

DRAFT
Development Code Update
January 26, 2021

Prepared by: Community Development Department

Note:

Text in underlined typeface is proposed to be added

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

Text in blue double underline typeface is proposed to be added per
Planning Commission recommendation.

Text in ~~red strikethrough~~ typeface is proposed to be deleted per
Planning Commission recommendation.

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

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

Bend Comprehensive Plan

Chapter 6, Economy

6-23 The City must replace lands designated for industrial land uses on the Comprehensive Plan map that are subsequently changed to non-industrial designations through adoption of an area plan. The City will ensure these lands are replaced either through a rezoning of land within the UGB and/or an amendment to the UGB to ensure an adequate supply of industrial land for industrial jobs.

(NOTE, existing policy 6-23 and subsequent policies 6-24 through 6-41 will be renumbered accordingly)

Chapter 11, Growth Management

Figure 11-~~63~~: Special Sites

(NOTE, existing references in Chapter 11 to Figure 11-3: Special Sites, will be renumbered to Figure 11-6)

Figure 11-74: UGB Expansion Subareas and Area Planning Requirements Figure

(NOTE, existing references in Chapter 11 to Figure 11-4: UGB Expansion Subareas and Area Planning Requirements Figure, will be renumbered to Figure 11-7)

Figure 11-85: West Area Master Plan Areas and Affordable Housing Policy Applicability

(NOTE, existing references in Chapter 11 to Figure 11-5: West Area Master Plan Areas and Affordable Housing Policy Applicability, will be renumbered to Figure 11-8)

Figure 11-96: Properties subject to policy 11-146126

(NOTE, existing references in Chapter 11 to Figure 11- 6: Properties subject to policy 126, will be renumbered to Figure 11-9)

Master Planning Policies

11-47 Master plans are required for developments over 20 acres unless otherwise specified in the Development Code. Properties in UGB expansion areas where a master plan is required are shown on Figure 11-74.

11-54 Where an approved City-initiated Area Plan exists, the City may find that some or all elements of a required master plan have been addressed and satisfied if they are already addressed by the Area Plan.

11-55 Approval of a City-initiated Area Plan that encompasses one or more properties over 20 acres (including abutting land in common ownership) does not exempt such properties from master plan requirements approval criteria.

Annexation Policies

11-68 Properties over 20 acres (including adjacent property in common ownership) ~~as of the adoption of the UGB expansion~~ (shown on Figure 11-74) are subject to master plan requirements unless they are part

of an adopted area plan , regardless of property acreage upon annexation. When properties are over 20 acres (including adjacent property in common ownership) and are part of an approved area plan they are subject to the master plan approval criteria.

Northeast – Butler Market Village:

~~11-74 The City will initiate an Area Plan for the Northeast – Butler Market Village area. The Area Plan will address policies 11-57 through 11-63. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application, which includes a framework level Area Plan for the rest of the subarea. Following adoption of the Area Plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved.~~

The Northeast- Butler Market Village Expansion Area includes the Petrosa Master Plan. Properties of any size located within the Petrosa Master Plan may apply to annex and develop, consistent with the Petrosa Plan. Annexation and development of individual properties or groups of properties of any size outside of the Petrosa Master Plan must comply with policies 11-75 and 11-78 through 11-81, and may be approved in compliance with the Bend Development Code.

The Elbow a.k.a. Southeast Expansion Area

~~11-93 The City will initiate adopted an Area Plan for the Elbow area, also known as the Southeast Expansion Area, which became effective on (insert date). The Area Plan will addresses policies 11-94 through 11-104. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level Area Plan for the rest of the subarea. Following adoption of the Area Plan, aAnnexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved in compliance with the Bend Development Code.~~

~~11-95 This area ~~shall~~ provides for a mix of residential, commercial and industrial uses, including 154 122 gross acres of residential plan designations, 67 43 gross acres of commercial plan designations, 76 38 gross acres of industrial designations, 403 142 gross acres of mixed employment plan designations, and 75 66 gross acres of public facilities (excluding existing right of way).~~

~~11-96 In order to provide sufficient housing capacity and mix, the residential plan designations ~~shall~~ include 77 105 acres of RS, 36 35 acres of RM, and 9 10 acres of RH (excluding existing right of way).~~

~~Alternatively, the Area Plan may demonstrate that this area will provide capacity for a minimum of 820 housing units, including at least 17% single family attached housing and at least 47% multifamily and duplex/triplex housing types. The Area Plan may include and rely on plan designations, zones, special plan districts, and/or other binding development regulations to demonstrate compliance with the specified mix and capacity.~~

11-103 The City will ensure that a total of 38 acres designated for industrial land uses on the Comprehensive Plan map with the 2016 UGB expansion that were subsequently changed to non-industrial designations through adoption of the Southeast Area Plan will be replaced to ensure an adequate supply of industrial land for industrial jobs. The City will designate new industrial lands on the Comprehensive Plan map through a rezoning of land within the UGB and/or an amendment adding land to the UGB, and within five years of the City Council's adoption of the Southeast Area Plan.

11-104 The City will ensure that a total of 24 acres of land designated for Commercial land uses on the Comprehensive Plan map with the 2016 UGB expansion that were subsequently changed to non-employment designations through adoption of the Southeast Area Plan will be replaced to ensure an adequate supply of commercially designated land for commercial uses. The City will complete an inventory of existing Commercial lands and evaluation of need for new Commercial lands within seven years of the City Council's adoption of the Southeast Area Plan. The City may replace these of commercial lands through a rezoning of land within the UGB, an amendment to the UGB that adds land for commercial land uses, or some combination of the two.

(NOTE, existing policy 11-103 and all subsequent policies and policy references in Chapter 11 will be renumbered accordingly)

OB Riley area:

~~11-134~~ 11-136 The City will initiate an Area Plan for the OB Riley area. The Area Plan will address policies 11-~~137-135~~ through 11-~~141-139~~. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level Area Plan for the rest of the subarea. Following adoption of the Area Plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved in compliance with the Bend Development Code.

North Triangle

~~11-142-140~~ 11-144 The City will initiate an Area Plan for the North Triangle area. The Area Plan will address policies 11-~~143-141~~ through 11-~~151-149~~. ~~Prior to completion of the Area Plan, annexations in this area must~~

~~be a minimum of 40 contiguous acres and be the subject of a master plan application. Following adoption of the Area Plan which includes a framework level Area Plan for the rest of the subarea, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level Area Plan for the rest of the subarea. Following adoption of the Area Plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved in compliance with the Bend Development Code.~~

Bend Development Code

CHAPTER 1.2

DEFINITIONS

Low Stress Facility: Transportation infrastructure, including, but not limited to protected bike lanes, separated pathways, crossings, sidewalks, and neighborhood greenways, that have a Level of Traffic Stress (LTS) of either 1 or 2, as calculated per the ODOT Analysis and Procedures Manual.

CHAPTER 2.7

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

2.7.3XXX Southeast Area Plan

2.7.3XXX Purpose

The purpose of the Southeast Area Plan is to implement Bend Comprehensive Plan policies regarding the Elbow UGB Expansion Area (Southeast Expansion Area), under Chapter 11 of the Bend Comprehensive Plan. This area plan creates development standards for the districts within the Southeast Expansion Area. The land use and development standards will:

A. Provide a varied mix of housing types and densities that reflects the City's commitment to providing a variety of housing choices:

B. Support employment and light industrial uses such as in-demand flex space;

C. Create neighborhood commercial developments that will serve both future new residents and residents in existing, adjacent neighborhoods;

D. Establish compatible transitions between existing and future development;

E. Provide public facilities and amenities such as neighborhood parks, community parks, and schools; and

F. Implement the relevant policies of the Bend Comprehensive Plan 11-75 through 11-86.

2.7.3XXX Definitions

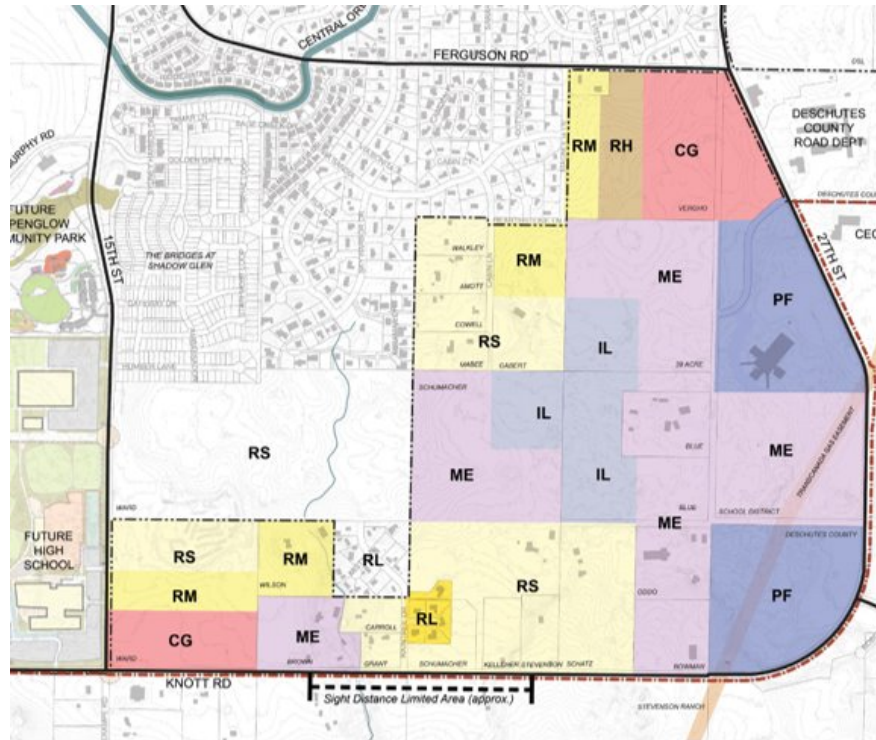
Live/work townhome means a residential townhome unit in which a minimum of 50 percent of the unit's ground floor square footage is used as commercial.

Mixed Animal Veterinary Clinic: A Veterinary Clinic that provides medical, surgical and hospitalization for, but not limited to, companion animals, livestock, farm animals, birds and injured wildlife.

2.7.3XXX Applicability

- A. In addition to the provisions of the underlying zone, the Southeast Area Plan standards apply to lands within the Southeast Area Plan as identified on Figure XXX. Where there is a conflict between the provisions of the BDC and those of the underlying zone or other portions of the Development Code, the provisions of the Southeast Area Plan will control. The final determination of the zone boundary will be established at the time of subdivision platting and right-of-way dedication or site plan review.
- B. The standards in this Section may not be modified by a master plan approval, except as allowed by BDC 4.5.100.F, Modifications to Approved Area Plans, Master Plans, PUDs and Special Planned Districts.
- C. Existing Uses. Uses that are not in conformance with the provisions in this section but that were lawfully established prior to the adoption of this code are considered a permitted use for that site on which they were established. Expansion or enlargement will be allowed subject to the provisions of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

Figure 2.7.3XXX Southeast Area Plan



2.7.3### General Commercial Districts (CG).

A. Permitted Uses.

1. All uses permitted or conditionally permitted in Table 2.2.300 except the following, which are prohibited:
 - a. Marijuana Wholesale (more than 75% of sales are wholesale)
 - b. Commercial and Public Parking
2. Live/Work Townhomes.
3. Accessory dwelling units, single-family attached townhomes, duplexes, triplexes, and multifamily.

B. Front Setbacks. 10' minimum, 10' maximum.

1. Exceptions.
 - a. The maximum setback standard may be increased to accommodate an approved usable public space with pedestrian amenities (e.g., extra-wide sidewalk, multi-use path, plaza, outdoor dining area or landscaped area with seating) between the building and front property line. This exception does not apply to Shopping Streets under BDC 2.7.3##(C).
 - b. Fences (except if 3.5 feet or less in height for outdoor patios and dwelling units), storage and parking are not allowed in the front setback.

- c. Awnings, marquees, balconies, overhangs, fabric tensile structures, building appendages, or other projections may extend into the front setback.
- d. When abutting a shopping street, no front yard setback is required when an entrance to the building is oriented to the front lot line and the building is abutting a sidewalk 10 feet or wider in a public or private street right-of-way.

C. Shopping Street.

- 1. Properties over 20 acres (including abutting land in common ownership), that contain 10 acres or greater of area with a plan designation of General Commercial (CG), are required to provide a minimum of one “shopping street.” The shopping street must be identified and designated at the time of master plan, site plan, land division, and/or annexation with a development application and identified on the plat and development agreement, if applicable. In addition to the required elements in BDC 2.2.500.C.2, a “shopping street” must comply with the following standards:
 - a. The length of the shopping street must have a minimum block length of 300 feet.
 - b. Off-street Parking must be located behind the primary structure.
 - c. Vehicular access is not permitted from a shopping street.
- 2. The following uses are prohibited on sites abutting a Shopping Street: Residential uses that are not part of a mixed-use development, Automobile Dependent and Automobile Oriented Retail Sales and Services, Drive-In and Drive-Through Facilities, standalone Commercial and Public Parking, and Commercial Storage. Ground-floor residential uses on shopping street frontages are prohibited except ground-floor entrances or breezeways are permitted for housing located above or behind a nonresidential storefront use.

D. Special Standards and Regulations for Certain Uses.

- 1. Standalone residential uses, including live/work townhome dwelling units, that are not part of a mixed-use development must meet the following standards:
 - a. Location. Must not be located on a development site that has frontage on a “Shopping Street” or arterial.
 - b. Density. The minimum residential density standards of the RH Zone apply. There is no maximum density.
 - c. Development Standards. The following table provides numerical development standards for standalone residential uses, including live/work townhomes that are not part of a mixed-use development.

Table 2.7.XXX

<u>Standards</u>	<u>CG</u>	<u>ME</u>
<u>Minimum lot area</u>	<u>No minimum</u>	<u>No Minimum</u>
<u>Minimum lot width</u>	<u>15 feet</u>	<u>15 feet</u>
<u>Minimum front setback (see subsection 2.7.3###.B of this section)</u>	<u>10 feet</u>	<u>None</u>
<u>Maximum front setback (see subsection 2.7.3###.B of this section)</u>	<u>10 feet</u>	<u>10 feet</u>
<u>Rear and Side setback</u>	<u>None</u>	<u>None</u>

- d. 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 CG zoning district and all the standards in BDC 3.6.200(D), Single-Family Attached Townhomes, BDC 3.6.200(H), Duplex and Triplex Development and BDC 3.6.200(I), Residential Uses within Commercial Districts.
- i. Building and Entry Orientation. Each building must provide a primary building entrance oriented to each abutting street.
 - ii. Transparency. Facades 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 XXXX. Ground level wall area includes the exterior wall area up to 10 feet above the finished grade.

Figure XXXXX



- iii. 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 at least five percent greater than the minimum required by subsection 2.7.3###(D)(1)(d)(ii);
 - (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.
- e. Parking. The minimum number of required off-street vehicle parking spaces is established 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 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.

- i. Single-family attached townhome, duplex, triplex, and multifamily residential: 1 space per dwelling unit.
 - ii. Affordable housing projects in accordance with BDC 3.6.200(C)(1-3). 0.5 spaces per affordable dwelling unit.
 - f. Open Space. The provisions in BDC 2.1.1000 apply with the following exception:
 - i. 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; and there is a direct, accessible, and maintained trail or sidewalk between the development and the park that does not cross an arterial or collector street.
 - g. Lots and parcels may have one access point, except as authorized in BDC 3.1.400(F)(4)(c).
- 2. Live/Work Townhomes. In addition to the applicable standards in 2.7.3###D.1 above, Live/Work Townhomes must meet the following standards:
 - a. Residential ground livable space is limited to a maximum of 50 percent of the ground floor square footage, excluding the garage.
 - b. Residential ground livable space must be located above or behind the commercial space and must not be located adjacent to the street.
 - c. The ground floor commercial space must have visibility, signage and access from the street.
 - d. Vehicular alley access is required to preserve the pedestrian orientation of the commercial space.
 - e. A live/work townhome is allowed instead of, or in addition to, home occupation as defined by this code.
 - f. The location of lots or parcels where live/work townhomes may be developed must be included with the development application.
 - g. Live/Work Townhome Lot and Parcel Standards:
 - i. The lot and parcel requirements of the RM Zone in BDC 2.1.300 and 2.1.500 apply to live/work townhomes, except that the minimum side setback is zero feet.
 - ii. There is no maximum lot coverage standard for live/work townhomes.
- 3. Public and Institutional Uses. Public and Institutional Uses are limited to a development site of no more than five acres.
- 4. Automobile-Oriented and Automobile-Dependent Uses and Facilities. Where permitted, automobile-oriented uses and automobile-dependent facilities must meet all of the following standards. The standards are intended to provide a vibrant, storefront character, slow traffic, and encourage walking and transit use.

- a. Drive-In and Drive-Through Facilities. Drive-in and drive-through facilities, such as teller machines, service windows, drop-boxes and similar features associated with the drive-up and drive-through components of restaurants, banks and similar uses, must meet all of the following standards:
 - i. Primary buildings must meet the front setback requirements in 2.7.3###(B) above.
 - ii. Drive-up, drive-in, and drive-through drives or lanes must not be located between a building and a public or private street.
 - iii. Drive-in and drive-through facilities (i.e. drive-through pick up windows) must not be oriented towards a public street.
- b. Automobile Services and Gas Station: The following special standards apply to automobile service stations and gas stations:
 - i. A landscape buffer 10 feet or wider with a mature vegetation height of at least three feet within three years of planting is required between all onsite vehicular circulation areas and the street.
 - ii. The primary building must meet the minimum building setback requirements in 2.7.3###(B) above.
 - iii. A minimum of one pedestrian entrance must be oriented to the street.

2.7.3### Mixed Employment Districts (ME).

A. Permitted Uses.

1. All uses permitted or conditionally permitted in Table 2.3.200 except the following, which is prohibited:
 - a. Marijuana Wholesale (more than 75% of sales are wholesale).
2. Live/work townhomes.
3. Automobile-Oriented and Automobile-Dependent Uses and Facilities (including uses with a *drive-through).
4. Government facilities where the public is generally not received (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities), on property owned by school district.
5. Mixed Animal Veterinary Clinic.

B. Special Standards and Regulations for Certain Uses.

1. Residential Uses identified as "L" in Table 2.3.200. Residential Uses identified as "L" in Table 2.3.200, are subject to the limitations set forth in 2.3.200.C. except that commercial or public/institutional uses

are only required to occupy at least 75% of the floor area equivalent to the entire ground-floor area of the development. The commercial or public/institutional uses must be constructed prior to or concurrently with the residential uses.

2. Live/Work Townhomes. Live/Work townhomes must meet the following standards:

- i. Residential ground floor livable space is limited to a maximum of 50 percent of the ground floor square footage, excluding the garage.
- ii. Residential ground floor livable space must be located above or behind the commercial space and must not be located adjacent to the street.
- iii. The ground floor commercial space must have visibility, signage and access from the street.
- iv. Vehicular alley access is required to preserve the pedestrian orientation of the commercial space.
- v. A live/work townhome is allowed instead of, or in addition to, home occupation as defined by this code.
- vi. The location of lots where live/work townhome dwellings may be sited must be included with the development application.

3. Automobile-Oriented and Automobile-Dependent Uses and Facilities (including uses with a *drive-through). Automobile-Oriented and Automobile-Dependent Uses and Facilities. Where permitted, automobile-oriented uses and automobile-dependent facilities must meet all of the following standards. The standards are intended to provide a vibrant, storefront character, slow traffic, and encourage walking and transit use:

- a. Drive-In and Drive-Through Facilities. Drive-in and drive-through facilities, such as teller machines, service windows, drop-boxes and similar features associated with the drive-up and drive-through components of restaurants, banks and similar uses, must meet all of the following standards:
 - i. The maximum front setback for primary buildings is 10 feet.
 - ii. Drive-up, drive-in, and drive-through drives or lanes must not be located between a building and a public or private street.
 - iii. Drive-in and drive-through facilities (i.e. drive-through pick up windows) must not be oriented towards a public street.

2.7.3### Light Industrial Districts (IL).

A. Permitted Uses. All uses permitted or conditionally permitted in Table 2.4.300 except the following which are prohibited:

- 1. Heavy Manufacturing, assembly, and processing of raw materials and recycling
- 2. Marijuana grow sites and marijuana producing

B. Design Standards. In addition to the applicable standards in BDC 2.4.700, the following design standards apply:

1. Building Entries. Primary building entries must include architectural features such as awnings, projections, recesses, changes in materials or similar features. Entries must also include pedestrian scaled elements including but not limited to lighting and signage.
2. Materials and Design. Durable, quality materials including but not limited to brick, stone, concrete, concrete masonry units, and wood must be included on a minimum of 20% of each façade in order to break up large building facades and create a human scale.
3. Parking. Parking must not be located between the primary structure and a property line abutting an arterial street.

2.7.3### Public Facilities Districts (PF).

A. Permitted and Conditional Uses. All uses permitted or conditionally permitted in Table 2.6.200.

B. Uses under (B)(1) are permitted outright on a community park in the Southeast Area Plan. Uses under (B)(2) may be permitted outright on a community park in the Southeast Area Plan if they comply with BDC 2.7.XXXX(B)(3) :

1. Ball fields, sport complexes, and similar outdoor recreational areas that have night lighting or amplified sound systems
2. Park sites with outdoor amphitheater or facilities for community events such as music or theater performances, and similar events
3. In addition to the applicable criteria contained in Chapter 4.2 Minimum Development Standards Review, Site Plan Review and Design Review the following uses and must comply with these additional standards:
 - a. Music performances, or theater performances that use amplified sounds systems are conducted on portions of the park located at least 100 feet from a property line
 - b. Outdoor performance facilities such as stages and amphitheaters must face toward property lines that abut the higher classification street.

2.7.3XXX Tree Preservation and Rock Outcropping Standards.

A. Applicability. The following preservation and landscaping standards are required in addition to the requirements in BDC 3.2. Landscaping, Street Trees, Fences and Walls.

B. Tree Preservation. For properties two acres or larger, at least 50 percent of all trees measuring 24 inches or greater as measured four feet above the ground (known as DBH, “diameter at breast height”) must be retained on site unless exempted in subsection (B)(2) of this section.

1. Incentives: In order to preserve 50 percent or more of individual trees with a DBH of 24 inches or greater and achieve the maximum allowable FAR as defined by BDC Chapter 1.2, the City may allow one or more of the following incentives when 50 percent or more of individual trees with a DBH of 24 inches are preserved by for a proposed development with an approved tree preservation plan:
 - a. Reduction of setbacks up to 30 percent.
 - b. Reduction of required on-site parking up to 15 percent.
 - c. Increased lot coverage up to 20 percent.
 - d. Reduced landscape coverage up to 10 percent.
 - e. Reduction to lot dimensions, including lot size, by up to 10 percent to preserve trees measuring 24 inches or greater.
 - f. A 10 foot increase in building height above the height of the underlying zone and in addition to the increase in building height allowance for affordable housing units per BDC 3.6.200(C)(4)(b).

2. Exemptions: Trees protected under subsection B above may be removed only if:

- a. The minimum density for the zone cannot be met after exhausting all available incentives in subsection (B)(1) above, as demonstrated on the Tree Protection Plan. In this case, up to 70 percent may be removed to accommodate the minimum density.
- b. A development site includes a public facility or school and an individual building larger than 40,000 square feet in which case more than 50 percent of the the removal of trees with a DBH of 24 inches or greater may be removed is necessary to accommodate buildings, accessory uses (e.g. ball fields), and required parking as demonstrated on the Tree Protection Plan. Trees not within the building footprint or foot print of the accessory use(s) or required parking must be retained.
- c. The trees are located within an existing public right of way, in existence on the date this code becomes effective (effective date).

C. Rock Outcrops. Existing on-site rock outcrops, defined as lava rocks or clusters of naturally occurring lava rock that are incorporated into the development’s landscaping that do not qualify as Significant Rock Outcrop Areas, may be credited toward meeting the minimum landscape area standards in 3.2.300.C. Credit will be granted based on the total square footage of the preserved rock outcrop area.

D. Significant Rock Outcrop Areas. Significant Rock Outcrop Areas are defined as rocks or clusters of naturally occurring rock that 1) have at least one point a height of at least 8 feet from the surrounding terrain, and 2) are over 3,000 square feet in area.

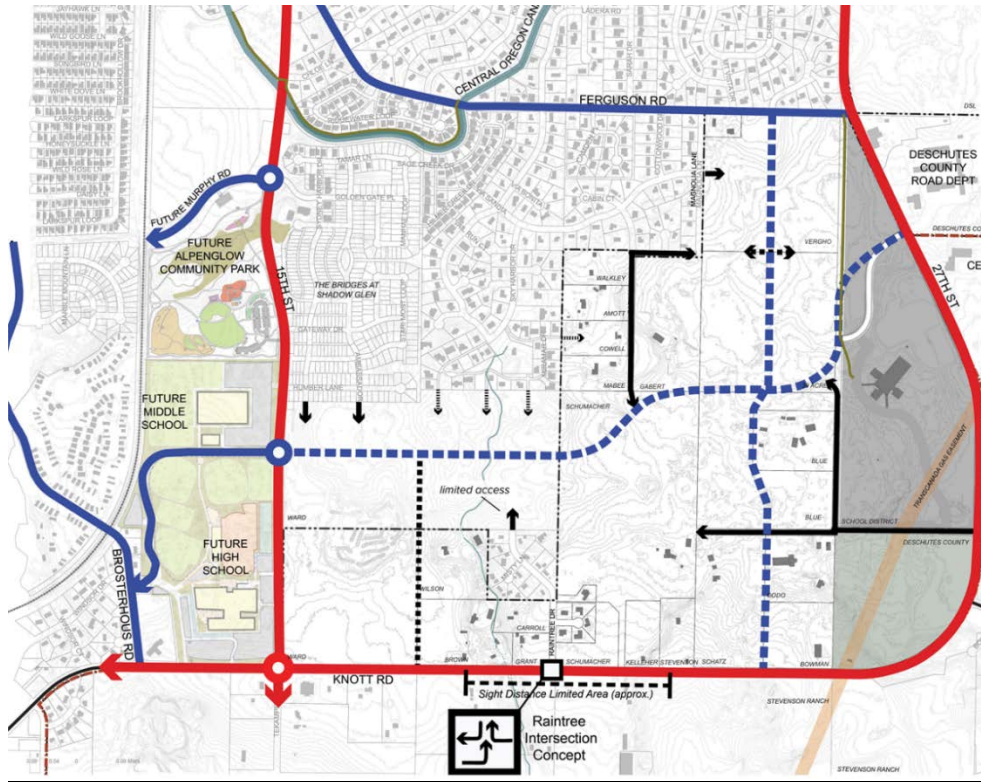
1. Mapping Required. Significant Rock Outcrop Areas must be identified in an inventory and a map, and included with a development application.
2. Protection Standards.

- a. No development may occur in a Significant Rock Outcrop Area except pedestrian amenities, multi-use trails, and multi-use paths, or unless exempted in subsection (D)(1)(4) of this section.
 - b. Grading, operation of vehicles and heavy equipment, and storage of supplies and construction materials are prohibited within a Significant Rock Outcrop Area, except as approved in writing by the City for installation of streets and public utilities that are located within public and/or private streets and/or easement. Such approval will only be granted after the City concludes in writing that there is no other reasonable alternative to avoid the protected area. The written approval must include the specific facts that support the conclusion.
3. The City may allow one or more of the following ~~incentives~~ ~~exceptions~~ when a Significant Rock Outcrop Area is preserved in order to achieve the maximum allowable FAR as defined by BDC Chapter 1.2:
- a. Reduction of setbacks up to 30 percent.
 - b. Reduction of required on-site parking up to 15 percent.
 - c. Increased lot coverage up to 20 percent.
 - d. For public facilities, an increase in maximum parking by up to 15 percent.
 - e. Reduced landscape area requirements. Significant Rock Outcrop Areas may be credited toward meeting the minimum landscape area standards in BDC 3.2.300(C). Credit will be granted based on the total square footage of the preserved area.
 - f. A 10 foot increase in building height, above the height of the underlying zone and in addition to the increase in building height allowance for affordable housing units per BDC 3.6.200(C)(4)(b).
4. Exemptions:
- a. If a Significant Rock Outcrop Area exceeds more than three percent of a total development site area, the area in excess of three percent may be developed and is not subject to the Protection Standards in subsection (D)(2).
 - b. Where the minimum density for the zone cannot be met without removing significant rock outcrop areas after exhausting all available incentives identified in subsection (D)(3) as demonstrated in an inventory and map. Significant rock outcrop areas not located within the building footprint or foot print of the accessory use(s) or accessory structure(s) must be retained.
 - c. Significant rock outcrops located within a public right of way in existence on the date this code becomes effective (insert effective date) not required to be preserved under these regulations.

2.7.3.3 Collector Street Standards

The Southeast Area Plan includes two new collector streets shown in Figure 2.7. Below.

Figure 2.7.3.3, Street Plan for Southeast Area Plan



- | | | | |
|--|---------------------------------|--|--|
| | Existing Arterial | | Framework Local (Location TBD) |
| | Existing / Planned Collector | | Framework Local (Existing ROW) |
| | Proposed Collector | | Street Extension |
| | Proposed Neighborhood Collector | | Street or Path Extension (TBD during development review) |
| | Planned Roundabouts | | |

The collector street that connects 15th Street and 27th Street is identified as the East-West collector or as SE Caldera Drive. The collector street that connects Ferguson Road to Knott Road is identified as the North-South collector. Each street must be constructed according to the alternative collector standard in Table 2.7.3###. The actual location may be different than as shown on this diagram, as long as the connectivity between arterials is maintained, and precise alignments will be determined at Master Plan or Site Plan.

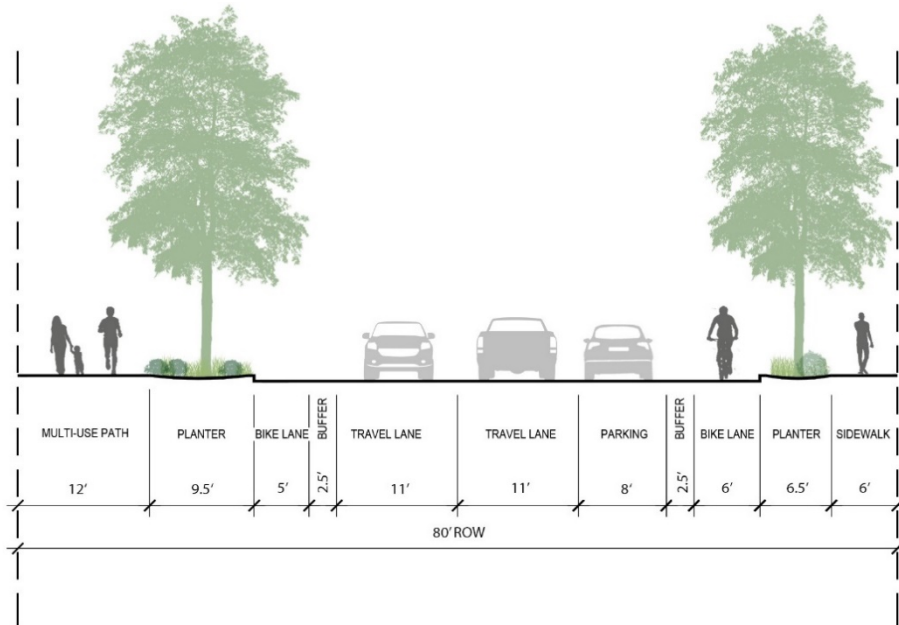
Table 2.7.3###: Alternative Improvement Standards for Dedicated Public Collector Roads

<u>Minimum Right of way</u>	<u>Minimum travel lane width</u>	<u>Planter strips</u>	<u>Minimum Turn Lane/Median Island Width (2)</u>	<u>Maximum Grade</u>	<u>Bike Lanes (5)</u>	<u>Direct Site Access (3)</u>	<u>Sidewalks Both Sides (4)</u>	<u>Curbs</u>
80'	11'/11.5'	4' to 6'	13'/10'	6%	6.5' + 2.5'	Yes	6' to 8'	Yes

Requirements

1. Travel lanes must be at least 11 feet in width (11.5 feet when opposing flow is immediately adjacent (head on)).
2. The first dimension is the minimum required width of the turn lane while the second dimension applies to the raised median width constructed between intersections.
3. Site access allowed per BDC 3.1.400, Vehicular Access Management
4. A sidewalk is not required on the side of a collector developed under this standard if a multi-use path is provided and is at least 12 feet on one side for two-way travel. This type of path is dedicated for pedestrian and bicycle trips only.
5. Bike lanes must be at least 6.5 feet in width and include a buffer of 2.5 feet for car door opening.

Figure 2.7.####, Cross Section for Alternative Collector Standard



2.7.3### Arterial Street Cross Section Standards for 27th Street and Knott Road

The Southeast Area Plan abuts sections of 27th Street and Knott Road, as shown in Figure 2.7.3## above. The following arterial road standards shall apply to improvements of the sections of 27th Street and Knott Road that abut the Southeast Area Plan.

<u>Minimum Right of way</u>	<u>Minimum Pavement Width</u>	<u>Sidewalk w/Shared Use Path</u>	<u>Planter strips</u>	<u>Bike Lanes</u>	<u>Travel Lane width</u>	<u>Left turn Lane</u>	<u>Median Safety Island</u>
<u>100'</u>	<u>52'</u>	<u>12'</u> <u>(4)</u>	<u>VARIES</u>	<u>6' +</u> <u>2.5'</u> <u>buffer</u>	<u>11'</u>	<u>13'</u> <u>(1)</u>	<u>10'</u>

Notes:

1. Two-way left turn lanes and safety islands are standard on all arterial and collector roadways unless otherwise permitted through an approved development application. Landscape medians may be required by the City Engineer, when authorized by the Bend Code and Standards and Specifications.

2. Parking is not permitted on arterial streets. Parking on collector streets is permitted as directed by the Bend Development Code.

3. These cross sections provide Level of Stress 1 and 2 for walking and biking, as calculated per the ODOT Analysis and Procedures Manual.

4. Wider pedestrian paths are required by the Transportation System Plan's Low Stress Network and Key Route maps. When matching existing conditions on the corridor or as required by an approved development application, widths may be allowed to vary with approval of the City Engineer.

5. Streets to be constructed at the right of way centerline unless otherwise approved by the City Engineer.

6. Where sidewalks/multi-use paths are constructed outside the right of way, additional dedication of right of way or access easement shall be provided to the appropriate agency for the property where the sidewalk/multi-use path is located.

2.7.3### Bicycle Facilities and Multi-Use Paths

The Southeast Area Plan includes an interconnected network of complete streets that provides safe, optimized travel of all modes. Low Stress Bicycle facilities and Multi-Use Paths will provide connections to schools, parks, destinations, as well as cross-City travel. Multi-Use Paths can be used to provide low-stress facilities through the area. Multi-Use Paths will serve as Primary Trails, as represented in BPRD's Comprehensive Plan, for the Bend Park and Recreation District and will require coordination with the District, as detailed below.

A. All development is subject to standards identified in BDC 3.1.300 Multi-Modal Access and Circulation in addition to the standards established below.

1. Multi-use paths as shown on Figure X must be developed in conjunction with roadway construction or as part of land division. If no land division precedes or accompanies site development, construction of the path must occur with site development.

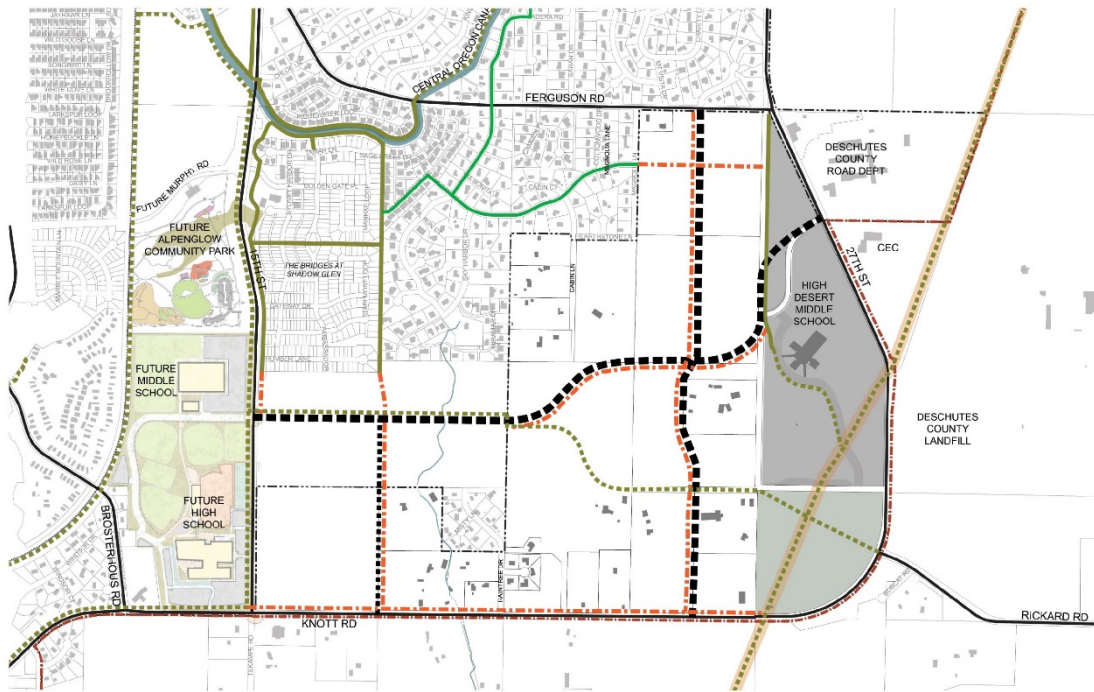
2. Multi-use Path Locations.

a. Multi-use paths will be located in the general alignment as shown on Figure X. The paths may be incorporated into a roadway design. The actual location will be approved by the City through the development review process, and in consultation with the Bend Park and Recreation District where applicable, in order to accommodate site development, minimize grade, accommodate street crossings and other safety issues, and to fit the context of the natural terrain and topographic/geographic constraints.

- b. Multi-use paths can be constructed in place of a sidewalk, at a minimum of 6 feet from the curb.
- 3. Multi-use paths must be a minimum of 10 feet in width.
- 4. Multi-use paths developed outside of the right-of-way must be located within a 20-foot wide easement and be dedicated to the appropriate public agency as part of the following applicable development application. See Figure X for multi-use paths that will be owned and maintained by the Bend Park and Recreation District (BPRD).
 - i. Site Plan Review applications. The easement must be granted to the appropriate agency prior to final occupancy.
 - ii. Land Division Applications. The easement must be granted to the appropriate agency and shown on the final plat, prior to recording.
- 5. Multi-use path easements may be used to meet either open space requirements for a master plan under BDC 4.5 or landscaping for a site plan review under BDC 4.2.
- B. Enhanced crosswalks, where identified by the City, must be provided to complete the walking and bicycling networks.
- C. Multi-Use Paths must be developed and constructed as a paved surface and to a minimum of 10 feet in width and as a low-stress facility in accordance with the ODOT Analysis and Procedures Manual. Where approved by the City, multi-use paths may be located in place of the sidewalk and must be located at minimum of six feet from the roadway travel lanes. See alternative collector standard in Figure X.

Multi-Use Path surfaces must conform to accessibility requirements. Asphalt, brick/masonry pavers, or other durable surface that makes a smooth surface texture, and conforms to accessibility requirements, may be allowed as determined by the City.

Figure 2.7.####, Multi-Use Paths in Southeast Area Plan



**SOUTHEAST AREA PLAN
MULTI-USE PATHS**

- Existing Facility
- Existing City Boundary
- Piped Canal
- BPRD Multi-Use Path*
- Urban Growth Boundary
- Canal
- Multi-Use Path
- Tax Lots
- TransCanada
- 2- or 3-Lane Collector
- Railroad
- Natural Gas Pipeline
- 2-Lane Local or Collector
- Low Stress Network Route

**Note: Multi-use paths
can be incorporated into
roadway design**

**SUBJECT TO CHANGE
7/10/2020**



*Trails identified in the BPRD Comprehensive Plan are referred to as multi-use paths in the City's development code



Chapter 2.8 URBANIZABLE AREA DISTRICT (UA)

2.8.100 Purpose and Applicability.

- A. Purpose. The Urbanizable Area (UA) District is intended to preserve large areas of undeveloped or rural land for future urban development prior to annexation. The UA District promotes the livability, stability, safety and improvement of the City of Bend by allowing orderly development consistent with the Bend Comprehensive Plan.

- B. Applicability. The provisions of the UA District apply to all land inside the Urban Growth Boundary but outside the City limits, except for the land withdrawn from the City of Bend by the County by City Resolution 2459.

The UA District will automatically be removed upon annexation to the City and the zoning that implements the Bend Comprehensive Plan designation for the property will apply.

- C. Development Applications

- 1. Area and Master Planning. The City has the authority to process area plans under [BDC Chapters 4.1](#), Development Review and Procedures, and 4.6; Land Use District Map and Text Amendments (Type IV process), master plans under [BDC Chapters 4.5](#), Master Planning and Development Alternatives and 4.6; Land Use District Map and Text Amendments (Type III process); land divisions and site plan review applications in the UA District prior to annexation. However, development of the property with the uses authorized by the area or master plan may only occur after annexation.

- 2. The City has the authority to process development applications for uses authorized in BDC Table 2.8.200, Permitted Land Uses and for land divisions consistent with Table 2.8.300, Lot Area and Dimensions.

Chapter 4.1

DEVELOPMENT REVIEW AND PROCEDURES

4.1.1325 Modification of Approval.

- A. An approval may be modified at any time after a decision becomes final.
- B. Modification Review Procedures.

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

3. The modification of a master plan, PUD or special planned district that is primarily for employment uses is subject to the applicable approval criteria in BDC 4.5.400(D).

CHAPTER 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.500 Site Plan Review.

- D. Site Plan Review Approval Criteria. The City shall approve, approve with conditions, or deny the proposed Site Plan Review application based on the following criteria:

9. The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, area plan and/or special planned district.

CHAPTER 4.3

SUBDIVISIONS, PARTITIONS, REPLATS AND PROPERTY LINE ADJUSTMENTS

4.3.300 Tentative Plan.

- E. Criteria for Subdivision, Partition or Replat Approval. The Review Authority shall not approve a tentative plan for a proposed subdivision, partition or replat unless the Review Authority finds that the subdivision, partition or replat will satisfy the following criteria of approval:

9. The proposal is in substantial conformance with any applicable approved master plan, master facilities plan, refinement plan, area plan, and/or special planned district.

Chapter 4.5

MASTER PLANNING AND DEVELOPMENT ALTERNATIVES

4.5.100 Master Plan General Provisions.

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

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

4.5.200 Community Master Plan.

A. Purpose. The community master plan is intended to provide complete neighborhoods with varied housing options, services, and amenities needed for daily living, including public schools, parks and open spaces, shops, and services, all within a convenient walking or biking distance. The community master plan is also intended to provide convenient access to public transportation and employment areas.

B. Applicability.

1. Community master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.
2. Community master plans are required for any property or combination of adjacent properties under common ownership totaling 20 acres or larger unless exempted below.

- a. Exemptions.

- i. When a property is 40 acres or larger and is part of a proposed land division or property line adjustment application where all the proposed lots/parcels will be 20 acres or larger, a community master plan will not be required until further development is proposed for the newly created lots/parcels; however, lots or parcels smaller than 20 acres may be created and developed prior to an approved community master plan application if they are intended for schools and/or parks.
- ii. When a property is 20 acres or larger and a majority of it includes an existing development (e.g., golf course), a community master plan will not be required unless there are two land division applications submitted of the parent property within a five-year period. A community master plan will be required to be processed prior to submitting the second land division application during the five-year period.
- iii. The City determines that the master plan category is an institutional master plan or employment master plan.
- iv. The property is part of a special planned district in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans. Properties that are part of an approved Area Plan must comply with the approval criteria of this Chapter in addition to the land division or Site Plan Review criteria at the time of development.
- v. The property is part of a master plan or planned unit development approved prior to April 14, 2017, and remains in effect or has initiated the use according to BDC 4.1.1315.

4.5.300 Institutional Master Plan.

- A. Purpose. The institutional master plan is intended to facilitate an efficient and flexible review process for development of institutions which control large areas of land within the City, contain a greater intensity of development than surrounding areas, are a source of substantial employment, and are usually located adjacent to residential neighborhoods. An institutional master plan is intended to permit flexibility, while providing a level of understanding by the community and neighboring properties about the future growth of the institution.
- B. Applicability.

1. Institutional master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.
2. Unless exempted below, institutional master plans in conformance with this section are required for any property or combination of adjacent properties under common ownership at the date of adoption of this code for the following:
 - a. Institutions of higher education: 10 acres or larger.
 - b. All other institutions: 20 acres or larger.
3. Exemptions. Unless the applicant elects to apply for an institutional master plan, the following are exempt:
 - a. The property is part of a special planned district in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans. Properties that are part of an approved Area Plan must comply with the approval criteria of this Chapter in addition to the land division or Site Plan Review criteria at the time of development.
 - b. Cemeteries and public maintenance facilities in existence prior to 2016.
 - c. The City determines that the master plan category is a community master plan or employment master plan.

4.5.400 Employment Master Plans.

- A. Purpose. The employment master plan is intended to provide a method by which the City may permit a variety of commercial and/or industrial development types, designs or arrangements that may not be permissible under traditional zoning regulations yet still provide for the ability to plan for full build-out of large employment centers. The employment master plan will provide a mechanism to achieve development which will contribute to the diversification of the City's economic base.
- B. Applicability.

1. Employment master plans in conformance with this section may be submitted for any property or combination of properties three acres or larger in size.
2. Employment master plans in conformance with this section are required for any property or combination of adjacent properties under common ownership totaling 20 acres or larger at the date of adoption of this code, unless exempted below.
3. Exemptions. Unless the applicant elects to apply for an employment master plan, the following are exempt:
 - a. The property is part of a special planned district in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans. Properties that are part of an approved Area Plan must comply with the approval criteria of this Chapter in addition to the land division or Site Plan Review criteria at the time of development.
 - b. The City determines that the master plan category is a community master plan or institutional master plan.

Chapter 4.9 ANNEXATIONS

4.9.300 Review Procedures

A. Annexation. The following general processes apply to all annexation proposals:

1. Annexations are reviewed using the Type III or Type IV process as determined by the City, based on a consideration of the factors for treating an application as quasi-judicial or legislative. Since annexations are a jurisdictional transfer, the City Council is the sole review authority.
2. City Council approval of annexations will be by ordinance.
3. Notice of the City Council hearing to consider the annexation proposal must follow the notification process required for the Type III or Type IV application, except a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks

prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.

B. Area and Master Planning Development Review Requirements.

1. Unless exempted in subsection (B)(1)(a) of this section, expansion areas as shown in Figure 4.9.300 will require ~~area and/or master plan~~ land use approval in accordance with Table 4.9.300 prior to or concurrently with annexation. For properties located within an approved Area Plan, also see subsection (B)(2) of this section. The exemptions to master planning in BDC Chapter 4.5, Master Planning and Development Alternatives, are not applicable to properties in the Urbanizable Area (UA) District. Development in expansion areas must comply with the applicable Bend Comprehensive Plan Specific Expansion Area Policies in Table 4.9.300.

~~a. 4-~~ Exemptions from Area and Master Planning.

~~i. a.~~ Land not subject to an area plan or master plan as shown in Figure 4.9.300, Expansion Areas.

~~ii. b.~~ Public elementary schools on lots or parcels smaller than 20 acres. Notwithstanding BDC 3.4.400(A), an interim septic system may be installed if approved by the Department of Environmental Quality and the School District agrees to connect to the sewer system when it becomes available. Applicant must submit the following in addition to the requirements of BDC Chapter 4.7, Transportation Analysis:

~~(A) i-~~ An analysis of walking, biking and transit facilities to destinations within the UGB for a distance of one mile from the boundary of the school site along and across arterial and collector roadways to accommodate safe, accessible and convenient access to and from the school. Based on the analysis, the City may require, through an annexation agreement or other binding mechanism, improvements to ensure safe and accessible paths of travel to and from the school, which may include walking, biking, provision of transit stops and/or accessibility improvements, including compliant curb ramps along the access routes.

~~iii. e-~~ City-initiated annexations of property intended for uses such as publicly owned rights-of-way or City-initiated annexation of additional lands brought into the Urban Growth Boundary

for affordable or market rate housing, in programs such as authorized under Oregon House Bill 4079, or other specified uses as authorized by Oregon statute.

- iv. Annexation and development of individual properties or groups of properties of any size located within the Northeast- Butler Market Village Expansion Area but outside of the Petrosa Master Plan.
 - v. For areas subject to these exemptions, ~~an applicant may~~ must submit ~~annexation and a development applications for processing~~ proposal for the entirety of the annexation area ~~concurrently~~ under the anticipated zoning district prior to annexation for evaluation of compliance with the applicable approval criteria (e.g., a Site Plan Review proposal is subject to BDC Chapter 4.2.500.D and a land division is subject to BDC 4.300.E)) and Specific Expansion Area Policies in the Bend Comprehensive Plan Chapter 11, Growth Management. ~~Any development approvals will be final decisions for processing purposes but will not be effective until completion of annexation.~~
2. Properties located within an approved area plan must comply with the following prior to or concurrently with annexation:
- a. An applicant must provide a development proposal (e.g., Site Plan Review or land division) for the entire property for evaluation of compliance with the applicable approval criteria (e.g., a Site Plan Review proposal is subject to [BDC Chapter 4.2.500.D](#) and a land division is subject to [BDC 4.3.300.E](#)), and Specific Expansion Area Policies in the Bend Comprehensive Plan Chapter 11, Growth Management.
 - b. In lieu of a master plan application for any property or combination of adjacent properties under common ownership totaling 20 acres or larger, the applicable master plan approval criteria in BDC Chapter 4.5, Master Planning and Development Alternatives will be assessed along with the approval criteria of the respective development proposal cited above in subsection (2)(a).
3. Final procedural steps and decision issuance for concurrent development applications will occur immediately after the annexation becomes effective.

Figure 4.9.300
Expansion Areas

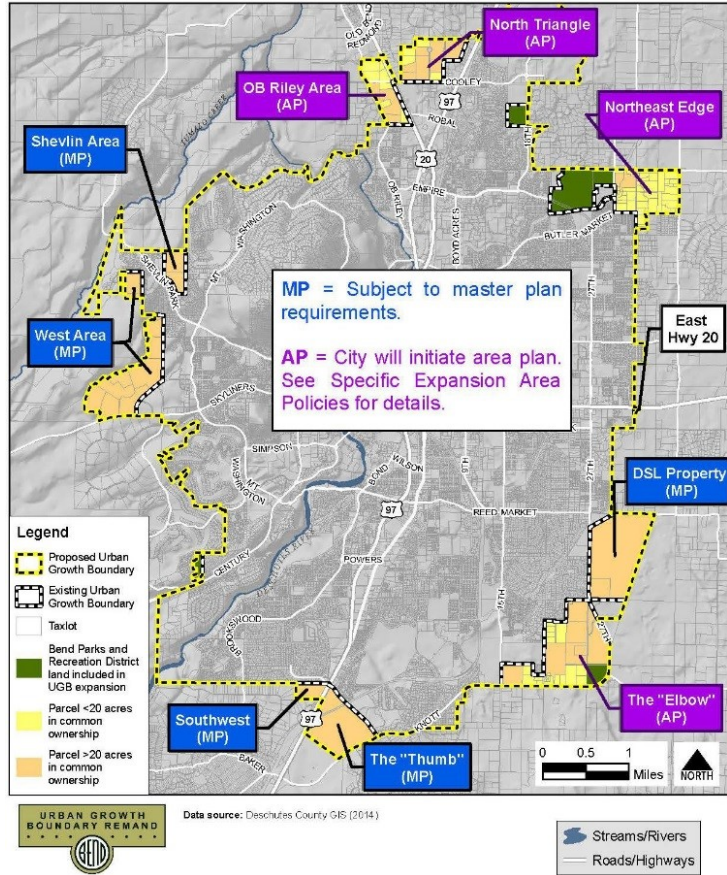


Table 4.9.300 – Specific Expansion Area Policies and Land Use Approval Requirements

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies	Land Use Approval Required Prior to or Concurrently with Annexation
Northeast – Butler Market Village	11-7456 through 11-8163	See BDC 4.9.300(B)(1)(a)(iv)
East Highway 20	11-8264	See BDC 4.9.300(B)(1)(a)(i)

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies	<u>Land Use Approval Required Prior to or Concurrently with Annexation</u>
DSL Property	11- 8365 through 11- 9274	<u>Master plan in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives.</u>
The Elbow	11- 9375 through 11- 10484	<u>Southeast Area Plan approved. See BDC 4.9.300(B)(2).</u>
The Thumb	11- 10585 through 11- 11194	<u>Master plan in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives.</u>
Southwest	11- 11292 through 11- 11999	<u>Master plan in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives.</u>
West Area	11- 120400 through 11- 128408	<u>Master plan in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives.</u>
Shevlin Area	11- 129409 through 11- 135445	<u>Master plan in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives.</u>
OB Riley Area	11- 136446 through 11- 141424	<u>Area plan in compliance with BDC 2.7.100. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level area plan for the rest of the subarea. Following adoption of the area plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved in compliance with the Bend Development Code.</u>

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies	<u>Land Use Approval Required Prior to or Concurrently with Annexation</u>
North Triangle	11- 142122 through 11- 151434	<u>Area plan in compliance with BDC 2.7.100. Prior to completion of the Area Plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level Area Plan for the rest of the subarea. Following adoption of the Area Plan, annexation and development of individual properties or groups of properties of any size, consistent with the Area Plan, may be approved in compliance with the Bend Development Code.</u>