

ORDINANCE NO. NS - 2462

AN ORDINANCE AMENDING BEND DEVELOPMENT CODE (BDC) CHAPTERS 1.2, DEFINITIONS, 2.1 RESIDENTIAL DISTRICTS, 2.7, SPECIAL PLANNING DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS, 3.1, LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION, 3.3 VEHICLE PARKING, LOADING AND BICYCLE PARKING, 3.6 SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES, 3.8 DEVELOPMENT ALTERNATIVES, 4.2 MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW AND 4.8, TRANSPORTATION AND PARKING DEMAND MANAGEMENT (TDMD) PLAN.

Findings:

- A. The amendments are in compliance with OAR 660-012-0400 et seq., relating to implementing the parking mandate reform requirements from the Climate Friendly and Equitable Communities (CFEC) rules adopted by the Land Conservation and Development Commission on July 21, 2022.
- B. The rules require communities to change their local transportation and land use plans to do more to ensure Oregonians have more safe, comfortable ways to get around, and don't have to drive long distances just to meet their daily needs. The rules also aim to improve equity, and help community transportation, housing, and planning to serve all Oregonians, particularly those traditionally underserved and discriminated against.
- C. 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.
- D. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on October 21, 2022.
- E. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. A notice of the December 7, 2022, City Council public hearing was printed in the Bend Bulletin on November 13, 2022, and mailed and emailed to the Neighborhood Associations on November 16, 2022.
- F. On November 28, 2022, the Planning Commission held a public hearing on Project Number PLTEXT20220763 and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed text amendments as amended in Exhibit A.
- G. The City Council opened the public hearing on December 7, 2022, received public testimony and continued the hearing to January 18, 2023.
- H. A notice of the continued City Council hearing to January 18, 2023, was printed in the Bend Bulletin on December 25, 2022, and mailed and emailed to the Neighborhood Associations on December 23, 2022.
- I. On January 18, 2023, the Council held the continued public hearing to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. The City Council found that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the amendments to the Bend Development Code as amended by the City Council on January 18, 2023, including amendments to BDC 3.3.600, Bicycle Parking Standards and 3.3.300.G.2 as shown in Exhibit A.

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

Section 1. The Bend Development Code is amended as depicted in the attached Exhibit A. All other provisions of the Bend Development Code remain unchanged and in full effect.

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

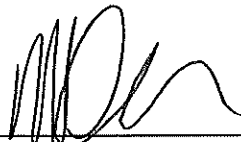
Section 3. If any provision, section, phrase or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

First Reading: January 18, 2023

Second reading and adoption by roll call vote: February 1, 2023

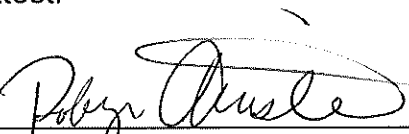
YES: Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Megan Norris
Councilor Mike Riley

NO: none



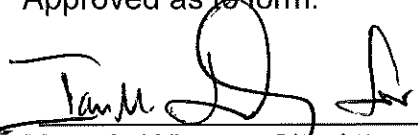
Melanie Kebler, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

Exhibit A

**DRAFT
Development Code Update
February 1, 2023
Prepared by:
City of Bend Planning Division**

File #: PLTEXT20220763

Note:

Text in underlined typeface is proposed to be added

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

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

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

Bend Development Code

Rename 3.3.300 Vehicle Parking Standards for On-Site Requirements to 3.3.300 Vehicle Parking Standards
~~for On-Site Requirements~~ throughout the BDC.

Chapter 1.2

DEFINITIONS

Change of use means a change in the essential character or nature of the activity conducted on a lot, as evidenced by:

1. A change from one use to another permitted or conditional use; or
2. A change in proportion of space devoted to uses within a property; or
3. An increase in ~~the parking demand~~, traffic generation, water demand or wastewater demand as calculated pursuant to existing City regulations.

Electrical service capacity means a designated location or space for electrical service, if not actual service, and a conduit system from that location to the parking spaces. The conduit system must be able to support wiring for installation of Level 2 or above electric vehicle charging stations.

BDC Chapter 2.1

RESIDENTIAL DISTRICTS (UAR, RL, RS, RM-10, RM, RH)

2.1.1100 Other Design Standards.

~~E. Required vehicle parking in a dwelling unit's garage or carport must be a minimum of nine feet by 18 feet.~~

Chapter 2.7

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

Article I. Lava Ridge Refinement Plan

C. Street and Pedestrian Standards. Street and pedestrian standards ~~shall~~ must be consistent with the requirements of the Bend Comprehensive Plan and the Zoning Ordinance, except as set forth below:

7. Hammerhead Streets. Hammerhead streets meeting the following design standards may be permitted in the Lava Ridge Refinement Plan RM and RS Zones.

~~k. Off-street parking requirements shall be met for underlying zone.~~

~~l.~~ k. Landscaping on interior of hammerhead cluster ~~shall be~~ is required in area from house to edge of pavement.

~~m.~~ l. Street Frontage. Houses on lots fronting a public street, except an arterial, shall face the public street.

~~n.~~ m. Building setback shall be the same as the underlying zone unless modified in the plat.

~~o.~~ n. Fences or walls adjacent to an arterial shall be approved at the time of plat. Walls shall be built with varied texture and materials and shall comply with any adopted design standards. The maximum height shall be six feet except where the elevation between the arterial street and the lot line exceeds eight feet, in which case reductions to the wall or fence height may be required. The area between the fence or wall and the arterial curb shall be landscaped and maintained by abutting property owner(s) or homeowners association.

~~p.~~ o. Fencing. On hammerhead and public streets, except arterials, fences within the yard setback area may not exceed three and a half feet in height. A fence up to six feet in height may be constructed outside of the setback area; provided, that it is no closer to the street than the building face. A fence up to six feet in height may be constructed on rear lot line.

Article II. NorthWest Crossing Overlay Zone

2.7.310 Definitions

F. **Parking district** means the area designated for common parking lots or facilities in the two NorthWest Crossing Commercial/Mixed Employment Districts. Each Commercial/Mixed Employment District has areas designated for common off-street parking lots or facilities ~~designed to serve the minimum parking needs for permitted uses in the Commercial Limited and Mixed Employment Districts.~~ The designated parking areas will be located behind or at the side of buildings permitted in the Parking District, or on

private streets within the Parking District. The designated common parking areas will allow all buildings to be close to the street to create a lively pedestrian-oriented commercial streetscape. A public entrance to all buildings shall must be on the primary street frontage.

2.7.320 Districts.

E. Residential Cluster Overlay District.

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

d. Parking Location and Screening. The parking location and screening standards are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the NorthWest Crossing Cluster Housing Overlay District and adjacent properties, and to maintain a single-unit character along public streets.

i. ~~A minimum of one parking space~~ No parking minimum and a maximum of two parking spaces ~~are required~~ for each cottage.

ii. A parking area is a location for two or more contiguous vehicle spaces, ~~which are required to meet the minimum parking requirements,~~ and are not within a garage or carport. Parking areas:

F. Residential High Density Multiple-Unit Overlay District.

~~7. Minimum motor vehicle parking for housing that is limited to residents of age 55 and older is one parking space per dwelling unit.~~

G. Residential Mixed-Use Overlay District.

11. Off-Street Parking Standards.

- a. Each live/work house or live/work townhome may have no more than ~~two~~ four off-street spaces in addition to the two spaces required by BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

- c. Community commercial uses ~~shall~~ must have a minimum of one off-street vehicle parking space for each 500 square feet of floor area and a minimum of four covered bicycle parking spaces. The maximum number of off-street parking spaces for a community commercial building is five, including one disabled accessible space, if required.

H. Commercial/Mixed Employment Overlay District.

1. Purpose and Applicability. This district applies to all land zoned Commercial Limited and Mixed Employment within the NorthWest Crossing Overlay District. The purpose of this district is to allow a special front yard setback that is not permitted in the underlying Commercial Limited and Mixed Employment Zones and to create parking districts. The purpose of the parking districts is to allow ~~minimum~~ parking needs to be ~~met~~ provided in common, shared, off-site parking lots. The special setback and parking districts will create a pedestrian-friendly, main-street environment.

9. Parking District Standards.

- a. Each Commercial/Mixed Employment District ~~will~~ may have areas designated for common off-street parking lots and streets designed to ~~serve the minimum~~ provide parking needs for permitted

and conditional uses in the Commercial Limited and Mixed Employment Zones. There is no minimum parking required in the designated areas for parking.

- b. Buildings shall must be located on and oriented to the streets and the parking lots will be located in the interior of the site or at the sides of buildings. The designated common parking areas will allow all buildings to be close to the street to create a pedestrian-scale street environment.
- c. ~~When uses are approved under this code in the Commercial Limited and Mixed Employment Zones, the minimum off-street parking requirements may be met in off-site, common parking lots or facilities, or in on-street parking on designated streets conveniently located to serve the commercial, office and industrial uses.~~
- d. ~~City approval of a use in the Commercial/Mixed Employment District shall be conditioned on evidence that the City minimum parking requirements for a proposed use are met by:~~
 - i. ~~A deed, easement or irrevocable lease, contract or other irrevocable legal agreement assuring reservation of the required minimum number of spaces in a common Parking District parking lot or facility, or in on-street parking on private streets for the term the parking is needed; or~~
 - ii. ~~City approval of a shared or joint use agreement evidenced by an irrevocable deed, lease, contract or other legal agreement for the term that the required parking is needed.~~
- e. ~~Any parking desired over the minimum city standard shall be met with on-street or shared parking within the Commercial/Mixed Employment Districts.~~
- f. ~~d.~~ Designated pedestrian access from the common district parking areas to the street and entrances to the commercial uses shall must be provided.
- g. ~~e.~~ All buildings must have at least one primary entrance directly fronting a public or private street.
- h. ~~f.~~ The Parking District facilities shall must be managed and maintained by an association of building owners in the Commercial/Mixed Employment Districts.
- i. ~~g.~~ Parking for any secondary, second-story residential use shall may be provided in assigned and reserved parking spaces, or through City approval of a shared or joint use agreement evidenced by a deed, lease, contract or other legal agreement. ~~Reserved residential parking spaces shall not exceed the minimum city standard.~~

j- h. Parking lot landscaping will meet or exceed minimum City standards.

Article V. Waterway Overlay Zone (WOZ)

2.7.630 River Corridor Areas of Special Interest Sub-Zone.

B. Development Credit. When an applicant preserves a River Corridor Area of Special Interest, the development potential for the preserved area may be transferred to the balance of the parcel for development or applied to the subject property as indicated below:

2. Where the applicant preserves a River Corridor Area of Special Interest, the property owner may initiate one or more of the activities listed below; provided, that the compensation does not exceed the benefit of the ASI protection as determined through the land use permit process.
 - a. Substitute the area of the preserved ASI as the equivalent required on-site landscaping;
 - ~~b. Receive up to 10 percent reduction in the required on-site parking spaces;~~
 - ~~e.~~ b. Reduce the front yard setback up to 50 percent of the standards required for the applicable zone.

Article VI. Upland Areas of Special Interest Overlay Zone

2.7.700 Upland Areas of Special Interest Overlay Zone

D. Development Standards. The ASI Boundary is delineated by the outside edge of the boundary line shown on the Bend Comprehensive Plan Map and the City Zoning Map. No development as defined in this

chapter ~~shall~~ must occur within an Upland Area of Special Interest boundary unless expressly permitted by the provisions of this chapter.

The development standards ~~shall~~ apply to structures, fences, impervious surfaces including streets and driveways except where provided for in this section and landscaping as described in subsection (D)(5) of this section. In addition, no stock piling of fill materials, parking or storage of equipment or personal property ~~shall~~ must be placed within an Upland Area of Special Interest.

6. Development Credit. When an applicant preserves an Upland Area of Special Interest, the development potential for the preserved area may be transferred to the balance of the parcel for development or applied to the subject property as indicated below:

b. Where the applicant preserves an Upland Area of Special Interest, the property owner may initiate one or more of the activities listed below; provided, that the compensation does not exceed the benefit of the ASI protection as determined through the land use permit process.

- Substitute the preserved ASI as the equivalent required on-site landscaping;
- ~~Receive up to 10 percent reduction in the required on-site parking spaces;~~
- Reduce the front yard setback up to 50 percent of the standards required for the applicable zone;
- Develop accessory dwelling units on lots abutting an area of special interest.

Article X. Central Oregon Community College (COCC) – Special Planned District/Overlay Zone

~~2.7.1005 Parking.~~

~~In accordance with Table 3.3.300, a Parking Management Plan shall be formulated for the Core Campus Area and updated with each subsequent Site Plan Review application. The Campus Village Area may be included in this plan or parking in the Campus Village Area may be provided based on other uses in Table 3.3.300. The~~

~~Parking Management Plan may specify alternative parking standards for the district that supersede and replace the standards contained in BDC Chapter 3.3. The Parking Management Plan shall also address the bicycle parking requirements of BDC Chapter 3.3. Repealed by Ord. NS-XXXX~~

Article XIV. Bend Central District

2.7.3205 Bend Central District Purpose.

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

- ~~6. Provide reduced parking standards and encourage alternative parking arrangements.~~

2.7.3250 Parking Standards.

- A. ~~In the BCD, the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of In addition to BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, the following standards apply:~~

- ~~1. Required Off-Street 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.~~

~~a. Residential Uses.~~

~~i. Townhomes: one space per dwelling unit.~~

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

~~iii. Residential uses in a mixed-use development, quadplexes, multi-unit, micro-units and commercial-ready space used as residential: one-half space per dwelling unit.~~

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

~~b. Nonresidential uses: one space per 1,000 square feet of floor area.~~

~~i. Exception. Hotels/motels and entertainment uses may use the off-street parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces.~~

~~c. Shelters. See BDC 3.6.600, Shelters.~~

~~2. Parking Reductions.~~

~~a. Mixed-Use Developments. If more than one type of land use occupies a single structure or property with no single use occupying more than 95 percent of the total square feet of the building, the minimum off-street parking may be 75 percent of the sum of the requirements for all uses.~~

~~b. The amount of off-street parking required for nonresidential uses may be reduced by up to 10 percent in exchange for providing on-site public open space/green space at the following ratio: one vehicle parking space per 500 square feet of public open space/green space.~~

~~c. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the required off-street parking.~~

~~d. The amount of off-street parking may be reduced to zero for a maximum of 10,000 square feet per floor. When using this parking reduction, it must be calculated prior to any other reductions.~~

~~e. These reductions are in addition to any reductions taken under BDC 3.3.300(D).~~

~~3. Parking Standards.~~

- a- A. Parking on the ground floor within a structure must be designed so that parked vehicles are screened from view at street level.

- b- B. Parking is allowed on the side and rear of buildings. If located on the side, the parking area may not exceed 50 percent of the total lineal frontage of the site and must be set back 10 feet from the front property line or three feet behind the front building facade, whichever is greater. For corner lots, the parking area may not exceed 50 percent of the total lineal frontage for all front property lines and frontages.

- e- C. Parking and maneuvering areas including driveways are prohibited between the street and the front of the building.

Article XV. Southeast Area Plan

2.7.3320 General Commercial Districts (CG).

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:

- 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. See BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.~~

~~i. Townhome, duplex, triplex, and multi-unit residential: one space per dwelling unit.~~

~~ii. Affordable housing projects in accordance with BDC 3.6.200.C.1 through 3: one-half space per affordable dwelling unit.~~

2.7.3360 Tree Preservation and Rock Outcropping Standards.

B. Tree Preservation.

1. For sites two acres or larger, at least 50 percent of all trees measuring 24 inches in diameter 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)(4) of this section.
2. Site Plan Review Incentives. As part of a site plan review application under BDC 4.2.500, the City may allow one or more of the following incentives when more than 50 percent trees with a DBH of 24 inches are preserved:
 - 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. d. 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. Trees protected under subsection (B) of this section may be removed only if:

- b. A site undergoing development review includes a public facility or school and the removal of trees with a DBH of 24 inches or greater is necessary to accommodate buildings, ~~or~~ accessory uses (e.g., ball fields), ~~and required parking~~ as demonstrated on the Tree Protection Plan. Trees not within the building footprint or footprint of the accessory use(s) ~~or required parking~~ must be retained.

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 eight feet from the surrounding terrain, and (2) are over 3,000 square feet in area.

- 3. Site Plan Review Incentives. As part of a site plan review application under BDC 4.2.500, the City may allow one or more of the following incentives when a significant rock outcrop area is preserved:
 - a. Reduction of setbacks up to 30 percent.
 - ~~b. Reduction of required on-site parking up to 15 percent.~~
 - ~~c. b.~~ Increased lot coverage up to 20 percent.
 - ~~d. c.~~ For public facilities, an increase in maximum parking by up to 15 percent.

Article XVII. Oregon State University – Cascade Overlay Zone

2.7.3550 Parking and Loading.

- A. Parking Location. ~~The required number of vehicle parking spaces must comply with the standards of BDC Table 3.3.300, or as modified by the approved Transportation Parking Demand Management Program contained in Ordinance NS-2309.~~ The general locations of possible parking areas as depicted in Figure 2.7.3550.A must comply with the following:

2.7.3580 Transportation and Parking Demand Management Plan.

A. Applicability. The following Transportation and Parking Demand Management Plan (TPDM Plan) applies to all development within the Oregon State University – Cascades Overlay Zone.

B. Trip and Parking Reduction Measures. The TPDM Plan must include the measures set forth in Table 2.7.3580.B, and may include any measures identified in Table 4.8.500, Trip and Parking Reduction Measures, if such additional measures are adopted through site plan approvals, consistent with BDC 4.8.800.

Table 2.7.3580.B

Facility Provision Measures	Parking Reduction
Provide on-site showers and lockers free of charge.	5%
Provide enclosed bike lockers and/or fenced, covered bike storage areas and/or a designated bike storage area inside a building.	5%
Ongoing Incentive Measures	
Project is located within one-quarter mile of a transit facility and employer participates in CET's Group Bus Program.	5%
Provide a bike-share program or free use of bikes on site that is available to all tenants/employees of the site.	5%

C. Ongoing Participation, Monitoring and Reporting. The applicant is required to commit to ongoing participation in the TPDM plan in its deeds, tenant leases, codes, covenants and restrictions and is subject to ongoing monitoring and tracking of the activities undertaken to implement the approved measures and their results. The applicant shall submit an annual report to the City no later than August 30 of each year, which shall include the following information:

- ~~1. Evidence that the parking reduction measures identified in Table 2.7.3580.B or other parking reduction measures approved pursuant to BDC 4.8.800 were in place or operational during the prior 12-month period.~~
- ~~2. A description of any voluntary parking reduction measures identified in Table 4.8.500 in place or operational during the prior 12-month period.~~
- ~~3. The average utilization of parking spaces located in the Campus and Recreation Districts during fall, winter and spring academic terms for the prior 12-month period. For purposes of reporting, counts shall be taken on a weekly basis between the weekday hours of 12:00 p.m. and 4:00 p.m.~~

~~If the average utilization of parking spaces exceeds 93 percent during fall, winter or spring term during any 12-month reporting period, the City shall have the discretion to require the applicant to provide additional parking spaces in the Recreation District concurrent with the next site plan application filed by the applicant. The number of additional parking spaces required during subsequent site plan review must be equal to the number of parking spaces required to reduce the average utilization of parking spaces to 90 percent, based on the most recent reporting year.~~

Article XVIII. 15th Street School Overlay Zone.

2.7.3670 Access, Landscaping and Parking.

D. Vehicle Parking, Loading and Bicycle Parking (BDC Chapter 3.3).

1. Notwithstanding BDC 3.3.300(C)(1) and (2), parking may be located within the front yard setbacks of the private local street.
2. Ten percent of the vehicle parking spaces provided on-site must be reserved for carpool, vanpool or carshare vehicles and located in the most desirable on-site location.
3. Twice as many covered, secured bike parking racks as required by BDC Chapter 3.3 must be provided.

Article XIX. Discovery West Master Planned Development

2.7.3770 Residential Mixed Use District.

G. Special Standards for Live/Work Townhomes.

4. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. ~~No more than four off-street parking spaces must be provided for each live/work townhome.~~

H. Special Standards for Cluster Housing Developments. Cluster housing development provides an alternative housing type to satisfy the attached single-unit housing requirement of BCP Policy. The cluster housing development type supports the following principles:

4. Parking. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. (Amended by the Planning Commission on November 28, 2022)
 - a. ~~A minimum of one parking space and a A maximum of two parking spaces are required allowed for each cottage or mews dwelling unit.~~
 - b. ~~A parking area is a location for two or more contiguous vehicle spaces not within a garage or carport. Any common parking area must be located in the cluster housing development.~~

(Amended by the Planning Commission on November 28, 2022)

Article XXI. Petrosa Master Planned Development

2.7.3950 Residential Zoning Districts.

J. Additional Standards for Live/Work Townhomes.

2. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. ~~No more than four off-street parking spaces are required for each live/work townhome.~~

L. Additional Standards for Residential Mixed-Use Development.

4. Parking. ~~Off-street parking is optional for commercial uses located where on-street parking is available adjacent to the mixed-use site, except for food and beverage service uses. Parking for food and beverage service uses is subject to the standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.~~ Off-street parking for commercial uses is subject to the following standards:
 - a. Off-street parking, driveways and other vehicular use and circulation areas must not be placed between a building and the street.
 - b. Where off-street parking is adjacent to a street, the parking and maneuvering area must be separated from the right-of-way by a three-foot minimum landscape planter.
 - c. In no instance may there be more than six off-street parking spaces per site.

Article XXIV. Stevens Ranch Master Planned Development

2.7.4250 Residential.

K. Additional Standards for Live/Work Townhomes.

2. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. ~~No more than four off-street parking spaces are required for each live/work townhome.~~

Chapter 3.1

LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.400 Vehicular Access Management.

F. Access Management Requirements.

4. Additional Access Points.

- a. Single-unit detached dwellings may have an additional access point in compliance with the following:

- iii. Alley access may be allowed when the lot or parcel has an existing permitted street access. If ~~the required~~ on-site parking is provided off the alley, the City Engineer may require the street

access to be closed and replaced with curbing, sidewalks/pathways, and landscaping, in accordance with the provisions of this code and the City standards and specifications.

Chapter 3.3

VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.100 Purpose.

The purpose of this chapter is to provide basic and flexible standards for the development of vehicle parking, loading and bicycle parking. The design of parking and loading areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. ~~This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards).~~ This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.3.200 Applicability.

All development within the City of Bend shall ~~shall~~ must comply with the provisions of this chapter.

~~In the Central Business District (CBD), prior to the issuance of any building permit for construction of a new building, enlargement of an existing building, or the change of use requiring additional off-street parking as required by BDC 3.3.300, the owner or occupant shall pay a fee in lieu of providing the required off-street parking or provide the off-street parking as specified in Table 3.3.300. The fee to be paid in lieu of providing parking shall be calculated on the basis of parking spaces required by this chapter. The fee and the policies regarding fees in lieu of parking shall be established by resolution by the City Council.~~

~~The fee shall be a one-time fee deposited into a fund to be used only for the planning, acquisition, development and maintenance of off-street parking facilities located in and/or adjacent to the CBD.~~

3.3.300 Vehicle Parking Standards for On-Site Requirements Parking.

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) is determined based on the standards in this section.

A. ~~Off-Street Parking Requirements.~~ The number of required off-street vehicle parking spaces is determined in accordance with the following standards. ~~Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes).~~ In applying the exceptions and reductions listed in subsections B, C, and D of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces is rounded down to the nearest whole number.

A. **Minimum Number of Parking Spaces.** There are no minimum parking requirements in the City of Bend. For accessible parking space requirements, see BDC 3.3.300.G, ADA Accessible Parking Spaces.

B. **Maximum Number of Parking Spaces.** The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the number of parking spaces provided in Table 3.3.300, Maximum Off-Street Vehicle Parking Spaces. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, tuck-under 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. Where a fractional number of spaces results, the maximum number of spaces is rounded down to the nearest whole number. This section does not apply to single-unit detached, accessory dwelling units, manufactured dwellings, duplexes, triplexes, quadplexes, townhomes, live/work townhomes and cottage developments. *(Relocated from BDC 3.3.300.E)*

Table 3.3.300. Required Maximum Off-Street Vehicle Parking Spaces

Use	Minimum Requirement Maximum Parking Spaces
Residential	
Accessory dwelling unit	None
Residential care home	2 parking spaces per dwelling unit
All multi-unit residential uses within the CB and MU Zoning Districts	1 space per dwelling unit

Use	Minimum Requirement Maximum Parking Spaces
Bed and breakfast inns	1.5 space per bedroom, plus 1 space for the manager or proprietor
Short-term rentals	See BDC 3.6.500(H)
Duplex and triplex	None
Quadplex	RL: 2 parking spaces per quadplex development
	All other zones: 1 parking space per quadplex development
Manufactured home parks	2 parking spaces per dwelling unit
Multi-unit residential	Studio units or 1-bedroom units – 1.5 spaces per unit
	2-bedroom units – 1.5 2.25 spaces per unit
	3- or more bedroom units – 2 3 spaces per unit
	Retirement complexes for seniors 55 years or older – 1 space per unit
Townhomes	1 parking space per dwelling unit
Single-unit detached, including a manufactured home on individual lot	2 parking spaces per dwelling unit
Development alternatives	See BDC Chapter 3.8, Development Alternatives
Commercial	
<u>General commercial such as retail trade, services, and office uses (including medical and dental offices, clinics and laboratories, alternative health care)</u>	1 space per 200 square feet
All commercial uses within the CB and MU Zoning Districts	1 space per 500 square feet of gross area
Banking services	1 space per 350 square feet floor area
Bulk and e Outdoor retail trade and services, including: auto, boat or trailer sales, retail nurseries, lumberyards, and similar bulk retail uses (Amended by the Planning Commission on November 28, 2022)	1 space per 4,000 700 square feet of gross floor area

Use	Minimum Requirement Maximum Parking Spaces
<u>Bulky merchandise (appliance, furniture)</u>	<u>1 space per 500 square feet of gross floor area</u>
Commercial storage (e.g., ministorage, self-storage)	1 space per 6,000 <u>4,000</u> square feet of net leasable square footage, with up to half the required spaces and associated driveway areas permitted to remain unmarked for trucks and other large vehicles.
Entertainment (e.g., theaters, clubs, and other completely enclosed amusement uses)	1 space per 4-3 <u>2.66</u> seats <i>(Amended by the Planning Commission on November 28, 2022)</i>
Hotels/motels	1.5 space for each guest room, plus 1 space for the manager
Laundromats and dry cleaners	1 space per 350 square feet of customer use area, plus 2 spaces per 3 employees on the largest shift
Office use (including medical and dental offices, clinics and laboratories, alternative health care)	1 space per 350 square feet of gross floor area
Restaurants and bars (subject to BDC 3.6.300(J)(10))	1 space per 200 <u>150</u> <u>133</u> square feet of gross leasable floor area Exemption: 500 square feet of seasonal outdoor seating is exempt from the maximum required parking standards. <i>(Amended by the Planning Commission on November 28, 2022)</i>
Retail trade and services	
• General trade	• 1 space per 350 square feet of gross floor area
• Bulky merchandise (appliance, furniture)	• 1 space per 750 square feet of gross floor area
Industrial Uses	
Heavy industrial <u>and public/private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)</u>	1 space per 2 employees on the largest shift or for each 1,000 <u>700</u> square feet of gross floor area, plus 1 space per company vehicle
Light manufacture and production businesses (e.g., electronic equipment, printing, bindery, furniture, bakery, crafts, call center and similar uses)	1 space per 2 employees on the largest shift or for each 700 <u>500</u> square feet of gross floor area, plus 1 space per company vehicle

Use	Minimum Requirement Maximum Parking Spaces
Public/private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities) (Moved up to heavy industrial)	1 space per 2 employees on the largest shift, plus 1 space per company vehicle; a minimum of 2 spaces is required
Warehousing and distribution	1 space per 2,000 <u>1,500</u> square feet of gross floor area
Public and Institutional Uses	
Adult day care	2 parking spaces per dwelling unit
Child care facility	1 space per 2 employees; a minimum of 2 spaces is required 1 space per 200 square feet (Similar to other service uses)
Clubs, lodges, similar uses	1 space per 3 <u>2</u> persons allowed by Building Code in the main assembly room or auditorium
Community, <u>neighborhood</u> and regional parks and recreational facilities (Amended by the Planning Commission on November 28, 2022)	1 space per 40,000-7,000 square feet of gross area or 1 space per 4,000 <u>700</u> square feet of building floor area, whichever is greater, or as required by a Conditional Use Permit
Golf courses, including miniature golf	2 <u>3</u> spaces per hole, plus additional spaces for auxiliary uses as required <u>listed</u> elsewhere in this section
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	1 space per 2-1.5 employees on the largest shift or <u>1 space</u> for each 500 <u>350</u> square feet of gross floor area, plus 1 space per fleet vehicle
Government – point of service intended to serve the entire City	1 space per 350 square feet of gross floor area
Government – point of service intended to serve a portion of the City	1 space per 350 square feet of gross floor area
Hospitals	1-5 spaces per bed
Neighborhood parks and recreational facilities (Relocated above to community parks by the Planning Commission on November 28, 2022)	None except as required for accessibility compliance or as required by a Conditional Use Permit
Places of worship	1 space per 4-3 <u>2.66</u> seats in the main worship area (Amended by the Planning Commission on November 28, 2022)

Use	Minimum Requirement <u>Maximum Parking Spaces</u>
Residential care facility	1 space per 2 <u>1.5</u> patient beds or 1 space per apartment unit
Registered or certified family child care home	2 parking spaces per dwelling unit
Schools (public and private) – elementary and middle	<u>1.5</u> space per employee or <u>1 space per 4</u> 3 seats in the auditorium, whichever is greater
Schools (public and private) – high schools	4.5 <u>2</u> spaces per classroom, plus 1 space per 40 <u>7</u> students. If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall <u>may</u> be provided at a rate of <u>not to exceed</u> 1 space per 4 <u>3</u> seats.
Institutions of higher education	1 space per 5 <u>3</u> off-campus students 1 space per 40 <u>7</u> on-campus students 1 space per 2-4 <u>3</u> employees
Miscellaneous	
Unspecified uses	For uses not specified in Table 3.3.300, the Review Authority must determine the minimum <u>maximum</u> number of required parking spaces <u>allowed</u> as part of the development review process accompanying the proposed use, based upon similar uses listed in this table.
Transportation and parking demand management (TPDM) plan	Institutional and employment master plans must provide a transportation and parking demand management (TPDM) plan in compliance with BDC Chapter 4.5, Master Plans, and BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan. All other development applications may choose to develop a TPDM plan in compliance with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.
Shelters	See BDC 3.6.600, Shelters

B. Credit for On-Street Parking.

- ~~1. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement, except as specified in subsections (B)(1)(a) and (b) of this section.
 - ~~a. Uses within the CB Zone shall not receive credit for on-street parking, but have the option to pay a fee in lieu of providing off-street parking per BDC 3.3.200.~~
 - ~~b. For uses within the MU and MN Zones and in the Bend Central District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.~~~~
- ~~2. On-street parking must follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. An on-street parking space is defined as follows:
 - ~~a. Parallel parking, each 22 feet of uninterrupted curb, where allowed;~~
 - ~~b. Forty five-degree diagonal, each with 14 feet of curb, where allowed;~~
 - ~~c. Ninety-degree (perpendicular) parking, each with 12 feet of curb, where allowed;~~
 - ~~d. Curb space must be connected to the lot that contains the use;~~
 - ~~e. Parking spaces will not obstruct a required clear vision area or violate any law; and~~
 - ~~f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted. **(Relocated to 3.3.300.C.4 below)**~~~~

C. ~~Parking Location and Shared Parking Standards.~~

1. Location. Vehicle parking is allowed only on approved streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Vehicle parking must not be located in a vehicle travel lane (including emergency or fire access lanes). Specific locations for parking are indicated within the individual land use districts for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for

some uses). Off-street parking and maneuvering areas must not be located within the front setbacks except for single-unit dwellings, ADUs, duplexes, triplexes and quadplexes.

2. Screening. Commercial or industrial off-street parking which adjoins a residentially designated district ~~shall~~ must be effectively screened by a fence and landscaping with a minimum width of 10 feet unless otherwise specified in this code.
- ~~3. Off-Site Parking. Except for single-unit dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land when commercial off-site parking is permitted in the underlying zone, provided the parcel is within 1,000 feet of the use it serves and the amount of off-site parking does not exceed the minimum amount of parking required for the intended use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.~~
- ~~4. Mixed-Use Developments. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be 95 percent of the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly. (See subsection (C)(5) of this section, Shared Parking.)~~
- ~~5. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature, or of a weekday vs. weekend nature); and provided, that the right of joint use is evidenced by a binding agreement that is tied to the land or similar written instrument establishing the joint use. The binding agreement may restrict future changes to use of the property. Shared parking is encouraged.~~
- ~~6.~~ 3. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees. Signs ~~shall~~ must conform to the standards in the Bend Code, Chapter 9.50, Signs.
4. On-Street Parking. On-street parking must follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. An on-street parking space is defined as follows:

- a. Parallel parking, each 22 feet of uninterrupted curb, where allowed;
- b. Forty-five-degree diagonal, each with 14 feet of curb, where allowed;
- c. Ninety-degree (perpendicular) parking, each with 12 feet of curb, where allowed;
- d. Curb space must be connected to the lot that contains the use;
- e. Parking spaces will not obstruct a required clear vision area or violate any law;
- f. On-street parking spaces for a specific use may not be reserved exclusively by that use, but must be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted; and
- g. Accessible on-street parking spaces must be provided in compliance with the City of Bend Standards and Specifications. **(New standard)**

(Relocated from 3.3.300.B.2)

D. ~~Exceptions and Special Standards for Commercial Customer Parking.~~

~~1. Exceptions for Required Parking.~~

- ~~a. Seasonal outdoor seating where the seating area is less than 500 square feet is exempt from the required parking standards.~~
- ~~b. The total number of required vehicle parking spaces for an industrial, commercial, or office use that is not part of a transportation and parking demand management (TPDM) plan in compliance with BDC Chapter 4.8 may be reduced by five percent for each of the listed activities which are provided by the owners or operators, up to a maximum 10 percent reduction in the total number of vehicle spaces per development.~~
 - ~~• Designating at least 10 percent of the employee vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking.~~
 - ~~• Providing showers and lockers for employees who commute by bike.~~
 - ~~• Providing twice as many covered, secured bike racks or facilities as required by this code.~~

~~• Providing a transit facility (e.g., bus stop) that is approved by the local transit authority, with related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, shelter, and additional landscaping.~~

~~c. The total number of required motor vehicle parking spaces for all uses except for single-unit detached dwellings may be reduced by up to 10 percent for developments within 660 feet of a transit route (as the crow flies). Where only a portion of the site lies within 660 feet of a transit route, the reduction shall be applied only to buildings that are fully or partially within 660 feet of a transit route.~~

~~d. The parking requirement for affordable dwelling units in conformance with BDC 3.6.200(C) is one on-site parking space per affordable dwelling unit.~~

~~2.~~ 1. Special Standards for Commercial Customer Parking. The motor vehicle parking areas ~~shall~~ must be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets, or transit stops. Ways to achieve this standard may include, but are not limited to:

- Front facades and primary entrances of all buildings are oriented to a public street or a private internal drive or street, to minimize pedestrian and bicycle travel through a parking area and to provide safe, convenient, and direct travel routes for pedestrians;
- One or more raised walkways are provided through the parking areas, meeting Federal Americans with Disabilities Act requirements, in order to provide safe, convenient, and direct travel routes for pedestrians through the parking areas;
- Walkways abutting parking spaces or maneuvering areas are protected from vehicles through either landscaping buffers, minimum three feet wide on each side, or curbs on both sides;
- Walkways across vehicle aisles are delineated by nonasphaltic material in a different color or texture than the parking areas;
- On-site pedestrian walkways and bikeways connect to existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas;
- ~~• Internal drives or streets are designed to City standards for local streets in regard to pavement width, sidewalks, and street trees. Sidewalks comply with ADA standards. Sidewalks 10 to 15 feet wide abutting front building facades are strongly encouraged. Internal vehicular circulation design for~~

~~the site complies with City street connectivity standards, including maximum block length and perimeter;~~

- ~~• Internal drives or streets connect to public streets abutting the site, unless physically precluded by preexisting buildings;~~
- ~~• Structures are located on the site to facilitate future infill and redevelopment of parking and landscape areas;~~
- ~~• For shopping centers abutting one or more future transit routes, one or more transit stops are located and designed with the approval when applicable of the local transit provider;~~
- ~~• No drive-up, drive-in, or drive-through drives or lanes are located between a building and a public or private street.~~

~~E. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by this section by more than 50 percent. 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. This section does not apply to single-unit detached, manufactured dwellings, duplexes, triplexes, quadplexes, townhomes and cottage developments. **(Relocated above Table 3.3.300)**~~

E. Electrical Service Capacity.

1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.
2. New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.
3. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

Table 3.3.300.E.1. Parking Stall Dimensions

Parking Angle	Stall Width	Stall Depth	Aisle Width (*one-way)	Curb Length	Bay Width
	9'-0"	9.0	12.0	22.0	30.0
0°	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	32.0
	9'-0"	19.8	13.0	12.7	52.5
45°	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
	9'-0"	21.0	18.0	10.4	60.0
60°	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
	9'-0"	21.0	19.0	9.6	61.0
70°	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
	9'-0"	20.0	24.0	9.0	64.0
90°	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0

*24-foot minimum for two-way traffic

F. Parking Stall Standard Dimensions and Compact Car Parking.

1. All off-street parking stalls must be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with Table 3.3.300.F.1, Parking Stall Dimensions and Figure 3.3.300.F.1, Parking Area Dimensions.

Table 3.3.300.F.1. Parking Stall Dimensions

<u>Parking Angle</u> (A)	<u>Parking Stall Type</u>	<u>Width</u> (B)	<u>Curb Length</u> (C)	<u>1 Way Aisle Width</u> (D)	<u>2 Way Aisle Width</u> (D)	<u>Stall Depth</u> (includes bumper overhang) (E)
0°	Standard	9'	22'	12'	20'	9'
	Compact	8'	20'	12'	20'	8'
30 °	Standard	9'	18'	12'	20'	17.3'
	Compact	8'	15.5'	12'	20'	14.3'
45 °	Standard	9'	12.7'	13'	20'	19.8'
	Compact	8'	11.2'	13'	20'	16.1'
60 °	Standard	9'	10.4'	18'	20'	21'
	Compact	8'	9.2'	18'	20'	17'
90 °	Standard	9'	9'	24'	24'	20'
	Compact	8'	8'	24'	24'	17'

Table 3.3.300—Parking Area Dimensions

(Delete table)

	<p>A = Parking angle B = Stall width C = Stall depth</p>
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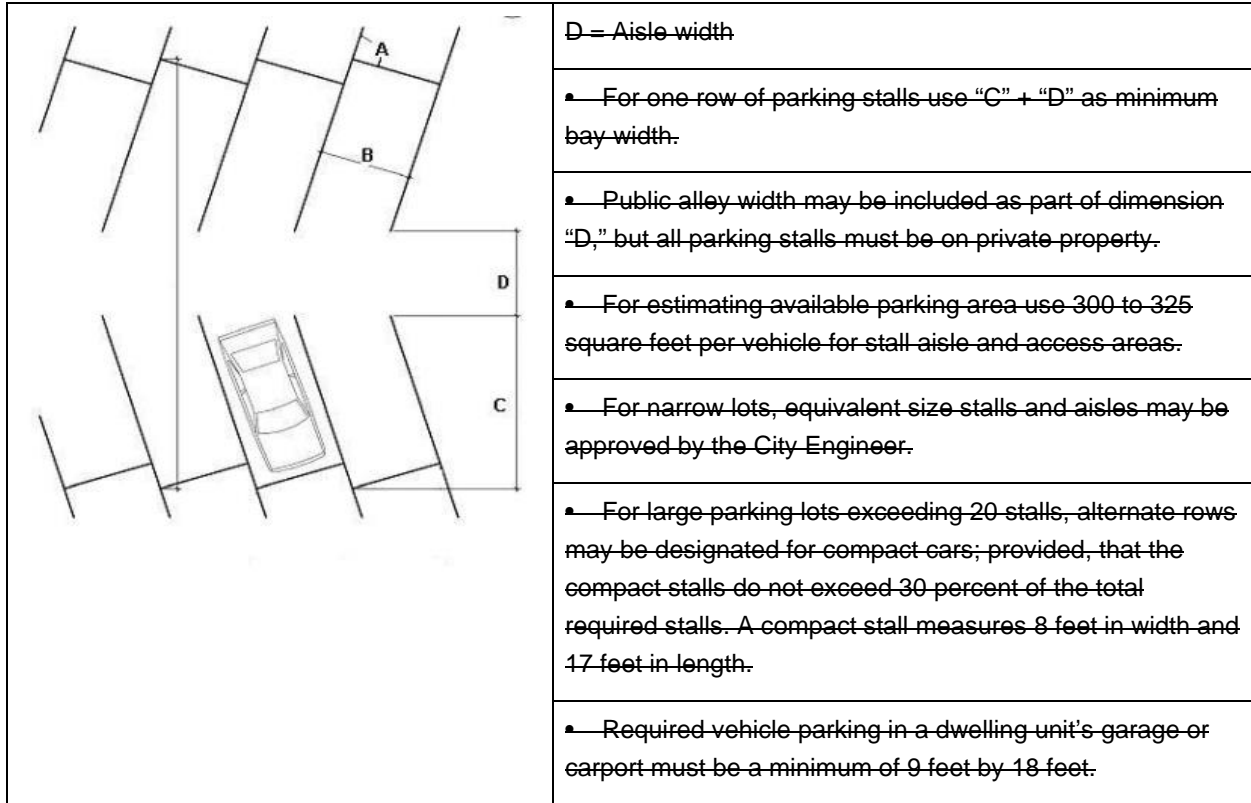
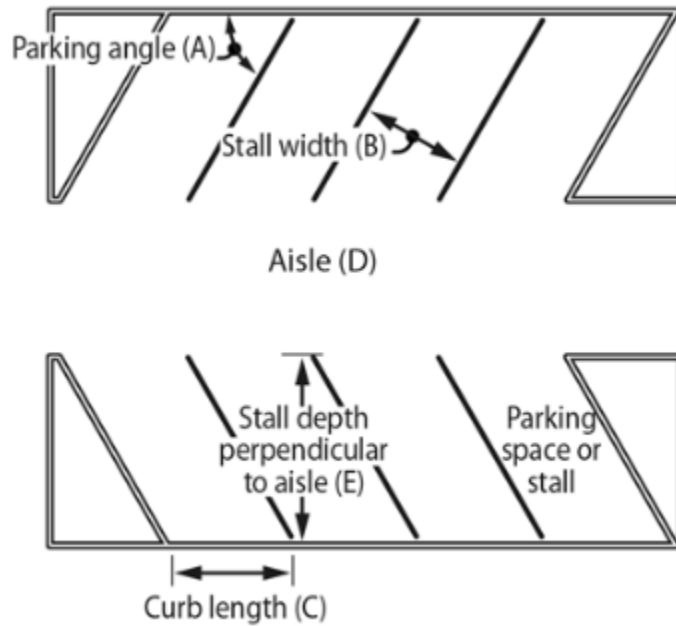


Figure 3.3.300.F.1

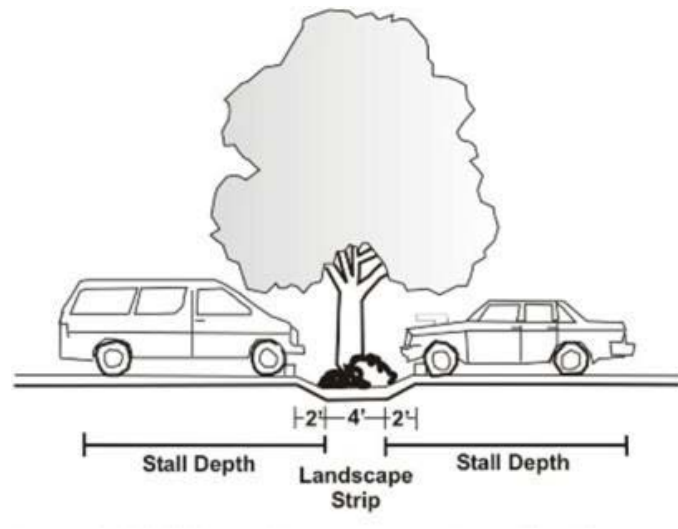
Parking Area Dimensions

(Add Figure)



2. No more than 50 percent of the parking stalls provided on-site can be compact spaces.
3. The stopping edge of any curb or wheel stop must be placed no less than two feet from the end of the parking stall. Where a curb or wheel stop is provided, the overhang of a vehicle past the curb or wheel stop may be counted as part of the required parking stall depth, up to a maximum of two feet.
 - a. Where the curb abutting a pedestrian walkway is used as a wheel stop, a minimum of two feet must be added to the width of the walkway.
 - b. A portion of a standard parking stall may be landscaped instead of paved, as follows:
 - i. The landscaped area may be a maximum of two feet from the stopping edge of a wheel stop or curb, when such protective devices are provided, and may be counted as part of the required parking stall depth, as shown in Figure 3.3.300.F.2.

Figure 3.3.300.F.2.



- ii. Landscaping that is part of the parking stall depth must be ground cover plants.

G. ADA Accessible Parking Spaces.

1. When parking is provided on-site a Accessible parking shall must be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking is included in the total minimum number of required parking spaces in Table 3.3.300. On-site A accessible parking facilities

~~shall~~must comply with the design requirements of the current building code as adopted by the State of Oregon.

2. If parking is not otherwise provided on-site, all developments subject to Site Plan Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, must provide a minimum of one van-accessible parking stall on-site except as follows:

- a. Developments in the Central Business (CBD) District.
- b. Developments in the Bend Central District. See BDC 2.7.3200, Bend Central District (BCD).
- c. Developments on lots or parcels smaller than ~~40,000~~ 20,000 square feet.

(Amended by the City Council on January 18, 2023)

3.3.600 Bicycle Parking Standards.

All uses that are subject to ~~site development review~~ Site Plan Review or Minimum Development Standards Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review must provide bicycle parking, in conformance with the following standards, ~~which are evaluated during site development review.~~ This section does not apply to single-unit detached, manufactured dwellings, accessory dwelling units, duplexes, triplexes, quadplexes, townhomes and cottage developments, and home businesses. ~~A minimum of one bicycle parking space is required for all other developments with fewer than 10 vehicle parking spaces.~~

- A. Number of Bicycle Parking Spaces. A minimum of one ~~u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two~~ bicycle parking spaces per use is required for all uses ~~subject to site development review.~~ Table 3.3.600 lists additional standards that apply to specific types of development. ***(Amended by the City Council on January 18, 2023)***

Table 3.3.600. Required On-Site Bicycle Parking

Use	Requirement
Multi-unit dwellings and micro-units with 5 units or more	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
Retirement home or assisted living complex	2 covered spaces or 1 covered space for every 10 employees, whichever is greater
Retail sales and service	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Multiple uses	For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
Street vendors, itinerant merchants, and similar temporary sales operations	No bicycle spaces required
Restaurants, cafes, and bars	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces.

Table 3.3.600. Required On-Site Bicycle Parking

Use	Requirement
Professional office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Medical or dental office or clinic or hospital	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Stadium, arena, theater or similar use	1 covered space for every 20 seats
Public or private recreational facility	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Parking lots	All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces
Industrial uses without retail trade or service	1 covered space for every 20 employees
Industrial uses with retail	1 covered space for every 20 employees
Elementary school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.

Table 3.3.600. Required On-Site Bicycle Parking

Use	Requirement
Junior high school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
High school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
College, university or trade school	1 space for every 10 motor vehicle spaces plus 1 covered space for every dormitory unit. Colleges and trade schools shall provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

Table 3.3.600. Required On-Site Bicycle Parking

<u>Use</u>	<u>Requirement</u>
<u>Multi-unit dwellings and micro-units with 5 units or more</u>	<u>1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover. (Amended by the Planning Commission on November 28, 2022)</u>
<u>Age restricted multi-unit</u>	<u>1 covered space per 10 units. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily</u>

Table 3.3.600. Required On-Site Bicycle Parking

Use	Requirement
	<p><u>accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover. (Amended by the Planning Commission on November 28, 2022)</u></p>
<p><u>Retirement home or assisted living complex</u></p>	<p><u>1 per 10 beds</u></p>
<p><u>Hospital</u></p>	<p><u>1 space per 3,000 square feet for floor area</u></p>
<p><u>General commercial such as retail trade, services, restaurants, and office uses</u></p>	<p><u>1 per 2,500 square feet of floor area, 25% must be sheltered under an eave, overhang, independent structure, or similar cover.</u></p>
<p><u>Bulky merchandise</u></p>	<p><u>1 per 10,000 square feet, 25% must be sheltered under an eave, overhang, independent structure, or similar cover.</u></p>
<p><u>Hotels/Motels</u></p>	<p><u>1 space per 10 rooms, 50% must be sheltered under an eave, overhang, independent structure, or similar cover.</u></p>
<p><u>Street vendors, itinerant merchants, and similar temporary sales operations</u></p>	<p><u>No bicycle spaces required</u></p>

Table 3.3.600. Required On-Site Bicycle Parking

Use	Requirement
<p><u>Parks</u></p>	<p><u>Two bicycle parking spaces within 50 feet of each developed play-ground, ball field, and shelter</u></p> <p><u>OR</u></p> <p><u>8 per park</u></p>
<p><u>Stadium, arena, theater, Clubs, lodges, places of worship, or similar uses</u></p>	<p><u>1 covered space for every 20 seats or 1 space per 20 persons allowed by Building Code in the main assembly room or auditorium</u></p>
<p><u>Public or private recreational facility</u></p>	<p><u>1 per 1,000 square feet, 25% must be sheltered under an eave, overhang, independent structure, or similar cover.</u></p>
<p><u>Parking lots</u></p>	<p><u>All public and commercial parking lots and parking structures must provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.</u></p>
<p><u>Industrial uses without retail trade or service</u></p>	<p><u>1 space per 20,000 square feet, 100% must be sheltered under an eave, overhang, independent structure, or similar cover.</u></p>
<p><u>Industrial uses with retail</u></p>	<p><u>1 space per 20,000 square feet plus 1 space per 2,500 square feet of retail space, 75% must be sheltered under an eave, overhang, independent structure, or similar cover.</u></p>

Table 3.3.600. Required On-Site Bicycle Parking

Use	Requirement
<u>Schools (elementary through high school)</u>	<u>1 covered space for every 10 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>College, university or trade school</u>	<u>1 space for every 10 motor vehicle spaces plus 1 covered space for every dormitory unit. 50% of the bicycle parking spaces must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>All other uses</u>	<u>1 u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two bike parking spaces</u>

Chapter 3.6

Special Standards and Regulations for Certain Uses

C. Affordable Housing Strategies. The City of Bend provides an incentive program to developers to assist in the development of affordable housing.

4. Developments in compliance with subsection (C)(1) of this section may be eligible for the following incentives unless otherwise specified:

~~e. Parking Requirement Reduction. The parking requirement for affordable dwelling units is one on-site parking space per affordable dwelling unit.~~

~~i. Exception:~~

~~Parking for special population developments and senior developments is 0.5 parking spaces per affordable dwelling unit.~~

~~For purposes of this subsection, senior developments are limited to those 55+ and are recognized by Housing and Urban Development (HUD) or the Low Income Housing Tax Credit (LIHTC) program at Oregon Housing and Community Services as affordable for a term of 30 years or more.~~

~~For purposes of this subsection, special population developments provide affordable housing and supportive services to those with intellectual or developmental disabilities or acute health needs. These developments must be publicly supported affordable for a minimum of 30 years and serving those with intellectual or developmental disabilities in an integrated setting as a primary function.~~

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

3. **Class B Home Business.** A Class B home business is one where the residents use their home as a place of work and involves a limited number of nonresident employees and/or clients or customers coming to the site.

- b. A Class B home business is intended to have minimal impact to the existing neighborhood and must meet the general standards of subsection (N)(1) of this section and the following standards:

~~iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.~~

~~iv. iii. No more than 25 percent of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.~~

~~v. iv. A Class B home business is not permitted on a site with a Type II short-term rental.~~

4. Class C Home Business. A Class C home business is one where the residents use their home as a place of work and the scope of the business activities exceeds the standards for a Class B home business.

- b. A Class C home business is intended to have minimal impact to the existing neighborhood and must meet the general operational standards of subsection (N)(1) of this section and the following standards:

~~iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.~~

~~iv. iii. A Class C home business is not permitted on a site with a Type II short-term rental.~~

3.6.300 Nonresidential Uses

J. Neighborhood Commercial Sites

6. Parking Standard. In addition to the standings in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, off-street parking, driveways, and other vehicular use and circulation areas cannot be placed between a building and the street.

~~a. The following parking requirements supersede parking requirements in Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Unless otherwise stated here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.:~~

~~i. Neighborhood commercial sites located one-quarter mile or greater from a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:~~

~~(A) Neighborhood Commercial Uses. Off-street parking is optional where abutting on-street parking is available, except for food and beverage services. Where abutting on-street parking is not available or the use is for food and/or beverage services, parking must comply with the requirements in subsection (J)(6)(a)(ii)(A) of this section.~~

~~(B) Residential Uses. One space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.~~

~~(C) Short-Term Rentals. See BDC 3.6.500(H), Parking.~~

~~ii. Neighborhood commercial sites located adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:~~

~~(A) Neighborhood Commercial Uses. One space per 500 square feet of gross floor area, except food and/or beverage services is one space per 200 square feet of gross floor area.~~

~~(B) Residential Uses. One space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.~~

~~(C) Short-Term Rentals. See BDC 3.6.500(H), Parking.~~

~~(D) The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement, except for short-term rentals.~~

~~b. Off-street parking, driveways, and other vehicular use and circulation areas cannot be placed between a building and the street.~~

~~c. Exemption. Buildings and associated sites constructed prior to the date of adoption of this code and with a documented history of a commercial use are exempt from the parking requirements.~~

3.6.400 Temporary Uses.

A. Seasonal Sales. Seasonal sales related to a holiday or seasonal event such as holiday tree sales and Fourth of July fireworks sales occur only once in a calendar year and for no longer than 30 days. No temporary use permit is required. However, the use ~~shall~~ must comply with the following standards:

~~3. The minimum parking requirements of BDC Chapter 3.3 will be maintained for all uses on the site.~~

~~4. 3. The vision clearance standards of BDC Chapter 3.1 are maintained and public rights-of-way are not obstructed.~~

~~5. 4. Ingress and egress are safe and adequate and meet the access standards of BDC Chapter 3.1.~~

~~6. 5. The use is adequately served by sewer or septic system and water, if applicable.~~

~~7. 6. The temporary use ~~shall~~ must terminate no later than 30 days after initial start-up.~~

D. Temporary Building. A temporary building such as a trailer, cargo container, or prefabricated building may be used as a temporary commercial or industrial office or space associated with the primary use on a property. Temporary buildings are subject to temporary use permit review and must meet all of the following standards:

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

E. Temporary Placement of Educational Modulars. The placement of educational modular classrooms may be granted for up to two years without site plan approval through a temporary use permit application approval. The temporary use permit application ~~shall~~must contain a schematic site plan that shows the following: (1) the type of modular proposed, and (2) the proposed placement location of the modular.

In addition to meeting the standards of subsections (D)(1) through (~~7~~6) of this section, the application for a temporary use permit for an education modular ~~shall~~must also meet the following standards:

1. The parking requirements of BDC Chapter 3.3 ~~shall~~must be met for the permanent and temporary structures.
2. The landscaping requirements in BDC Chapter 3.2 ~~shall~~must be met.

G. Temporary Carnivals, Fairs, Parking Lot Sales and Warehouse Sales. Temporary carnivals, fairs, parking lot sales and retail sales from a warehouse are permitted on developed commercial, industrial and public facility sites for a maximum of 14 days each calendar year. No permit is necessary; however, the following standards must be met:

- ~~1. Adequate parking is available to meet the minimum parking requirements of BDC Chapter 3.3;~~
- ~~2. 1. The vision clearance standards of BDC Chapter 3.1 are maintained and public rights-of-way are not obstructed; and~~
- ~~3. 2. Vehicle ingress and egress locations meet the access standards of BDC Chapter 3.1.~~

3.6.500 Short-Term Rentals.

- B. Application Submittal Requirements. The following information ~~shall~~must be submitted to the City along with a form approved by the City in order to apply for a STR permit.
1. The name, address, email address and telephone number of the owner of the short-term rental for which the permit is to be issued, and the same for the authorized representative if different than the owner. An application may be submitted by an owner with the buyer as the applicant and upon written request, the approval will be granted to both the owner and the buyer.
 2. A floor plan identifying the number of bedrooms proposed for use.
 3. A diagram and/or photograph of the premises showing and indicating the number, location and dimensions of designated on-site and abutting on-street parking spaces ~~that meet the minimum required number of parking spaces and maneuvering per BDC 3.3.300.~~
 4. Acknowledgment by signature that the owner and authorized representative have read all the regulations relating to the operation of a short-term rental under BC Chapter 7.16.
 5. Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.
 6. Consent to inspection to ensure compliance with this section.

- H. Parking. The following parking standards ~~are~~is required, in accordance with BDC Chapter 3.3:

~~1. The parking requirement for STRs is one space per bedroom. In the case of an owner-occupied STR, the parking requirement is either one space per bedroom or two spaces for the owners occupying the dwelling unit plus one space per approved STR bedroom, whichever is less.~~

~~2. 1. Each~~ If on-site parking space is required provided, each on-site space must be ~~to be~~ a minimum of 20 feet deep by nine feet wide. Vehicle parking in a dwelling unit's garage or carport must be a minimum of 9 feet by 18 feet. Parking spaces may be in a garage or in an otherwise approved parking space on the property, such as a driveway, provided the parking dimension for the spaces are met. New parking spaces are required to be paved and cannot be gravel. The entirety of the parking space must be accommodated on-site such that the space does not cross over the property line. Tandem parking is allowed. **(Amended by the Planning Commission on November 28, 2022)**

~~3. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage must be submitted to show the garage is available for parking. The garage must continually be available for guest parking as long as the STR permit is valid.~~

~~4. Where on-street parking abutting the site is allowed, up to 50 percent of the required parking may be met with approved on-street parking spaces in accordance with BDC 3.3.300(B).~~

N. Inspection. Any short-term rental applications submitted after April 15, 2015, ~~shall be~~ are subject to inspection prior to commencement of the use by the City for compliance with this section.

~~1. The Community and Economic Development Director or designee may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during normal business hours, and with reasonable notice.~~

2. 1. The Community and Economic Development Director or designee may visit and inspect the site of a short-term rental on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations ~~shall be~~ are processed in accordance with BDC Chapter 1.3, Enforcement.

3.6.600 Shelters.

B. Review Process.

1. Type I Minimum Development Standards Review. The following shelters are reviewed through a Type I Process:

- a. A building expansion of up to 50 percent of the existing building area or up to 5,000 square feet, whichever is less.
- b. Expansion of an outdoor shelter use or parking of up to 50 percent of the existing outdoor shelter use area or parking area or up to 5,000 square feet of new outdoor shelter use area or parking area, whichever is less.
- c. A change of use of a building or property that increases demand on public facilities ~~and/or requires new additional parking spaces~~. A determination that there is an increase in demand on public facilities is made when:
 - i. The development will result in an increase of trip generation by 20 percent or 100 average daily trips (ADT); and/or
 - ii. The development will require that the water meter or water or sewer laterals be increased in size.

A change of use of a building or property that does not increase demand on public facilities ~~and/or require new additional parking spaces~~ does not require Minimum Development Standards Review or Site Plan Review.

C. Shelters Standards. Shelters must comply with the following standards:

9. On-Site Improvements. ~~Required p~~ Parking areas, aisles and turnarounds are exempt from the paving standards required by this code. Driveway approaches must comply with City of Bend Standards and Specifications.

E. Outdoor Shelters.

2. Off-Street Parking. There are no minimum or maximum parking requirements. ~~A minimum of 0.5 parking spaces per unit for the first 16 units, plus 0.3 spaces per additional unit is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

F. Group Shelters.

2. Off-Street Parking. There are no minimum or maximum parking requirements. ~~Minimum 0.25 spaces per bed is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

G. Multi-Room Shelters.

2. Off-Street Parking. There are no minimum or maximum parking requirements. ~~A minimum of 0.25 spaces per room is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

Chapter 3.8

DEVELOPMENT ALTERNATIVES

3.8.200 Micro-Unit Development.

- I. ~~Off-Street Parking. The following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of In addition to BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, and BDC 2.7.3250, Parking, the following apply:~~
- ~~1. RS, RM and RH: minimum one space per micro-unit. There are no minimum parking requirements.~~
 - ~~a. Exception: Micro-unit developments located within a quarter of a mile (1,320 feet as the crow flies) of a transit route may provide 0.5 parking spaces per micro-unit.~~
 - ~~2. Mixed Use Districts and Commercial Districts and Bend Central District: Minimum 0.5 spaces per micro-unit.~~
 - ~~3. 2. The maximum is ~~150 percent of one~~ 1.5 parking spaces per micro-unit.~~
 - ~~4. When four or more required spaces are provided, up to 50 percent of the required off-street parking spaces may be developed as compact parking spaces. Where a fractional number of compact spaces results, the allowed number of compact spaces is rounded down to the nearest whole number.~~
 - ~~5. 3. Parking is prohibited between the street and the micro-unit development when more than three parking spaces are provided. When more than three parking spaces are provided, backing onto the street is not allowed.~~
 - ~~6. Off-street parking may be reduced in compliance with BDC 3.3.300.D and in the Bend Central District in compliance with BDC 2.7.3250(A)(2).~~

3.8.300 Small Dwelling Unit Development.

J. Parking Requirements.

- ~~1. Minimum one space per small dwelling unit. There are no minimum or maximum parking requirements.~~
 - ~~a. Exception. No parking is required for ADUs.~~

3.8.500 Cottage Housing Development.

K. Parking. Parking for CHDs must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking must meet the following standards:

5. ~~Off-street parking requirements are calculated based on the number of bedrooms per cottage unit:~~
 - a. ~~One bedroom: minimum one space.~~
 - b. ~~Two bedrooms: minimum 1.5 spaces.~~
 - c. ~~Three or more bedrooms: minimum two spaces.~~

There are no minimum or maximum parking requirements.

3.8.800 Urban Dwelling Sites.

I. Off-Street Parking. ~~The minimum number of required off-street vehicle parking spaces is established below. There are no minimum parking requirements. See BDC Chapter 3.3., Required Off-Street Vehicle Parking Spaces for maximum parking requirements. 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.~~

1. ~~Townhome and multi-unit residential: one space per dwelling unit.~~

2. ~~Duplex and triplex: none.~~

- ~~3. Quadplex: one space per quadplex development.~~
- ~~4. Micro-unit developments: one-half space per micro-unit. See BDC 3.8.200(l) for off-street parking requirements.~~
- ~~5. Affordable housing projects in accordance with BDC 3.6.200(C)(1) through (C)(3): one-half space per affordable dwelling unit.~~

3.8.1000 Shared Courts.

H. Off-Street Parking.

- ~~1. Dwelling units: There are no minimum or maximum parking requirements. See Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Required parking spaces may be provided in tandem.~~
- ~~2. Guest parking: 0.25 spaces per dwelling unit. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~
- ~~3. 2. No parking is allowed within the private access drive. "No Parking" signs are required and must be maintained.~~
- ~~4. 3. Common off-street parking, including guest parking, may abut the private access drive when located outside of the minimum required dimensions of the private access drive. The off-street parking must be located in a common tract and the homeowners' association must be responsible for enforcing this requirement.~~
- ~~5. 4. Parking is prohibited between the street and the dwelling units.~~

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.400 Minimum Development Standards Review.

A. Minimum Development Standards Review for Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes and Cottage Cluster Developments.

3. Approval Criteria. The Review Authority must approve, approve with conditions, or deny an application for Minimum Development Standards Review based upon the criteria listed below.

b. The following standards are met:

vi. Driveways and ~~required~~ parking areas must be paved with asphalt, concrete or comparable surfacing; a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality or a ribbon driveway may be used in compliance with BDC 3.1.400. Gravel is not allowed. Driveway apron design and location must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways. If a driveway is existing and no changes are proposed to the existing driveway and/or existing parking, then driveway and apron improvements are not required for an ADU.

B. Minimum Development Standards Review for All Other Uses.

1. Applicability. This subsection applies to development other than those in subsection (A) of this section where there is:

c. A change of use of a building or property that increases demand on public facilities ~~and/or requires new additional parking spaces;~~ A determination that there is an increase in demand on public facilities is made when:

i. The development will result in an increase of trip generation by 20 percent or 100 average daily trips (ADT); and/or

ii. The development will require that the water meter or water or sewer laterals be increased in size.

and/or:

3. Approval Criteria. The Review Authority shall approve, approve with conditions, or deny an application for minimum development standards review based upon the criteria listed below.

c. The following standards are met:

iii. ~~The minimum required number of p~~ Parking spaces and vehicle circulation areas shall must be paved and striped as specified in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

Chapter 4.8

TRANSPORTATION AND PARKING DEMAND MANAGEMENT (TPDM) PLAN

4.8.100 Purpose.

A ~~t~~ Transportation and p ~~Parking e~~ Demand m ~~an~~ agement (TPDM) plan includes a wide range of strategies intended to increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand.

4.8.500 Submittal Requirements.

In addition to the submittal requirements of BDC Chapter 4.7, Transportation Analysis, the proposed TPDM plan must include the following information as deemed applicable by the Community and Economic Development Director:

- A. TPDM goals, objectives and policies.
- B. Proposed types and approximate number of users (e.g., residents, employees, students, customers, patients, visitors, clients, and deliveries).
- C. Anticipated mode of travel by users (vehicle, biking, walking and transit).
- D. Anticipated parking demand by time of day and/or demand by user.
- E. Anticipated parking utilizing shared spaces.
- F. Proposed number of on- and off-site parking spaces, including carpool, vanpool, car share and bike parking.
- G. Parking and trip demand analysis.
- H. Estimated daily trip generation and peak hour of trips for the proposed use based on the ITE trip generation rates (note: this may not be the p.m. peak of 4:00 to 6:00 p.m.; e.g., an institution of higher education may have a peak hour of use that is different than the p.m. peak hour).
- I. Proposed trip and parking reduction measures in BDC Table 4.8.500 according to the following requirements:
 - 1. A maximum trip generation reduction rate of 25 percent for the peak hour of use will be considered for combined trip reduction measures. If the TPDM plan including the applicant's proposed trip reduction measures and rates are approved by the City, the approved trip generation reduction rates will be applied to the applicant's Transportation Facilities Report in BDC Chapter 4.7, Transportation Analysis.
 - ~~2. A minimum of three parking reduction measures must be proposed.~~

3. ~~The number of vehicle parking spaces may be reduced up to 20 percent of the minimum requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces.~~

Table 4.8.500 – Trip and Parking Reduction Measures

Facility Provision Measures	Trip Generation Reduction Rate	Parking Reduction
Project provides no more than the minimum required parking and achieves that by providing the maximum on-street parking that is permitted and/or using shared parking agreements.	5%	0%
Project reserves a minimum of 10% of vehicle parking spaces with designated signage for carpool, vanpool and car share vehicles, with a minimum of one space required. The carpool, vanpool and car share parking spaces must be provided free of charge and located at the most desirable on-site location.	5%	5%
Provide on-site showers and lockers free of charge.	5%	5%
Provide enclosed bike lockers and/or fenced, covered bike storage areas and/or a designated bike storage area inside a building.	5%	5%
Project provides twice as many covered, secured bike parking racks or facilities as required by BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.	5%	5%
Ongoing Incentive Measures	Trip Generation Reduction Rates	Parking Reduction
Project is located within 1/4 mile of a transit facility and employer participates in CET's Group Bus Program.	5%	5%
Implement a carpool, vanpool and/or car share program (e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car share vehicles). The carpool, vanpool and car share parking spaces must be provided free of charge and located at the most desirable on-site location.	5%	5%
Project charges the actual cost to provide on-site parking on an annual basis for employee/student parking and provides free parking for carpool, vanpool and car share vehicles. The carpool, vanpool and car share parking spaces must be located at the most desirable on-site location.	5%	5%

Implement parking cash-out program for employees (nondriving employees receive transportation allowance equivalent to the value of subsidized parking).	5%	5%
Provide a shuttle program or participation in an existing recognized shuttle program subject to any fees for the existing program.	5%	5%
Flexible Scheduling – Allow employees to reduce their number of weekly commute trips and shift work trips to nonpeak hour times of day. Examples include:	5%	5%
• Teleworking – Allow employees to work from home or a nonoffice location one or more days a week.		
• Compressed Workweek – Enable employees to compress regularly scheduled hours into fewer work days per week.		
• Flexible Schedule – Allow employees to offset work hours from the typical 9-5 standard and shift commute travel to off-peak hours.		
Provide unbundled parking.	5%	5%
Provide a bike-share program or free use of bikes on-site that is available to all tenants/employees of the site.	5%	0%
Provide a guaranteed ride home program.	5%	5%
Participation in a transportation demand management (TDM) incentive program recognized by the City (e.g., Commute Options Partner Program).	5%	0%
Other TPDM elements as approved by the City.	Up to 25%	Up to 20%

4.8.800 Modifications.

A. Modifications to an approved TPDM plan may be processed concurrently with a Type II or Type III development application. ~~The applicant may request to reduce the number of vehicle parking spaces more than 20 percent of the minimum requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, if it can be demonstrated that actual demand for parking spaces during the peak period is less than 85 percent.~~

**EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PLTEXT20220763**

I. PROCEDURAL FINDINGS:

(1) PUBLIC NOTICE AND COMMENTS.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCDD) on October 21, 2022. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. Along with the notice, staff also emailed a letter that summarized the related parking code changes. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. A notice of the December 7, 2022, City Council public hearing was printed in the Bend Bulletin on November 13, 2022, and mailed and emailed to the Neighborhood Associations on November 16, 2022. On December 7, 2022, the Council opened the public hearing and continued it to January 18, 2023. A notice of the continued January 18, 2023, City Council public hearing was printed in the Bend Bulletin on December 25, 2022, and mailed and emailed to the Neighborhood Associations on December 23, 2022. Public comments can be viewed in the [Online Permit Center Portal](#) on the City of Bend website. Open the Portal and select the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20220763 in the search bar to find the project.

(2) PROPOSAL: Amendments to the Bend Development Code (BDC) Chapters 1.2, Definitions, 2.1 Residential Districts, 2.7, Special Planning Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.3 Vehicle Parking, Loading and Bicycle Parking, 3.6 Special Standards and Regulations for Certain Uses, 3.8 Development Alternatives, 4.2 Minimum Development Standards Review, Site Plan Review and Design Review and 4.8, Transportation and Parking Demand Management (TDMD) Plan. The amendments in Exhibit A are primarily to eliminate parking minimums in the City of Bend.

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 AMENDMENTS

4.6.200 Legislative Amendments.

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

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

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

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

FINDING: The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economic Development, Goal 10: Housing, and Goal 12, Transportation and Goal 13, Energy Conservation.

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: Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on October 21, 2022. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. Along with the notice, staff also emailed a letter that summarized the related parking code changes. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. A notice of the December 7, 2022, City Council public hearing was printed in the Bend Bulletin on November 13, 2022, and mailed and emailed to the Neighborhood Associations on November 16, 2022. Public comments can be viewed in the [Online Permit Center Portal](#) on the City of Bend website. Open the Portal and select the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20220763 in the search bar to find the project.

On November 28, 2022, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council. On December 7, 2022, the Council opened the public hearing, heard public testimony and continued the hearing to January 18, 2023. A notice of the continued public hearing to January 18, 2023, was printed in the Bend Bulletin on December 25, 2022, and mailed and emailed to the Neighborhood Associations on December 23, 2022. On January 18, 2023, the Council held the continued public hearing to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. The City Council found that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the amendments to the Bend Development Code.

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 community members 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.

The FY 2021-23 Council Goal Framework plan includes the following Environmental and Climate Goal, guiding principles and action item:

Goal: Improve quality of life for more people in Bend by increasing equitable access to clear air, water and to a healthy environment. Implement solutions that fulfill the City’s commitment to being good stewards of our natural environment, decreasing carbon emissions and mitigating the effects of climate change.

Guiding Principles

- Plan for electric vehicles community-wide***
- Prioritize equity actions in the Community Climate Action Plan***
- Explore opportunities for programs that reduce greenhouse gas emissions***

ACTION ITEMS

- ***Develop a workplan for the state’s Climate Friendly and Equitable Cities requirements***

In addition to Council’s Environmental Action and Climate goal, guiding principles and action item, the FY 2021-23 Council Goal Framework plan includes a housing goal to “Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend.” This goal includes the following guiding principle:

Reduce regulatory barriers for housing development with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.

On July 21, 2022, the Land Conservation and Development Commission adopted Climate Friendly and Equitable Communities (CFEC) rules which require, among other things, cities over a certain size, including Bend, to make a number of changes to parking codes, both in how parking is regulated and how much parking can be required. The rules require communities to change their local transportation and land use plans to do more to ensure Oregonians have more safe, comfortable ways to get around, and don’t have to drive long distances just to meet their daily needs. The rules also aim to improve equity, and help community transportation, housing, and planning to serve all Oregonians, particularly those traditionally underserved and discriminated against. The state rules break these changes into two phases (A and B) and then further requires a city to pick a parking mandate option (Option 1, 2 or 3).

- Parking A addresses changes that must be made by Dec. 31, 2022, such as removing parking minimums from homeless shelters and childcare facilities. These changes go into effect by the end of the year, and must be applied to new development applications, even if the City does not update its code at all.
- Parking B addresses broader, community-wide parking regulation changes that need to be in place by June 30, 2023.
- Option 1 requires the adoption of no parking minimums citywide.
- Option 2 requires the adoption of specified parking policies.

- Option 3 requires the adoption of regulations to minimize or exempt parking for 15 development types.

In addition, cities that choose Option 2 or 3 must also adopt on-street parking prices equivalent to at least 50 cents/day per spot for 5%/10% of total on-street parking supply by September 30, 2023/2025.

The City Council held a work session on November 16, 2022, and reviewed CFEC's parking mandates and potential pathways to conformance with OAR 660-012-0400. The Council discussed adopting changes to achieve Parking A, and then moved onto Parking B and one of the Options which must be in effect before June 30, 2023. The Council also discussed moving ahead with Option 1 now, instead of Parking A. In this case, Option 1 would remove all parking minimums and no further action would be required to address Parking A. Since the Council has long supported no parking minimums and has continually reduced parking minimums for a number of uses, they directed staff to draft BDC amendments to implement Option 1 as temporally close to December 31, 2022, as hearings procedures allow, and to include recommendations for on-site vehicle parking space(s) in compliance with the Americans with Disabilities Act (ADA) in certain circumstances where parking is not otherwise required.

The following highlights the package of amendments in compliance with OAR 660-012-0420:

Chapter 1.2, Definitions: New definition for “electric service capacity”.

Chapter 2.1, Residential Districts: Delete garage parking space size requirements.

Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans: Amend all master plans to eliminate parking minimums.

Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking: Eliminate all minimums, clarify maximums (150% of the current minimums), add electrical service capacity requirements, revise Table 3.3.300.F.1, Parking Stall Dimensions and Figure 3.3.300.F.1, Parking Area Dimensions and revise bicycle parking requirements.

Chapter 3.6, Special Standards and Regulations for Certain Uses. Delete parking requirements for affordable housing, home businesses, neighborhood commercial sites, temporary uses, short-term rentals and shelters.

Chapter 3.8, Development Alternatives. Delete parking requirements for micro-units, small dwelling units, cottage developments, urban dwelling sites and shared courts.

Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review: Revise change of use requirement.

Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan: Delete parking reduction measures.

The amendments address accessible parking requirements in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. In compliance with the State Building Code, where Code Update

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parking is provided on-site, there are proportional requirements for providing ADA stalls. When there is no minimum required parking but parking is provided, a minimum number of ADA spaces would still be required and is generally one ADA space for every 25 spaces in a parking lot. To require at least one ADA space in developments that don't otherwise provide parking, the following amendments are proposed:

G. ADA Accessible Parking Spaces.

- 1. When parking is provided on-site accessible parking shall must be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking is included in the total minimum number of required parking spaces in Table 3.3.300. On-site Accessible parking facilities shall must comply with the design requirements of the current building code as adopted by the State of Oregon.**
- 2. If parking is not otherwise provided on-site, all developments subject to Site Plan Review in BDC Chapter 4.2. Minimum Development Standards Review, Site Plan Review and Design Review, must provide a minimum of one van-accessible parking stall on-site except as follows:**
 - a. Developments in the Central Business (CBD) District.**
 - b. Developments in the Bend Central District. See BDC 2.7.3200, Bend Central District (BCD).**
 - c. Developments on lots or parcels smaller than 20,000 square feet.**

Following the work session, a law suit was filed with the state Court of Appeals, asking the court to invalidate state rules related to CFEC including eliminating parking minimums and to pause the implementation of the rules while the judicial review is pending.

On November 28, 2022, the Planning Commission held a public hearing and recommended approval of the parking amendments to the City Council. On December 7, 2022, the Council opened the public hearing for the amendments, received public testimony and continued the hearing to January 18, 2023, to allow time to see if the CFEC rules are stayed.

During the hearing on December 7, 2022, the Council discussed the importance of the amendments regardless if CFEC is stayed since they will help make housing more available and more affordable and they help address climate change, all of which support several of Council's environmental and housing 2021-23 Goals. The Council also discussed that San Jose just became the largest city in the country to eliminate parking minimums. According to San Jose's website, "These requirements are one of the most significant factors shaping how our cities are built and laid out. Minimum parking requirements can be detrimental by filling cities with unused and underutilized parking spaces that don't add value to the community, can push homes and businesses farther apart, impede the walkability of Code Update

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neighborhoods, raise the cost of housing, and place an especially costly burden on development and new businesses. By eliminating parking minimums, there will still be parking—but the market will decide how much parking is appropriate based on tenants’ needs and a project’s location. By removing minimum parking requirements, developers are incentivized to “right size” the parking that is appropriate for their project.”

On December 29, 2022, the Court of Appeals denied the motion to stay the CFEC rules, but the Court, on its own motion, will hear the case on an expedited review in 2023. Since the stay was denied, the following elements of “Parking A” in the CFEC rules apply to projects submitted after December 31, 2022:

- Reduced mandates for specific developments – cannot mandate more than 1 space/unit for residential developments with more than 1 unit
- No mandates for small units, affordable units, childcare, facilities for people with disabilities, shelters
- Reform near transit - no parking mandates allowed within ¾ mile of light or heavy rail stations or ½ mile of frequent transit corridors

On January 18, 2023, the Council held the continued public hearing to accept evidence, receive public testimony, and consider the Planning Commission’s recommendation and conducted the first reading approving the amendments. The amendments implement Council’s Environmental Action and Climate Goal and Housing Goal by eliminating minimum parking requirements and requiring sufficient 7al service capacity for certain vehicle parking spaces and they reduce barriers to residential development. The amendments are in compliance with OAR 660-012-0400 et seq., relating to implementing the parking mandate reform requirements from the Climate Friendly and Equitable Communities (CFEC) rules adopted by the Land Conservation and Development Commission on July 21, 2022.

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.

FINDING: Minimum parking requirements are a one-size-fits-all approach. Parking based on regulatory minimums can be over-built, adding costs and using land that could be developed for economic purposes.

The amendments eliminate parking minimums and will let businesses and developments provide parking when they determine there is demand. Ending parking mandates will also allow existing parking areas to be redeveloped into more productive uses. The BDC will continue to have parking maximums for commercial and industrial uses to help limit the development of excess parking. These amendments will contribute to less land being used for parking and allow more land to be developed for economic purposes. Therefore, compliance with Goal 9 has been met.

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.

FINDING: The FY 2021-23 Council Goal Framework plan includes a housing goal to “*Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend.*” This goal includes the following guiding principle:

Reduce regulatory barriers for housing development with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.

According to DLCD’s publication “More Housing, More Businesses, Lower Costs, and Parking Still Supplied: What Happens When Parking Mandates are Reduced”, cities that lower parking mandates have seen reduced housing costs, increased business development, and more diverse developments, with creative approaches to providing parking¹. For example, Minneapolis, MN saw typical rents of studio apartments fall 17% (from \$1,200 to \$1,000) in buildings without parking. The amendments remove barriers to the development of housing by eliminating parking minimums and will help reduce housing cost which help implement the 2021-23 Council goal.

¹ The Department of Land Conservation and Development. *More Housing, More Businesses, Lower Costs, and Parking Still Supplied: What Happens When Parking Mandates are Reduced*. October 4, 2022

Therefore, compliance with Goal 10 has been met.

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 maintained.

Goal 12, Transportation, requires the City to provide and encourage a safe and convenient and economic transportation system. The elimination of parking minimums is intended to help reduce reliance on the single-occupancy automobile and encourage transit use and other alternative modes of transportation which will reduce vehicle miles traveled. In addition, the amendments are not site specific and therefore do not affect the functional classification of any street. The amendments will reduce vehicle miles traveled and have no immediately 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.

The amendments repeal all parking mandates in compliance with OAR 660-012-420 and also include the following amendments in compliance with OAR 660-012-0410:

- 1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.**
- 2. New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.**
- 3. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.**

The City will be working on amendments to implement OAR 660-012-405 and -415 following this update. Since the amendments eliminate parking minimums, the City is exempt from OAR 660-012-0425 through 660-012-0450.

Therefore, compliance with Goal 12 has been met.

Goal 13, Energy Conservation, requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of forms of energy, based

upon sound economic principles.

The FY 2021-23 Council Goal Framework plan includes the following Environmental and Climate Goal, guiding principles and action item:

Goal: Improve quality of life for more people in Bend by increasing equitable access to clear air, water and to a healthy environment. Implement solutions that fulfill the City’s commitment to being good stewards of our natural environment, decreasing carbon emissions and mitigating the effects of climate change.

Guiding Principles

- Plan for electric vehicles community-wide***
- Prioritize equity actions in the Community Climate Action Plan***
- Explore opportunities for programs that reduce greenhouse gas emissions***

ACTION ITEMS

- ***Develop a workplan for the state’s Climate Friendly and Equitable Cities requirements***

In addition, the Bend Community Climate Action Plan includes a strategy to support the transition to electric vehicles (EVs) with an EV Readiness Plan and includes an implementation plan to “Develop a plan that anticipates EV growth, determines necessary charging infrastructure to accommodate this growth, and defines mechanisms to encourage the expansion of public and private charging infrastructure. Update code, standards, and specifications to achieve necessary infrastructure.”

The following amendment complies with Council’s Environmental and Climate goal, guiding principles and action items as well as the Bend Community Climate Action Plan and is in compliance with OAR 660-012-0410:

- 1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.**
- 2. New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.**

3. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

Therefore, compliance with Goal 13 has been met.

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

- **Create Housing Options and Affordability.** Bend residents have access to a variety of high quality housing options, including housing affordable to people with a range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.

FINDING: Parking requirements increase the cost of developing housing by increasing the land area required unless the development incurs the added expense of structured parking. The amendments will help reduce development costs, potentially free up land for additional units and help reduce cost of housing for residents.

- **Promote Public and Civic Involvement.** Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an “evolving vision”.

FINDING: Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC. Staff also presented the amendments to the Core Area Advisory Board (CAAB) on November 17, 2022, to the Bend Economic Advisory Board (BEDAB) on December 5, 2022, and to the Affordable Housing Advisory Committee (AHAC) on December 14, 2022.

- **Create Clear and Consistent Implementing Ordinances.** Implement the plan through effective, clear and consistent ordinances and language that reflect the intent of the vision.

FINDING: The amendments implement the Comprehensive Plan’s goals and policies in Chapter 1, Plan Management and Citizen Involvement, Chapter 5, Housing, Chapter 6, Economy, and Chapter 7, Transportation and the amendments are effective, clear and consistent.

Policies

Development within the Urban Growth Boundary

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

FINDING: The amendments will encourage more compact development since parking will not be required on-site, and development can occur on smaller sites, or the vertical development can take up more space on a site of any size. More compact development in places that are close to jobs and shopping can produce shorter vehicle trips and more walking and transit trips.

Citizen Involvement

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

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

FINDING for 1-15 and 1-16: Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on October 21, 2022. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC. A notice of the December 7, 2022, City Council public hearing was printed in the Bend Bulletin on November 13, 2022, and mailed and emailed to the Neighborhood Associations on November 16, 2022.

Staff presented the amendments to the Core Area Advisory Board (CAAB) on November 17, 2022, to the Bend Economic Advisory Board (BEDAB) on December 5, 2022, and to the Affordable Housing Advisory Committee (AHAC) on December 14, 2022.

On November 28, 2022, the Planning Commission held a hybrid public hearing and recommended approval of the amendments to the City Council. On December 7, 2022, the Council opened the public hearing, received public testimony and continued the hearing to January 18, 2023. A notice of the continued public hearing to January 18, 2023, was printed in the Bend Bulletin on December 25, 2022, and mailed and emailed to the Neighborhood Associations on December 23, 2022.

Therefore, compliance with Chapter 1 has been met.

Chapter 5: Housing and Residential Lands

Goals:

Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.

- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

FINDING: The amendments eliminate parking minimums for all uses; however, developers can still provide parking which provides parking options for future tenants and/or homeowners. Parking maximums that apply to multi-unit developments and mixed-use developments can help keep neighborhoods walkable, by avoiding overly large parking areas. Eliminating parking minimums can help reduce housing cost, as described above.

Policies

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Housing Mix, Density, and Affordability

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones. This policy is intended to implement the City’s obligation under the State Housing Goal to “encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density”.

FINDING: Removing minimum parking requirements will allow developers to build more needed housing units on smaller sites which increases housing opportunities. In addition, providing less parking can lower development costs which contributes to more affordable housing.

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

FINDING: The summary of key findings about housing affordability in the Housing Needs Analysis states that reduced housing affordability for homeowners shows an increased need for less costly smaller single-family detached housing, both smaller lots and smaller units, such as cottages or cluster housing, and for townhomes. Demand for owner-occupied multifamily housing, such as garden apartments or urban condominiums, may increase, especially in walkable areas with access to services.

In addition, according to the Housing Needs Analysis, in the City may see greater demand for small single-family dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in millennial households will increase the need for affordable housing for renters and homeowners such as: small single-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The BDC allows duplexes, triplexes, quadplexes, townhomes and cottage clusters (middle housing) in all residential districts with reduced lot sizes and no maximum density requirements and no parking requirements for duplexes and triplexes in compliance with HB 2001. Further eliminating off-street parking requirements could lower development and housing costs and result in additional land being available for the development of more middle housing. Housing will be able to be built on a denser scale with less or no parking. Therefore, the amendments support Policy 5-8.

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

FINDING: The Department of Land Conservation and Development released a report on Parking and Middle Housing dated March 30, 2020, that summarizes research regarding

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minimum parking requirements. This report was considered during the HB 2001 administrative rulemaking as to what constitutes unreasonable cost or delay in relationship to minimum parking requirements.

According to the report, minimum parking requirements increase the cost of housing and development both directly and indirectly. Nationwide, the cost of garage parking to renter households is approximately \$1,700 per year, or an additional 17% of a housing unit's rent.² One parking space per unit increases costs by approximately 12.5%, and two parking spaces can increase costs by up to 25%. This effect is more pronounced for lower priced housing. Additionally, increase surface parking reduces the maximum potential development density (units per acre) for any given project. This effect is proportionally greatest for smaller units.³

The BDC does not require parking for duplexes and triplexes in compliance with HB 2001 and the amendments will repeal parking minimums for all other residential uses. Eliminating parking minimums will allow more housing to be built, as we are in a housing crisis and requiring land to be used for car storage that's not needed is exacerbating that crisis. The amendments will help create housing where people aren't required to own and drive a car if they don't want to, which is better for our transportation system and our environment.

Therefore, the amendments will reduce the land needed for parking which helps reduce the cost of the development and encourages a more walkable development pattern.

Public Utilities and Services

5-48 All residential areas will be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.

FINDING: The amendments, in compliance with OAR 660-012-0410, will require a designated location or spaces for electrical service for electric vehicle charging, if not actual service, and a conduit system from that location to the parking spaces in compliance with the following:

- 1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less**

² Gabbe, C.J., & Pierce, G. (2017). Hidden costs and deadweight losses: Bundled parking and residential rents in the metropolitan United States. *Housing Policy Debate*, 27(2), 217-229

³ Litman, T. (2022). Parking Requirement Impacts on Housing Affordability. *Victoria Transport Policy Institute*.

than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.

2 New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.

3 Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

The conduit system must be able to support wiring for the installation of Level 2 or above electric vehicle charging stations. Therefore, the amendments will require facilities for services that contribute to a safe, healthful, convenient urban living.

5-56 The City will promote a mix of housing types in areas zoned residential through clear and objective standards and in compliance with HB 2001.

FINDING: The Oregon State Legislature passed House Bill (HB) 2001 in 2019 which requires cities over 25,000 population to allow the development of "middle housing", such as:

- Duplexes “on each lot or parcel zoned for residential use that allow for the development of detached single family dwellings”, and
- Triplexes, quadplexes, cottage clusters, and townhomes “in areas zoned for residential use that allow for the development of detached single family dwellings”.

The City implemented HB 2001 with the adoption of Ordinance No. NS- 2423 which approved amendments to the BDC to allow duplexes, triplexes, quadplexes, townhomes and cottage clusters in all residential zoning districts with reduced lots sizes and parking

requirements and no maximum density requirements. As part of the HB 2001 amendments, parking minimums were eliminated for duplexes, triplexes and cottage cluster developments.

The proposed amendments will eliminate parking requirements for quadplexes, cottage housing developments and townhomes as well as single-unit detached dwellings, multi-unit developments and mixed-use. The amendments are clear and objective and continue to promote a mix of housing types in all residential zoning districts.

The amendments to eliminate parking minimums are consistent with Chapter 5 since they will help keep our neighborhoods livable by offering a variety of housing choices with or without parking and they promote flexibility in development standards to balance the need for more efficient use of residential land. Therefore, the amendments satisfy Chapter 5, Housing.

Chapter 6: Economy

- Ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.
- Encourage more small neighborhood commercial developments and convenience commercial centers to reduce the number and length of single occupancy vehicle (SOV) trips.

FINDING: The amendments will help ensure an adequate supply of land zoned for mixed-use, industrial and commercial developments by reducing the amount of required parking that consumes developable land and also by allowing underutilized parking lots to redevelop into more productive uses.

In addition, eliminating parking requirements will allow small commercial developments, including neighborhood commercial sites, to more easily develop in neighborhoods. Neighborhood commercial sites provide convenient shopping intended to serve the immediate neighborhood, and therefore will contribute to reduced number and length of single occupancy vehicle strips.

Industrial Development

Policies

6-15 The City supports the redevelopment of brownfield sites to make efficient use of existing economic lands and improve the quality of the City's land and water resources.

FINDING: The amendments to eliminate parking minimums supports the redevelopment of brownfield sites by allowing redevelopment of land more efficiently.

Mixed Use Development

6-25 Mixed-use development will achieve the following purposes:

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

FINDING: Eliminating parking mandates allows more flexibility in the design of mixed-use developments. Less area contributed to parking could lend to denser mixed-use development that fosters pedestrian and bicycle access.

6-26 The City will encourage vertical mixed use development in commercial and mixed use zones, especially where those occur within the Central Core, Opportunity Areas and along transit corridors.

FINDING: Whether in surface lots, below-ground lots, or in parking structures, parking is expensive to build and maintain, and consumes significant amounts of land. Required parking minimums for mixed-use developments, especially in downtowns and transit corridors, where land is more expensive, drive-up construction costs, increase market-rate rents, and decrease the amount of housing produced. The amendments to eliminate parking minimums will encourage more mixed-use developments due to reduced development cost.

Commercial Development

6-29 The City will encourage development and redevelopment in commercial corridors that is transit-supportive and offers safe and convenient access and connections for all transportation modes.

FINDING: Parking minimums can force inefficient land development, making it difficult to design areas where it is easy for people to walk and use public transit to get around. The amendments to eliminate parking minimums will help encourage the development and redevelopment of commercial corridors that can be transit supportive and offer safer and convenient access and connections for all transportation modes.

6-31 The City shall strive to retain and enhance desirable existing commercial areas and encourage property owners' efforts to rehabilitate or redevelop older commercial areas.

FINDING: There are many costs associated with developing parking areas for mixed-use developments. Small businesses often find themselves unable to afford real estate to meet the minimum parking requirements. This can be a challenge and may cause businesses to give up on projects altogether. A reduction of parking minimums can

provide more flexibility to business owners and encourage more business growth and redevelopment in older commercial areas.

6-33 All commercial developments shall be subject to development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.

FINDING: Although parking minimums will be eliminated, any provided parking areas will still have to comply with applicable standards in the BDC include Chapters 3.2, Landscaping, Street Trees, Fences and Walls and 3.3, Vehicle Parking, Loading and Bicycle Parking.

6-34 The City will encourage the development of Neighborhood Commercial centers. Such centers should be scaled to serve the frequent needs of the residents of the neighborhood.

FINDING: The amendments could encourage the development of neighborhood commercial centers since these developments will not be required to provide on-site parking. Since neighborhood commercial sites are intended to provide shopping and services to the immediate neighborhood, they reduce the number of vehicular trips and subsequently the need for parking and encourage walkability.

6-37 The City shall continue the revitalization process in the Central Business District through rehabilitation or redevelopment of existing areas.

FINDING: The amendments support the revitalization and redevelopment in the Central Business District by eliminating parking requirements and allowing existing parking areas to be redeveloped into more productive uses that contribute to the Central Business District.

6-41 The City will monitor parking needs for commercial uses and set requirements at the lowest level to meet the community needs.

FINDING: The amendments repeal all minimum parking requirements for commercial uses; however, a business can still provide on-site parking to meet their needs to the maximum allowed under the code. The amendments are in compliance with OAR 660-012-0400 et seq., relating to implementing the parking mandate reform requirements from the CFEC rules adopted by the Land Conservation and Development Commission on July 21, 2022. Because under the code, developments can determine the level of parking to meet their needs, this policy is met.

6-42 The City will write parking requirements to encourage walkable commercial development while providing for adequate parking.

FINDING: Excessive off-street surface parking undermines pedestrian-oriented development while on-street parking supports businesses and provides a layer of safety to pedestrians. Rather than building off-street parking at additional cost, on-street spaces

are public, easily accessed, and conveniently located. Therefore, the parking amendments will help reduce the land utilized for parking and encourage a more walkable development pattern.

Therefore, the amendments satisfy Chapter 6, Economy.

Chapter 7: Transportation Systems

Goals

Steward the Environment:

- Minimize the impacts of the transportation system on natural features.
- Minimize the impacts of the system on air and water quality and noise.
- Reduce carbon emissions from transportation.

FINDING: The amendments support shifting commuting and travel habits away from single-occupancy vehicles trips to other means of travel which will help reduce the amount of environmental impacts being generated by the transportation sector.

Equity

The City of Bend believes that we thrive when all individuals, from all parts of our City, have affordable and equitable access to a full range of transportation choices to meet their daily needs, including, but not limited to, employment, housing, healthcare, education, recreation, and shopping. The City recognizes that the transportation system has historically underserved some community members, and that their needs require particular attention as transportation investments, programs, and services are prioritized and funded. Those populations historically underserved by the transportation system include but are not limited to: people who cannot or choose not to drive (including children); persons with disabilities; people who cannot afford a motor vehicle; people living in areas where there are concentrations of impoverished and/or minority populations; and groups that have been subjected to racism and/or discrimination.

The City defines transportation equity as being achieved when all community members, with respect to age, race, disability, gender, income and location in the City have access to safe, comfortable, affordable, and reliable transportation choices to meet their daily transportation needs. Transportation equity helps ensure that disparities are reduced and access to daily needs and key destinations are fairly provided.

7-22 The City is committed to equitably distributing the benefits and costs of transportation system plans and improvements. The City will develop and support programs and projects, both capital and maintenance, that reduce transportation-related disparities faced by populations that have historically had significant unmet transportation needs or who have experienced disproportionately negative impacts from the existing transportation system.

FINDING: According to the Bureau of Transportation Statistics, 2018 Issue Brief⁴:

- People with disabilities are 2-3x more likely to live in a household without a car.
- They are less likely to drive. Only 60.4 percent of people (age 18-64) with disabilities drive a vehicle, compared to 91.7 percent of non-disabled respondents.
- People with disabilities use other modes more often. People ages 18 to 64 with disabilities use personal vehicles for 74.8 percent of trips; people without disabilities use them for 83.9 percent.
- People with disabilities are more likely to use transit. People age 18 to 64 with disabilities use local transit (buses, subways, and commuter rail) for a higher share of trips than people without disabilities. Workers: 4.3 percent to 2.7 percent. Non-workers: 5.9 percent to 3.3 percent.
- People age 65 and older have different travel patterns from younger people, in part because they are more likely to be retired. At the same time, the Bureau of Labor Statistics projects that the number of people age 65 or older in the labor force will increase from 9.3 million in 2016 to 14.6 million in 2026. This increase reflects growth in the population age 65 and older as well as growth in labor force participation rates.⁵ People age 65 and older with disabilities make an average of 2.1 trips per day versus 3.5 trips for people without disabilities.

In compliance with the State Building Code, where parking is provided on-site, there are proportional requirements for providing ADA stalls. When there is no minimum required parking but parking is provided, a minimum number of ADA spaces would still be required and is generally one ADA space for every 25 spaces in a parking lot. Although the statistics show that people with disabilities are less likely to drive, there is still a need for accessible parking spaces even in developments that don't provide on-site parking. Therefore, the amendments will require at least one ADA space in compliance with the following:

If parking is not otherwise provided on-site, all developments subject to Site Plan Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, must provide a minimum of one van-accessible parking stall on-site except as follows:

- 1. Developments in the Central Business (CBD) District.***
- 2. Developments in the Bend Central District. See BDC 2.7.3200. Bend Central District (BCD).***
- 3. Developments on lots or parcels smaller than 20,000 square feet.***

The Central Business District and Bend Central District exemptions reflect the current BDC standards which do not require accessible parking for developments with no on-site parking.

⁴ Stephen Brumbaugh U.S. Department of Transportation, *Issue Brief, Travel Patterns of American Adults with Disabilities*, September 2018

⁵ Bureau of Labor Statistics Employment Projections, Labor Force Projections Table 3.2, 3.3, and 3.4. <https://www.bls.gov/emp/data/labor-force.htm>

During the City Council hearing on January 18, 2023, the Council increase the exemption for lots or parcels smaller than 10,000 square feet to 20,000 square feet to provide additional flexibility for the development of these smaller sites and allows more of the site to be devoted to building and other structural uses. The Council also added the word “on-site” to BDC 3.3.300.G.2 to clarify that required accessible parking must be located on-site. It is important to note that if any of these properties provide on-site parking, then they must comply with the State Building Code requirements for ADA parking.

The amendments help ensure people with disabilities have equitable access to a full range of transportation choices, including driving, to meet their daily needs, including, but not limited to, employment, housing, healthcare, education, recreation, and shopping.

Parking

7- 42 The City will monitor and update parking requirements to allow for adjustments based on changes in behavior and parking demand over time.

FINDING: The amendments repeal parking minimums citywide; however, parking can still be provided on-site to meet parking demand.

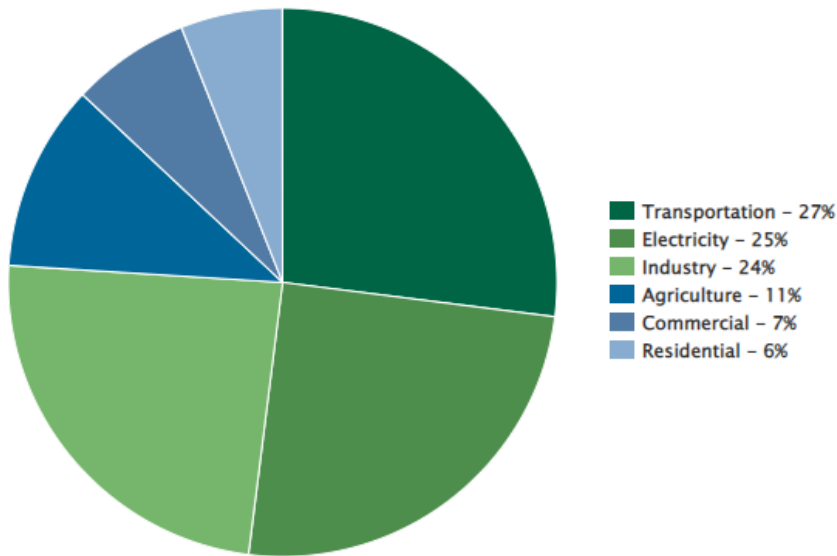
Environmental

The City recognizes the need to steward the environment when constructing and maintaining transportation infrastructure. The City has many policies embedded throughout this Chapter intended to reduce greenhouse gases and vehicle miles traveled (VMT) by encouraging bicycling, walking, transit, and electric or other alternately fueled vehicles, as well as using appropriate new technologies to efficiently manage the system. The following policies were identified as gaps in the City’s environmental policies.

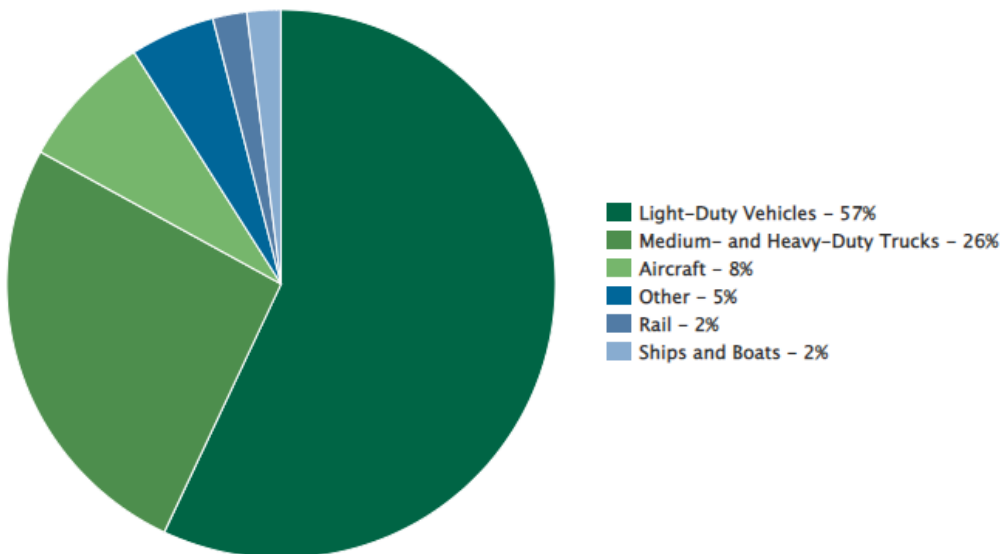
7-62 The City will consider the environmental impacts of the overall transportation system and act to mitigate negative effects and enhance positive features.

FINDING: According to *the Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2020* (the national inventory that the U.S. prepares annually under the United Nations Framework Convention on Climate Change), greenhouse gas emissions (GHG) from transportation account for about 27 percent of total U.S. GHS, making it the largest contributor of U.S. GHS emissions. When trips are made by active modes, primarily trips made by walking and bicycling, harmful air pollutants and GHG emissions are reduced. Shifting commuting and travel habits away from single-occupancy vehicle trips to other means of travel will help reduce the amount of GHG being generated by the transportation sector.

2020 U.S. GHG Emissions by Sector



2020 U.S. Transportation Sector GHG Emissions by Source



Note: Totals may not add to 100% due to rounding. Transportation emissions do not include emissions from non-transportation mobile sources such as agriculture and construction equipment. "Other" sources include buses, motorcycles, pipelines and lubricants.

6

During the City Council hearing on December 7, 2022, the Council discussed the importance of the amendments to help address climate change which is part of their FY

2021-23 Environmental and Climate Goal, guiding principles and action item:

Goal: Improve quality of life for more people in Bend by increasing equitable access to clear air, water and to a healthy environment. Implement solutions that fulfill the City's commitment to being good stewards of our natural environment, decreasing carbon emissions and mitigating the effects of climate change.

Guiding Principles

- Plan for electric vehicles community-wide*
- Prioritize equity actions in the Community Climate Action Plan*
- Explore opportunities for programs that reduce greenhouse gas emissions*
- Reduce pollutants of Bend's air and water, with a focus on impacts to vulnerable populations*

ACTION ITEMS

- *Develop a workplan for the state's Climate Friendly and Equitable Cities requirements*

The City Council supports eliminating parking mandates since they implement their Environmental and Climate Goal and guiding principles. The amendments will help mitigate negative effects on the environment and work towards addressing climate change.

Therefore, the amendments satisfy Chapter 7, Transportation.

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: Excess parking has a significant negative impact on housing costs, business costs, the feasibility of housing development and business redevelopment, walkability, air and water pollution, climate pollution, and general community character. Parking mandates force people who don't own or use cars to pay indirectly for other people's parking. The amendments repeal all parking minimums and allow parking to be developed based on needs of the use. This will reduce excess parking and the negative impacts associated with it which is a public benefit.

In addition, over time, parking minimums have limited the way communities and cities can use their land and space in a functional way. Parking minimums allocate unnecessary space to parking areas where it may not be needed and prevent cities from using this space in a more useful way, whether it's more sidewalk and curbside space or retail frontage. In neighborhoods, building parking is expensive and this cost is often passed on

to home buyers and business owners. Eliminating parking minimums can improve home and real estate affordability. Therefore, the amendments to eliminate parking minimums provide a benefit and meet this criterion.

4.6.500 Record of Amendments.

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

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

4.6.600 Transportation Planning Rule Compliance.

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

FINDING: The new text amends the BDC which is a functional component of the Bend Comprehensive Plan and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations that result in the generation of additional vehicle trips; therefore, the amendments will have no immediately 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.