

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

Planning Division

Note:

Text in underlined typeface is proposed to be added

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

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

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

\*\*\*

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

\*\*\*

**2.3.200 Permitted and Conditional Uses.**

\*\*\*

**Table 2.3.200**

**Permitted and Conditional Uses**

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

\*\*\*

**Chapter 4.1  
DEVELOPMENT REVIEW AND PROCEDURES**

\*\*\*

**4.1.215 Public Meeting.**

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

1. A map depicting the location of the subject property proposed for development.
2. A visual description of the project including a site plan, tentative subdivision plan and elevation drawings of any structures if applicable.
3. A description of the nature of the use including, but not limited to, sizes and heights of structures, proposed lot sizes, density, etc.
4. The expected or anticipated impacts from the development.
5. Any mitigation proposed by the applicant to alleviate the expected/anticipated impacts.
6. An opportunity for the public to provide comments. Applicants are encouraged to reconcile as many public concerns as possible prior to submittal of their application.

B. Public Meeting Notification. If any part of a proposed new development as referenced in subsection (A) of this section is to be constructed within the boundaries of a recognized neighborhood association of the City of Bend, the applicant shall must notify the designated representative ~~of such association~~ land use chair of the presentation. It shall be is the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected neighborhood of the date, time and location of the meeting/presentation. It shall be is the applicant's responsibility to provide the information listed in subsections (B)(1)(a) through (c) of this section to the designated representative land use chair of the neighborhood association. Such meeting shall must be held no less than 15 days and no more than 45 days from the date that the applicant notifies the designated representative land use chair of the affected neighborhood association. The following provisions shall be are applicable to the applicant's obligation to notify the residents of the area affected by the new development application, whether the proposed development is within the boundaries of a recognized neighborhood association or not:

1. The applicant shall must send mailed notice of the public meeting to all property owners within 500 feet of the boundaries of the subject property, and, if any part of the subject property is within the boundaries of a neighborhood association recognized by the City of Bend or within 500 feet of any other neighborhood association recognized by the City of Bend, notice shall must be sent by Priority Mail with Delivery Confirmation mailed and emailed to the designated representative land use chair(s) of such neighborhood association(s). The property owner list shall must be compiled from the Deschutes County Tax Assessor's property owner list from the most recent property tax assessment roll. The physical and email addresses for the designated representative land use chair(s) of the

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

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

\*\*\*

#### **4.1.420 Mailed Notice of Type II Applications.**

- A. Notice of Type II applications ~~shall~~must be mailed at least 14 days prior to the issuance of a decision to persons entitled to notice under BDC 4.1.423. Such notice ~~shall~~must include all the information specified under BDC 4.1.424 except for the information specified in BDC 4.1.424(A)(7) and (10). Written notice ~~shall~~must be sent by mail to the following persons:
  1. The applicant.
  2. Owners of record of property as shown on the most recent property tax assessment roll of property located:
    - a. Within 250 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary ~~shall~~will increase by 250 feet for every 25-foot increment of structure height above 50 feet.
    - b. The applicant ~~shall~~must bear the cost (i.e., mailing, etc.) of any notice.
  3. The designated ~~representative~~ land use chair(s) of a neighborhood association recognized by the City of Bend, where any property within the notice area specified in subsection (A)(2) of this section is within the boundaries of a recognized neighborhood association.

4. The notice requirements of this section ~~shall~~ will be deemed met when the Planning Division can provide an affidavit or other certification that such notice was given.
5. The Development Services Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection (A)(2)(a) of this section, at his or her sole discretion.

B. Any person may comment in writing on a Type II application within 14 days from the date notice was mailed or a longer period as specified in the notice.

C. Notice of the Development Services Director's Type II decision and the appeal period ~~shall~~must be mailed to all parties to the record.

D. Any party can appeal a Type II decision in accordance with BDC 4.1.1100, Appeals.

#### **4.1.423 Mailed Notice of Type III Applications.**

A. Except as otherwise provided for herein, notice of a Type III application ~~shall~~ must be mailed at least 20 days prior to the evidentiary hearing for those matters set for one evidentiary hearing, or 10 days prior to the first evidentiary hearing where two or more evidentiary hearings are held. Written notice ~~shall~~ must be sent by mail to the following persons:

1. The applicant.
2. Owners of record of property as shown on the most recent property tax assessment roll of property located:
  - a. Within ~~250~~ 500 feet of the property that is the subject of the notice and where any structure being proposed is less than or equal to 50 feet in height. The notice boundary ~~shall~~ must increase by 250 feet for every 25-foot increment of structure height above 50 feet.
  - b. The applicant ~~shall~~ must bear the cost (i.e., mailing, etc.) of any notice.
3. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park.

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

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

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

\*\*\*

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

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

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

\*\*\*

#### **4.1.515 Notice.**

A. Published Notice.

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

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

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

\*\*\*

#### **4.1.1145 Hearing on Appeal**

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

\*\*\*