

## ORDINANCE NO. NS - 2488

**AN ORDINANCE AMENDING BEND COMPREHENSIVE PLAN CHAPTER 7, TRANSPORTATION SYSTEMS AND BEND DEVELOPMENT CODE (BDC) CHAPTERS 1.2, DEFINITIONS, 2.2, COMMERCIAL ZONING DISTRICTS (CB, CC, CL CG), 3.1, LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION, 3.2, LANDSCAPING, STREET TREES, FENCES AND WALLS, 3.3, VEHICLE PARKING, LOADING AND BICYCLE PARKING, 3.6, SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES, AND 4.2, MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW.**

### Findings:

- A. On July 21, 2022, the Oregon Land Conservation and Development Commission (LCDC) adopted the Climate Friendly and Equitable Communities (CFEC) administrative rules, located in Chapter 660, division 12 of the Oregon Administrative Rules (OARs), that articulate required changes to local transportation and housing planning systems. The rules 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.
- B. On February 1, 2023, the City Council adopted Ordinance 2462 that repealed all parking mandates in compliance with OAR 660-012-0420: Exemptions for Communities without Parking Mandate. In addition, the ordinance included requirements for electric vehicle charging in compliance with OAR 660-012-0410: Electric Vehicle Charging.
- C. On April 20, 2023, LCDC initiated the 2023 rulemaking for the CFEC rules and adopted temporary rules that became effective on May 12, 2023, and remained in effect for up to 180 days. The rulemaking aimed to retain the outcomes of CFEC while making implementation easier for cities and counties. On November 2, 2023, LCDC adopted the amended rules at their regular meeting.
- D. The proposed amendments are in compliance with the updated rules in OAR 660-012-0405: Parking Regulation Improvements and OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities.
- E. The application was processed in accordance with Bend Development Code (BDC) 4.1.500, Type IV Legislative Procedures. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- F. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development (DLCD) on March 20, 2023, and it was updated on April 6, 2023, October 2, 2023, and October 18, 2023.
- G. A notice of the November 13, 2023, Planning Commission public hearing was printed in the Bend Bulletin on October 22, 2023, and mailed and emailed to the Neighborhood Associations on October 20, 2023. A notice of the December 6, 2023, City Council public hearing was printed in the Bend Bulletin on November 12, 2023, and mailed and emailed to the Neighborhood Associations on November 2, 2023.
- H. On November 13, 2023, the Planning Commission held a public hearing on this package of amendments (Project Number PLTEXT20230111) and deliberated on the

matter. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A.

- I. The City Council held a public hearing on December 6, 2023, 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 text amendments to the Bend Comprehensive Plan and Bend Development Code as amended by the City Council on December 6, 2023, including an amendment to BDC 2.2.500.D, Building Orientation Standards as shown in Exhibit A.

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

Section 1. The Bend Comprehensive Plan and Bend Development Code are amended as depicted in the attached Exhibit A. All other provisions of the Bend Comprehensive Plan and 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: December 6, 2023

Second reading and adoption by roll call vote: December 20, 2023

YES: Mayor Pro Tem Megan Perkins  
Councilor Barb Campbell  
Councilor Anthony Broadman  
Councilor Mike Riley  
Councilor Megan Norris

NO: none

  
\_\_\_\_\_  
Mayor Pro Tem Perkins

ATTEST:

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

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ian Leitheiser, Assistant City Attorney

## Exhibit A

### PARKING CODE UPDATE

#### DRAFT

#### Development Code Update

December 20, 2023

Prepared by:

City of Bend Planning Division

File #: PLTEXT20230111

Note:

Text in underlined typeface is proposed to be added

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

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

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

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### Bend Comprehensive Plan

#### Chapter 7

### TRANSPORTATION SYSTEMS

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#### Parking

Parking is a critical tool for maximizing the efficiency and effectiveness of the transportation system and the regional and local environmental, economic, and social benefits of the Bend transportation system.

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#### 7-42 Parking and Curbside Management.

- A. The City will monitor and update parking requirements to allow for adjustments based on changes in behavior and parking demand over time. The City will monitor parking demand and make adjustments to parking regulations and curb management strategy based on changes in utilization observed.
- B. The City supports the conversion of existing underused off-street parking to other uses.
- C. The City supports the conversion of existing underused on-street parking areas to other uses including but not limited to small-wheeled vehicle parking (e.g., bikes, e-bikes, e-scooters, etc.).

loading zones, car sharing areas, and parklets to effectively optimize curb space for public transportation and mobility options, and economic vitality.

*(Implements OAR 660-012-0405(2).*

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## **Bend Development Code**

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### **Chapter 1.2**

#### **DEFINITIONS**

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**Canopy or tree canopy** means all portions of the tree with foliage.

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**Climate-friendly area** means a designated urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services.

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**Driveway** means an area that provides vehicular access to a site, except for public and private streets and alleys. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots, ~~or parking spaces~~.

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**Frequent transit route** means any corridor with route(s) in a community if there are at least two transit vehicles scheduled to arrive on the same transit route no more than 60 minutes apart.

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**Loading space** means an off-street space for the temporary parking of a vehicle that is loading or unloading persons, merchandise, or materials.

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**Parking space** means an area ~~designed approved~~ for the purpose of storing one motor vehicle, other than parking spaces reserved for automobiles for sale or rent, fleet vehicles and similar spaces that have another use, loading spaces, carpools, vanpools, or parking under the Americans with Disabilities Act. (**OAR 660-012-0005(31)- OAR 660-012-0005(31) “Parking spaces” means on and off-street spaces designated for automobile parking, other than parking spaces reserved for automobiles for sale or rent, fleet vehicles carpools, vanpools, or parking under the Americans with Disabilities Act.**)

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**Pedestrian facilities** means ~~a general term denoting a continuous, unobstructed and reasonably direct route between two points~~ improvements and provisions made ~~designed~~ to accommodate or encourage people walking, using mobility devices, or using other devices that operate at a pedestrian speed and scale, including such improvements as sidewalks, pathways, walkways, access ways, crosswalks, ramps, paths, and trails.

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**Street tree** means a tree planted in the right-of-way adjacent to the street. (See BDC 3.2.400, Street Trees)

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## Chapter 2.2

### COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

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#### 2.2.500 Site Layout and Building Orientation.

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C. **Exterior Site Layout.** In addition to meeting the access, circulation and lot design standards of BDC Chapter 3.1, new commercial developments ~~shall~~must comply with the following standards:

1. Usable pedestrian space ~~shall~~must be provided and include the following:-

a. Usable pedestrian space means a A plaza or extra-wide pathway/sidewalk near one or more building entrances.

b. ~~Each development shall provide street trees or planters, and either space for outdoor seating, or canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal streets or drives.~~

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D. ***Building Orientation Standards.*** Developments within all Commercial Districts ~~shall must~~ be oriented to a street ~~where practical. The building orientation standard is met when all of the following standards are met in compliance with at least one of the following:~~

1. Buildings ~~shall must~~ have an entrance(s) visible or oriented to (facing) a street. Building entrances may include entrances to individual units, ~~or lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances~~ (i.e., to a cluster of units or commercial spaces).
2. ~~Alternatively, a~~ A building may have an entrance facing a side yard, **pedestrian plaza, or breezeway/courtyard** when a ~~convenient and direct pedestrian walkway facility~~ is provided between the building entrance and the street right-of-way. ***(Amended by the City Council on December 6, 2023)***

~~2.3. Exceptions to the Building Orientation Standards.~~ Developments in conformance with subsection (C)(2) of this section as illustrated in Figure 2.2.500.A, “Shopping Street” layout, ~~do not need to comply with the building orientation standards.~~

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## **2.2.600 Commercial Design Review Standards.**

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C. ***Standards.*** For developments subject to site plan or design review, the following standards ~~shall must~~ be met. A design feature used to comply with one standard may be used to comply with another standard.

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2. ***Commercial Design Review.*** The following standards apply to all commercial and mixed-use buildings:

a. Buildings with exterior walls greater than 50 feet in horizontal length ~~shall be constructed using the installation of~~ must use a combination of architectural features and a variety of building materials. ~~Landscaping should be planted adjacent to the walls.~~

i. Walls that can be viewed from public streets ~~shall~~ must also be designed with windows totaling a minimum of 10 percent of the wall area and using architectural features and landscaping (abutting the building) for at least 50 percent of the wall length.

ii. Other walls ~~shall~~ must incorporate architectural features and landscaping for at least 30 percent of the wall length.

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c. ~~In addition, a portion of the on-site landscaping shall be planted adjacent to the walls of a building so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed from the street. Additional landscaping requirements are in BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. (Repetitive of 2(a) above)~~

c. d. The predominant building materials should be characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or prefabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

d. e. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat rooftops; however, a maximum of 30 percent of the building elevations visible from the adjacent right-of-way may include flat roof components. Overhanging eaves, sloped roofs, parapet walls that have variations vertically and horizontally with decorative features, and multiple roof elements are highly encouraged. Mansard style roofs are discouraged.

e. f. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and/or integral planters are required.

f. g.—Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public are encouraged and may be calculated as part of the landscaping requirements of BDC Chapter 3.2.

g. h. ~~Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent colors for the facade and/or roof of the building is prohibited except as approved for building trim that does not exceed 25 percent of each facade. The City of Bend color guide provides samples of acceptable and unacceptable colors.~~ The use of trademark colors requires City approval. (***The City of Bend does not have a color guide.***)

h. i. Exterior lighting ~~shall~~must comply with the outdoor lighting provisions of BDC 3.5.200 Light poles and/or fixtures and flag poles ~~shall~~must not exceed 25 feet in height.

i. j. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters ~~shall~~must be architecturally screened from view. Heating, ventilation and air conditioning units ~~shall~~must have a noise attenuating barrier to protect adjacent Residential Districts from mechanical noise.

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## Chapter 3.1

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

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#### 3.1.300 Multi-Modal Access and Circulation

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B. ***On-Site Pedestrian Facilities.*** For all developments except single-unit detached, manufactured dwellings, accessory dwelling units, townhomes, duplexes, triplexes, quadplexes, and shared courts, pedestrian access and connectivity must meet the following standards:

1. Pedestrian ways must:
  - a. Connect all building entrances within the development to one another.
  - b. Connect all parking areas including accessible parking spaces, transit stops, existing or planned pedestrian facilities in the abutting rights-of-way, storage areas, recreational facilities, common areas (as applicable), and abutting development to the building's entrances and exits.

***(Consistent with OAR 660-012-0405.4.c.(A) through (D))***

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4. Developments subject to development review must construct sidewalks/multi-use paths within and abutting the subject property along all streets. ***(This standard is required in BDC 3.1.300.B, On-Site Pedestrian Facilities and BDC 3.4.200.L, Sidewalks, Multi-Use Paths, Planter Strips, Curbs, Bicycle lanes.)***

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### **3.1.400 Vehicular Access Management**

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**K. Barricades.** Except as otherwise provided in an approved Master Planned Development, gGates, barricades or other devices intended to prevent vehicular and/or pedestrian access shallmust not be installed across any approved driveway or private street that provides access to multiple properties except when required by the City to restrict vehicle access to an arterial or collector street or when required by BDC 3.4.200.I.3.b. (Gates are not permitted in Master Plans.)

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## **Chapter 3.2**

### **LANDSCAPING, STREET TREES, FENCES AND WALLS**

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#### **3.2.200 Landscape Conservation.**

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**D. Protection Standards.** Significant trees identified as meeting the criteria in subsection (B) of this section ~~shall must~~ be retained unless approved by the City to be removed for development. Preservation ~~shall be~~ is considered impracticable when it would prevent development of public streets, public utilities, needed housing or land uses permitted by the applicable land use district. The term **prevent** in this standard means that the development cannot be designed to avoid the significant tree(s). An inability to achieve maximum permitted density by complying with this subsection ~~shall must~~ not in itself be considered to prevent development. Building envelopes commensurate with the lot coverage standard of the zone ~~shall must~~ be depicted on the Tree Protection Plan. Trees outside the envelope ~~shall must~~ be protected unless they prevent development. In instances where applying exceptions to certain development standards would make tree preservation practical, the City may allow one or more of the following exceptions to the development standards when individual trees with a DBH of 24 inches or larger or stands of trees that are in good health as determined by a qualified professional, are preserved by a proposed development with an approved tree preservation plan:

- Reductions of setbacks up to 25 percent.
- Reduction of required on-site parking up to 10 percent. (*There are no minimum on-site parking requirements*)
- Increased lot coverage up to 15 percent.
- Reduced landscape coverage up to five percent.

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### **3.2.300 New Landscaping.**

~~This section sets standards for and requires landscaping of all development sites that require Site Development Review. This section also requires landscape buffering for parking and maneuvering areas, and buffering between different land use districts. Note: Other landscaping standards are provided within the individual land use districts and in BDC Chapters 3.6, Special Standards for Certain Uses, and 3.8, Development Alternatives, for specific types of development.~~

**A. Applicability.** This section ~~shall apply~~ applies to all new development ~~in all zones~~ requiring Site Development Plan Review in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

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**D. Landscape Materials.** Landscape materials include live trees, shrubs, ground cover plants, nonplant ground covers, and outdoor hardscape features, as described below:

1. **Plant Selection.** Native vegetation ~~shall~~ must be preserved or planted where practical. A combination of live deciduous and evergreen trees, shrubs and ground covers ~~shall~~ must be used for all planted areas, the selection of which ~~shall~~ must be based on local climate, exposure, water availability, and drainage conditions. Fire resistive plants should be planted in forested areas or on slopes where necessary to reduce the risk of fire spreading to structures. As necessary, soils ~~shall~~ must be amended to allow for healthy plant growth.

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4. **Tree Size.** ~~Required deciduous trees shall have a minimum caliper size of two inches or larger at time of planting, including trees planted adjacent to a public right of way.~~  
~~Required deciduous trees at planting must have a minimum caliper size of two inches measured at four and one-half feet above ground. If the required caliper is not available as demonstrated by letters submitted by three different local nurseries, the Planning Director/Review Authority may accept a smaller caliper tree no less than one and one-half inches.~~

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**E. Landscape Design Standards.** Landscaping design standards must comply with the following:  
~~All yards, parking lots and required street tree planter strips shall be landscaped at the time of site development in accordance with the provisions of this chapter. All required landscaping and related improvements shall be completed prior to the issuance of a Certificate of Occupancy. Only during winter months when the ground is frozen shall the required landscape improvements be eligible for financial guarantee prior to occupancy. Landscaping shall provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:~~  
*(Amended and relocated to new BDC 3.2.300.F, Landscape Installation Requirement)*

1. **Yard Setback Landscaping.** Landscaping in yard setbacks shall must satisfy the following criteria:

- a. ~~Based on the proposed use of the site, provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes; and observing the clear vision requirements of BDC Chapter 3.1;~~
- b. ~~Use shrubs and trees as windbreaks or solar shading, where needed;~~
- c. ~~Retain natural vegetation, as practicable;~~

- d. Define pedestrian pathways and open space areas with landscape materials;
- e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
- f. Use trees to provide summer shading within common open space areas and parking lots, and within front yards when street trees cannot be provided;
- g. Use a combination of plants for year long foliage, color and interest; and
- h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds. (**Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses is required in BDC 3.2.300.E.3.c.**)

*(These standards are not clear and objective).*

## 1. 2. Parking Areas.

- a. A-When a development is not subject to BDC 3.3.300.D, Developments with More Than One-Half Acre of New Surface Parking Area, a minimum of 10 percent of the total paved area of all parking lot(s), as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped of the parking lot area must be landscaped as measured around the perimeter of all parking spaces, maneuvering lanes and maneuvering areas including all driveways, aisles, and drive-ins and drive through lanes, and interior landscaping. Such landscaping shall must consist of an evenly distributed mix of broad-canopied deciduous shade trees with shrubs and/or ground cover plants. **Evenly distributed** means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per eight parking spaces total shall must be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 50 spaces shall must include landscape islands with trees to break up the parking area into rows.

All landscaped areas for trees shall have minimum dimensions of four feet by four feet (to ensure adequate soil, water, and space for healthy plant growth. Where practical, landscape areas within parking lots shall be designed at a lower grade than the parking surface to allow surface water drainage to collect in the planter areas. (Amended and relocated to 3.2.300.E.4)

b. Developments with more than one-half acre of new surface parking area that opt to comply with the tree canopy requirement in BDC 3.3.300.D.2.a must comply with the following:

- i. To determine surface parking lot area, measure the total of all new areas on which a vehicle is designed to maneuver and drive on, including all new parking spaces, driveways, aisles, and drive-in and drive-through lanes within the parking lot. Paved areas not used by passenger vehicles, such as loading areas or outdoor storage of goods and materials, are not counted as surface parking lot area.
- ii. To determine canopy coverage, calculate the expected diameter of the tree canopy at 15 years after planting. Tree canopy must be measured from a plan view of the tree planting plan. Where canopies overlap, the overlap must only be counted once. Except for unenclosed carports, canopy that covers a building does not count toward meeting the coverage standard.
- iii. For existing trees that will remain on the site after development, the calculation may use the actual crown area of any existing trees or the anticipated crown area of any existing trees at maturity but no more than 15 years after planting.
- iv. The 15-year time period applies regardless of whether the tree will be mature at that time. If a tree species will be mature before 15 years, use the expected tree canopy for a mature tree of that species.
- v. Trees must be located in a continuous trench and include three or more continuous trees, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A tree planted in a disconnected individual planter does not count towards the canopy requirements.

2. **Parking Lot Driveway and Drive Aisles.** Developments with more than one-acre of new surface parking area that opt to comply with parking lot driveways and drive aisles trees in BDC 3.3.300.D.2, b, must comply with the following:

- a. **Parking Lot Driveway Tree Requirements.** One tree must be planted every 25 feet of parking lot driveway, except large trees identified in BDC 3.2.400.A, City of Bend Approved Tree List can be 35 feet apart. For driveway segments of sufficient length to require more than one tree, the trees must be planted in a continuous trench except where planting a tree would conflict with existing trees, retaining walls, utilities or similar physical barriers or are interrupted by driveways, drive aisles, or pedestrian facilities.

b. **Parking Lot Drive Aisle Tree Requirements.** At a minimum, one tree per eight parking spaces total must be planted to create a partial tree canopy over and around the parking area. All parking areas must include landscape islands with trees to break up the parking area into rows.

For purposes of this subsection, a parking lot driveway and drive aisle are defined as follows:

Parking Lot Driveway	Drive aisle
<ul style="list-style-type: none"> <li>Provides access to and from the surrounding streets, and connections through the site to buildings and parking lot drive aisles</li> <li>Provides access to a limited number of parking spaces (only along a portion of its length; only on one side)</li> <li>Usually intersects with multiple other driveways and drive aisles along its length</li> </ul>	<ul style="list-style-type: none"> <li>A vehicular access bordered by parking spaces</li> <li>Primarily serves as access to abutting parking spaces</li> <li>Will have few or no intersections, with the exception of T- intersections, usually with abutting drive aisles</li> </ul>



Parking Lot Driveways (Blue) and Drive Aisles (Orange)

**3. Landscape Buffering and Screening Required.** Landscape buffering and screening are required under the following conditions:

a. **Parking/Maneuvering Area Adjacent to Streets and Drives.** Where a parking or maneuvering area for more than 10 vehicles is adjacent ~~and parallel~~ to a public or private street, a landscape buffer consisting of a variety of trees, ground cover and/or shrubs ~~shall~~ must be provided. The width of the landscape buffer ~~shall~~ must be the same width as the front yard setback or a minimum of ~~three~~ four feet (excluding curb dimensions), whichever is greater. The required screening ~~shall~~ must provide breaks, as necessary, ~~to allow for access to the site and sidewalk by~~ for pedestrians via pathways facilities.

~~The design of the screening shall also allow for visual surveillance of the site for security. Any areas between the parking and maneuvering area and the street/driveway line shall be landscaped with plants or other ground cover. All walls and hedges shall be maintained in good condition, or otherwise replaced by the owner.~~

b. **Parking/Driveway/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area ~~shall~~ must be separated from the building by a raised walkway, plaza, or landscaped buffer no less than two feet in width. Raised curbs, bollards, wheel stops, or other design features ~~shall~~ must be used to protect buildings from being damaged by vehicles. ~~The use of sidewalks adjacent to a building shall comply with ADA standards. See also BDC 3.2.300.E.3, Parking Lot Driveway and Drive Aisles.~~

When parking areas are located ~~adjacent~~ next to residential ground-floor living space, a landscape buffer with a minimum width of five feet is required.

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d. **Landscape Islands.** Landscape islands must be provided at the ends of each parking drive aisle and must be a minimum of four feet in width (excluding curb dimensions).

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**4. Tree Planter Dimensions.** All areas for required trees must have minimum dimensions of four feet by four feet (excluding curb dimensions).

**F. *Landscape Installation Requirement.*** All yards, parking lots and required street tree planter strips must be landscaped at the time of site development in accordance with the provisions of this chapter. All required landscaping and related improvements must be completed prior to the issuance of a Certificate of Occupancy. Only during winter months when the ground is frozen may the required landscape improvements be eligible for financial guarantee prior to occupancy. *(Relocated from 3.2.300.E, Landscape Design Standards.)*

**G. *Soil Preparation, Planting and Care.*** Soil preparation, ground cover material, staking, and irrigation must be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Latest Edition).

**H-F. *Maintenance and Irrigation.*** The use of drought-tolerant plant species is encouraged. Water efficient irrigation ~~shall~~ must be provided for new plants. If the plantings fail to survive, the property owner ~~shall~~ must immediately replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this code ~~shall~~ must be maintained in good condition, or otherwise replaced by the owner.

**G. *Additional Requirements.*** Additional buffering and screening may be required for specific land uses, as identified within the individual land use districts. In addition, the City may require additional landscaping through the Conditional Use Permit process.

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### **3.2.400 Street Trees.**

**A. *Applicability.*** This section sets standards and requirements for planting trees along all streets ~~for shading, comfort, safety and aesthetic purposes.~~ Except for BDC 3.8.400(A), Mid-Block Development, and 3.8.1000, Shared Courts, street trees must be planted for developments subject to BDC Chapter 4.3, Land Divisions and Property Line Adjustments, for residential land divisions and BDC 4.2.500, Site Plan Review. ~~Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed. Street trees must conform to the following standards and guidelines:~~ *(Relocated to 3.2.400.H.)*

**B. *A. City of Bend Approved Tree List.*** The City has developed a list of ~~desirable~~ trees for planting along streets in three size classes: low, medium and tall. Choices of trees are limited to the following list. Exceptions may be granted by the Planning Director Manager or designee. Multi-trunk and weeping varieties are not appropriate as street trees. *(Relocated from table below.)*

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

Approved tree species include:

<b>1.</b>	<b>Trees with Low Mature Tree Height (25 feet or less), for use in areas under power lines or in small planting areas less than four foot width:</b>	
	<u>Approved Street Tree</u>	<u>Estimated Tree Canopy Diameter at 15-years after planting</u>
	Amur Maple/Acer ginnala	<u>15 feet</u>
	Canada Red Cherry/Prunus virginiana 'Shubert'	<u>15 feet</u>
	Eastern Redbud/Cercis canadensis	<u>15 feet</u>
	Flowering Crabapple/Malus 'variety' (choose fruitless varieties)	<u>20 feet</u>
	Hawthorn/Crataegus 'variety'	<u>20 feet</u>
	Japanese Lilac Tree/Syringa reticulata	<u>12 feet</u>
	Serviceberry/Amelanchier	<u>15 feet</u>
<b>2.</b>	<b>Trees with Medium Mature Tree Height (30 to 45 feet):</b>	
	American Hornbeam/Carpinus caroliniana	<u>35 feet</u>

	Callery Pear/Pyrus calleryana	<u>15 feet</u>
	Hackberry/Celtis occidentalis 'variety'	<u>40 feet</u>
	Hedge Maple/Acer campestre	<u>25 feet</u>
	Mountain Ash/Sorbus acuparia 'variety'	<u>20 feet</u>
3.	<b><u>Trees with Tall Mature Tree Height (50 feet or larger) to be used along collector and arterial streets to create a canopy over the roadway:</u></b>	
	Green Ash/Fraxinus pennsylvanica	<u>40 feet</u>
	Honey Locust/Gleditsia triacanthos 'variety'	<u>50 feet</u>
	Littleleaf Linden/Tilia cordata	<u>20 feet</u>
	Norway Maple/Acer platanoides 'variety'	<u>30 feet</u>
	Green Beech/Fagus sylvatica	<u>35 feet</u>
	Pin Oak/Quercus palustris	<u>40 feet</u>
	Red Maple/Acer rubrum 'variety'	<u>20 feet</u>
	Red Oak/Quercus rubra	<u>60 feet</u>
	Pin Oak/Quercus palustris	

4.	<p><del>Other Tree Species: Multi-trunk and weeping varieties are not appropriate as street trees. The Review Authority may approve other tree species as necessary to achieve the purposes of this code. (Relocated above)</del></p>
<u>4.</u> <u>5.</u>	<p>Where the City has adopted a Street Tree Master Plan, those trees identified in the master plan must be used.</p>

**B. Growth Characteristics**. Trees must be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. ~~Provide a broad canopy tree variety unless limited by overhead clearance.~~
2. ~~Use lower growing or open branched trees for spaces under utility wires.~~
3. ~~Select trees that can be “limbed-up” where vision clearance is a concern.~~
4. ~~Use narrow or “columnar” trees where awnings, other building features, or narrow sidewalks limit growth, or where greater visibility is desired between buildings and the street.~~
5. ~~Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.~~
6. ~~Select trees that are well adapted to the local environment, considering soil, wind, sun exposure, and exhaust. Drought resistant trees should be used in areas with sandy or rocky soil.~~
7. ~~Select trees for their seasonal color, as desired.~~
8. ~~Use deciduous trees for summer shade and winter sun.~~

*(Not clear and objective)*

**C. Caliper Size**. The minimum caliper size at planting must be two inches measured at four and one half feet above ground. If the required caliper is not available as demonstrated by letters submitted by three

different local nurseries, the Planning Director/Review Authority may accept a smaller caliper tree no less than one and one half inches. **(Required with BDC 3.2.300.D.4, Tree Size)**

**C. D. — Spacing and Location.** Street trees must be planted within existing and proposed planting strips or in City-approved sidewalk tree wells on streets without planting strips. Where the landscape strip and/or sidewalk is not wide enough to accommodate street trees the Planning Director may allow the street trees to be planted within five feet from the back of the sidewalk. Where practical, small stature trees must be planted no closer to the curb or sidewalk than three feet, medium trees three feet and large trees four feet. Root barriers may be required with street tree planting to protect the City's curb and sidewalk. Street tree spacing must be based upon the type of tree(s) selected and the canopy size at maturity. Small canopy trees and columnar shaped trees must be planted no further than 25 feet apart; medium and large canopy trees must be planted no further than 35 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A random spacing of street trees may be approved for the equivalent number of trees required for the length of the frontage. Street trees must be planted no closer than 35 feet from a stop sign.

1. Street trees must be planted within existing or proposed planting strips or in City-approved sidewalk tree wells on streets without planting strips. Where the landscape strip and/or tree well is not wide enough to accommodate street trees, the street trees may be planted within five feet from the back of the sidewalk. Root barriers are required with street tree planting to protect the City's curb and sidewalk. Existing trees located in the proposed planting strip or within five feet from back of sidewalk can count towards this requirement.
2. Trees with low mature height must be planted no further than 25 feet apart; trees with medium and tall mature height must be planted no further than 35 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. A random spacing of trees may be approved for the equivalent number of trees required for the length of the frontage.
3. Trees must be planted no closer than 35 feet from a stop sign.
4. New trees are not permitted within the clear vision area.

**D.** Where sidewalks are being constructed with a development the street trees must not be planted until the sidewalks are completed.

**E. Sidewalk Tree Wells.** Street trees planted within sidewalk tree wells must be installed with a City-approved tree grate.

**F. Soil Preparation, Planting and Care.** The developer is responsible for planting street trees, including, but not limited to, soil preparation, ground cover material, staking, and irrigation. The developer is also

responsible for tree care (pruning, watering, fertilization, and replacement as necessary) for a minimum of one full growing season after planting unless an extended maintenance time is required. *(Amended and relocated to BDC 3.2.300.G, Soil Preparation, Planting and Care)*

**F-G. Assurances.** If the street trees are not otherwise covered by a maintenance bond for public infrastructure, then the Planning Director may require the owner/developer to provide a performance and maintenance bond in an amount equal to 120 percent of the actual cost to purchase, plant and maintain for a minimum of one full growing season, to ensure the planting of the tree(s) and care during the first year after planting.

**G-H. Utility Easements.** All street trees must be placed outside utility easements unless the utilities can be placed in a conduit for maintenance. If the existing parking/planter strip contains such easements and is not wide enough to also accommodate street trees, the street tree location requirement in subsection (D-C) of this section may be adjusted as approved by the Planning Director/Manager.

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

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#### 3.3.300 Vehicle Parking Standards for On-Site Parking.

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**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.**

1. 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.

2. The following parking maximum for large buildings applies in designated climate-friendly areas or within one-half mile of a frequent transit route (measured as the crow flies from the property line of the development to the edge of right-of-way with the frequent transit route).

i. **Large Buildings.** For each individual lot or parcel with a building or buildings totaling more than 65,000 square feet of floor area, surface parking must not consist of more area than the floor area of the building or buildings. Surface parking includes all surface areas on which a vehicle is designed to maneuver and drive on, including all parking spaces, all drives and drive-in and drive-through lanes. Paved areas not used by passenger vehicles, such as loading area or outdoor storage of goods and materials, and 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, are exempted from the surface parking calculation.

*(Compliance with OAR 660-012-0415, Parking Maximums and Evaluation in More Populous Communities)*

**Table 3.3.300. Maximum Off-Street Vehicle Parking Spaces**

*(All other requirements in Table 3.3.300 remain the same)*

Use	Maximum Parking Spaces
<b>Residential</b>	
Multi-unit residential	Studio units or 1-bedroom units – 1.5 <u>1.2</u> spaces per unit
	Units with one or more bedrooms – 2 spaces per unit
	2-bedroom units – 2.25 spaces per unit
	3 or more bedroom units – 3 spaces per unit
<b>Commercial</b>	
General commercial such as retail trade, services, and office uses (including medical and dental offices, clinics and laboratories, alternative health care)	1 space per 200 square feet <u>of gross floor area</u>
Outdoor retail trade and services, including: auto, boat or trailer sales <u>and repair</u> , retail nurseries, lumberyards, and similar bulk retail uses	1 space per 700 square feet of gross floor area

\*\*\*

### C. Parking Standards.

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5. **Employee Parking Areas.** When a new development with more than 50 parking spaces includes a designated employee parking area, it must provide at least one designated parking space for carpools and/or vanpools. ***(Required by OAR 660-012-0405(1)(a))***

### D. ~~Special Standards for Commercial Customer Parking.~~

1. ~~Special Standards for Commercial Customer Parking.~~ The ~~motor vehicle parking areas~~ 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.~~ ***(Building orientation is required in commercial and mixed use districts and for parking lots with more than one-half parking lot area)***
  - ~~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.~~ ***(Requirements in BDC 3.1.300.B.1 address on-site pedestrian connectivity in a development)***
  - ~~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.~~ ***(Required in 3.1.300.B.2.d, Vehicle/Walkway Separation)***
  - ~~Walkways across vehicle aisles are delineated by nonasphaltic material in a different color or texture than the parking areas.~~ ***(New requirement in BDC 3.3.300.C.7 for development that includes more than one-half acre of surface parking)***

- ~~On-site pedestrian walkways and bikeways connect to existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas; (Requirements in BDC~~

#### ***3.1.300.B.1 address on-site pedestrian connectivity in a development)***

- ~~Internal drives or streets connect to public streets abutting the site, unless physically precluded by preexisting buildings; (Vehicular access is addressed in BDC 3.1.400, Access Management Requirements)~~

- ~~Structures are located on the site to facilitate future infill and redevelopment of parking and landscape areas.~~

### **D. Development with More Than One-Half Acre of New Surface Parking Lot Area.**

#### **1. *Applicability.***

- a. The requirements of this section apply to development that meets one of the following thresholds:

- i. Development is served by a cumulative total of more than one-half acre of new surface parking lot area on a lot or parcel.

- ii. Development includes a combination of abutting properties under common ownership with more than one-half acre of new surface parking lot area cumulatively.

- b. For measuring the one-half acre of new surface parking lot area threshold, measure around the perimeter of all new parking spaces, maneuvering lanes and maneuvering areas including all driveways, aisles, and drive-ins and drive through lanes, and interior landscaping.

Parking installed over an area previously approved for parking is considered “new” if the existing asphalt or pavement surface layer will be removed. Parking is not considered “new” if the existing asphalt or pavement surface layer is left in place (striping changes, surface repairs and resurfacing/overlays are allowed).

- c. Exception. Developments required to comply with OAR 330-135-0010 do not have to comply with this section.

#### **2. *Climate Mitigation Actions Requirement.* Development must provide one of the following:**

- a. Tree canopy that will cover at least 40 percent of the new surface parking lot area at maturity but no more than 15 years after planting (see BDC 3.2.300.E.1.b.).
- b. Installation of solar panels in conjunction with trees planted along parking lot driveways and drive aisles in compliance with BDC 3.2.300.E.2, Parking Lot Driveway and Drive Aisles. The solar panels must have a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property.

**E. Electrical Service Capacity.**

1. Applications submitted after March 31, 2023, for new multi-unit residential 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 to serve 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 to serve 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.

\*\*\*

**3.3.600 Bicycle Parking Standards.**

All uses that are subject to 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. This section does not apply to single-unit detached, manufactured dwellings, accessory dwelling units, duplexes, triplexes, quadplexes, townhomes and or cottage developments, and or home businesses.

**A. Number of Bicycle Parking Spaces.** A minimum of one u-rack must be located outside of each building and sheltered under an eave, overhang, independent structure, or similar cover and to must provide two bicycle parking spaces in accordance with BDC 3.3.600.C.1 per use is required for all uses. Table 3.3.600

lists additional standards that apply to specific types of development. Where a fractional number of spaces results, the required number of spaces is rounded up to the nearest whole number.

**Table 3.3.600. Required On-Site Bicycle Parking**

*(All other requirements in Table 3.3.600, Required On-Site Parking remain the same.)*

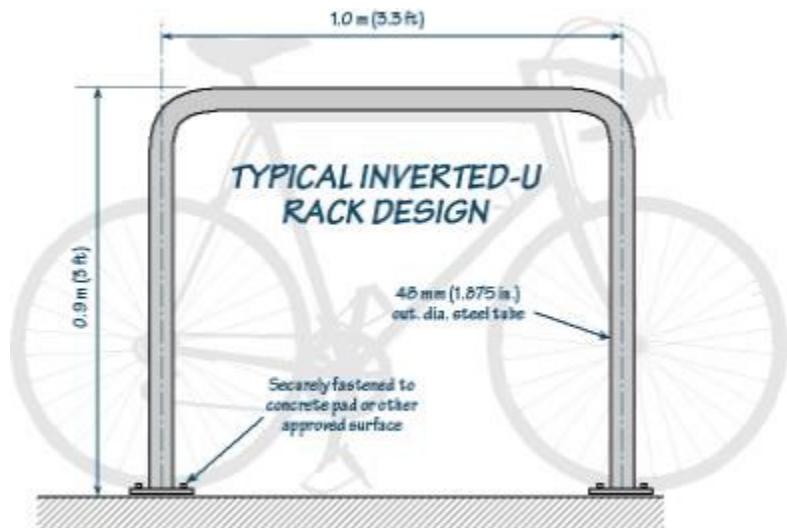
Use	Requirement
Multi-unit dwellings, <u>mixed-use residential</u> and micro-units with 5 units or more <u>and single room occupancies with</u> more than six units	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar 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 under an eave, overhang, an independent structure, or similar cover. <u>The required bicycle parking spaces must also include a minimum of 1 covered u-rack providing two bicycle parking spaces located outside of each building for visitors.</u>
General commercial such as retail trade, services, restaurants, and office uses	1 per 2,500 square feet of floor area <u>or 1 per food truck</u> ; 25 percent must be sheltered under an eave, overhang, independent structure, or similar cover.
All other uses	1 u-rack <u>located outside of each building and sheltered under an eave, overhang, independent structure, or similar cover to provide two bike parking spaces.</u>

\*\*\*

C. Location and Design. Bicycle Parking Requirements. Required bicycle parking must include inverted U-style racks or similar designs in compliance with subsection (1) of this subsection or be located within a lockable space only available to authorized users in compliance with subsection (2) of this section. Except for residential uses, a minimum of 75 percent of the required bicycle parking must be "U" style racks located outside of a building.

1. "U" Style Racks. All bike "U" style racks ~~shall~~ must have the following design features:

- a. Inverted "U" style racks or similar design as illustrated below.
- b. ~~Each rack shall provide each bicycle parking space with at least two points of contact for Allow ways to lock at least two points on a standard bicycle frame.~~
- c. The bike rack ~~shall~~must have rounded surfaces and corners.
- d. The bike rack ~~shall~~must be coated in a material that will not damage the bicycle's painted surfaces.



- 2. **Bicycle Storage.** Bicycle parking requirements can be provided in a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building. Bicycle parking must be provided at ground level unless a ramp no less than 2 feet in width or an elevator with a minimum depth or width of 6 feet is easily accessible to an approved bicycle parking area. Space within dwelling units or on balconies or porches are not counted toward satisfying bicycle parking requirements.

#### **D. Bicycle Parking Location.**

- 1. 2. Each required bicycle parking space ~~shall~~must be on asphaltic concrete, portland cement, or similar hard surface material and each space ~~shall~~must be at least two feet wide by six feet long with a minimum vertical clearance of seven feet. An access aisle width of at least five feet wide ~~shall~~must be provided and maintained beside or between each row of bicycle parking.

2. 3. The location of the rack and subsequent parking shall must not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. ~~Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per use. (Repetitive or not consistent with Table 3.3.600. Required On-Site Bicycle Parking)~~

3. 4. ~~Outdoor~~ Bbicycle parking shall must be conveniently located and visible to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest vehicle parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities. (Not clear and objective.)

D. ~~Visibility and Security.~~ Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage, except for bicycles stored per subsection (E) of this section.

4. Clear Vision Area. Outdoor bicycle parking is not permitted within the clear vision area. See BDC 3.1.500, Clear Vision Areas.

E. ~~Options for Storage.~~ Bicycle parking requirements for long term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building. (Relocated to 3.3.600.C.2, Bicycle Storage)

E. F. ~~Lighting.~~ Bicycle parking should be at least as well lit as vehicle parking for Lighting must be provided in bicycle parking areas and it must be in compliance with BDC 3.5.200, Outdoor Lighting Standards.

G. ~~Reserved Areas.~~ Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only.

H. ~~Hazards.~~ Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation).

\*\*\*

## SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

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### 3.6.300 Non Residential Uses

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#### D. *Mobility Hub.*

1. A mobility hub must include, at a minimum, the following which are intended to provide a recognizable place with a concentration of different and connected transportation modes and services:
  - a. Transit stop or transfer ~~station area~~.
  - b. Flex mobility space(s) a minimum of 250 square feet.
  - c. Secured bicycle parking for a minimum of 10 bicycles.
  - d. Garbage and recycling cans.
  - e. Benches.
  - f. Kiosk, signage and wayfinding.

*(Replacing “station” with “area” because the minimum requirements listed implement the Bend Mobility Hubs Feasibility Study and Pilot Project Development, Table 3. Mobility Hub Phasing Summary, which did not require a building in Phase 1.)*

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## Chapter 4.2

### MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

#### 4.2.100 Purpose.

The purpose of Minimum Development Standards Review (MDS) is to:

- Streamline development review for minor additions or expansions and/or changes of use, and applicable single-unit detached dwellings, townhomes, accessory dwelling units, duplexes, triplexes, quadplexes, single room occupancies with six or fewer units and cottage cluster developments.

\*\*\*

#### **4.2.300 Submittal Requirements.**

A. An application for review under this chapter ~~shall~~ must include the following information, as deemed applicable by the Community and Economic Development Director based on the size, scale and complexity of the development.

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7. **Landscape Plan.** ~~A landscape plan shall be required, and at the direction of the Community and Economic Development Director, shall show the following~~ A landscape plan must be submitted in compliance with BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls and it must include the following (as applicable):

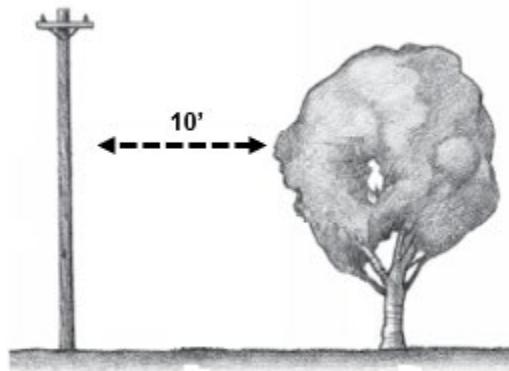
- a. A planting schedule containing the location, size, and species of the existing and proposed plant materials (at time of planting);
- b. Existing and proposed building and pavement outlines;
- c. Irrigation plans, written soil specifications at time of planting, and anticipated plant installation time line;
- d. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
- e. Existing and proposed abutting street right-of-way landscaping;
- f. Landscape calculations pursuant to BDC 3.2.300.C, Landscape Area Standards and a site plan clearly identifying the area included in the calculations.
- g. Developments that opt to comply with the tree canopy requirement in BDC 3.3.300.D.2.a. must provide a tree canopy plan demonstrating compliance with BDC 3.2.300.E.1.b, Developments with More Than One-Half Acre of New Surface Parking Area.
- h. Developments that opt to comply with the parking lot driveway and drive aisle tree requirements in BDC 3.3.300.D.2.b must provide a site plan demonstrating compliance with BDC 3.2.300.E.2, Parking Lot Driveway and Drive Aisles.

f.-i. Other information as deemed appropriate by the Community and Economic Development Director.

An arborist's report may be required for sites with mature trees that are protected under BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls.

\*\*\*

**13. Coordination with Electric Utility Companies.** For developments where the tree canopy at fifteen years will be within ten feet of an overhead powerline, transformer or underground electrical service, a letter or other written documentation from the local electric utility company must be submitted which indicates that the applicant has met with the company to discuss the tree canopy plan and coordination with pre-design, design, building and maintenance phases.



**13.—14. Additional Information.** The Community and Economic Development Director may require, at the applicant's expense, studies, reports or exhibits prepared by qualified professionals to address specific site features or concerns.

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#### **4.2.400 Minimum Development Standards Review.**

**A. Minimum Development Standards Review for Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triples, Quadplexes, Single Room Occupancies with Six or Fewer Units and Cottage Cluster Developments.**

**1. Applicability.** This section applies to:

- a. The construction of a new single-unit detached dwelling, townhome, accessory dwelling unit, duplex, triplex, quadplex, single room occupancies with six or fewer units and cottage cluster developments; or

\*\*\*

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:

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- ii. ~~Townhomes, accessory dwelling units, duplexes, triplexes and quadplexes~~ Uses must comply with the corresponding standards of BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

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- ix. A hard surface pedestrian access route, a minimum width of four feet, must be provided from each dwelling unit to the street upon which it is addressed. If the route is fenced, there must be a gate to allow access.

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**EXHIBIT B**  
**FINDINGS OF FACT**  
**BEND COMPREHENSIVE PLAN AND BEND**  
**DEVELOPMENT CODE (BDC) UPDATE**  
**AMENDMENT PLTEXT20230111**

**I. PROCEDURAL FINDINGS:**

**(1) PUBLIC NOTICE AND COMMENTS:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on March 20, 2023, and it was updated on April 6, 2023, October 2, 2023, and October 18, 2023. 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 October 17, 2023. A notice of the November 13, 2023, Planning Commission public hearing was printed in the Bend Bulletin on October 22, 2023, and mailed and emailed to the Neighborhood Associations on October 20, 2023. A notice of the December 6, 2023, City Council public hearing was printed in the Bend Bulletin on November 12, 2023, and mailed and emailed to the Neighborhood Associations Land Use Chairs on November 2, 2023. Public comments can be viewed in the [Online Permit Center Portal](#) on the City of Bend website by opening the portal and selecting the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20230111 in the search bar to find the project.

**(2) PROPOSAL:** The City of Bend is proposing a package of amendments to the Bend Comprehensive Plan and Bend Development Code (BDC). The primary purpose of the proposed amendments is to implement OAR 660-012-0405: Parking Regulation Improvements and OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities of the Climate Friendly and Equitable Communities (CFEC) rules. There are also minor changes throughout for consistency and clarity.

The amendments are to Bend Comprehensive Plan Chapter 7, Transportation Systems and to Bend Development Code (BDC) Chapters 1.2, Definitions, 2.2, Commercial Zoning Districts (CB, CC, CL CG), 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2, Landscaping, Street Trees, Fences and Walls, 3.3, Vehicle Parking, Loading and Bicycle Parking, 3.6, Special Standards and Regulations for Certain Uses, and 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. The recommended amendments are attached as Exhibit A.

**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:**

CFEC Parking Code Update

December 6, 2023

Page 1 of 21

- (1) Bend Development Code
  - (a) Chapter 4.1, Land Use Review and Procedures

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

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

###### **4.6.200 Legislative Amendments.**

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

**FINDING:** The recommended amendments to the text of the Bend Comprehensive Plan and 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 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 March 20, 2023, and it was updated on April 6, 2023, October 2, 2023, and October 18, 2023. 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 October 17, 2023. A notice of the November 13, 2023, Planning Commission public hearing was printed in the Bend Bulletin on October 22, 2023, and mailed and emailed to the Neighborhood Association Land Use Chairs

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On November 13, 2023, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council. On December 6, 2023, the City Council held a public hearing and accepted evidence, received public testimony, and considered the Planning Commission's recommendation.

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.

In March 2020, Governor Kate Brown issued an Executive Order directing state agencies to take actions to reduce and regulate greenhouse gas emissions and mitigate the impacts of climate change while also centering the needs of Oregon's most vulnerable communities. The Executive Order articulates that it is intended to help advance the state's adopted goal of reducing greenhouse gas emissions 75 percent below 1990 levels by 2050, while also increasing participation and engagement opportunities for underserved communities that have historically experienced discrimination and racism in land use and transportation planning policies and decisions throughout the state. In response, on July 21, 2022, the Oregon Land Conservation and Development Commission (LCDC) adopted the Climate Friendly and Equitable Communities (CFEC) administrative rules, located in Chapter 660, division 12 of the Oregon Administrative Rules, that articulate required changes to local transportation and housing planning systems. The rules 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.

On February 1, 2023, the City Council adopted Ordinance 2462 that repealed all parking mandates in compliance with OAR 660-012-0420: Exemptions for Communities without

**Parking Mandate.** In addition, the ordinance included requirements for electric vehicle charging in compliance with OAR 660-012-0410: Electric Vehicle Charging.

On April 20, 2023, LCDC initiated the 2023 rulemaking for the CFEC rules and adopted temporary rules that became effective on May 12, 2023, and remained in effect for up to 180 days. The rulemaking aimed to retain the outcomes of CFEC while making implementation easier for cities and counties. On November 2, 2023, LCDL adopted the amended rules at their regular meeting.

The proposed amendments to the Bend Comprehensive Plan and BDC are in compliance with the updated rules in OAR 660-012-0405: Parking Regulation Improvements and OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities.

In addition, the amendments support Council's goal of "Affordable Housing and Sustainable Development" and strategy to "Plan for growth in alignment with climate, economic, and housing affordability strategies to ensure sufficient land supply for future needs." The strategy includes an action to "Initiate an update to our plan for growth that is aligned with the Climate Friendly and Equitable Communities (CFEC) rules, ensures Bend has a sufficient land supply and adheres to the concept of 'complete neighborhoods' as we work to meet future needs for housing and jobs."

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**, addresses water and process discharges from development, and is aimed at protecting air, water, and land from impacts from those discharges. The City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability. The amendments do not affect the City's ability to provide for clean air, water or land resources. The amendments are required by and implement the CFEC rules which are intended to reduce greenhouse gases, which will help maintain and improve air quality. Therefore, the amendments are consistent with Goal 6.

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

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

**Goal 9, Economic Development**, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. This goal is not applicable as the amendments have no effect on economic development and economic growth.

**Goal 10, Housing**, requires provisions to provide for the housing needs of citizens of the state. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types. Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.

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

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

On February 1, 2023, the City Council adopted Ordinance 2462 that repealed all parking mandates in compliance with OAR 660-012-0420: Exemptions for Communities without Parking Mandates. The ordinance also added requirements for electric vehicle charging in compliance with OAR 660-012-0410: Electric Vehicle Charging. Since the City removed all parking mandates, it is not required to implement the provisions of OAR 660-012-0425: Reducing the Burden of Parking Mandates, 660-012-0430: Reduction of Parking Mandates for Development Types, 660-012-0435: Parking Reform in Climate-Friendly Areas and Centers, 660-012-0440: Parking Reform Near Transit Corridors, 660-012-0445: Parking Management Alternative Approaches or 660-012-0450: Parking Management in More Populous Communities.

The proposed amendments implement the requirements of OAR 660-012-0405: Parking Regulation Improvements by amending Comprehensive Plan Policy 7-42 to support the conversion of existing underused parking areas to other uses. The amendments also implement OAR 660-012-0405 by requiring designated employee parking areas in new developments with more than 50 parking spaces to provide preferential parking for carpools and vanpools; by requiring a minimum tree canopy or solar panels in conjunction with trees planted along parking lot driveways and drive aisles for developments with new surface parking areas over one-half acre; by updating the pedestrian connectivity requirements throughout parking lots; and, by requiring minimum standards for tree planting no lower than the 2021 American National Standards Institute A300 standards.

The amendments comply with the requirements of OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities by updating the parking maximums for multi-unit residential developments and ensuring that buildings with more than 65,000 square feet of floor area are limited to no more surface parking are than the floor area of the buildings on site.

Therefore, the amendments are consistent with the goals/requirements of the OARs and help create a transportation system that takes into account all relevant modes of transportation and aims to conserve energy, and compliance with Goal 12 has been met.

**Goal 13, Energy Conservation** provides guidance on the management of land and land uses to maximize the conservation of energy. The amendments implement OAR 660-012-0405, which require the installation of a minimum tree canopy or solar panels in conjunction with trees planted along parking lot driveways and drive aisles for larger parking areas and update the parking maximums. Therefore, the amendments are consistent with Goal 13.

**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 Bend Comprehensive Plan and 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:**

- **Foster a Balanced Transportation System** Bend's balanced transportation system incorporates an improved, well-connected system of facilities for walking, bicycling, and public transit, while also providing a reliable system for drivers. Bend's transportation

system emphasizes safety and convenience for users of all types and ages. Transportation and land use are integrated to foster livability.

**FINDING:** The amendments support a balanced transportation system for pedestrians by requiring connectivity between all parking areas including accessible parking spaces, transit stops, existing or planned pedestrian facilities in the abutting rights-of-way, storage areas, recreational facilities, common areas (as applicable), and abutting development to the building's entrances and exits. The amendments also update the bicycle parking requirements in compliance with OAR 660-012-0630: Bicycle Parking.

- **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's Land Use Chairs on October 17, 2023. 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.

On November 13, 2023, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council. On December 6, 2023, the City Council held a public hearing and accepted evidence, received public testimony, and considered the Planning Commission's recommendation.

- **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 BDC does not require a minimum number of parking spaces for development, in compliance with OAR 660-012-0420: Exemptions for Communities without Parking Mandates. However, it does include parking maximums, which are being amended with the code update in compliance with OAR 660-012-0415: Parking Maximums and Evaluations for More Populous Communities. The parking maximums required for climate friendly areas and

on lots or parcels within frequent transit corridors in OAR 660-012-415 will be required citywide. In addition, the amendments include the following requirement for large buildings in compliance with OAR 660-012-0415(1)(c):

**The following parking maximum for large buildings applies in designated climate-friendly areas or within one-half mile of a frequent transit route (measured as the crow flies from the property line of the development to the edge of right-of-way with the frequent transit route).**

- i. **Large Buildings. For each individual lot or parcel with a building or buildings totaling more than 65,000 square feet of floor area, surface parking must not consist of more area than the floor area of the building or buildings. Surface parking includes all surface areas on which a vehicle is designed to maneuver and drive on, including all parking spaces, all drives and drive-in and drive-through lanes. Paved areas not used by passenger vehicles, such as loading area or outdoor storage of goods and materials, and 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, are exempted from the surface parking calculation.**

These amendments can reduce the physical size of parking lots thereby promoting compact developments and enhancing non-automobile travel. 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 March 20, 2023 and it was updated on April 6, 2023, October 2, 2023 and October 18, 2023. A notice of the November 13, 2023, Planning Commission public hearing was printed in the Bend Bulletin on October 22, 2023, and mailed and emailed to the Neighborhood Association Land Use Chairs on October 20, 2023. A notice of the December 6, 2023, City Council public hearing was printed in the Bend Bulletin on November 12, 2023, and mailed and emailed to the Neighborhood Association Land Use Chairs on November 2, 2023. Staff emailed the proposed amendments to the people who have expressed

CFEC Parking Code Update

December 6, 2023

Page 8 of 21

an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association's Land Use Chairs on October 17, 2023. 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.

On November 13, 2023, the Planning Commission held a hybrid public hearing, considered any public comment received, and recommended approval of the amendments to the City Council. On December 6, 2023, the City Council held a public hearing and accepted evidence, received public testimony, and considered the Planning Commission's recommendation.

Therefore, compliance with Chapter 1 has been met.

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

### **Goals:**

- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

**FINDING:** The code update amends the existing parking maximums for multi-unit housing developments in compliance with OAR 660-012-0415(1)(a). Parking maximums can prevent unnecessarily large excessive parking lots on land that could otherwise be developed for residential uses.

### **Policies**

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

**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:** On February 1, 2023, the City Council adopted Ordinance 2462 and eliminated parking minimums citywide in compliance with OAR 660-012-0420: Exemptions for Communities without Parking Mandates and it also updated the City's existing parking maximums. The following amendments implement OAR 660-12-0415: Parking Maximums and Evaluation in More Populous Communities which further amend parking maximums citywide for multi-unit residential developments.

#### **Table 3.3.300. Maximum Off-Street Vehicle Parking Spaces**

**(All other requirements in Table 3.3.300 remain the same)**

Use	Maximum Parking Spaces
<b>Residential</b>	
Multi-unit residential	Studio units or 1 bedroom units – <del>1.5</del> <u>1.2</u> spaces per unit
	<u>Units with one or more bedrooms – 2</u> spaces per unit
	<del>2-bedroom units – 2.25 spaces per unit</del>
	<del>3 or more bedroom units – 3 spaces per unit</del>

Excessive surface parking areas reduces the potential to achieve maximum density (units per acre) for any given project. Parking maximums will allow more land to be devoted to housing and less to underutilized parking, as we are in a housing crisis.

The amendments are consistent with Chapter 5 since they balance the need for more efficient use of residential land. Therefore, the amendments satisfy Chapter 5, Housing.

## Chapter 6: Economy

### Goals:

- Create commercial areas that support multimodal access.

**FINDING:** The amendments update BDC 3.3.600, Bicycle Parking Standards which applies to all uses that are subject to Site Plan Review or Minimum Development Standards Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. The amendments include requiring a minimum of one u-rack to be located outside of each building and sheltered under an eave, overhang, independent structure, or similar cover and the rack must provide two bicycle parking spaces. In addition, the amendments require a minimum of 75 percent of the required bicycle parking for a site to be “U” style racks located outside of a building for all uses except residential. These amendments support bicycle access and parking for commercial areas.

### General Policies

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

**FINDING:** The amendments will contribute to less land being used for parking due to parking maximums and allow more land to be developed for economic purposes.

## ***Mixed Use Development***

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

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

**FINDING:** The amendments implement the requirements of OAR 660-012-405: Parking Regulation Improvements by requiring pedestrian ways to connect all parking areas including accessible parking spaces, transit stops, existing or planned pedestrian facilities in the abutting rights-of-way, storage areas, recreational facilities, common areas (as applicable), and abutting development to the building's entrances and exits. This will foster pedestrian and other non-motor vehicle access within and to the site.

The amendments also include requirements for a minimum tree canopy or solar panels in conjunction with trees planted along parking lot driveways and drive aisles for developments with new surface parking areas over one-half acre. These requirements will ensure the mixed-use development is aesthetically pleasing.

The amendments update BDC 3.3.600, Bicycle Parking Standards which applies to all uses that are subject to Site Plan Review or Minimum Development Standards Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. The amendments require a minimum of one u-rack to be located outside of each building and sheltered under an eave, overhang, independent structure, or similar cover and the rack must provide two bicycle parking spaces. This will foster non-motor vehicle access to the site when people know they can park their bike securely once they arrive at their destination.

## ***Commercial Development***

**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:** Any parking areas voluntarily provided by a developer will 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. In addition, the amendments will require developments with more than one-half acre of new surface parking area to provide one of the following, in compliance with OAR 660-012-0405: Parking Regulation Improvements:

1. Tree canopy that will cover at least 40 percent of the new surface parking lot area at maturity but no more than 15 years after planting.
2. Installation of solar panels in conjunction with trees planted along parking lot driveways and drive aisles. The solar panels must have a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property.

Also, in compliance with OAR 660-012-0405(4)(e) all new landscaping will be required to be installed in accordance with the provisions of the American National Standards Institute ANSI A300 (Latest Edition) for soil preparation, ground cover material, staking, and irrigation.

During the Planning Commission hearing on November 13, 2023, the Commission discussed BDC 2.2.500.D, Building Orientation Standards for commercial districts and was interested in allowing entrances to face areas other than a public street or side yard. During the Council hearing, Council reviewed and supported the following amendment (in bold) to BDC 2.2.500.D:

### **2.2.500 Site Layout and Building Orientation.**

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**D. Building Orientation Standards.** Developments within all Commercial Districts shall must be oriented to a street where practical. The building orientation standard is met when all of the following standards are met in compliance with at least one of the following:

1. Buildings shall must have an entrance(s) visible or oriented to (facing) a street. Building entrances may include entrances to individual units, or lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).
2. Alternatively, a A building may have an entrance facing a side yard, pedestrian plaza, or breezeway/courtyard when a convenient and direct pedestrian walkway facility is provided between the building entrance and the street right-of-way.
2. 3. Exceptions to the Building Orientation Standards. Developments in conformance with subsection (C)(2) of this section as illustrated in Figure 2.2.500.A, "Shopping Street" layout, do not need to comply with the building orientation standards.

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

**FINDING:** On February 1, 2023, the City Council adopted Ordinance 2462 eliminating parking minimums citywide in compliance with OAR 660-012-0420: Exemptions for Communities without Parking Mandates. Although there are no parking minimums, the BDC does include parking maximums. The proposed amendments to the parking maximums comply with OAR 660-012-0415: Parking Maximums and Evaluations for More Populous Communities; however, they will be required citywide. In addition, the proposed amendments will require buildings with more than 65,000 square feet of floor area to have no more surface parking area than the floor area of the buildings on site. The amendments to the parking maximums will continue to help prevent excessively large and wasteful parking lots. When those spots are under-utilized, CFEC Parking Code Update

December 6, 2023

Page 12 of 21

consumers, developers, and local governments are paying unnecessary charges.<sup>1</sup> Although the amendments include parking maximums, a business can still provide on-site parking to meet their needs to the maximum allowed under the code.

Also, if a developer provides more than 50 parking spaces on-site, the amendments will require at least one designated parking space for carpools and/or vanpools in compliance with OAR 660-012-0405(1)(a). When carpool or vanpool spaces are provided, it encourages drivers to share a ride which reduces the number of single-occupancy vehicles arriving at a location and decreases the need for additional parking spaces.

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

**FINDING:** The amendments implement the requirements of OAR 660-012-405: Parking Regulation Improvements by requiring pedestrian ways to connect all parking areas including accessible parking spaces, transit stops, existing or planned pedestrian facilities in the abutting rights-of-way, storage areas, recreational facilities, common areas (as applicable), and abutting development to the building's entrances and exits. These amendments will encourage a more walkable development pattern in commercial developments.

Parking maximums help prevent excessively large and wasteful parking lots while allowing developers to provide on-site parking to meet their needs to the maximum allowed under the code.

Therefore, the amendments satisfy Chapter 6, Economy.

## **Chapter 7: Transportation Systems**

### **Goals**

***Increase System Capacity, Quality, and Connectivity for All Users (e.g., drivers, walkers, bicyclists, transit riders, mobility device users, commercial vehicles, and other forms of transportation):***

- Increase route choices and connections for all users.
- Bicycle facilities: increase total miles of bike routes/facilities.
- Increase the number of people who walk, ride a bike, and/or take transit.

**FINDING:** The amendments increase connectivity by requiring pedestrian ways to connect all parking areas including accessible parking spaces, transit stops, existing or planned pedestrian facilities in the abutting rights-of-way, storage areas, recreational facilities, common areas (as applicable), and abutting development to the building's entrances and exits. In addition, the parking maximum amendments for multi-unit developments will help keep neighborhoods

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<sup>1</sup> Marsden, *supra* note 7, at 17-18.

walkable, by avoiding overly large parking areas.

The amendments also require a minimum of one u-rack to be located outside of each building and sheltered under an eave, overhang, independent structure, or similar cover and the rack must provide two bicycle parking spaces. This will encourage people to ride when they know they can park their bike securely once they arrive at their designation.

***Steward the Environment:***

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

**FINDING:** The Governor's Executive Order and resulting Administrative Rules direct cities to reduce and regulate greenhouse gas emissions and mitigate the impacts of climate change while also centering the needs of Oregon's most vulnerable communities. The proposed amendments implement these rules which require, among other things, that cities over a certain size, including Bend, make a number of changes to parking codes, both in how parking is regulated and how much parking can be required.

The amendments help minimize the impacts on the environment by requiring developers with new surface parking areas over one-half acre to either provide a tree canopy that will cover at least 40 percent of the new surface parking area or by installing solar panels in conjunction with trees planted along parking lot driveways and drive aisles. In addition, adjusting the existing parking maximum standards can further reduce the physical size of lots thereby promoting more compact developments while reducing stormwater run-off and greenhouse gas emissions.

***Parking***

The proposed amendments include the following revision to Comprehensive Plan Policy 7-42:

**7-42 Parking and Curbside Management.**

- A. The City will monitor and update parking requirements to allow for adjustments based on changes in behavior and parking demand over time. The City will monitor parking demand and make adjustments to parking regulations and curb management strategy based on changes in utilization observed.
- B. The City supports the conversion of existing underused off-street parking to other uses.
- C. The City supports the conversion of existing underused on-street parking areas to other uses including but not limited to small-wheeled vehicle parking (e.g., bikes, e-bikes, e-scooters, etc.).

**FINDING:** The City recognizes the value of the curbsides and supports flexible use of the space where appropriate that could include safe bicycling infrastructure, the use of the curb for deliveries and passenger pick-ups, and managed parking. The BDC currently allows off-street parking areas to be converted into other uses since there are no parking minimums required.

In addition, Policy 7-42 is being amended as shown to implement OAR 660-012-0405(2).

### ***Environmental***

**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:** The amendments will help ensure that parking lots are sized appropriately to meet a development's need (up to the allowed maximum spaces) and mitigate negative effects of larger parking lots by requiring developments with more than one-half acre of new surface parking lot area to provide one of the following:

1. Tree canopy that will cover at least 40 percent of the new surface parking lot area at maturity but no more than 15 years after planting.
2. Installation of solar panels in conjunction with trees planted along parking lot driveways and drive aisles. The solar panels must have a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property.

Therefore, the amendments satisfy Chapter 7, Transportation.

Based on the findings stated above, the City Council 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:** The CFEC rules applicable to these proposed amendments set out to reduce pollution from transportation and provide more safe, comfortable ways to get around to meet people's daily needs. Excess parking, often created as a result of minimum parking requirements, can have a negative impact on walkability and general community character, and can lead to increased air and water pollution, and climate pollution. The amendments require better pedestrian connectivity within parking lots and require large surface parking areas over one-half acre to provide either a tree canopy that will cover at least 40 percent of the new surface parking area or by installing solar panels in conjunction with trees planted along parking lot driveways and drive aisles. This will help reduce the negative impacts associated with parking areas which is a public benefit.

The amendments also update the bicycle parking requirements in compliance with OAR 660-012-0630: Bicycle Parking. This will encourage people to ride when they know they can park their bike securely once they arrive at their designation which is a public benefit.

Therefore, the amendments provide a public 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 Comprehensive Plan and 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 Comprehensive Plan and BDC available to the public on the City's website.

#### **4.6.600 Transportation Planning Rule Compliance.**

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

**FINDING:** The proposed amendments include a revision to one Comprehensive Plan policy and several chapters of the BDC, which is a functional component of the Bend Comprehensive Plan. 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. The intent of these amendments is to reduce vehicle trips and incentivize non-automobile travel. 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 OAR 660-012-0060.

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

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