

## ORDINANCE NO. NS-2519

### AN ORDINANCE OF THE CITY COUNCIL AMENDING BEND DEVELOPMENT CODE (BDC) TABLE 2.2.300, PERMITTED AND CONDITIONAL USES, TO PROHIBIT NEW AUTO-DEPENDENT USES IN THE CONVENIENCE COMMERCIAL ZONING DISTRICT.

#### Recitals

- A. The 2023-2025 Bend City Council Goals include a Climate and Environment Goal. One of the strategies supporting the Goal includes developing new policies to support sustainable development including policies that are responsive to community concerns, such as auto dependent uses in commercial zones.
- B. On September 4, 2024, the Bend City Council held a work session to discuss legislative amendments to BDC Table 2.2.300 and BDC section 3.6.500. Council directed staff to pursue the legislative BDC amendments.
- C. The City's application for the amendments was processed in accordance with 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 BDC.
- D. On September 26, 2024, the City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development.
- E. On September 26, 2024, public notice of the first evidentiary hearing and a Ballot Measure 56 notice was mailed to all affected property owners of record and to all Neighborhood District representatives, in accordance with the requirements of BDC 4.1.515 and ORS 227.186.
- F. On September 26, 2024, public notice of the first evidentiary hearing was mailed to all Neighborhood District representatives.
- G. On October 6, 2024, a legal notice was published in the Bend Bulletin, describing the nature of the application under review and how to participate in the public review process.
- H. On October 14, 2024, the City Planning Commission held a work session to discuss the legislative amendments to BDC Table 2.2.300 and BDC 3.6.500.
- I. On October 28, 2024, the Planning Commission held a hybrid public hearing on the proposed BDC text amendments. The Planning Commission received public testimony, deliberated on the matter, and voted 3-1 to recommend that the City Council approve the proposed BDC text amendments.

- J. Public notice of the second evidentiary hearing was provided in accordance with the requirements of BDC 4.1.515. On November 1, 2024 the notice was mailed to all affected property owners of record and to all the Neighborhood District representatives, and to parties to the record. On November 10, 2024, a legal notice was published in the Bend Bulletin, describing the nature of the application under review and how to participate in the public review process.
- K. On December 4, 2024, the Bend City Council held a hybrid public hearing to accept evidence, receive public testimony, and consider the Planning Commission's recommendations. The City Council found that the amendments to Bend Development Code (BDC) Table 2.2.300, Permitted and Conditional Uses, to prohibit new auto-dependent uses in the Convenience Commercial zoning district reflected in Exhibit A, satisfy the criteria for approval contained in Section 4.6.200 of the BDC and voted to approve the text amendments to the BDC Table 2.2.300.
- L. During the December 4, 2024 public hearing, the City Council also considered a proposed motion to amend BDC 3.6.500, Short-Term Rentals, to subject properties in the Neighborhood Commercial Zoning District to the same short-term rental regulations as those in the underlying residential Comprehensive Plan designation. Based on public comments received in opposition to the proposed amendments to BDC 3.6.500, the City Council did not approve the amendments and passed a motion to table the proposed motion until 2025.

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

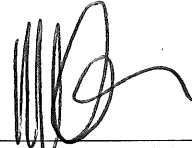
- Section 1.** The Bend Development Code is amended as depicted in attached Exhibit A.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.
- Section 3.** If any provision, section, phrase, or word of this ordinance or its application 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.
- Section 4.** All other provisions of the Bend Development Code remain unchanged by this ordinance and remain in effect.

First Reading Date: December 4, 2024

Second Reading and adoption by roll call vote: December 18, 2024.

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

NO: None

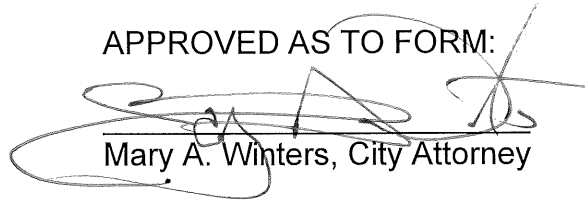


Melanie Kebler, Mayor

ATTEST:

  
Morgen Fry, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney

EXHIBIT A

DRAFT

Bend Development Code Update

Draft: October 18, 2024

Revised Draft: December 4, 2024

Prepared by: City of Bend Planning Division

File #: PLTEXT20240514

Note:

Text in underlined typeface is proposed to be added

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

Text in red underlined typeface is proposed to be added

Text in ~~red striketrough~~ typeface is proposed to be deleted

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

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

Chapter 2.2

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

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2.2.300 Permitted and Conditional Uses.

The land uses listed in Table 2.2.300 are allowed in the Commercial Districts, subject to the provisions of this code. Uses that are listed in Table 2.2.300 and land uses that are similar are permitted or conditionally allowed.

The land uses identified with a "C" in Table 2.2.300 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4.

*(All other uses in the Table remain the same)*

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Table 2.2.300 – Permitted and Conditional Uses

Land Use	CB	*CC	CL	CG
Commercial				

**Retail Sales and Service (automobile dependent)	N	C-N	P	P
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\*Special standards for certain uses subject to BDC Chapter 3.6.

\*\* Existing ~~r~~Retail sales and service (automobile dependent) uses in the CC Zone that are not in conformance with the provisions in this section but that were lawfully established or approved in their current or approved location prior to the adoption of this code through Ordinance No. \_\_\_\_\_ effective (insert effective date of adopting ordinance) must be treated as permitted uses.

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**EXHIBIT B**  
**CITY OF BEND**  
**PLANNING COMMISSION FINDINGS**



**COMMUNITY  
DEVELOPMENT**

**PROJECT NUMBER:** PLTEXT20240514 (Type IV Legislative amendment process with Planning Commission recommendation to City Council)

**HEARING DATE:** October 28, 2024 at 5:30 p.m.  
City of Bend Council Chambers (hybrid)  
710 NW Wall Street, Bend, OR 97703

**REPORT DATE:** October 21, 2024

**APPLICANT:** City of Bend  
710 NW Wall Street  
Bend, OR 97703

**LOCATION:** Citywide

**REQUEST:** Legislative amendments to Bend Development Code (BDC) Table 2.2.300, Permitted and Conditional Uses, to prohibit new auto-dependent uses in the Convenience Commercial (CC) zoning district, and to BDC 3.6.500, Short-Term Rentals, to subject properties within the Neighborhood Commercial (CN) zoning district to the same Short-Term Rental (STR) review type, concentration limit, and number of STRs allowed per property as the underlying Residential Land Use Designation (Type IV Legislative (BDC) Planning Commission recommendation to City Council)

**STAFF:** Beth LaFleur, AICP, Senior Planner  
(541) 330-4019; [elafleur@bendoregon.gov](mailto:elafleur@bendoregon.gov)

**I. APPLICABLE CRITERIA AND PROCEDURES:**

**Bend Development Code (BDC)**

**Approval Criteria**

Chapter 4.6, Land Use District Map and Text Amendments  
Section 4.6.200(B), Criteria for Legislative Amendments

**Procedures**

Bend Code Chapter 10, City of Bend Development Code  
Chapter 4.1, Development Review and Procedures

## **Bend Comprehensive Plan Policies**

Chapter 1, Plan Management and Citizen Involvement  
Chapter 5, Housing  
Chapter 6, Economy

### **II. PROCEDURAL FINDINGS:**

- 1. PLANNING COMMISSION REVIEW:** The matter before the Planning Commission is the review of proposed text amendments to BDC Table 2.2.300, Permitted and Conditional Uses, to prohibit new auto-dependent uses in the Convenience Commercial (CC) zoning district, and to BDC 3.6.500, Short-Term Rentals, to subject properties within the Neighborhood Commercial (CN) zoning district to the same Short-Term Rental (STR) review type, concentration limit, and number of STRs allowed per property as the underlying Residential Land Use Designation. The recommended amendments to BDC Table 2.2.300 and BDC 3.6.500 are reflected in Exhibit A, attached.
- 2. PUBLIC NOTICE AND COMMENTS:** On September 26, 2024, the Planning Division mailed notice of the Planning Commission public hearing to all affected property owners of record, as well as the representative for each of the City of Bend Neighborhood Districts. Staff emailed the proposed amendments to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on September 26, 2024. Public comments can be viewed in the [Online Permit Center Portal](#) on the City of Bend website. Open the Portal and select the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20240514 in the search bar to find the project.  
  
The required notice to the Department of Land Conservation and Development (DLCD) was provided on September 16, 2024, more than the required 35 days prior to the first public hearing. As of October 20, 2024, six public comment letters have been received by the Planning Division, all of which are in support of prohibiting auto-dependent uses in the CC zone. No public comments have been submitted regarding the proposed amendment to BDC 3.6.500, Short Term Rentals.
- 3. BACKGROUND:** In accordance with direction from the Bend City Council given during a City Council work session held on September 4, 2024, the City of Bend is proposing legislative amendments to Bend Development Code (BDC) Table 2.2.300, Permitted and Conditional Uses, to remove new auto-dependent uses from the Convenience Commercial (CC) zoning district, and to BDC 3.6.500, Short-Term Rentals, to subject properties within the Neighborhood Commercial (CN) zoning district to the same Short-Term Rental (STR) review type, concentration limit, and number of STRs allowed per property as the underlying Residential Land Use Designation.

### **III. APPLICATION OF APPROVAL CRITERIA:**

#### ***BDC Chapter 4.6, Land Use District Map and Text Amendments***

#### ***BDC 4.6.200 Legislative Amendments***

*Convenience Commercial/Neighborhood Commercial BDC Text Amendments*

*PLTEXT20240514*

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**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 BDC Chapter 4.1, Development Review and Procedures, and shall conform to BDC 4.6.600, Transportation Planning Rule Compliance. A legislative amendment may be approved or denied.*

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

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

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

**FINDING:** The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1, Citizen Involvement, Goal 2, Land Use Planning, Goal 9, Economic Development, Goal 10, Housing, Goal 12, Transportation, and Goal 14, Urbanization.

### **Goal 1, Citizen Involvement**

***To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

**FINDING:** 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. Notice of the BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on September 16, 2024. A notice of the October 28, 2024, Planning Commission public hearing was printed in the Bend Bulletin on October 6, 2024, and was mailed and emailed to the Neighborhood Districts on September 26, 2024. Staff emailed the proposed amendments to the Bend Development Code Update Group and the Neighborhood District Land Use Chairs on September 26, 2024.

On October 14, 2024, the Planning Commission held a work session and reviewed the proposed amendments. On October 28, 2024, the Planning Commission will hold a public hearing and recommend approval or denial of the amendments to the City Council. The City Council is anticipated to hold a public hearing on the proposed amendments on December 4, 2024. Therefore, compliance with Goal 1 has been met.

### **Goal 2, Land Use Planning**



***To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**FINDING:** 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.

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 considered by the Planning Commission and City Council after a public hearing before each body. Opportunities were provided for review and comment by community members and affected governmental units during the preparation of the amendments.

Goal 2 states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

The FY 2023-2025 Council Goals include an Environment and Climate goal. This goal includes a strategy to "Advance the Community Climate Action Plan (CCAP) and encourage sustainable development." Additionally, the goal includes an action item to "development new policies to support sustainable development including policies that are responsive to community concerns, such as the Tree Code, auto dependent uses in commercial zones and natural gas policy." The proposed amendments are to the BDC, which implements the goals and policies of the Comprehensive Plan. 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. As described below, the proposed amendments are in compliance with the applicable Comprehensive Plan Goals and Policies. Therefore, there is a policy framework upon which to base the BDC amendments.

On September 4, 2024, the Council held a work session during which Councilors and the Mayor discussed amending the CC zone and the treatment of Short-Term Rentals on CN zoned properties, and reviewed maps showing the CC and CN zone locations throughout the City. Following the discussion, the Council directed staff to proceed with the proposed legislative amendments. Therefore, compliance with Goal 2 is met.

### **Goal 3, Agricultural Lands**

***To preserve and maintain agricultural lands.***

### **Goal 4, Forest Lands**

***To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and***

***fish and wildlife resources and to provide for recreational opportunities and agriculture.***

**FINDING:** There are no designated agricultural or forest lands within City limits or Urban Growth Boundary. Therefore, Goals 3 and 4 do not apply.

#### **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**

***To protect natural resources and conserve scenic and historic areas and open spaces.***

**FINDING:** There are no natural resources, scenic or historic areas or open spaces which are materially affected by the proposed amendments. Therefore, Goal 5 does not apply.

#### **Goal 6, Air, Water and Land Resources Quality**

***To maintain and improve the quality of the air, water and land resources of the state.***

**FINDING:** The proposed amendments do not affect water and land resources quality. Air quality may be affected in that removing the opportunity for new auto-dependent uses in the CC zone may reduce the opportunity for negative air quality impacts caused by vehicle emissions. Therefore, compliance with Goal 6 is maintained.

#### **Goal 7, Areas Subject to Natural Hazards**

***To protect people and property from natural hazards.***

**FINDING:** The proposed amendments do not impact areas subject to natural hazards. Therefore, Goal 7 does not apply.

#### **Goal 8, Recreational Needs**

***To satisfy the recreational needs of citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts..***

**FINDING:** 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. The proposed amendments do not impact the recreational needs of citizens of the state or visitors and have no effect on the availability of or access to recreational opportunities. Therefore, Goal 8 does not apply.

#### **Goal 9, Economic Development**

***To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

**FINDING:** 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. although the CC zone changes will prohibit one use from locating in the CC Zone, many other allowed and conditional uses will remain allowed, and retain the CC zone as a viable commercial district. The proposed amendments do not change the zoning of properties or otherwise convert commercial uses to residential uses. The amendments have no effect on land supply for economic development or employment growth. Therefore, compliance with Goal 9 is maintained.

## **Goal 10, Housing**

***To provide for the housing needs of the citizens of the state.***

**FINDING:** Goal 10, Housing, requires that communities 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. The amendments pertaining to the CC Zone do not reduce the development potential of Bend's housing land inventories. The amendments pertaining to the CN Zone district may increase the opportunities for long term housing by requiring new STR applications be reviewed subject to the underlying Residential Zone. This will require CN properties to be subject to the 500-foot concentration limit, and, if a CN-zoned property can meet the concentration limit and is eligible to apply for an STR permit, only one STR unit will be allowed per property. Given the current propensity of existing STRs in the vicinity of the five CN-zoned property locations, it is unlikely that any of the properties that do not have a current STR permit will meet the 500-foot concentration limit. These outcomes encourage long term housing options in the CN Zone, thereby providing for housing needs in the Bend community. Therefore, compliance with Goal 10 is maintained.

## **Goal 11, Public Facilities and Services**

***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.***

**FINDING:** 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**

***To provide and encourage a safe, convenient and economic transportation system.***

**FINDING:** 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. However, the amendments may reduce the number of vehicle miles travelled by limiting new auto-dependent uses to commercial zones other than CC-zoned lands, which

are intended to serve the immediately surrounding neighborhoods. The amendments may provide the opportunity for neighborhood-serving commercial uses to be more viable and encourage walking and biking opportunities rather than automobile use. Additionally, because long-term residential use and short-term residential use remain unchanged as permitted uses in the CN zone, the amendments do not cause a “significant effect” under ORS 660-012-0060. Therefore, compliance with Goal 12 is maintained.

### **Goal 13, Energy Conservation**

***Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.***

**FINDING:** Goal 13, Energy Conservation is not applicable because the City’s acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

### **Goal 14, Urbanization**

***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.***

**FINDING:** 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, lower-than-targeted densities, or uncoordinated development. prohibiting new auto-dependent uses in the CC Zone will assist in reducing vehicle miles travelled to such services and encourage compact development and walkable communities. 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**

### **Goal 19, Ocean Resources**

**FINDING:** Goals 15 through 19 are not applicable to the proposed amendments because the subject properties do not include any of the noted features and are not located within the coastal or Willamette Valley regions.

## ***2. The request is consistent with the applicable Bend Comprehensive Plan goals and policies;***

**FINDING:** The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

**Chapter 1, Plan Management and Citizen Involvement  
Goals:**

- **Create and Preserve Great Neighborhoods.** *Bend has a variety of great neighborhoods that promote a sense of community and are well-designed, safe, walkable, and include local schools and parks. Small neighborhood centers provide local shops, a mix of housing types, and community gathering places. The character of historic neighborhoods is protected and infill development is compatible.*

**FINDING:** The amendments to BDC Table 2.2.300 to remove new auto-dependent uses from the CC Zone would offer greater opportunities for certain properties to develop neighborhood-scale commercial uses, rather than uses which depend on vehicles travelling to the location. Reducing the number of auto-dependent uses in the CC Zone will encourage well-designed, safe, and walkable development. This will ensure infill is compatible with permitted CC-zoned uses, which are those intended to serve surrounding residential neighborhoods. Subjecting CN-zoned properties to the development standards of the underlying residential zoning district will help to ensure new STRs are limited within the long-term residential neighborhoods, which will preserve their communal continuity.

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

**FINDING:** Subjecting CN-zoned properties to the same STR application review type and standards as that of the underlying zone will provide the opportunity for long-term residential housing and reduce the opportunity for those properties to redevelop with an unlimited number of STR units. This will preserve the access to a variety of housing options for Bend residents, especially long-term housing options.

- **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:** The Council represents the City citizens and is responsive to evolving economic, housing, and livability trends and development patterns. The Council is empowered to make policy and provide direction to City staff to make changes to the BDC in response to policy directives. The amendments are proposed in response to Council goals and community input, which allows for an “evolving vision” for the City of Bend. Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on September 16, 2024. The City of Bend sent a Ballot Measure 56 notice to all affected properties of CC and CN-zoned properties and to the representatives of Bend Neighborhood Districts on September 26, 2024. Staff emailed the proposed amendments to the Bend Development Code Update Group on September 26, 2024. The

Bend Development Code Update group includes community members comprised of architects, lawyers, developers, land use planners and engineers, staff from COBA, Oregon LandWatch, the Bend Park and Recreation District, members of the Neighborhood Leadership Association, and the Land Use Chairs of Bend Neighborhood Associations. On October 14, 2024, the Planning Commission held a work session and reviewed the proposed amendments. A notice of the October 28, 2024 Planning Commission public hearing for the proposed amendments was also published in the Bend Bulletin on October 6, 2024. On October 28, 2024, the Planning Commission held a public hearing and made a recommendation regarding the amendments to the City Council.

- **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 proposed Development Code amendments implement the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

**Policies:**

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

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

**FINDING:** The CC zoning districts are adjacent to and connected to the residential districts they are intended to serve. The prohibition of new auto-dependent uses in the CC Zone use table (BDC Table 2.2.300) will promote compact development by reducing the number of auto-dependent services located adjacent to residential neighborhoods. This amendment to Table 2.2.300 will also encourage the development of businesses which do not depend on vehicles to drive to the site, or which require vehicles to be commercially viable. Encouraging commercial nodes with uses which do not depend upon vehicles will reduce the number of trips and vehicle miles travelled, and will facilitate non-automobile uses by providing more locations for commercial uses and services within proximity to adjacent residential neighborhoods.

**Citizen Involvement**

**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:** As described above, notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on September 16, 2024. The City of Bend sent a Ballot Measure 56 notice to all affected properties of CC and CN zoned properties and to the representatives of Bend Neighborhood Districts on September 26, 2024. Staff emailed the proposed amendments to the Bend Development Code Update Group on September 26, 2024. The Bend Development Code Update group includes community members comprised of architects, lawyers, developers, land use planners and

engineers, staff from COBA, Oregon LandWatch, the Bend Park and Recreation District, members of the Neighborhood Leadership Association, and the Land Use Chairs of Bend Neighborhood Associations. On October 14, 2024, the Planning Commission held a work session and reviewed the proposed amendments. A notice of the October 28, 2024 Planning Commission public hearing for the proposed amendments was also published in the Bend Bulletin on October 6, 2024. On October 28, 2024, the Planning Commission held a public hearing and made a recommendation regarding the amendments to the City Council.

## **Chapter 5, Housing**

### **Goals:**

- ***Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.***
- ***Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.***

**FINDING:** The proposed amendments will increase the potential for non-auto dependent uses and business to locate within the CC zone, either as additional commercial development or mixed-use development. This could offer a greater variety of living styles and choices, within the CC zone, and provide opportunities for needed housing. Similarly, subjecting CN-zoned properties to the STR review type and standards to that of the underlying residential zone will limit the number of new STR units on those properties. Reducing opportunity for STRs will help preserve a sense of community in neighborhoods within the CN Zone by reserving housing units for long-term residential use. The opportunities for providing long-term and needed housing will be promoted and preserved.

### **Policies:**

#### **Residential Compatibility**

**5-22** ***Private and public nonresidential uses are necessary and will be encouraged within residential areas for the convenience and safety of the residents. Such facilities shall be compatible with surrounding developments, and their appearance should enhance the area.***

**5-23** ***Of necessity, nonresidential uses may abut residentially planned and zoned areas in different parts of the community. In these instances, nonresidential uses will be subjected to special development standards such as setbacks, landscaping, sign regulations, and building design that harmonize and provide transitions consistent with the primary purposes of the adjacent zones***

**FINDING:** Auto-dependent uses are nonresidential uses. BDC 1.2, Definitions, defines auto-dependent uses as "...automobiles and/or other motor vehicles are served by the use and the use would not exist without them, such as vehicle repair, gas station, car wash or auto and truck sales." Though these are subject to special development standards, auto-dependent uses are not necessarily compatible with surrounding residential areas in the CC Zone. Even with special development standards, they do not harmonize with, and do

not provide transitions that are consistent with, the primary residential purpose of adjacent residential zones. While auto-dependent uses can serve the immediately surrounding area, they are also intended to serve a broader area, and are not only for the convenience and safety of the neighborhood nearby. Prohibiting new auto-dependent uses in the CC zone will be consistent with these policies.

**5-31      *Residential areas will offer a wide variety of housing types in locations best suited to a range of housing types, needs and preferences.***

**FINDING:** Subjecting CN zoned properties to the STR review and standards of that of the underlying residential zone, rather than that of a commercial zone designation, will be consistent with this policy. Reducing the opportunity for new STRs in the CN zone will allow the surrounding residential area to offer a wide variety of housing types, most importantly long-term housing. More specifically, amendments which impact CN-zoned properties support the long-term availability of housing and long-term rental stock, which is in short supply in Bend.

## **Chapter 6, Economy**

### **Goals:**

- ***Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.***

**FINDING:** The CC zone is intended to serve adjacent areas, be connected to the residential districts it serves, and provide shopping and service resources to nearby residents. Prohibiting new auto-dependent uses in the CC zone will allow for increased development and redevelopment opportunities that are not auto-dependent, and which may support multimodal access and enhance overall livability. Subjecting CN-zoned properties to the STR review and standards as the underlying residential zone will allow for these residential neighborhoods to remain residential in terms of characteristics and livability, rather than potentially redeveloped with an unlimited number of STR units on each CN zoned property. Reducing the number STR units, and encouraging long term rentals, may help provide additional housing, which is a vital component to a sustainable economy in Bend. Additional housing at all income levels and at different stages in life means workers and residents are more stable and invested in their community.

### **Policies:**

#### **General Policies**

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

**FINDING:** The proposed amendments are in response to community feedback and fulfillment of Council goals. The Council has provided direction to prohibit new auto-dependent uses in the CC zone. There are approximately 87 acres of CC zoned land within the City limits and Urban Growth Boundary. Approximately 50 of these acres are developed. In other Commercial zoning districts, auto-dependent uses are allowed, subject



to special development standards. New auto-dependent uses in the CC zone are not consistent with the various Comprehensive Plan goals and policies as described above.

### **Commercial Development**

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

**FINDING:** The Neighborhood Commercial (CN) zone is a legacy zone designation. The underlying Comprehensive Plan designation of these properties is Medium Density (RM) Residential. This policy, 6-34, may be referencing “Neighborhood Commercial centers” generally, though if it is intended for the five CN zoned properties, subjecting these properties to the STR review type and standards of the underlying zone will provide the opportunity to encourage small scale commercial uses, to serve the frequent needs of the residents of the neighborhood. Development of STR units does not achieve this. Limiting STR units on CN-zoned properties will, in effect, encourage the development of small-scale commercial uses such as coffee shops, small scale grocery and retail stores, child care, and professional offices. Comprehensive Plan Table 6-1, Employment and Mixed-Use Plan Districts, describes the characteristics of the CC zone as: *“The Convenience Commercial designation is intended for relatively small commercial areas adjacent and connected to the residential districts they serve. It is intended to provide for primarily commercial uses to meet the frequent shopping and service needs of nearby residents. Areas with this designation have lower employment densities and building scales than the Central Business District, but require high-quality pedestrian, bicycle, and multi-modal transportation systems.”* If Commercial Development policy 6-34 is intended to refer to the designation of CC-zoned properties, and associated permitted uses and development standards, then prohibiting auto-dependent uses in the CC zone is in alignment with this policy. This will allow for the opportunity for commercial service and retail uses to serve the needs of nearby residents and remove the opportunity for new uses that depend on vehicles.

### **3. The applicant can demonstrate a public need or benefit for the proposed amendment.**

**FINDING:** The proposed amendments are in response to community feedback and fulfillment of Council goals. The proposed, Council-directed amendments are BDC Table 2.2.300, Permitted and Conditional Uses, to prohibit new auto-dependent uses in the Convenience Commercial (CC) zoning district, and to BDC 3.6.500, Short-Term Rentals, so that any new proposals for STRs in the Neighborhood Commercial (CN) zoning district will need to comply with STR review type and standards required in the underlying Residential Land Use Designation. The Comprehensive Plan, Table 6-1, Employment and Mixed-Use Plan Districts, describes the characteristics of the CC zone as: *“The Convenience Commercial designation is intended for relatively small commercial areas adjacent and connected to the residential districts they serve. It is intended to provide for primarily commercial uses to meet the frequent shopping and service needs of nearby residents. Areas with this designation have lower employment densities and building scales than the Central Business District, but require high-quality pedestrian, bicycle, and multi-modal transportation systems.”* Auto-dependent uses are not in alignment of the stated characteristics of the CC zone. Prohibiting these uses will better provide the opportunity for

development of commercial uses intended to meet the frequent shopping and service needs of nearby residents and not those from afar. Reducing vehicle trips to locations within the CC zone and demand for auto-dependent uses will also provide opportunity for pedestrian, bicycle, and multi-modal transportation systems, both of which provide a public benefit. The proposed amendment to subject CN-zoned properties to the same STR review type and standards as the underlying Residential zone demonstrates fulfilling a public need as doing so will help preserve residential units in the five CN-zoned properties for Bend's much needed long-term housing supply.

***BDC 4.6.500 Record of Amendments.***

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

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

***BDC 4.6.600 Transportation Planning Rule Compliance.***

***When a development application includes a proposed Comprehensive Plan amendment or annexation, 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 revisions to the Bend Development Code (BDC), which is a functional component of the Bend Comprehensive Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. The prohibition of auto-dependent uses in the CC zone and, by permitting STRs in the CN zone to the standards of the underlying residential zone, will not result in the generation of additional trips and instead, could result in a decrease in generation of vehicle trips in the vicinity. 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.

**IV. CONCLUSION:** Based on the findings in this report, the proposed amendments to the Bend Development Code meet all applicable criteria for City Council adoption.