	C	C
<b>Public and Institutional</b>				
Government – point of service intended to serve the entire City (e.g., City Hall, main library, main post office, main Department of Motor Vehicles service center)	P	P	P	P
Government – branch service intended to serve a portion of the City	P	P	P	P
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	N	N	N	N
Parks and Open Space	P	P	P	P
Schools	P	P	P	P

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Institutions of Higher Education	P	P	P	P
Child Care Facility	P	P	P	P
Clubs and Places of Worship	P	P	P	P
*Utilities (above ground)	P	P	P	P
<b>Industrial</b>				
Manufacturing and Production	L (see subsection (D)(42) of this section)	N	N	N
Warehouse	L (see subsection (D)(63) of this section)	N	N	N
Transportation, Freight and Distribution	C	N	N	N
Industrial Service (e.g., cleaning, repair)	L (see subsection (D)(3) of this section) <u>P</u>	N	N	N

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
*Marijuana Grow Sites And Marijuana Producing when Designated as Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see subsection (D) (42) of this section)	N	N	L (see subsection (D) (42) of this section)
*Marijuana Processing of Cannabinoid Concentrates and Cannabinoid Products When Designated as Commercial Limited, Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see subsection (D) (42) of this section)	L (see subsection (D) (42) of this section)	L (see subsection (D) (42) of this section)	L (see subsection (D) (42) of this section)
*Marijuana Processing of Cannabinoid Extracts When Designated as Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see subsection (D) (42) of this section)	N	N	L (see subsection (D) (42) of this section)
<b>Miscellaneous</b>				
Small Scale Alternative Energy Systems (i.e., rooftop wind turbine or solar panels)	P	P	P	P
*Small Hydroelectric Facility	P	P	P	P
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7			

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

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

\* Special standards for certain uses subject to BDC Chapter 3.6 BDC, Special Standards and Regulations for Certain Uses.

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

- ~~1. **New Residential Uses.** In order to ensure that the subdistricts retain their established employment focused character, new residential uses in the 1st/2nd St and 3rd St subdistricts are limited as follows:~~
  - ~~a. Residential uses that are part of a mixed use development in which nonresidential uses occupy at least the floor area equivalent to the entire ground floor area of the development area permitted.~~
  - ~~b. Residential uses that are part of a mixed use development in which nonresidential uses occupy less than the floor area equivalent to the entire ground floor area of the development area are conditional.~~
  - ~~c. Residential uses that are not part of a mixed use development are prohibited.~~
- ~~2. **Retail Sales and Service Uses.** Retail sales and service uses must not exceed 30,000 square feet per business. Total area of retail sales and service uses combined must not exceed 50,000 square feet per building. Retail sales and service uses must not exceed 30,000 square feet in floor area per business on the ground floor. **(Amended by the Planning Commission on January 13, 2020 and deleted by the City Council on February 19, 2020)**~~
- ~~3. **Offices and Clinics and Production Businesses.** Offices and clinics and production businesses must not exceed 15,000 square feet in floor area per business on the ground floor. **(Amended by the Planning Commission on January 13, 2020 and deleted by the City Council on February 19, 2020)**~~
1. **Detached live/work dwelling units are prohibited.**



2.4. Manufacturing, Production and Industrial Services. Uses ~~must not exceed 20,000 square feet in floor area per business on the ground floor and~~ must minimize potential external effects as follows:

- a. All operations must be conducted entirely within an enclosed building.
- b. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to BC Chapter 13.45.
- c. Roof-mounted mechanical equipment, such as ventilators and ducts, must be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems. ***(Amended by the Planning Commission on January 13, 2020 and by the City Council on February 19, 2020)***

~~3.5. Warehousing. Warehousing must be accessory/secondary to a primary permitted use (it may not be a single use) and must not exceed 15,000 square feet in floor area per building business on the ground floor. (Amended by the Planning Commission on January 13, 2020 and by the City Council on February 19, 2020)~~

~~6. Entertainment and Recreation. Entertainment and Recreation uses in all subzones of the BCD that are enclosed in a building shall must not exceed 50,000 square feet per business on the ground floor without a conditional use permit. ***(Amended by the Planning Commission on January 13, 2020 and deleted by the City Council on February 19, 2020)***~~

#### 2.7.3230 Development Standards.

A. The following table provides numerical development standards within the BCD: Additional development standards are contained in subsections (B), (C) and (D) of this section.

~~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.~~

Table 2.7.3230

Development Standards in the Bend Central District by Subdistrict

Standards	1st/2nd Street	3rd Street	4th Street	South
Minimum lot area	No minimum	No minimum	No minimum	No minimum
Lot width	30 <u>15</u> feet	30 <u>15</u> feet	30 <u>15</u> feet	30 <u>15</u> feet
Minimum front yard setback (see subsection (B)(1) of this section)	5-feet <sup>†</sup>  <u>None</u>	<del>10</del> 5 feet <sup>†</sup>	5-feet <sup>†</sup>  <u>None</u>	5-feet <sup>†</sup>  <u>None</u>
Maximum front yard setback (see subsection (B)(1) of this section)	10 feet	15 feet	10 feet	10 feet
Rear and side yard setback	None	None	None or 10 feet (see subsection (C) of this section)	None
Maximum building height (see subsection (C) of this section)	65 feet to 85 feet (see subsections (B) and (E) of this section)	65 feet or <del>to</del> 85 feet (see subsection (E) of this section)	45 feet	65 feet to 85 feet (see subsections (B) and (E) of this section)

*(Minimum front setback amended by the City Council on February 19, 2020)*

Notes:

1. In all subdistricts, ~~the first five feet of setback abutting 3<sup>rd</sup> Street (the five feet immediately behind the property line) will~~ must be a dedicated public access easement and used as additional sidewalk area 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. ***(Relocated to 2.7.3230C)***

~~B. In the 1st/2nd Street, 3rd Street and South Subdistricts, buildings may be a maximum of 85 feet in height that:~~

1. Provide at least 10 percent of any residential units at affordable rates in conformance with BDC 3.6.200(C); or
2. For buildings that do not have a residential component, provide at least 75 percent of required parking within the building footprint of structures. Parking on the ground floor shall have a pedestrian-oriented active facade facing the primary street (see subsection (E)(2) of this section for examples).

~~C. Rear and Side Yard~~

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 exceed 35 feet in height or the height limit of the abutting residentially designated district, whichever is greater. ***(There are no properties in BCD that directly abut residential areas outside of the BCD.)***~~
2. ~~When a public alley abuts a side or rear yard of property, the width of the alley can be included in the additional step-back calculation as described in subsection (C)(1) ~~(B)(2)(a)~~ 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 maximum front setbacks in Table 2.7.3230 apply as follows.~~

1. ~~For corner lots with two frontages, the maximum setback applies to both street frontages.~~
2. ~~For through lots with two frontages, the maximum setback applies to only one of the frontages; provided, that where the abutting streets are of different street classification, the maximum setback applies to the street with the higher classification.~~

3. For properties with three or more frontages, the maximum setback applies to two contiguous frontages. Where the streets are of different street classifications, one of the maximum setbacks must apply to the street with the highest classification. *(Relocated to 2.7.3230B)*

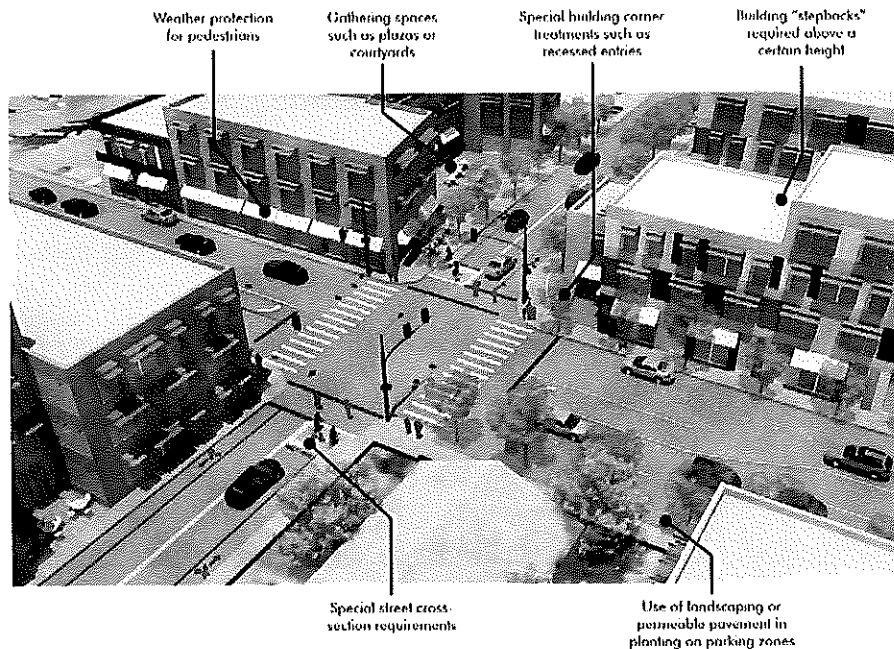
E. Buildings exceeding 65 feet in height are allowed subject to the following provisions:

1. Buildings shall be constructed using a combination of architectural features and a variety of building materials. Landscaping should be planted adjacent to the curb line to create a streetscape as illustrated in Figures 2.7.3230 and 2.7.3260. Ground story walls that can be viewed from public streets shall be designed with nonreflective windows totaling a minimum of 25 percent of the wall area and using architectural features (see subsection (E)(2) of this section). For new buildings, the front building facade must be at the minimum setback for at least 50 percent of the lot frontage; outdoor public gathering spaces such as plazas are encouraged and count toward the setback requirement; off-street parking is not allowed between the front building facade and the street.
2. Architectural features include, but are not limited to, the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the Review Authority.

**Delete the following figure**

**Figure 2.7.3230**

Illustration of Use of Architectural Features



B. Setbacks. Setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures.

1. Front Setbacks.

- a. For buildings on sites with more than one frontage or through lots, the maximum front setbacks in Table 2.7.3230 apply as follows:
  - i. For corner lots with two frontages, the maximum setback applies to both street frontages.
  - ii. For through lots with two frontages, the maximum setback applies to only one of the frontages; provided, that where the abutting streets are of different street classification, the maximum setback applies to the street with the higher classification or a Main Street as identified in Figure 2.7.3207.
  - iii. For properties with three or more frontages, the maximum setback applies to two contiguous frontages. Where the streets are of different street classifications, one of the maximum setbacks must apply to the street with the highest classification or a Main Street as identified in Figure 2.7.3207.
- b. The maximum setback standard may be increased as necessary to accommodate an approved usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, outdoor dining area or landscaped area with seating) between the building and front property line.

- c. For new buildings on Main Streets as identified in Figure 2.7.3207, Main Street Map the front building facade must be located at the minimum setback for at least 50 percent of the front building facade on the Main Streets.
- d. Building entries may be recessed from the façade up to eight feet in depth.
- e. Fences (except if less than 3.5 feet in height for outdoor patios and dwelling units), storage and parking are not allowed in the front setback.
- f. Awnings, marquees, balconies, overhangs, fabric tensile structures, building appendages, or other projections may extend into the front setback and public access easement.

C. Building Height.

- 1. In the 1st/2nd Street, 3rd Street and South Subdistricts, buildings may exceed the 65 foot height to a maximum of 85 feet in height provided that at least 10 percent of the residential units are at affordable rates in conformance with BDC 3.6.200(C).
- 2. Equipment used for small-scale alternative energy production does not count towards maximum building heights.

D. F. Buffering. A ~~40~~ five-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~~ must 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, mechanical equipment, materials, vehicles, etc. The landscaping standards in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls, provide other buffering requirements where applicable.

E. BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. BDC 3.6.200(D), Single-Family Attached Townhomes and BDC 3.6.200(I), Residential Uses within Commercial Districts do not apply within the BCD.

F. Multifamily is subject to the provisions in BDC 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. **(Added by the City Council February 19, 2020)**

## **2.7.3240 Design Standards.**

~~A. All-Development. Development in the BCD is subject to design guidelines in BDC 2.2.800(l) except as established below. The standards of this section are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. The standards of this section are in lieu of the BDC 2.2.600, Commercial Design Review Standards.~~

- ~~1. BDC 2.2.800(l)(3) — Physical, Visual and Experiential Connections. The intent and general approach of this section apply. However, the language referring to traditional business zones and traditional storefront buildings does not apply here.~~
- ~~2. BDC 2.2.800(l)(5) — Integrate Building Parapets and Rooftops. The intent and general approach of this section apply. However, the language referring to ornamentation on traditional CB Zone buildings does not apply here. In addition, rooftop solar panels and wind turbines are exempt from the screening requirement.~~
- ~~3. BDC 2.2.800(l)(10) — Urban Materials. Does not apply.~~

~~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: **(CP POLICY 9-8 The city values design review for all development in the community with the exception of single-family houses, duplexes and tri-plexes.)**~~

- ~~2. 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.~~

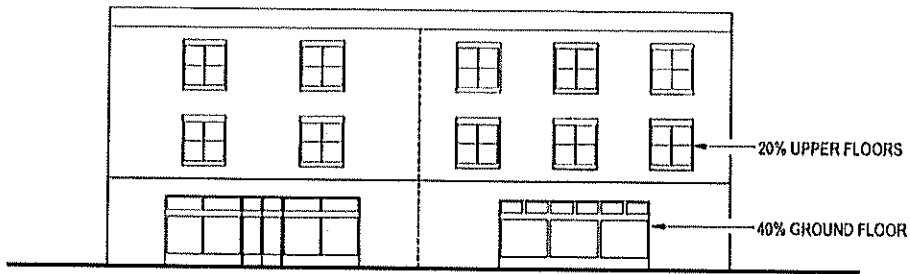
~~C. Awnings, marquees, balconies, overhangs, fabric tensile structures, building appendages, or other projections may extend into the front setback and public access easement.~~

A. Development in the BCD is subject to the following design standards. These standards are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, but replace the design standards of the underlying zoning district and the standards in BDC 3.6.200(D), Single-Family Attached Townhomes and BDC 3.6.200(l), Residential Uses within Commercial Districts.

1. Building and Entry Orientation.
  - a. Primary Entrance. Each building must provide a primary building entrance oriented to at least one street or to a street-oriented plaza.

- b. Buildings located on a Main Street identified in Figure 2.7.3207 Main Streets, must provide a minimum of one entrance every 60 feet onto the Main Street building frontage(s).
2. Facade Height Minimum.
- a. For buildings located on a Main Street identified in Figure 2.7.3207 Main Streets, the minimum height for the façade(s) facing the Main Street(s) is 24 feet.
  - b. The minimum height for a façade not facing a Main Street is 15 feet.
3. Transparency.
- a. On Main Streets identified in Figure 2.7.3207 Main Streets, facades that face the Main Street must include transparency/glazing (i.e. glass windows and/or glass doors) totaling a minimum of 40% of the ground level wall area and 20% on the upper level(s) wall area, as shown in Figure 2.7.3240A. Ground level wall area includes the exterior wall area up to 10 feet above the finished grade.
  - b. Facades that face a non-Main Street must include transparency/glazing (i.e. glass windows and/or glass doors) totaling a minimum of 25% of the ground level wall area and 20% on the upper level(s) wall area, as shown in Figure 2.7.3240B. Ground level wall area includes the exterior wall area up to 10 feet above the finished grade.

**Figure 2.7.3240 A – Main Street Façade**



**Figure 2.7.3240 B – Non Main Street Façade**





~~4. Building Articulation. Two or more of the following façade treatments must be incorporated on each level of all street-facing facades:~~

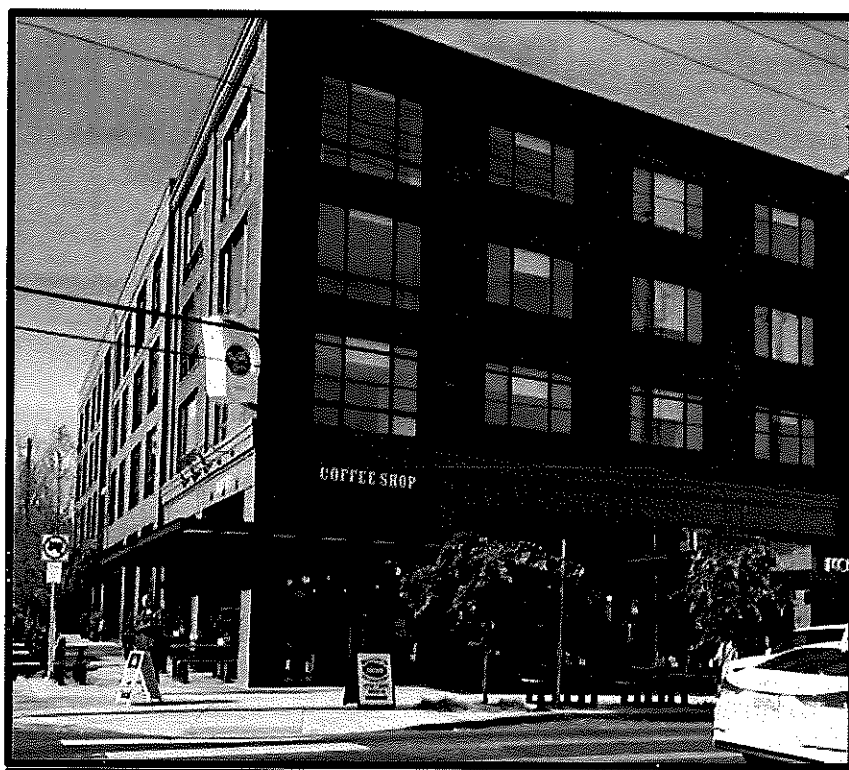
- ~~a. Building offsets (projections or recesses) at least two feet deep and six feet wide;~~
- ~~b. Upper level balconies (projecting or recessed) at least six feet wide;~~
- ~~c. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space);~~
- ~~d. Recessed building entries at least six feet wide; and/or~~
- ~~e. The use of masonry material (i.e. brick, brick veneer, stone, concrete or stucco.) on the ground level wall area of the street-facing façade for a minimum of 75% of the total ground level wall area not including windows. (Deleted by the City Council on February 19, 2020)~~

4. Building Articulation. One or more of the following façade treatments must be incorporated on each level of all street-facing facades:

- a. Building offsets (projections or recesses) at least two feet deep and six feet wide;
- b. Upper level balconies (projecting or recessed) at least six feet wide;
- c. Building canopies, awnings, pergolas, architectural sun shade structures, or similar weather protection (minimum projection of four feet for overhead weather protection when located on the ground level and over a sidewalk or other pedestrian space);
- d. Transparency greater than the minimum required by subsection 2.7.3240(A)(3);
- e. Recessed building entries at least six feet wide;

- f. Use of masonry material (i.e. brick, brick veneer, stone, concrete, or stucco) for a minimum of 75% of the total wall area of the street facing façade level as measured from floor-to-floor height, not including windows; and/or
- g. On upper levels, use of two or more façade materials and/or façade colors. (Added by the City Council on February 19, 2020)

**Figure 2.7.3240 C – Illustration of Use of Architectural Features**



**2.7.3245 Commercial-Ready Space.**

- A. The ground floor of buildings that front Main Streets identified in Figure 2.7.3207 Main Streets must be developed as either commercial or commercial-ready space by complying with the following:
  - 1. The entire ground floor space must be constructed to accommodate nonresidential uses.
  - 2. If residential uses are provided immediately above the ground floor level (i.e. second floor residential), horizontal occupancy separation must be provided to accommodate future commercial occupancies as required by the Oregon Structure Specialty Code at the time of construction.

3. The ground floor must have an interior height of not less than 12 feet measured from the entry level finished floor to the bottom of the structural members of the floor above.

B. Exemption. Parking located within a structure is exempt from commercial-ready space standards.

#### 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 and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. Required Off-Street Parking. 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). 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 Table 3.3.300, Required Off-Street Vehicle Parking Spaces by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.~~

a. Residential Uses.

i. Single Family Attached Townhomes: 1 space per dwelling unit

ii. Live/work dwelling unit: 1 space per live-work dwelling unit

iii. Residential uses in a mixed-use development, multifamily and commercial-ready space used as residential: ~~one~~ 0.5 space per dwelling unit.

iv. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.

b. Commercial-Non-residential uses: 1 space per 1,000 square feet of floor area.

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 percent of one per 1,000 square feet of gross floor area.~~
- i. Exception. Hotels/motels and entertainment uses may use the off-street parking requirements in BDC Table 3.3.300, Required Off-Street Parking Spaces.
- e. ~~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. Parking Reductions.

- a. ~~2. Mixed-Use Developments. If more than one type of land use occupies a single structure or property with no single use occupying more than 80 95 percent of the total square feet of the building, the minimum off-street parking is may be 75 percent of the sum of the requirements for all uses.~~
- b. ~~3. The total number of required vehicle parking spaces amount of off-street parking required for an industrial, commercial, or office nonresidential uses 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).~~
- c. ~~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 required off-street parking.~~
- d. ~~The amount of off-street parking for the first 10,000 square feet of the building footprint including all stories located above the 10,000 square foot footprint may be reduced to zero, as shown in Figure 2.7.3250.~~  
The amount of off-street parking may be reduced to zero for a maximum of 10,000 square feet per floor. When using this parking reduction, it must be calculated prior to any other reductions.  
***(Amended by the Planning Commission on January 13, 2020)***
- e. These reductions are in addition to any reductions taken under BDC 3.3.300(D).

### 3. Parking Standards.

- a. Parking on the ground floor within a structure must be designed so that parked vehicles are screened from view at street level.
- b. Parking is allowed on the side and rear of buildings. If located on the side, the parking area may not exceed 50 percent of the total lineal frontage of the site and must be setback 10 feet from the front property line or 3 feet behind the front building facade, whichever is greater. For corner lots, the parking area may not exceed 50 percent of the total lineal frontage for all front property lines and frontages.
- c. Parking and maneuvering areas including driveways are prohibited between the street and the front of the building.

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

A. The BCD has 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. ~~On-street parking, bicycle facilities and wider sidewalks were identified as elements necessary for safe travel.~~ Where the existing street does not meet the standard right of way widths for locals, collectors, and arterials, dedication to increase the public right-of-way and improvements to meet the special street standards are required. The following special street standards supersede the standards in BDC 3.4.200(F):

1. Figure 2.7.3260.A applies to 2nd Street north and south of Greenwood Avenue, 4th 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.~~ If the right-of-way abutting a development site has a curb-to-curb (i.e. pavement) width narrower than 36 feet wide, the curb-to-curb width must be widened to 36 feet.

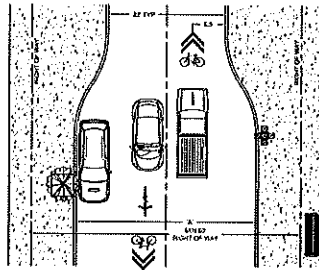
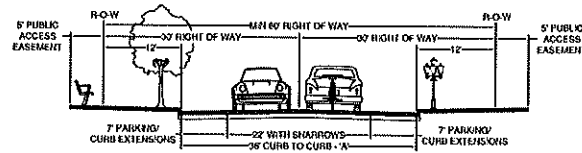
a. Exceptions: Any block of 2nd Street that is currently 40 feet wide may remain 40 feet wide and use the 40 foot wide cross-section provided for in Figure 2.7.3260.B.

- i. Any development site on a local street with frontage equal to or less than 40 percent of the block length that has an existing 30 foot wide curb-to-curb may remain 30 feet wide and use the cross-section provided for in Figure 2.7.3260.B. Dedication of right-of-way is required.

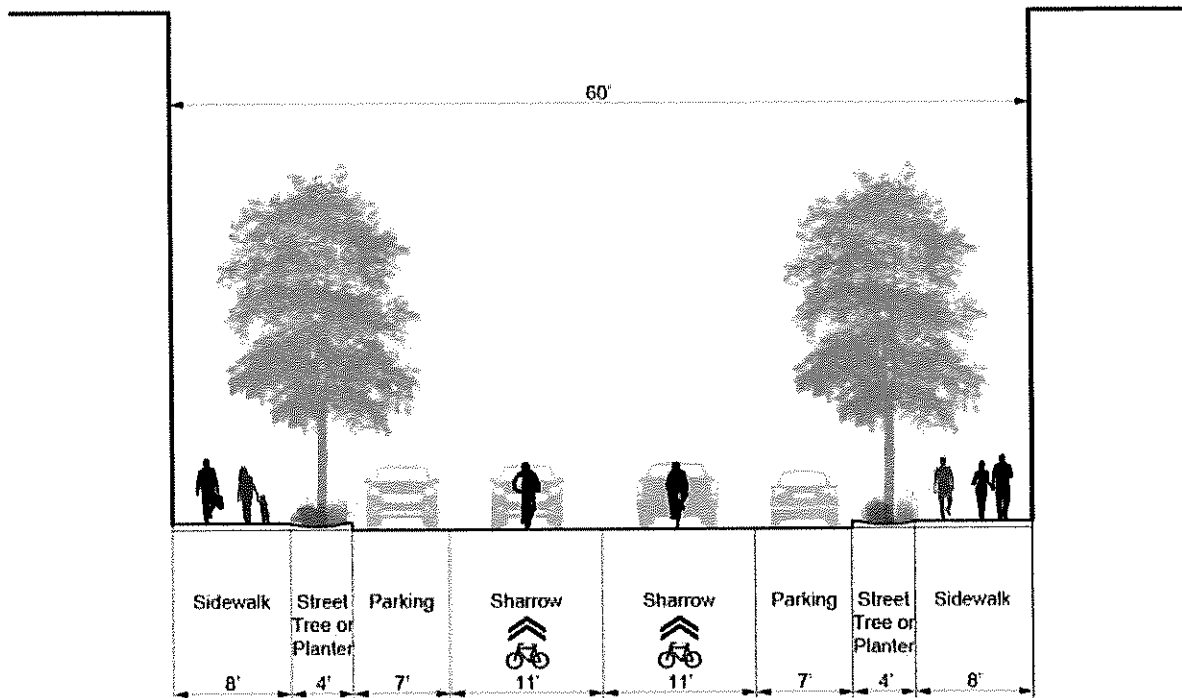
- ii. Any portion of the 2nd Street right-of-way within the BCD that has an existing 40 foot wide curb-to-curb width may remain 40 feet wide and use the 40-foot-wide curb-to-curb cross-section provided for in Figure 2.7.3260.C

Figure 2.7.3260.A

Delete figure



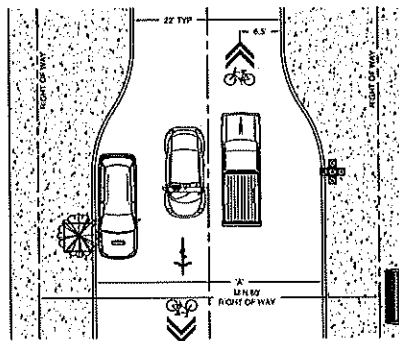
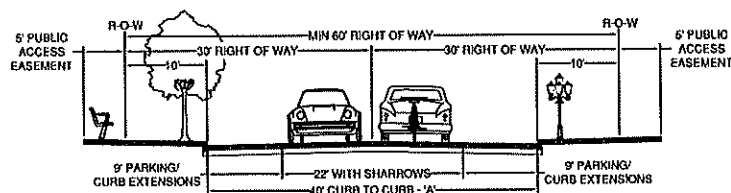
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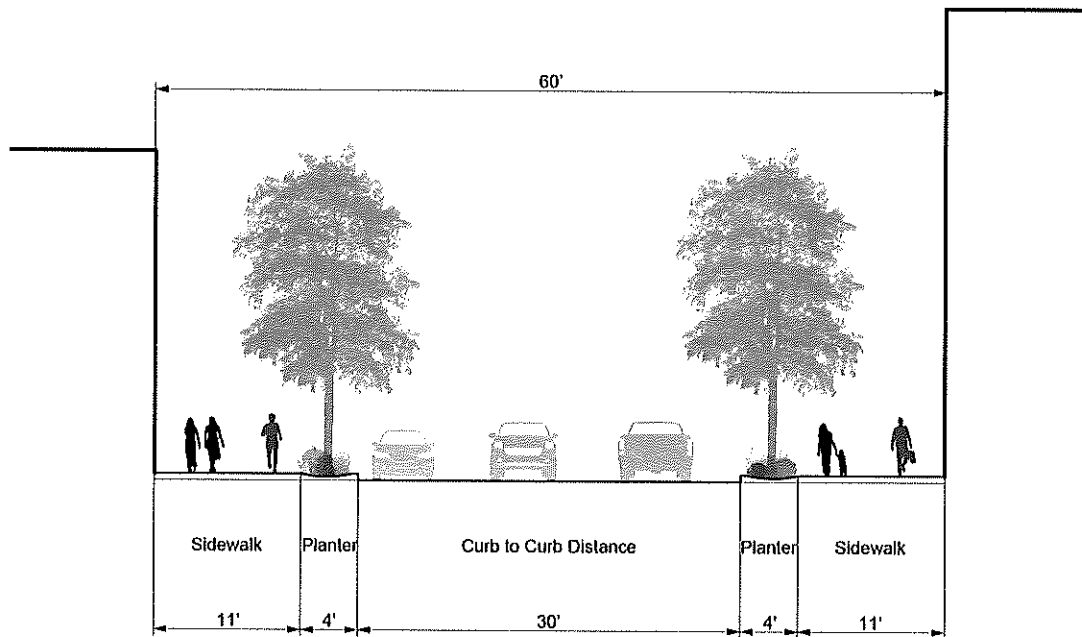
Note: Sharrows are not required on local streets.

Figure 2.7.3260.B

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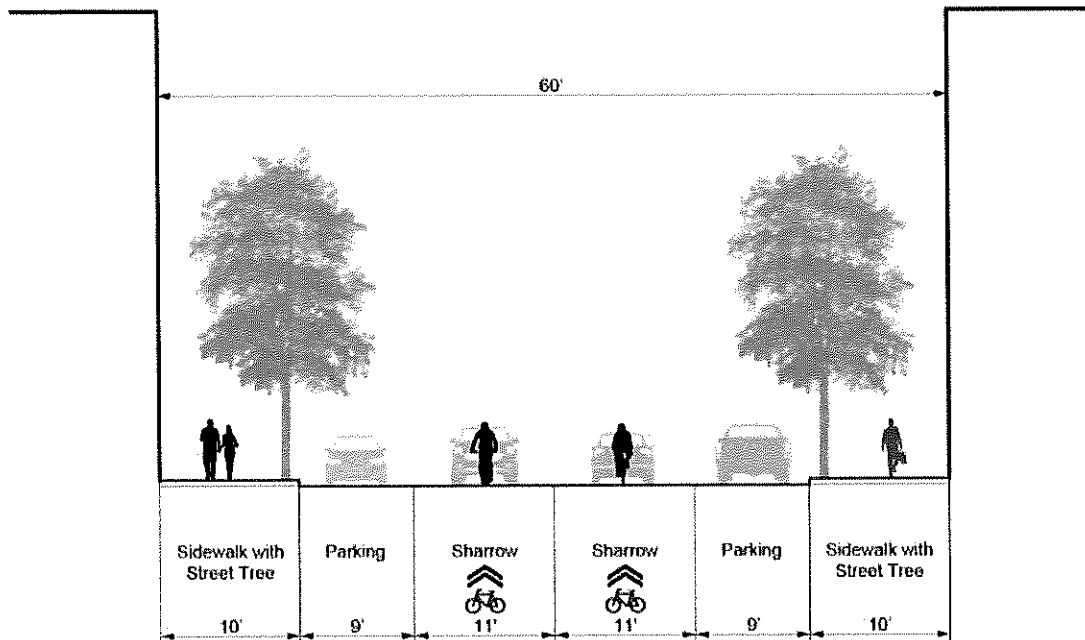
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2. Figure 2.7.3260.BC applies to 4th Street north of Greenwood Avenue.

**Figure 2.7.3260.B C**  
**Add the following figure**





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

- ~~1. The required five foot front 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.~~

**2.7.3270 Low Impact Stormwater Management.**

A. The use of low impact development (LID) techniques to manage stormwater on site ~~is encouraged~~ must be consistent with the City's Central Oregon Stormwater Manual; ~~and must include at least one of the following~~ techniques; ~~Techniques can include, but are not limited to, the following:~~

1. Use of on-site pervious paving materials to minimize impervious surfaces allowed within off-street and on-street parking areas and other areas within a development site.
2. Provision of an eco-roof or rooftop garden.
3. Use of ~~drought tolerant species in landscaping~~ drywells.
4. Provision of parking integrated into building footprint (above or below grade).

5. Provision of rain gardens and bioretention areas on site to filter stormwater runoff.
6. Shared stormwater facilities between adjacent properties.

#### **2.7.3280 Landscaping.**

- A. The landscaping standards of BDC Chapter 3.2 apply to the BCD except as noted in this section.
- B. The minimum required landscaping ~~shall~~ must equal ~~40~~ be at least five percent of the gross lot area ~~for the following uses:~~
  1. ~~Residential — duplex and triplex units and multiple family developments.~~
  2. ~~Commercial and office developments.~~
  3. ~~Industrial developments. Seventy five percent of the required 10 percent site landscaping shall be located within the front yard setbacks and parking areas or other areas visible to the public, unless otherwise required as a condition of approval.~~
  4. ~~Mixed-use developments.~~
- C. Green roofs and rooftop gardens may be counted toward meeting up to 100 percent of the landscaping requirement.
- D. Landscaping in the public right-of-way (for example, street trees and bioswales) may be counted toward meeting the landscaping requirement.
- E. Landscaping should be planted adjacent to the curb line to create a streetscape as illustrated in Figures 2.7.3240C and 2.7.3260. (Relocated from BDC 2.7.3230.E)

**EXHIBIT B  
FINDINGS OF FACT  
BEND DEVELOPMENT CODE (BDC) UPDATE  
AMENDMENT PZ 19-0861**

**I. PROCEDURAL FINDINGS:**

**(1) PUBLIC NOTICE AND COMMENTS.** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on December 3, 2019. Staff emailed the amendments to the Bend Development Code Update Group and to people who have expressed an interested in the amendments on December 10, 2019. A notice of the January 13, 2020, Planning Commission public hearing and of the February 5, 2020, City Council public hearing was printed in the Bend Bulletin on December 22, 2019, and was mailed to the neighborhood associations and property owners in the Bend Central District on December 16, 2019. The February 5, 2020, City Council hearing was rescheduled to February 19, 2020. A notice of the February 19, 2020, City Council public hearing was printed in the Bend Bulletin on January 26, 2020, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 22, 2020.

**(2) PROPOSAL:** Bend Development Code amendments to Chapter 1.2, Definitions and Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

**II. 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

**III. APPLICABLE PROCEDURES:**

(1) Bend Development Code

(a) Chapter 4.1, Land Use Review and Procedures

**IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:**

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

**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 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 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.

**FINDING:** On October 1, 2019, URAB recommended support of potential Development Code amendments to reduce barriers to development/redevelopment within the Bend Central District. On October 16, 2019, the City Council directed staff to proceed with developing amendments based on URAB's recommendation.

On November 4, 2019, staff provided an overview of the development barriers in the Bend Central District to Bend Economic Development Advisory Board (BEDAB). On December 9, 2019, the Planning Commission along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Bend Economic Development Advisory Board (BEDAB) and Urban Renewal Advisory Board (URAB) held a work session and discussed the amendments. Staff emailed the amendments to the Bend Development Code Update Group and to people who have

expressed an interest in the amendments on December 10, 2019. A notice of the January 13, 2020, Planning Commission public hearing and of the February 5, 2020, City Council public hearing was printed in the Bend Bulletin on December 22, 2019, and was mailed to the neighborhood associations and property owners in the Bend Central District on December 16, 2019. The February 5, 2020, City Council hearing was rescheduled to February 19, 2020. A notice of the February 19, 2020, City Council public hearing was printed in the Bend Bulletin on January 26, 2020, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 22, 2020.

On January 13, 2020, the Planning Commission held a public hearing and recommended approval of 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.

**FINDING:** 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 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. On June 20, 2018, the City Council approved the Urban Renewal Advisory Board (URAB) to help with a Feasibility Study and subsequent Urban Renewal Plan for the central area of Bend and to explore opportunities to incentivize and encourage development within the Bend Central District. On April 2, 2019, URAB reviewed a Development Feasibility Analysis prepared by Cascadia Partners which detailed barriers to development/redevelopment in the Bend Central District and 15 blocks located east (one block) and area north of the Bend Central District. On August 13, 2019, URAB reviewed a Zoning Audit of the Bend Central District prepared by Cascadia Partners to determine which zoning standards within the Bend Central District may be limiting investment, redevelopment and preventing the area from achieving citywide goals, including new housing. On October 1, 2019, URAB discussed a summary of potential code amendments and unanimously recommended support of the amendments to the City Council. On October 16, 2019, the City Council directed staff to proceed with developing amendments based on URAB's recommendation. On December 9, 2019, the Planning Commission along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Bend Economic

Development Advisory Board (BEDAB) and Urban Renewal Advisory Board (URAB) held a work session, reviewed a parking analysis for the area, and discussed the amendments. Therefore, the following documents provided the factual basis for the amendments:

1. **Development Feasibility Analysis**: Report prepared by Cascadia Partners detailing barriers to development/redevelopment within the Core Area.
2. **Zoning Audit**: Report prepared by Cascadia Partners identifying recommendations based on a zoning code audit that tested development feasibility of current code regulations using prototype developments on small lots.
3. **Development Capacity & Parking Analysis**: A report prepared by Stemach Architecture to better understand implications and impacts of implementing potential parking reductions recommended by the Zoning Audit.

The amendments are needed to allow for more housing by relaxing prescriptive mixed-use requirements; to simplify and reduce parking requirements, particularly for small lots; and to maximize buildable space for private development while balancing public needs such as creating walkable and attractive streets. Therefore, the amendments are justified and needed, and compliance with Goal 2 is met.

**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 8, Recreational Needs** requires the City to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. This goal is not applicable as the amendments have no effect on the availability of or access to recreational opportunities.

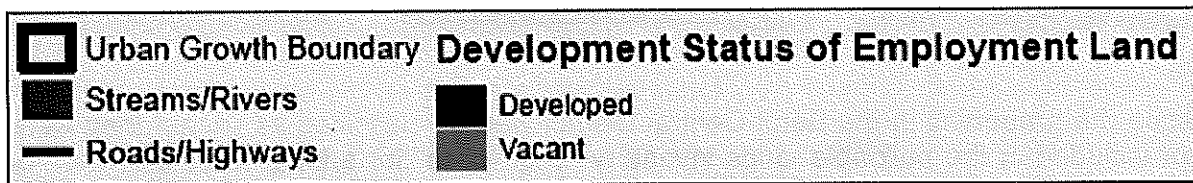
**Goal 9, Economic Development**, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth.

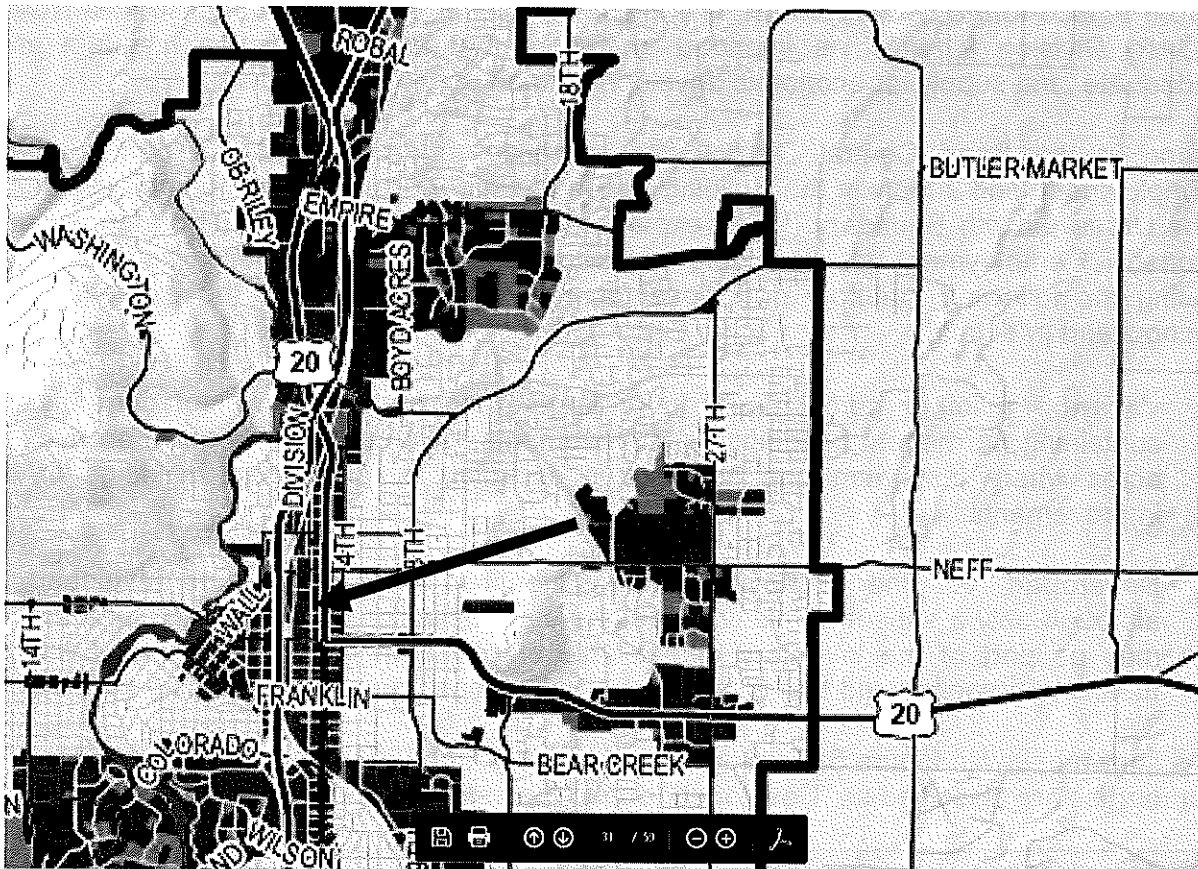
Land in the Bend Central District was identified as “developed” as part of the Employment land supply in the Building Lands Inventory (BLI) that was completed with the Urban Growth Boundary (UGB) expansion. The BLI status for all land planned or zoned for employment use (including mixed-use designations & zones) was assigned using the following statutory definitions for employment land, with the exception of school and park land.

**Vacant** - a lot or parcel equal to or larger than one half-acre not currently containing permanent buildings or improvements; or equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.

**Developed** - All other employment land is identified in the BLI map as developed, although only a subset of this will meet the state definition of “developed” land that may be part of the inventory of available employment land (“Developed Land” means non-vacant land that is likely to be redeveloped during the planning period).

As shown below in Figure 5, Employment BLI Status Map (2015) in the BLI, the subject properties are classified as “Developed” due to their small size (less than ½ acre).





Since the properties in the Bend Central District weren't classified as vacant they were not included in the buildable lands inventory "base case" for additional employment or residential capacity on vacant lands. The Bend Central District was expected to have properties that experienced a higher than citywide rate of infill redevelopment to support housing and employment needs. The allowed commercial uses and the "commercial ready" requirement will not preclude employment opportunities now or in the future. Therefore, the amendments will continue to allow commercial uses and is consistent with Goal 9.

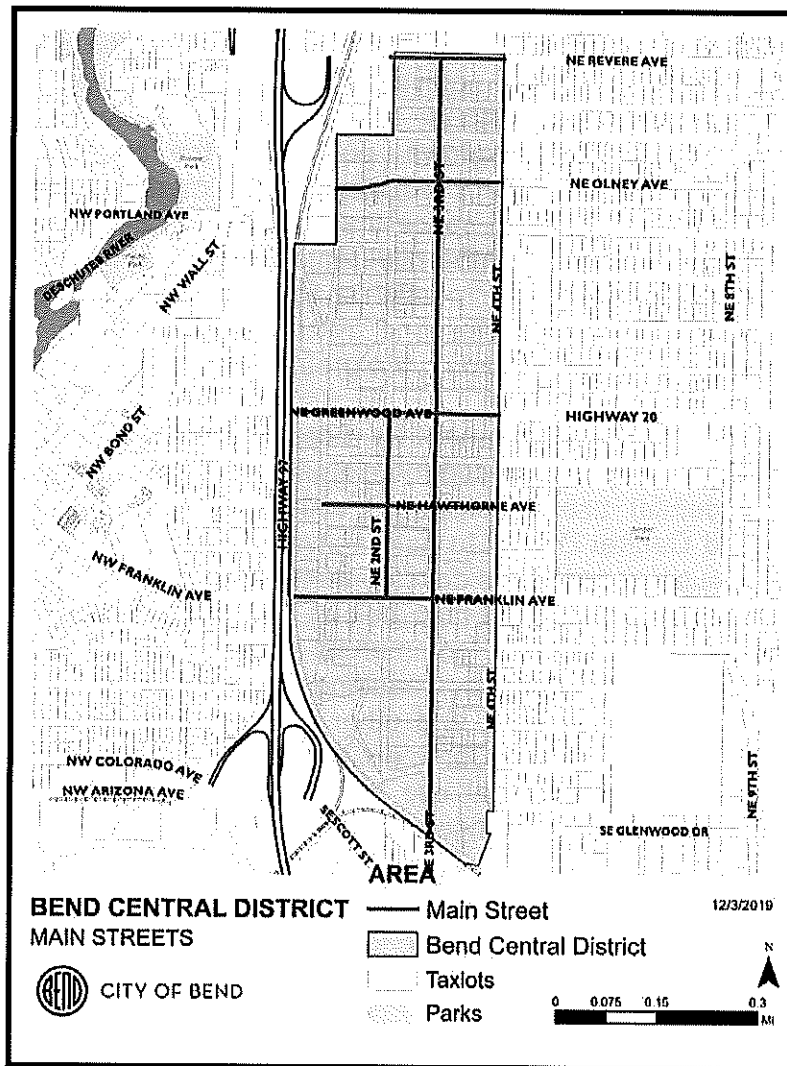
The Bend Central District is expected to generate capacity for roughly 230 housing units and greater employment density, primarily through redevelopment of the areas along and adjacent to 3<sup>rd</sup> Street between Revere Avenue to the north and the railroad to the South. A Development Feasibility Analysis prepared by Cascadia Partners LLC included interviews with five land owners and developers active in the Bend market. The developers indicated a set of issues with the existing Bend Central District code standards, including prescriptive mixed-use requirements, parking requirements, and other issues, that are hindering new development in the area.



One of the issues is that the Bend Central District doesn't currently permit standalone residential uses (residential uses that are not part of a mixed-use development). Even when residential uses are part of a mixed-use development, the nonresidential uses must occupy at least the floor area equivalent to the entire ground floor area of the development area unless a conditional use permit is approved. Even in prime commercial locations such as downtown, populating the entire ground floor with commercial space is often more square footage than the market can absorb. Requiring the construction of more commercial space than the market can absorb means either the project does not get built or the residential rental rates must be higher to absorb the cost of building empty/low rent commercial space. This requirement also prevents residential amenity spaces, like lobbies and gyms, rear tuck under parking, storage, mechanical, garbage, etc, to be located on the ground floor.

The amendments remove the requirement for a certain percentage of the ground floor of a mixed-use development to be a commercial use. The amendments will also allow for standalone residential uses, including townhomes and multifamily, in certain locations in the Bend Central District to help activate the area with people, ultimately helping to spur and support economic development of the area. On streets designated as Main Streets (see the Main Street map below) the ground floor of a development will be required to be designed to be "commercial-ready" meaning that it must be built to accommodate commercial uses by requiring a minimum floor-to-ceiling height, minimum transparency requirements, and other features that comply with applicable design and building code standards. Commercial-ready space provides the flexibility of occupying a space with a residential use in accordance with market demand and allowing the use in such space to change to a commercial use in the future.

## **Main Streets**



Therefore, compliance with Goal 9 is satisfied.

**Goal 10, Housing,** requires provisions to provide for the housing needs of citizens of the state.

**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. 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. Growth in Millennial households will increase the need for affordable housing options for renters and homeowners including: small single-family dwellings,

cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The Comprehensive Plan goals for the Bend Central District include a need for up to 230 housing units by 2028. In addition, the City Council has a goal to increase the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

- *Permitting 3,000 units with the target of 1170 single family units, 390 single family attached units and 1440 multi-family units by June 30, 2019.*

As part of the goal, the Council has a strategy to "Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments." To implement this strategy, the Council has identified a need to audit the Bend Development Code in order to identify barriers in constructing needed housing, including mobility and parking standards.

Since the Bend Central District was re-zoned in 2016, the area has seen no new housing unit developments proposed and it is therefore unlikely this area will become all residential. The development capacity and parking analysis report identified that under the current Bend Central District code, it will be difficult to achieve existing housing needs and goals for the Bend Central District as adopted in the City's Comprehensive Plan. The amendments will help implement the Council's goal of permitting 3,000 units by June 30, 2021, and help meet the needs identified in the Housing Needs Analysis by encouraging the development of townhomes, apartments and mixed-use developments in the Bend Central District. The amendments are intended to supplement some additional units but not make the area exclusively residential.

Therefore, compliance with Goal 10 is satisfied.

**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 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 satisfied.

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

**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 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 amendments and therefore, the City's long standing acknowledgment of compliance with Goal 14 is satisfied.

**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 BDC amendments.

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

Because the 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.

- **Ensure Quality Design and Attractive Development.** Ensure that the “built environment” is as attractive as feasible.
- **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 Bend Central District was identified as an “Opportunity Area” through the UGB process to achieve greater efficiency within the existing boundary for housing and employment. Concurrent with the UGB adoption, new development code text to implement the Bend Central District was added. Due to a lack of development in the Bend Central District since 2016, new amendments are necessary to maximize buildable space for private development while balancing public needs such as creating walkable and attractive streets. The amendments increase allowances for residential uses and focus non-residential mixed-use requirements through commercial-ready space design standards on designated Main Streets. The amendments create greater flexibility for mixed-use developments by removing barriers including modifications to setback requirements, size limitations, lot width requirements and parking requirements. The amendments implement the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

## **Policies**

### ***Development within the Urban Growth Boundary***

**1-7** The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

**FINDING:** The amendments allow a mix of residential and nonresidential uses, providing pedestrian friendly access to goods and services, convenient to nearby residents which increases walkability and reduces trips and vehicle miles traveled.

**1-8** The City and county will encourage infill and redevelopment of appropriate areas within Bend Central Core, opportunity Areas and transit corridors (see Figure 11-1).

**FINDING:** Small property size is often listed as a factor that impedes redevelopment in the Bend Central District, partially because there is a level of efficiency in building construction that can be achieved on sites over a certain size (half acre or more). More often than not, however, the real challenge in redeveloping small sites relates to development standards that are not compatible with smaller footprint buildings. The majority of the properties in the Bend Central District are smaller than 12,000 square feet. Accommodating off-street parking and the associated vehicular turning and

maneuvering areas is the single most significant design hurdle for small sites. In cities and neighborhoods where development standards have been liberalized (in particular off-street parking requirements greatly reduced or eliminated), small sites are developed far more easily and quickly.

To encourage infill and redevelopment of the smaller properties in the Bend Central District, barriers to development such as setback requirements, size limitations, and lot width requirements have been significantly reduced. The amendments also offer opportunities to provide more flexibility by allowing developers to determine how much parking is needed for their development. With the exception of properties located on 3<sup>rd</sup> Street, the elimination of a five foot public access easement located within the front setback will also help support development on smaller lots.

The purpose of these amendments is to remove barriers to small lot development and encourage infill and redevelopment, creating housing in the area to activate the Bend Central District with people. These amendments will ultimately help spur private development that may not otherwise occur in order to support the vision and goals for the Bend Central District.

### ***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 June 20, 2018, the City Council approved the Urban Renewal Advisory Board (URAB) to help with a Feasibility Study and subsequent Urban Renewal Plan for the central area of Bend and to explore opportunities to incentivize and encourage development within the Bend Central District. On April 2, 2019, URAB reviewed a Development Feasibility Analysis prepared by Cascadia Partners which detailed barriers to development/redevelopment in the Bend Central District and 15 blocks located east (one block) and north around the Bend Central District. On August 13, 2019, URAB reviewed the Zoning Audit of the Bend Central District prepared by Cascadia Partners to determine which zoning standards within the Bend Central District may be limiting investment, redevelopment and preventing the area from achieving City wide goals, such as new housing. On October 1, 2019, URAB discussed a summary of potential code amendments and unanimously recommended support of the amendments to the City Council. On October 16, 2019, the City Council directed staff to proceed with developing amendments based on URAB's recommendation.

On December 9, 2019, the Planning Commission along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Bend Economic Development Advisory Board (BEDAB) and Urban Renewal Advisory Board (URAB) held a work session to discuss the amendments and review a parking and development capacity analysis for the area. Staff emailed the amendments to the Bend Development Code Update Group and to people who have expressed an interest in the amendments on December 10, 2019.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCDD) on December 3, 2019. A notice of the January 13, 2020, Planning Commission public hearing and of the February 5, 2020, City Council public hearing was printed in the Bend Bulletin on December 22, 2019, and was mailed to the neighborhood associations and property owners in the Bend Central District on December 16, 2019. The February 5, 2020, City Council hearing was rescheduled to February 19, 2020. A notice of the February 19, 2020, City Council public hearing was printed in the Bend Bulletin on January 26, 2020, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 22, 2020.

On January 13, 2020, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council as amended.

Therefore, compliance with Chapter 1 has been met.

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

### **Goals:**

- 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, sidewalks 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.
- Zone adequate land in specific designations to allow for production of needed housing units.

**FINDING:** The City Council has a goal to increase the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

- *Permitting 3,000 units with the target of 1170 single family units, 390 single family attached units and 1440 multi-family units by 06/30/2021.*

As part of the goal, the Council has a strategy to “Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments.” To implement this strategy the Council has identified a need to audit the Bend Development Code to identify barriers in constructing needed housing, including mobility and parking standards. The amendments are proposed in order to implement the Council’s goal and the Comprehensive Plan Goals.

## **Policies**

### ***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.

**FINDING:** The amendments will help implement a mix of housing indicated in the adopted Housing Needs Analysis by allowing more flexible development standards within the Bend Central District. The amendments increase allowances for residential uses and focus non-residential mixed-use requirements through commercial-ready design standards on designated Main Streets. Barriers to development including setback requirements, size limitations, and lot width requirements are significantly reduced. The amendments also offer opportunities to provide more flexibility to developers in determining their needed parking for sites.

**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:** The summary of key findings about housing affordability in the Housing Needs Analysis states that the decreases in housing affordability for homeowners shows an increased need for less costly, smaller housing options, both smaller lots and smaller units, such as single family detached cottages or cluster housing, and for townhouses. The Housing Needs Analysis also states that demand for owner-occupied multifamily housing, such as garden apartments or urban condominiums, may increase, especially in walkable areas with access to services. These types of more affordable owner-occupied units are the types likely to be preferred by some downsizing baby Boomers and Millennials, especially as the first houses for Millennials.



The Development Feasibility Analysis prepared by Cascadia Partners indicated a set of issues within the existing Bend Central District code standards, including prescriptive mixed-use requirements, parking requirements, and other issues, that are hindering new development in the area. The amendments will allow for more housing, including townhomes and multifamily, in a walkable area with access to services, by relaxing prescriptive mixed-use and parking requirements.

**5-8** The City will apply innovative and flexible zoning tools to support a mix of housing types and densities.

**FINDING:** The Bend Central District 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). 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.

Parking is the most significant limitation on building size and height of development in the Bend Central District. Under the existing BDC, some properties would be undevelopable due to the conflict between the amount of parking required and limited amount of space on which parking could actually be sited, particularly on small lots. Most sites could develop, but at well below maximum allowable height and density allowances. Existing parking minimums significantly limit the ability to incorporate housing units into developments because of the additional on-site parking required for residential uses in particular.

In terms of how parking might affect the number of residential units, the Development and Parking Analysis of Potential Code Amendments states that in the estimated 50 year timeframe the existing code would provide 225 residential units in the area but would require 781 total parking spaces for both residential and commercial uses, utilizing on-site and on-street spaces. Under the amendments, a potential total of 1,027 residential units could be developed but would require just 567 parking spaces. This is assuming maximum allowable buildout and full utilization of all parking exemptions that could be provided. It is not likely that all developments will build to this intensity or take full advantage of all parking reductions.

As previously discussed, the amendments will allow townhomes and multifamily residential uses as standalone uses and nonprescriptive mixed-use developments in all subdistricts. When these uses are located on Main Streets, they will be required to be commercial-ready. Commercial-ready space provides the flexibility of occupying a space with a residential use in accordance with market demand and allowing the use in such space to change to a commercial use. These amendments will help provide a mix of housing types.

**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.

**FINDING:** It is estimated that the Bend Central District could accommodate up to 230 units by 2028 (8-year timeframe) and 930 units by 2040 (20-year timeframe). Without updated parking standards, the area's capacity is significantly limited to provide the estimated housing needed for the area by 2028. Parking is a significant factor in limiting capacity. The Development and Parking Analysis of Potential Code Amendments in the Bend's Core Area (modeling maximum allowable development) showed that changes to the parking standards could increase the feasibility of developing housing units by 3 times as much as the land use estimates for the area within the same time-frame. The amended parking standards as identified in the analysis will help reduce the amount of land needed for parking, reduce the cost of housing development and would encourage a more walkable development pattern.

### ***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 proposed cross sections continue to require street trees with all new development.

### ***Transportation connectivity***

**5-38** Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to the highest concentrations of population.

**FINDING:** The amendments will allow townhomes and multifamily developments in the Bend Central District. These residential developments will have good access to transit since the entire Bend Central District is within 0.25 miles of a bus stop. In addition, they will have good access to the existing high concentration of commercial and employment opportunities in downtown as a majority of the Bend Central District is located no greater than 0.50 miles of downtown. They will also have access to future commercial services and employment as the Bend Central District develops.

**5-44** Sidewalks will be required in all new developments. Separated sidewalks will be required on all new streets. However, an alternative system of walkways that provide adequate pedestrian circulation may be approved.

**5-46** Bikeways shall be considered as a transportation element, and adequate facilities shall be provided as a part of new development.

**FINDING:** The amended cross-sections continue to provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities.

Therefore, the proposed amendments satisfy Chapter 5 since they will help foster a variety of housing developments by providing more flexible development standards.

## **Chapter 6: Economy**

### **Goals:**

- Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.
- Ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.
- Create commercial areas that support multimodal access.
- Encourage more small neighborhood commercial developments and convenience commercial centers to reduce the number and length of single occupancy vehicle (SOV) trips.

**FINDING:** The Bend Central District 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). 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. As the Bend Central District redevelops, the mix of residential and nonresidential uses will help reduce the number and length of single occupancy vehicle trips.

### **Policies**

#### ***General Policies***

**6-1** Bend's economic lands (commercial, industrial and mixed use) serve Bend residents and the needs of a larger region.

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

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

**6-11** The City will periodically review existing development and use patterns on industrial and commercial lands. The City may consider modifying Comprehensive Plan designations and zoning to better respond to opportunities for redevelopment and revitalization of employment lands in underutilized areas.

**FINDING:** While there is significant development interest within the Bend Central District, there is also a sentiment that some of the existing BDC regulations prevent significant redevelopment of the area. There have been relatively few new construction projects with the Bend Central District since 2007. The large amount of relatively low-cost commercial space limits achievable commercial rents and thus limits the viability of newly constructed commercial space, except in very select locations and/or with a national tenant in-hand. The new construction projects that have occurred are largely single-story commercial buildings, often with national chain commercial tenants, such as Walgreens and Jack In The Box, or owner-occupied new buildings. Many of the remodels in the Bend Central District are to accommodate auto-oriented commercial and service chain stores, such as fast food.

The amendments remove barriers and encourage the development of housing which will activate the area with people while not precluding commercial uses, such as office and retail as allowed uses. Residential development can help tip the scales of feasibility of vertical mixed-use by helping to overcome relatively low commercial rents. The amendments will ultimately help spur private redevelopment and revitalization that may not otherwise occur in the Bend Central District.

### ***Mixed Use Development***

**6-23** Mixed-use development may be regulated through one or more plan designations and zoning districts to encourage the development of a mix of employment, or a mix of employment and residential uses.

**6-24** Mixed-use development will achieve the following purposes:

- provide a variety of employment opportunities and housing types;
- foster pedestrian and other non-motor vehicle access within and to the site;
- ensure compatibility of mixed-use development with the surrounding area and minimize off-site impacts associated with the development;
- ensure the site planning, access, parking areas and building designs are functionally coordinated and aesthetically pleasing; and
- where applicable, improve the natural conditions along the Deschutes River, and encourage access to and enjoyment of the Deschutes River.

**6-25** The City will encourage vertical mixed use development in commercial and mixed use zones, especially where those occur within the Central Core, Opportunity Areas and along transit corridors.

**FINDING:** Vertical mixed-use buildings are a relatively new building type in Bend. They allow for greater employment density and provide opportunities for upper floor residential housing. Mixed-use is important to the success of the City Council's housing goal of providing 1,440 multi-family units by June 30, 2019. The current Bend Central District prescriptive mixed-use standards and parking requirements have negative (and unintended) impacts to financial feasibility and building form of mixed-use developments. The amendments create greater flexibility for mixed-use developments by removing barriers including modifying setback requirements, size limitations, lot width requirements and parking requirements.

### ***Commercial Development***

**6-28** The City will encourage development and redevelopment in commercial corridors that is transit-supportive and offers safe and convenient access and connections for all transportation modes.

**FINDING:** The entire Bend Central District is within 0.25 miles of a bus stop. The non-prescriptive amendments provide an opportunity for commercial strip development to transition to a mixed-use corridor which will decrease per capita vehicle miles traveled (VMT) through increased walking, biking, and transit use.

**6-30** The City shall strive to retain and enhance desirable existing commercial areas and encourage property owners' efforts to rehabilitate or redevelop older commercial areas.

**FINDING:** The amendments to the Bend Central District increase allowances for residential uses and focus non-residential mixed-use requirements through commercial-ready design standards on designated Main Streets. They also offer opportunities to provide more flexibility to developers in determining their needed parking for sites. In addition, barriers to development through setback requirements, size limitations, and lot width requirements are significantly reduced. These amendments remove barriers and encourage the development of housing which will activate the area with people. These amendments will ultimately help spur private development and redevelopment that may not otherwise occur in order to support the vision and goals for the Bend Central District.

**6-32** All commercial developments shall be subject to development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.

**FINDING:** All new development in the Bend Central District is subject to BDC Article XIV, Bend Central District which regulates lot area, setbacks, height, design, commercial-ready space, parking, special street cross-sections, low impact stormwater management, and landscaping.

**6-39** The City will limit the amount of ground-floor residential development in the commercial zones and mixed employment zones to preserve economic lands for economic uses.

**FINDING:** The amendments will allow townhomes and multifamily residential uses as standalone uses in all subdistricts. This is consistent with the best practices for zoning mixed-use districts as stated in *Enabling Better Places: User's Guide to Zoning Reform*: "Ground floor commercial requirements are a common pitfall when establishing mixed-use districts. Non-residential ground floor uses may be required along the primary retail corridor (typically no longer than ¼ mile), but should not be required throughout the district. In the greater downtown area, permitting residential as a single use should be allowed, which provides population support for the area."

While the proposed amendments allow for ground floor residential uses, the ground floor of developments located on streets designated as Main Streets, is required to be built as either a commercial use or be built to a "commercial-ready" standard. This means that the ground floor must be built to accommodate proposed or future commercial uses by requiring a minimum floor-to-ceiling height, minimum transparency requirements, and other features that comply with applicable design and building code standards. Commercial-ready space provides the flexibility of occupying a space with a residential use in accordance with market demand while not precluding ground floor commercial uses now or in the future. Therefore, the amendments preserve ground floor uses on Main Streets for economic uses, consistent with this policy, while providing flexibility for market conditions to determine the use.

**6-40** The City will monitor parking needs for commercial uses and set requirements at the lowest level to meet the community needs.

**6-41** The City will write parking requirements to encourage walkable commercial development while providing for adequate parking.

**FINDING:** Excessive off-street surface parking undermines the desired pedestrian-oriented character of the Bend Central District. A high level parking analysis identified 885 total off-street parking stalls and 143 on-street parking stalls with 33% being utilized. Based on the Development Capacity and Parking Analysis, it was determined that there was an abundance of existing underutilized parking, and even with the amendments, it would be feasible to accommodate parking on-street for the next 10 years, at a minimum. On-street parking supports businesses and provides a layer of safety to pedestrians. Additionally, on-street parking spaces represent significant revenue as well as cost savings for businesses. Rather than building off-street parking at additional cost, on-street spaces are public, easily accessed, and conveniently located.

The Bend Central District contains use-based, off-street parking requirements which are problematic. Because uses in buildings change far more often than buildings themselves change, many communities are moving away from detailed use-based parking requirements and simplifying parking requirements, often only distinguishing between residential and non-residential uses. The amendments are consistent with this practice; simplifying the use-based parking requirements to a single non-residential use requirement of 1 space per 1,000 square feet and reducing residential parking requirements to 0.5 spaces per unit on average from 1

The current code contains a parking exemption for up to 5,000 square feet of retail or restaurant uses only. The amendments expand this innovative policy to include a reduction for all uses for the first 10,000 square feet of the building footprint including all stories located above the 10,000 square foot footprint may be reduced to zero. During the Planning Commission public hearing on January 13, 2020, the Commission revised this parking reduction to allow the amount of off-street parking to be reduced to zero for a maximum of 10,000 square feet per floor and that the 10,000 square feet didn't have to be contiguous. Because many of the lots in the Bend Central District are small, this reduction is especially impactful as accommodating parking and the related drive aisles and buffering on a small lot takes up a significant portion of the site and therefore often makes urban scale development unfeasible.

In order to be eligible for the mixed-use parking reduction of 25% under the current code, a mixed-use project is required to have at least 20% secondary uses, such as ground floor commercial. The current code is overly prescriptive in determining the amount of that secondary use, even if the market cannot sustain that amount of square footage. For instance, if a building is proposed with 50,000 square feet, at least 10,000 square feet must be secondary uses in order to be eligible for the mixed-use parking

reduction – but 10,000 square feet of commercial, for instance, may not be market feasible. In order to provide flexibility and encourage mixed-use development, the amendments reduced the amount of secondary uses needed to be eligible for the reduction to 5%.

The parking amendments will help reduce the land utilized for parking, which would help reduce the cost of development and encourage a more walkable development pattern.

Therefore, the amendments satisfy Chapter 6 since they will help promote a vital, diverse and sustainable economy.

## **Chapter 7: Transportation Systems**

### **Goals**

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

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

#### **Efficiency:**

- Encourage the development of land use patterns that provide efficient, compact use of land, and facilitate a reduced number and length of trips.

#### **Accessibility and Equity:**

- Provide people of all income levels with the widest range of travel and access options within the Bend urban area.
- Provide all transportation modes access to all parts of the community.

#### **Economic:**

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

#### **Safety:**

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

**FINDING:** The proposed amendments will increase allowances for residential uses and focus non-residential mixed-use requirements through commercial-ready design standards on designated Main Streets. These amendments will ultimately help spur private development that may not otherwise occur.

Overcoming the obstacles to development in this area will require both a more functional transportation system and a more appealing public realm. As development occurs, the streets will be improved to the amended cross-sections that continue to provide on-street parking, bicycle facilities, and wider sidewalks to accommodate



pedestrians, bicycles, street trees and pedestrian amenities. The cross-sections provide for a continuous, safer, and more comfortable street design for bicyclists and pedestrians in the Bend Central District.

**Objectives:**

- To promote land use patterns that support fewer vehicle trips and shorter trip lengths
- To ensure that future development, including re-development, will not interfere with the completion of Bend's transportation system

**Policies:**

**7-5** The City shall continue to explore mixed use zoning as one of the land use patterns that will promote fewer vehicle trips and shorter trip lengths.

**7-6** The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.

**7-7** The City shall explore incentives for re-development of existing commercial strips in order to help reduce the need to expand the Urban Growth Boundary.

**FINDING:** The Bend Central District provides opportunities for all transportation users including those that drive to the area and need to park, as well as bicyclists, pedestrians and transit users. The amendments will activate the area with people by removing barriers to development that will bring new residents, more transit users, and a larger customer base for the area's businesses. Pedestrian friendly access to goods and services convenient to nearby residents will reduce trips and vehicle miles traveled.

***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.

**7-32** Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.

**FINDING:** The Bend Central District amended 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 amended special street standards will help develop safe and convenient bicycle and pedestrian circulation in the Bend Central District.

**7-33** Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.

**FINDING:** The intent of the Bend Central District 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 updated street standards continue to 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.

## **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

### **General Policies:**

**7-48** Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.

**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 intent of the Bend Central District 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 updated street standards continue to 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 Plan (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 intent of the Bend Central District 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 updated street standards continue to 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.

**7-85** The city will encourage and work with local businesses and residents to implement transportation demand management programs and strategies.

**FINDING:** Bend Development Code Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan includes a wide range of strategies intended to increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand.

**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:** Interviews with developers indicated a set of issues with the existing Bend Central District code standards, including prescriptive mixed-use requirements, parking requirements, and other issues that are hindering new development in the area.

The Bend Central District contains use-based, off-street parking requirements. Use-based parking requirements are problematic. The uses in buildings change far more often than buildings themselves change. Many communities are moving away from detailed use-based parking requirements and simplifying parking requirements, often only distinguishing between residential and non-residential uses. The amendments simplify the use-based parking requirements to non-residential and residential and expand the allowable parking reductions. 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 9: Community Appearance**

### ***Policies***

**9-8** The city values design review for all development in the community with the exception of single-family houses, duplexes and tri-plexes.

**FINDING:** The amended design standards include building and entry orientation, façade height minimums, transparency requirements and building articulation requirements. The amendments also include commercial-ready space standards for development on Main Streets that require a ground floor to be designed to accommodate commercial uses, with a minimum floor-to-ceiling height and other features that comply with applicable design and building code standards. The design standards are not intended to stifle creativity nor over-regulate building design but rather create a higher quality pedestrian environment.

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;
- Locate jobs in suitable locations, where there is access to transportation corridors, larger parcels, and good visibility for commercial uses;
- Meet state requirements for growth management and the UGB while achieving local goals;
- 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 because of 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 Bend Central District is one of the opportunity areas. The purpose of the Bend Central District is to provide for a wide range of residential, commercial and office uses throughout the District that result in a walkable, vibrant, diverse mixed-use district, with an emphasis on commercial uses at street level on designated Main Streets.

The amendments to the Bend Central District can be broadly grouped into three categories:

- 1. Amendments that allow for more housing by relaxing prescriptive mixed-use requirements.**
- 2. Amendments that simplify and reduce parking requirements, particularly for small lots.**
- 3. Amendments that maximize buildable space for private development while balancing public needs such as creating walkable and attractive streets.**

These amendments will ultimately help spur private development and encourage infill/redevelopment that may not otherwise occur in order to support the vision and goals, including housing and employment goals, for the opportunity area.

**11-1** The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

**FINDING:** The amendments will allow the Bend Central District to “grow up” and help provide the base infrastructure, population density, and urban amenity “completeness” that is needed to reverse the growth of vehicle miles traveled per capita and increase walking, biking, transit, and linked trips by automobiles.

***General Growth Management Policies***

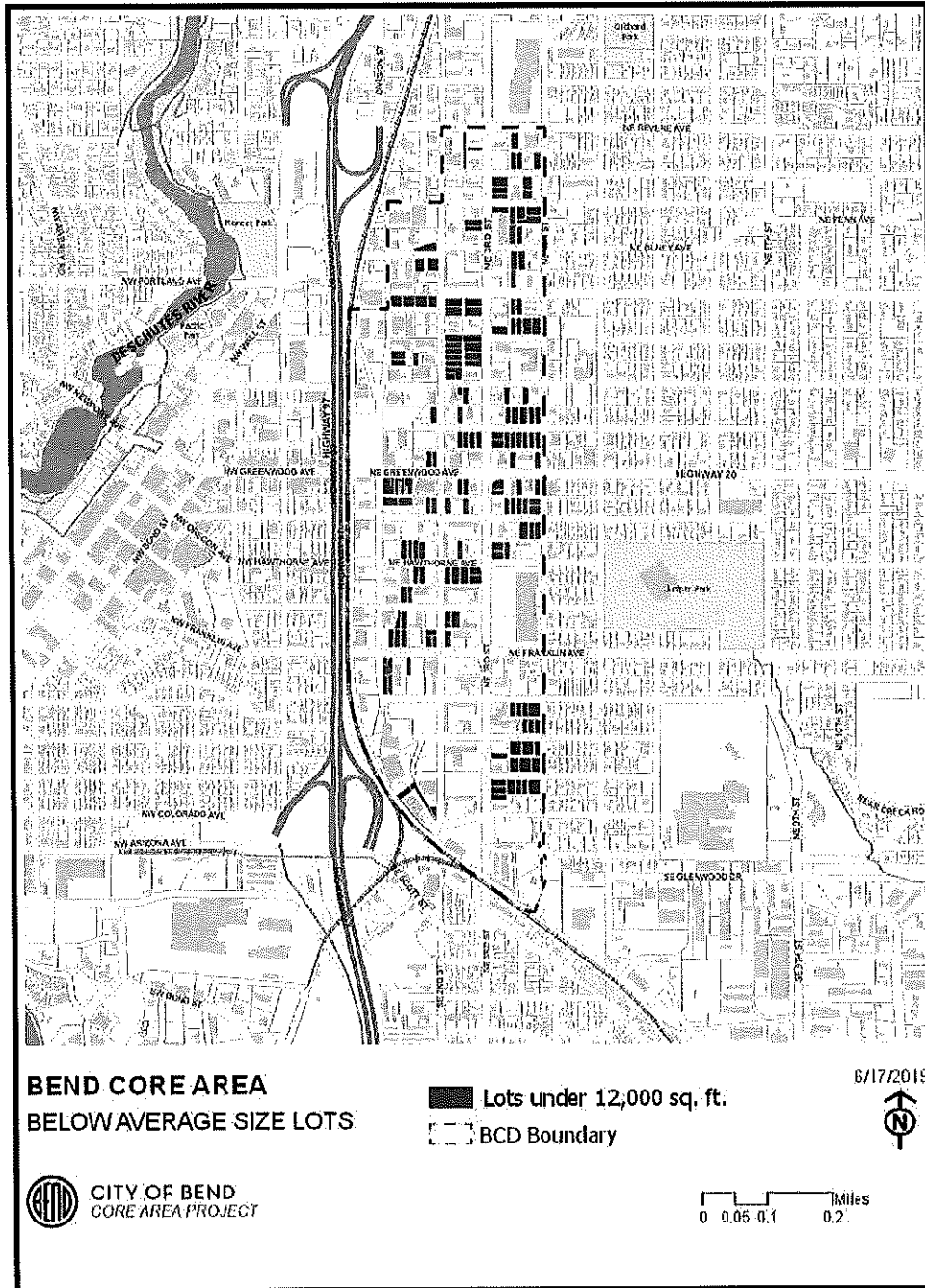
**11-2** The City will encourage infill and redevelopment of appropriate areas within Bend’s Central Core, Opportunity Areas and transit corridors (shown on Figure 11-1).

**FINDING:** Property size is often listed in factors impacting redevelopment in the Bend Central District, and there is some level of efficiency in building construction that can be achieved on sites over a certain size (half acre or more). More often than not, however, the real challenge in redeveloping small sites relates to development standards that are not compatible with smaller footprint buildings. As shown on the map below, a majority of the properties in the Bend Central District are smaller than 12,000 square feet. Accommodating off-street parking is the single most significant design hurdle for small sites. In cities and neighborhoods where development standards have been liberalized (in particular off-street parking requirements greatly reduced or eliminated), small sites are developed far more easily and quickly.

To encourage infill and redevelopment of the smaller properties in the Bend Central District, barriers to development such as setback requirements, size limitations, and lot width requirements have been significantly reduced. The amendments also offer opportunities to provide more flexibility to developers in determining their needed parking for sites.

The purpose of these amendments is to encourage infill and redevelopment that creates housing to activate the Bend Central District with people and remove barriers to small lot development. These amendments will ultimately help spur private development that may not otherwise occur in order to support the vision and goals for the Bend Central District.

**Lots under 12,000 square feet**



**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:** The amended special street standards continue to 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.

***Policies for Centers and Corridors***

**11-6** The City will encourage vertical mixed use development in commercial and mixed use zones, especially where those occur within the Central Core, Opportunity Areas and along transit corridors.

**FINDING:** The City's central transit hub is located within the Bend Central District. In addition, the entire Bend Central District area is located within a 0.25 miles of a bus stop. Amendments also designate main streets to focus commercial ready standards and remove barriers to vertical mixed-use buildings and urban housing. Vertical mixed-use buildings are a relatively new building type in Bend. They allow for greater employment density and provide opportunities for upper floor residential housing. Vertical mixed-use is important to the success of the City Council's housing goal of providing 1,440 multi-family units by June 30, 2019. The current Bend Central District prescriptive mixed-use standards and parking requirements have negative and unintended impacts to financial feasibility and building form. The amendments create greater flexibility for mixed-use development by removing barriers.

**11-8** New commercially designated areas are encouraged to develop with mixed-use centers to include housing, open space, commercial development, and other employment uses.

**FINDING:** The Bend Central District is intended to implement the goals and objectives for the creative redevelopment of the central Third Street Corridor and surrounding areas west to the Parkway and east including 4th Street as indicated below:

- A. Provide for a wide range of residential, commercial and office uses throughout the BCD that result in a walkable, vibrant, diverse mixed-use district, with an emphasis on commercial uses at street level on designated Main Streets.
- B. 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.
- C. Provide for development that is supportive of transit by encouraging a pedestrian-friendly environment.
- D. Provide development and design standards that support the goals of the BCD.
- E. Limit development of low-intensity uses while allowing continuation of existing industrial and manufacturing uses.
- F. Provide reduced parking standards and encourage alternative parking arrangements.

**11-9** The City will encourage development and redevelopment in commercial corridors that is transit-supportive and offers safe and convenient access and connections for all modes.



**FINDING:** As envisioned in the Comprehensive Plan, the Bend Central District should “grow up” due to the base infrastructure, population density and proximity to urban amenities and regional destinations. The entire Bend Central District is within 0.25 miles of a bus stop. The non-prescriptive amendments provide an opportunity for commercial strip development to transition to a mixed-use corridor which will decrease per capita vehicle miles traveled (VMT) through increased walking, biking, and transit use.

### **Policies for Employment Districts**

**11-13** The City will periodically review existing development and use patterns on industrial and commercial lands. The City may consider modifying Comprehensive Plan designations and Zoning to better respond to opportunities for redevelopment and revitalization of employment lands in underutilized areas.

**FINDING:** While there is significant development interest within the Bend Central District, there is also a sentiment that some of the existing BDC regulations prevent significant redevelopment of the area. There have been relatively few new construction projects with the Bend Central District since 2007. The large amount of relatively low-cost commercial space limits achievable commercial rents and thus limits the viability of newly constructed commercial space, except in very select locations and/or with a national tenant in-hand. The new construction projects that have occurred are largely single-story commercial buildings, often with a national chain commercial tenants, such as Walgreen and Jack In The Box, or owner-occupied new buildings. Many of the remodels in the Bend Central District have been to accommodate auto-oriented commercial and service chain stores, such as fast food.

The amendments remove barriers and encourage the development of housing which will activate the area with people while not precluding commercial uses, such as office, retail, etc. as allowed uses. Residential development can help tip the scales of feasibility of vertical mixed-use by helping to overcome relatively low commercial rents. The amendments will ultimately help spur private redevelopment and revitalization that may not otherwise occur in the Bend Central District.

### **Policies for Residential Areas and Neighborhoods**

**11-16** Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment, and public open space to provide the maximum access to the highest concentrations of population.

**FINDING:** The amendments will allow townhomes and multifamily developments in the Bend Central District. These future developments will have good access to transit since the entire Bend Central District is within 0.25 miles of a bus stop. They will also have

access to existing and future commercial services and employment.

Therefore, the amendments satisfy Chapter 11.

Based on the findings stated above, staff concludes that the 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:** Bend is a fast-growing community with the potential to see significant redevelopment in the Bend Central District if certain investments and policy changes take place. The Bend Central District area is expected to generate capacity for roughly 230 housing units and greater employment density, primarily through redevelopment of the areas along 1st and 2nd streets. The key missing ingredients in the Bend Central District are: upgraded infrastructure - including safe, walkable streets and adjacent amenities; and strategic BDC amendments that better align with the market potential. There is a public need and benefit for the amendments since they will make the redevelopment, particularly small sites, more financially feasible and they will increase development of needed housing identified in the Housing Needs Analysis.

Therefore, the amendments to the Bend Comprehensive Plan and BDC meet this criterion.

**4.6.500 Record of Amendments.**

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

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

**4.6.600 Transportation Planning Rule Compliance.**

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

**FINDING:** The new text amends the BDC which is 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 amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations that result in the generation of additional

vehicle trips; therefore, the amendments will have no measurable impacts on the amount of traffic on the existing transportation system. Because of this, the text amendments do not cause a "significant effect" under ORS 660-012-0060.

**V. CONCLUSIONS:**

Based on the above Findings, the BDC amendments meet all applicable criteria for adoption.

**VI. RECOMMENDATION:**

The Planning Commission recommended approval of the amendments to the City Council.