

ORDINANCE NO. NS -2397

AN ORDINANCE AMENDING BEND DEVELOPMENT CODE (BDC) CHAPTER 4.1, DEVELOPMENT REVIEW AND PROCEDURES AND CHAPTER 2.3, MIXED-USE ZONING DISTRICTS.

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 October 2, 2020.
- C. Notice of the January 11, 2021, Planning Commission public hearing was printed in the Bend Bulletin on December 20, 2020, emailed to the neighborhood associations on December 14, 2020, and mailed to the neighborhood associations on December 15, 2020. A revised PC email was sent on December 28, 2020, adding an amendment to Table 2.3.200, Permitted and Conditional Uses to allow veterinary clinics (small animal) in the Mixed-Employment (ME) District. A notice of the January 20, 2021, City Council public hearing was printed in the Bend Bulletin on December 27, 2020, and emailed and mailed to the neighborhood associations on December 30, 2020.
- D. On October 26, 2020, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the NLA amendments.
- E. On January 11, 2021, the Planning Commission held a public hearing on Project Number PZ 20-0777 (PL20-0777), and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A.
- F. The City Council held a public hearing on January 20, 2021, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. After considering the evidence, testimony and Planning Commission's recommendation, as well as the planning staff presentation, the City Council finds that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and that the amendments to the Bend Development Code should be approved.

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

Section 1. The Bend Development Code is amended as depicted in attachment 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: January 20, 2021

Second reading and adoption by roll call vote: February 3, 2021

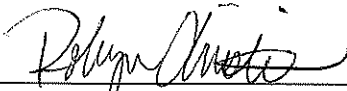
YES: Mayor Sally Russell
Mayor Pro Tem Gena Goodman Campbell
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg

NO: none



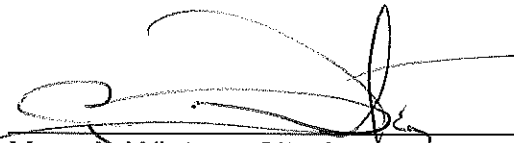
Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

Exhibit A
Bend Development Code Update
Draft: February 3, 2021
Prepared by:

Planning Division

Note:

Text in underlined typeface is proposed to be added

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

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

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

Chapter 2.3
MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU and MN)

2.3.200 Permitted and Conditional Uses.

Table 2.3.200

Permitted and Conditional Uses

Land Use	ME	MR	PO	MU	MN
<u>Veterinary Clinic (small animal)</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

Chapter 4.1
DEVELOPMENT REVIEW AND PROCEDURES

4.1.215 Public Meeting.

- A. The applicant for a Bend Comprehensive Plan Map amendment, Zoning Map amendment, conditional use permit, master plan, subdivision or site plan review for new development or an alteration/addition to one or more buildings containing a total of 10,000 square feet or more must present the proposal at a public meeting prior to submitting the respective application to the City Planning Division. The presentation must be made at either a regular or special meeting with a neighborhood association recognized by the City of Bend whose boundaries the subject property lies within, or a public meeting arranged and conducted by the applicant. The presentation at the public meeting must include the following:

1. A map depicting the location of the subject property proposed for development.
 2. A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any structures if applicable.
 3. A description of the nature of the use including, but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
 4. The expected or anticipated impacts from the development.
 5. Any mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
 6. An opportunity for the public to provide comments. Applicants are encouraged to reconcile as many public concerns as possible prior to submittal of their application.
- B. Public Meeting Notification. If any part of a proposed new development as referenced in subsection (A) of this section is to be constructed within the boundaries of a recognized neighborhood association of the City of Bend, the applicant shall must notify the designated representative of such association land use chair of the presentation. It shall ~~be~~ is the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected neighborhood of the date, time and location of the meeting/presentation. It shall ~~be~~ is the applicant's responsibility to provide the information listed in subsections (B)(1)(a) through (c) of this section to the designated representative land use chair of the neighborhood association. Such meeting shall ~~must~~ be held no less than 15 days and no more than 45 days from the date that the applicant notifies the designated representative land use chair of the affected neighborhood association. The following provisions shall ~~be~~ are applicable to the applicant's obligation to notify the residents of the area affected by the new development application, whether the proposed development is within the boundaries of a recognized neighborhood association or not:
1. The applicant shall ~~must~~ send mailed notice of the public meeting to all property owners within 500 feet of the boundaries of the subject property, and, if any part of the subject property is within the boundaries of a neighborhood association recognized by the City of Bend or within 500 feet of any other neighborhood association recognized by the City of Bend, notice shall ~~must~~ be sent by ~~Priority Mail with Delivery Confirmation~~ mailed and emailed to the designated representative land use chair(s) of such neighborhood association(s). The property owner list shall ~~must~~ be compiled from the Deschutes County Tax Assessor's property owner list from the most recent property tax assessment roll. The physical and email addresses for the designated representative land use chair(s) of the

affected neighborhood association(s) shall ~~may~~ be obtained from the City of Bend. The notice shall must be sent ~~a minimum of 15~~ no less than 15 days prior to the public meeting, and shall must include at a minimum:

- a. Date, time and location of the public meeting.
- b. A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernible.
- c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.

4.1.420 Mailed Notice of Type II Applications.

A. Notice of Type II applications shall must be mailed at least 14 days prior to the issuance of a decision to persons entitled to notice under BDC 4.1.423. Such notice shall must include all the information specified under BDC 4.1.424 except for the information specified in BDC 4.1.424(A)(7) and (10). Written notice shall must be sent by mail to the following persons:

1. The applicant.
2. Owners of record of property as shown on the most recent property tax assessment roll of property located:
 - a. Within 250 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary shall will increase by 250 feet for every 25-foot increment of structure height above 50 feet.
 - b. The applicant shall must bear the cost (i.e., mailing, etc.) of any notice.
3. The designated representative land use chair(s) of a neighborhood association recognized by the City of Bend, where any property within the notice area specified in subsection (A)(2) of this section is within the boundaries of a recognized neighborhood association.

4. The notice requirements of this section shall will be deemed met when the Planning Division can provide an affidavit or other certification that such notice was given.
 5. The Development Services Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection (A)(2)(a) of this section, at his or her sole discretion.
- B. Any person may comment in writing on a Type II application within 14 days from the date notice was mailed or a longer period as specified in the notice.
- C. Notice of the Development Services Director's Type II decision and the appeal period shall must be mailed to all parties to the record.
- D. Any party can appeal a Type II decision in accordance with BDC 4.1.1100, Appeals.

4.1.423 Mailed Notice of Type III Applications.

- A. Except as otherwise provided for herein, notice of a Type III application shall must be mailed at least 20 days prior to the evidentiary hearing for those matters set for one evidentiary hearing, or 10 days prior to the first evidentiary hearing where two or more evidentiary hearings are held. Written notice shall must be sent by mail to the following persons:
1. The applicant.
 2. Owners of record of property as shown on the most recent property tax assessment roll of property located:
 - a. Within ~~250~~ 500 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary shall must increase by 250 feet for every 25-foot increment of structure height above 50 feet.
 - b. The applicant shall must bear the cost (i.e., mailing, etc.) of any notice.
 3. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.

4. The designated ~~representative~~ land use chair (s) of a neighborhood association recognized by the City of Bend, where any property within the notice area specified in subsection (A)(2) of this section is within the boundaries of a recognized neighborhood association.

B. The notice requirements of this section shall will be deemed met when the Planning Division can provide an affidavit or other certification that such notice was given.

C. The Development Services Director may increase the minimum notice area ~~up to 400 feet~~ beyond what is otherwise required under subsection (A)(2)(a) of this section, at his or her sole discretion.

4.1.425 Posted Notice of a Type II or Type III Applications.

A. Notice of a Type II or III application for which prior notice procedures are required shall must be posted on the subject property by the applicant/property owner ~~for at least 10 continuous days prior to any date set for receipt of comments~~ throughout the duration of the required public comment period. Such notice shall ~~must, where practicable, be visible from~~ located within ten feet of any adjacent abutting public way. Failure of applicant/property owner to maintain posting of the sign ~~for 10 continuous days shall~~ throughout the duration of the required public comment period does not invalidate a land use approval.

B. Posted notice of an application for a utility facility line approval shall must be by posting the proposed route at intervals of not less than 500 feet. The notice shall must be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.

4.1.515 Notice.

A. Published Notice.

1. Notice of a Type IV legislative change shall be published in a newspaper of general circulation in the City at least 20 days prior to each public hearing.
2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

B. Posted Notice. Notice shall be posted at the discretion of the Development Services Director.

- C. Individual Notice. For site-specific applications, individual notice to property owners, as defined in BDC 4.1.220(A), shall be provided.
- D. Neighborhood Associations. Notice of Type IV legislative changes shall be mailed to the designated representative land use chair of any neighborhood association recognized by the City of Bend, where the legislative change affects any land within the boundary of such neighborhood association.

4.1.1145 Hearing on Appeal

- A. The appellant and all other parties to the decision below shall be mailed notice of the hearing on appeal at least 40 20 days prior to any de novo hearing or deadline for submission of written arguments.
- B. Except as otherwise provided in this chapter, the appeal shall be heard as provided in BDC 4.1.800, Quasi-Judicial Hearings. The applicant shall proceed first in all appeals.
- C. The order of Hearings Body shall be as provided in BDC 4.1.815, Hearings Body.
- D. The record of the proceeding from which appeal is taken shall be a part of the record on appeal.
- E. The record for a review on the record shall consist of the following:
 - 1. Minutes and audio recordings of any prior hearing, if available;
 - 2. All written and graphic materials that were part of the record below;
 - 3. The Review Authority's decision appealed from;
 - 4. Written arguments, based upon the record developed below, submitted by any party to the decision;
 - 5. A staff report and staff comment based on the record; and
 - 6. Other information deemed relevant by the Review Authority.
- F. The Council shall not consider any new factual information in an "on the record" proceeding. Brief oral argument by the applicant and the appellant on the record may be allowed by the Council.

**EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 20-0777 (PL20-0777)**

I. PROCEDURAL FINDINGS:

- (1) **PUBLIC NOTICE AND COMMENTS.** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on October 2, 2020. The City Council reviewed the proposed NLA amendments during a work session on September 16, 2020, and directed staff to start processing the amendments to the BDC. On September 24, 2020, staff emailed a memo outlining the proposed NLA amendments to the Bend Development Code Update Group and requested feedback. On October 7, 2020, the NLA Land Use Working Group held a meeting to discuss the recommended code changes with representatives of the development community. On October 15, 2020, staff emailed the draft to the Bend Development Code Update Group and to the NLA for their review. On October 26, 2020, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the proposed NLA amendments. On November 16, 2020, the NLA Land Use Working Group held another meeting with representatives from the development community and based on the discussion the proposed NLA amendments were revised.

A notice of the January 11, 2021, Planning Commission public hearing was printed in the Bend Bulletin on December 20, 2020, and was emailed to the neighborhood associations on December 14, 2020, and mailed to them on December 15, 2020. A revised PC email was sent on December 28, 2020 adding an amendment to Table 2.3.200, Permitted and Conditional Uses to allow veterinary clinics (small animal) in the Mixed-Employment (ME) District. A notice of the January 20, 2021, City Council public hearing was printed in the Bend Bulletin on December 27, 2020, and it was emailed and mailed to the neighborhood associations on December 30, 2020.

- (2) **PROPOSAL:** Bend Development Code (BDC) amendments to Chapter 4.1, Development Review and Procedures that relate to the current public meeting, notification and public comment processes for development applications and an amendment to Chapter 2.3, Mixed-Use Zoning Districts (ME, MR, PO, MU and MN).

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 APMENTS**

4.6.200 Legislative Amendments.

A. Applicability, Procedure and Authority. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The 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 and Goal 2: Land Use Planning and Goal 9: Economic Development.

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: The Neighborhood Leadership Alliance (NLA) has been working with staff on proposed amendments related to public meetings and notification and public comment processes for development applications. The City Council reviewed the NLA amendments during a work session on September 16, 2020, and directed staff to start processing the amendments to the BDC. On September 24, 2020, staff emailed a memo outlining the proposed NLA amendments to the Bend Development Code Update Group and requested feedback. On October 7, 2020, the NLA Land Use Working Group held a meeting to discuss the recommended code changes with representatives of the development community. On October 15, 2020, staff emailed the draft to the Bend Development Code Update Group and to the NLA for their review. On October 26, 2020, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the NLA amendments. On November 16, 2020, the NLA Land Use Working Group held another meeting with representatives from the development community and based on the discussion the proposed amendments were revised. On January 11, 2021, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council. The City Council will hold a public hearing on January 20, 2021.

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.

As set forth in the City's Comprehensive Plan, Chapter 1, a community goal is to "Promote Public and Civic Involvement" by "Encouraging involvement by all citizens, corporate and individual, to keep the city vital and the Plan an "evolving vision". In

addition, the City Council has a goal that states "The City is an efficient, well-run organization that has the appropriate people, systems and processes to meet changing customer needs." To implement this goal, the Council has a strategy to increase community participation. The Neighborhood Leadership Alliance (NLA) has been working with staff on the amendments to the Bend Development Code (BDC) that could help increase community participation. The proposed amendments relate to public meetings and notification and public comment processes for development applications. The amendments are justified since they help create better processes and communications between developers, city staff and residents around development projects. 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. This goal is not applicable to the amendments to BDC Chapter 4.1, Development Review and Procedures as those amendments have no effect on the jurisdictions ability to maintain an adequate land supply for economic development and employment growth. The amendment BDC Table 2.3.200, Permitted and Conditional Uses to allow veterinary clinics (small animal) in the Mixed-Employment (ME) District could help with employment growth if veterinary clinics chose to open in the ME District.

Goal 10, Housing, requires provisions to provide for the housing needs of citizens of the state. The Goal also requires cities to inventory its buildable residential lands,

project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.

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 proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City's land use inventories is unaffected by these proposed amendments and therefore compliance with Goal 14 is maintained.

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

- **Promote Public and Civic Involvement**

Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an “evolving vision”.

- **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: As set forth in the City’s Comprehensive Plan, Chapter 1, a community goal is to “Promote Public and Civic Involvement” by “Encouraging involvement by all citizens, corporate and individual, to keep the city vital and the Plan an “evolving vision”. In addition, the City Council has a goal that states “The City is an efficient, well-run organization that has the appropriate people, systems and processes to meet changing customer needs.” To implement this goal, the Council has a strategy to increase community participation. The Neighborhood Leadership Alliance (NLA) has been working with staff on the amendments to the Bend Development Code (BDC) that could help increase community participation. The proposed amendments relate to public meetings and notification and public comment processes for development applications.

The amendments implement the Comprehensive Plan through effective, clear and consistent language.

Policies

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.

FINDING: The Neighborhood Leadership Alliance (NLA) has been working with staff on proposed amendments related to public meetings and notification and public comment processes for development applications. The NLA provides a direct and continuing means for neighborhood association constituent participation and input to the City Council from a neighborhood and community perspective.

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: The Neighborhood Leadership Alliance (NLA) has been working with staff on proposed amendments related to public meetings and notification and public comment processes for development applications. The City Council reviewed the NLA amendments during a work session on September 16, 2020, and directed staff to start processing the amendments to the BDC. On September 24, 2020, staff emailed a memo outlining the proposed NLA amendments to the Bend Development Code Update Group and requested feedback. On October 7, 2020, the NLA Land Use Working Group held a meeting to discuss the recommended code changes with representatives of the development community. On October 15, 2020, staff emailed the draft to the Bend Development Code Update Group and to the NLA for their review. On October 26, 2020, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) held a joint work session and discussed the NLA amendments. On November 16, 2020, the NLA Land Use Working Group held another meeting with representatives from the development community and based on the discussion the proposed amendments were revised.

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On January 11, 2021, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council.

Therefore, compliance with Chapter 1 has been met.

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 more opportunities in Bend for jobs that pay a higher than median wage.

FINDING: According to Table 6-1, Employment and Mixed-Use Plan Districts, the Mixed Employment designation provides for a broad mix of employment uses and mixed use development. The amendment to Table 2.3.200, Permitted and Conditional Uses to allow veterinary clinics (small animal) in the Mixed-Employment (ME) District will contribute to the broad mix of uses already allowed in the District and it will also help create more opportunities in Bend for jobs that have the potential to pay a higher than median wage.

POLICIES

General Policies

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

FINDING: The amendment to allow a veterinary clinic (small animals) in the ME District will provide veterinary services to the residents of Bend. Veterinary clinics (small animal) are currently only permitted in all the commercial districts except it is a conditional use in the Central Business (CB) District.

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: The amendments will allow a veterinary clinic (small animals) in the ME District since they are currently only permitted in the commercial districts except it is a conditional use in the Central Business (CB) District. The BDC defines a veterinary clinic as a facility rendering surgical and medical treatment to animals, which may include overnight accommodations for purposes of recovery or boarding. For the purpose of these regulations, small animals are deemed to be ordinary household pets, excluding horses, donkeys, or other such animals not normally housed or cared for entirely within the confines of a residence.

Therefore, compliance with Chapter 6 has been met.

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: There is a public need and benefit for the amendments since they will help create better processes and communications between developers, city staff and residents around development projects. There is a public benefit by allowing a veterinary clinic (small animals) in the ME District since it provides a needed service to the residents of Bend.

Therefore, the amendments to the BDC meet this criterion.

4.6.500 Record of Amendments.

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

FINDING: In the event the 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 recommends approval of the amendments to the City Council.