

Development Code Update
March 4, 2020
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***

DRAFT

Chapter 1.2
DEFINITIONS

Commercial-ready space provides a ground floor that is designed to accommodate commercial uses, with a minimum floor-to-ceiling height and other features that comply with applicable design and building code standards. Commercial-ready space provides the flexibility of occupying a space with residential uses in accordance with market demand and allowing the use in such space to change to commercial uses. See **BDC 2.7.3245**.

Live/work dwelling unit means a structure or portion of a structure that combines a nonresidential use that is allowed in the zone with a residential livable space. A live/work dwelling unit is allowed instead of, or in addition to, a home business as defined by this code.

Plaza means a public square or extra-wide sidewalk (e.g., as on a street corner) that provides space for special events, outdoor seating, sidewalk sales, and similar pedestrian activity (e.g., extra-wide sidewalk, outdoor dining area, or landscape area with seating).

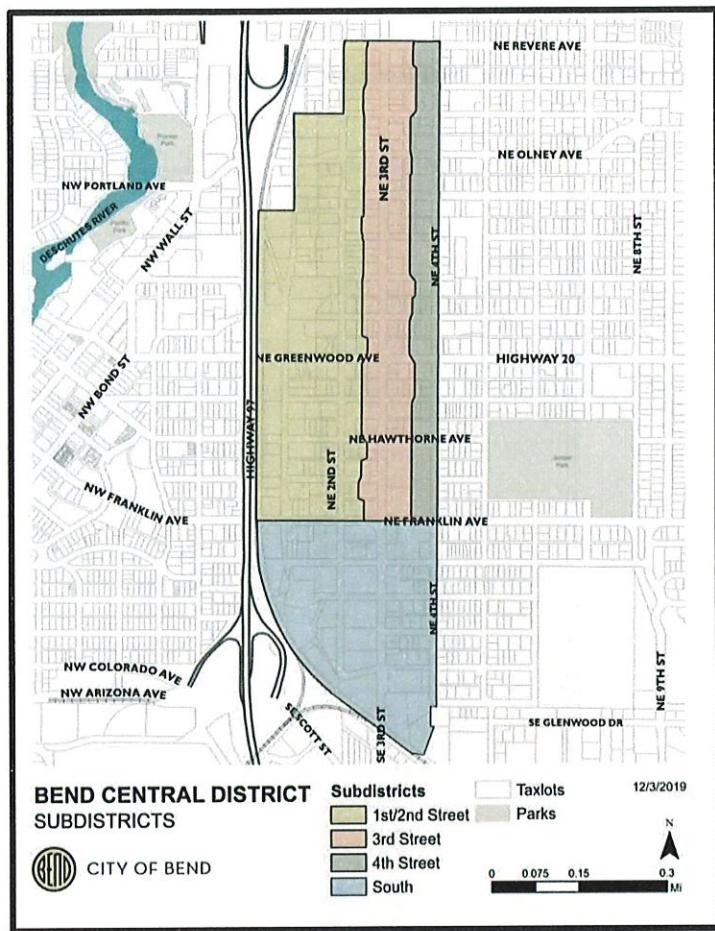
- A. Provide for a wide range of mixed residential, commercial and office uses throughout the area and, depending on the parcel and its surroundings, vertical mixed use (i.e., a mix of uses within the same building), with an emphasis on retail and entertainment uses at the street level. Provide for a wide range of residential, commercial and office uses throughout the BCD that result in a walkable, vibrant, diverse mixed-use district, with an emphasis on commercial uses at street level on designated Main Streets.
- B. Provide a variety of residential development types and greater density of development, with a transition area adjacent to the existing residential neighborhood east of 4th Street.
- C. Provide for development that is supportive of transit by encouraging a pedestrian-friendly environment.
- D. Provide development and design standards that support the goals of the Plan BCD.
- E. Limit development of low-intensity uses while allowing continuation of existing industrial and manufacturing uses.
- F. Provide reduced parking standards and encourage alternative parking arrangements.

~~The Bend Central District has distinctly different characteristics within the Bend Central District boundary. Subdistricts that recognize and support these characteristics are established as follows: The Bend Central District is made up of four subdistricts, as established by Figure 2.7.3205, each with distinctly different characteristics. Subdistricts that recognize and support these characteristics are established as follows:~~

1. 1st/2nd Street Subdistrict. Applies to properties in the vicinity of 1st and 2nd Streets within the BCD and is intended to provide for a mix of office, higher density residential, live/work and small-scale retail uses while also allowing for continuation of existing light industrial/manufacturing uses in the area.
2. 3rd Street Subdistrict. Applies to properties in the vicinity of 3rd Street between Revere and Franklin Streets and is intended to provide a range of mixed-uses including large-scale commercial, retail and limited residential uses.
3. 4th Street Subdistrict. Applies to properties in the vicinity of 4th Street within the BCD and is intended to provide a transition between the more intense central area and existing residential neighborhoods to the east.
4. South Subdistrict. Applies to properties south of Franklin Avenue along and between the railroad 2nd and 4th 3rd Street and is intended to provide a range of mixed-uses including high density multifamily and office space above ground floor retail/service uses.

Figure 2.7.32405 Subdistrict Map

Delete the following figure



2.7.3207 Main Streets.

The BCD establishes Main Streets as shown on Figure 2.7.3207, Main Streets. The purposes of Main Streets are to:

- Provide focal streets for mixed-use and commercial activity;
- Create vibrant pedestrian environments with human scaled commercial character; and
- Encourage the formation of solid blocks of commercial-ready buildings for a walkable mixed-use district.

Figure 2.7.3207 Main Streets

BCD and those of the underlying zone or other portions of the Development Code, the provisions of this district will control.

2.7.3220 Land Uses.

- A. Permitted and Conditional Uses. The land uses listed in Table 2.7.3220 are allowed in BCD subdistricts, subject to the provisions of this chapter. Only land uses that are listed in Table 2.7.3220 and land uses that are approved as "similar" to those in Table 2.7.3220 may be permitted or conditionally allowed. The land uses identified with a "C" in Table 2.7.3220 require Conditional Use Permit approval prior to development, in accordance with BDC Chapter 4.4. Land uses identified with an "L" in Table 2.7.3220 are allowed with limitations in accordance with subsection (D) of this section.
- B. Existing Uses and Structures. Uses and structures that are not in conformance with the provisions in this section but that were lawfully established within the BCD prior to the adoption of this code are considered a permitted use. Expansion or enlargement ~~25 percent or less of the above referenced uses or structures that are nonresidential~~ will be subject to the provisions of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. ~~For expansion or enlargement greater than 25 percent, the conditional use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permits, will also apply. For sites with no existing structures, new structures may only be constructed for uses allowed in Table 2.7.3220.~~ Conditions of prior approvals will continue to apply unless modified in conformance with BDC 4.1.1325, Modification of Approval.
- C. Determination of Similar Land Use. Similar land use determinations ~~shall~~ must be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling.

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Residential				
Single-Family Detached Dwelling	N	N	N	N
*Accessory Dwelling Units (ADUs)	P	P	P	P

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
*Medical Marijuana Dispensary and Marijuana Retailer	L(see subsection (D)(2) of this section)-P	P	L(see subsection (D)(2) of this section)-P	P
*Marijuana Wholesale (more than 75% of sales are wholesale)	P	P	C	C
*Marijuana Testing, Research and Development Facilities	P	P	L(see subsection (D)(3) of this section)-P	P
Restaurants/Food and Beverage Services				
– with drive-through*	N	C	N	N
– without drive-through	P	P	P	P
Offices and Clinics	P	P	L(see subsection (D)(3) of this section)-P	P
Production Businesses (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios)	P	P	L(see subsection	P

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
– enclosed in building (e.g., theater)	L/C (see subsection (D)(6) of this section) P	L/C (see subsection (D)(6) of this section) P	N	L/C (see subsection (D)(6) of this section) P
– not enclosed (e.g., amusement)	C	C	N	C
Wholesale Sales (more than 75% of sales are wholesale)	P	P	C	C
Hospital	C	C	C	C
Public and Institutional				
Government – point of service intended to serve the entire City (e.g., City Hall, main library, main post office, main Department of Motor Vehicles service center)	P	P	P	P
Government – branch service intended to serve a portion of the City	P	P	P	P
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	N	N	N	N
Parks and Open Space	P	P	P	P
Schools	P	P	P	P

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
*Marijuana Grow Sites And Marijuana Producing when Designated as Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see subsection (D) (42) of this section)	N	N	L (see subsection (D) (42) of this section)
*Marijuana Processing of Cannabinoid Concentrates and Cannabinoid Products When Designated as Commercial Limited, Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see subsection (D) (42) of this section)	L (see subsection (D) (42) of this section)	L (see subsection (D) (42) of this section)	L (see subsection (D) (42) of this section)
*Marijuana Processing of Cannabinoid Extracts When Designated as Mixed-Employment, Industrial General or Industrial Light on the Bend Comprehensive Plan	L (see subsection (D) (42) of this section)	N	N	L (see subsection (D) (42) of this section)
Miscellaneous				
Small Scale Alternative Energy Systems (i.e., rooftop wind turbine or solar panels)	P	P	P	P
*Small Hydroelectric Facility	P	P	P	P
Wireless and Broadcast Communication Facilities	See BDC Chapter 3.7			

Key to Permitted Uses

P = Permitted

2.4. Manufacturing, Production and Industrial Services. Uses ~~must not exceed 20,000 square feet in floor area per business on the ground floor~~ and must minimize potential external effects as follows:

- a. All operations must be conducted entirely within an enclosed building.
- b. Potential nuisances such as noise, odor, electrical disturbances and other public health nuisances are subject to BC Chapter 13.45.
- c. Roof-mounted mechanical equipment, such as ventilators and ducts, must be contained within a completely enclosed structure that may include louvers, latticework, or other similar features. This screening requirement does not apply to roof-mounted solar energy systems or wind energy systems. *(Amended by the Planning Commission on January 13, 2020 and by the City Council on February 19, 2020)*

3.5. Warehousing. Warehousing must be accessory/secondary to a primary permitted use (it may not be a single use) and ~~must not exceed 15,000 square feet in floor area per building business on the ground floor.~~ *(Amended by the Planning Commission on January 13, 2020 and by the City Council on February 19, 2020)*

6. Entertainment and Recreation. Entertainment and Recreation uses in all subzones of the BCD that are enclosed in a building shall ~~must not exceed 50,000 square feet per business on the ground floor without a conditional use permit.~~ *(Amended by the Planning Commission on January 13, 2020 and deleted by the City Council on February 19, 2020)*

2.7.3230 Development Standards.

A. The following table provides numerical development standards within the BCD. Additional development standards are contained in subsections (B), (C) and (D) of this section.

~~Building setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures. Setbacks provide opportunity for pedestrian amenities; building separation for fire protection and building maintenance; sunlight and air circulation; noise buffering; and visual separation.~~

1. In all subdistricts, ~~t~~The first five feet of setback abutting 3rd Street (the five feet immediately behind the property line) willmust be a dedicated public access easement and used as additional sidewalk area and ~~will~~ be developed according to the applicable cross-section for the fronting street.
2. Equipment used for small-scale alternative energy production does not count towards maximum building heights. *(Relocated to 2.7.3230C)*

B. In the 1st/2nd Street, 3rd Street and South Subdistricts, buildings may be a maximum of 85 feet in height that:

1. Provide at least 10 percent of any residential units at affordable rates in conformance with BDC 3.6.200(C); or
2. For buildings that do not have a residential component, provide at least 75 percent of required parking within the building footprint of structures. Parking on the ground floor shall have a pedestrian-oriented active facade facing the primary street (see subsection (E)(2) of this section for examples).

C. Rear and Side Yard

1. There is no rear or side yard setback required, except when abutting a Residential Zone that is located outside of the BCD. In such cases, the rear or side yard setback is 10 feet for all portions of the building 35 feet in height or less. Step-backs or other architectural features such as vertical breaks, balconies, bays or stories within gable roofs are required for portions of a building that exceed 35 feet in height or the height limit of the abutting residentially designated district, whichever is greater. *(There are no properties in BCD that directly abut residential areas outside of the BCD.)*
2. When a public alley abuts a side or rear yard of property, the width of the alley can be included in the additional step-back calculation as described in subsection (G)(1) (B)(2)(a) of this section for the purpose of offsetting the impacts of the building height over 35 feet. The alley does not eliminate the required 10-foot building setback if applicable.

D. Multiple Frontage Lots. For buildings on sites with more than one frontage or through lots, the maximum front setbacks in Table 2.7.3230 apply as follows:

1. For corner lots with two frontages, the maximum setback applies to both street frontages.
2. For through lots with two frontages, the maximum setback applies to only one of the frontages; provided, that where the abutting streets are of different street classification, the maximum setback applies to the street with the higher classification.



B. Setbacks. Setback standards apply to any new buildings and any building expansion, including primary structures and accessory structures.

1. Front Setbacks.

- a. For buildings on sites with more than one frontage or through lots, the maximum front setbacks in Table 2.7.3230 apply as follows:
 - i. For corner lots with two frontages, the maximum setback applies to both street frontages.
 - ii. For through lots with two frontages, the maximum setback applies to only one of the frontages; provided, that where the abutting streets are of different street classification, the maximum setback applies to the street with the higher classification or a Main Street as identified in Figure 2.7.3207.
 - iii. For properties with three or more frontages, the maximum setback applies to two contiguous frontages. Where the streets are of different street classifications, one of the maximum setbacks must apply to the street with the highest classification or a Main Street as identified in Figure 2.7.3207.
- b. The maximum setback standard may be increased as necessary to accommodate an approved usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, outdoor dining area or landscaped area with seating) between the building and front property line.

2.7.3240 Design Standards.

A. ~~All Development~~. Development in the BCD is subject to design guidelines in BDC 2.2.800(I) except as established below. The standards of this section are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. The standards of this section are in lieu of the BDC 2.2.600, Commercial Design Review Standards.

1. ~~BDC 2.2.800(I)(3) Physical, Visual and Experiential Connections~~. The intent and general approach of this section apply. However, the language referring to traditional business zones and traditional storefront buildings does not apply here.
2. ~~BDC 2.2.800(I)(5) Integrate Building Parapets and rooftops~~. The intent and general approach of this section apply. However, the language referring to ornamentation on traditional CB Zone buildings does not apply here. In addition, rooftop solar panels and wind turbines are exempt from the screening requirement.
3. ~~BDC 2.2.800(I)(10) Urban Materials~~. Does not apply.

B. ~~Single-Use Residential Buildings~~. Single-use residential buildings including duplexes, triplexes and multifamily are also subject to the provisions in BDC 2.1.900 and 2.1.1000 with the following exception:
(CP POLICY 9-8 The city values design review for all development in the community with the exception of single-family houses, duplexes and tri-plexes.)

2. ~~The common open space requirement in BDC 2.1.1000(B)(1) does not apply to any property with a residential building located within one quarter mile of a public park.~~

C. ~~Awnings, marquees, balconies, overhangs, fabric tensile structures, building appendages, or other projections may extend into the front setback and public access easement.~~

A. Development in the BCD is subject to the following design standards. These standards are in addition to the regulations of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, but replace the design standards of the underlying zoning district and the standards in BDC 3.6.200(D), Single-Family Attached Townhomes and BDC 3.6.200(I), Residential Uses within Commercial Districts.

1. Building and Entry Orientation.
 - a. Primary Entrance. Each building must provide a primary building entrance oriented to at least one street or to a street-oriented plaza.



4. Building Articulation. Two or more of the following façade treatments must be incorporated on each level of all street facing facades:

- a. Building offsets (projections or recesses) at least two feet deep and six feet wide;
- b. Upper level balconies (projecting or recessed) at least six feet wide;
- c. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space);
- d. Recessed building entries at least six feet wide; and/or
- e. The use of masonry material (i.e. brick, brick veneer, stone, concrete or stucco.) on the ground level wall area of the street facing façade for a minimum of 75% of the total ground level wall area not including windows. (Deleted by the City Council on February 19, 2020)

4. Building Articulation. One or more of the following façade treatments must be incorporated on each level of all street-facing facades:

- a. Building offsets (projections or recesses) at least two feet deep and six feet wide;
- b. Upper level balconies (projecting or recessed) at least six feet wide;
- c. Building canopies, awnings, pergolas, architectural sun shade structures, or similar weather protection (minimum projection of four feet for overhead weather protection when located on the ground level and over a sidewalk or other pedestrian space);
- d. Transparency greater than the minimum required by subsection 2.7.3240(A)(3);
- e. Recessed building entries at least six feet wide;

3. The ground floor must have an interior height of not less than 12 feet measured from the entry level finished floor to the bottom of the structural members of the floor above.

B. Exemption. Parking located within a structure is exempt from commercial-ready space standards.

2.7.3250 Parking.

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

1. Required Off-Street Parking. The minimum number of required off-street vehicle parking spaces is established below. ~~Unless otherwise provided below, the number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by this section by more than 50 percent. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.~~
 - a. Residential Uses.
 - i. Single Family Attached Townhomes: 1 space per dwelling unit
 - ii. Live/work dwelling unit: 1 space per live-work dwelling unit
 - iii. Residential uses in a mixed-use development, multifamily and commercial-ready space used as residential: one 0.5 space per dwelling unit.
 - iv. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.
 - b. Commercial-Non-residential uses: 1 space per 1,000 square feet of floor area.
 - i. Retail or restaurant uses totaling less than 5,000 square feet of floor area: none.
 - ii. Retail or restaurant uses in excess of 5,000 square feet or more of floor area: one space per 1,000 square feet of gross floor area in excess of 5,000 square feet.

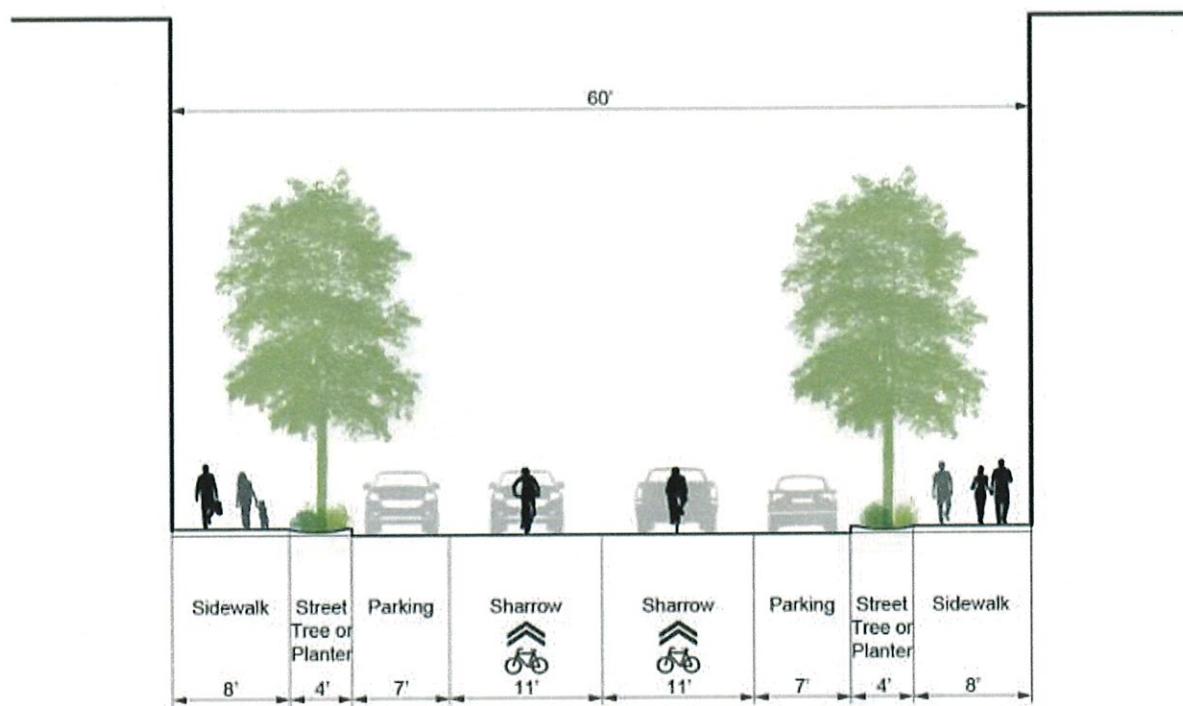
3. Parking Standards.

- a. Parking on the ground floor within a structure must be designed so that parked vehicles are screened from view at street level.
- b. Parking is allowed on the side and rear of buildings. If located on the side, the parking area may not exceed 50 percent of the total lineal frontage of the site and must be setback 10 feet from the front property line or 3 feet behind the front building facade, whichever is greater. For corner lots, the parking area may not exceed 50 percent of the total lineal frontage for all front property lines and frontages.
- c. Parking and maneuvering areas including driveways are prohibited between the street and the front of the building.

2.7.3260 Special Street Standards.

A. The BCD has special street standards for streets inside the district. The intent of the special street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. ~~On-street parking, bicycle facilities and wider sidewalks were identified as elements necessary for safe travel. Where the existing street does not meet the standard right of way widths for locals, collectors, and arterials, dedication to increase the public right-of-way and improvements to meet the special street standards are required.~~ The following special street standards supersede the standards in BDC 3.4.200(F):

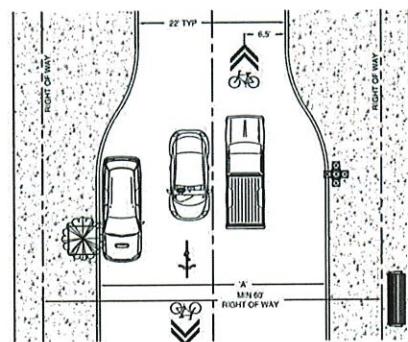
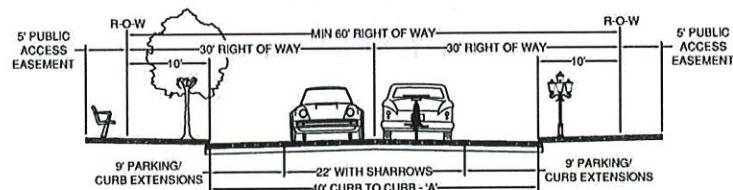
1. Figure 2.7.3260.A applies to 2nd Street north and south of Greenwood Avenue, 4th Street south of Greenwood Avenue and to all local streets in the BCD. ~~Any of these blocks that are currently narrower than 36 feet wide must be widened to 36 feet. If the right-of-way abutting a development site has a curb-to-curb (i.e. pavement) width narrower than 36 feet wide, the curb-to-curb width must be widened to 36 feet.~~
 - a. Exceptions: Any block of 2nd Street that is currently 40 feet wide may remain 40 feet wide and use the 40-foot wide cross-section provided for in Figure 2.7.3260.B.
 - i. Any development site on a local street with frontage equal to or less than 40 percent of the block length that has an existing 30 foot wide curb-to-curb may remain 30 feet wide and use the cross-section provided for in Figure 2.7.3260.B. Dedication of right-of-way is required.



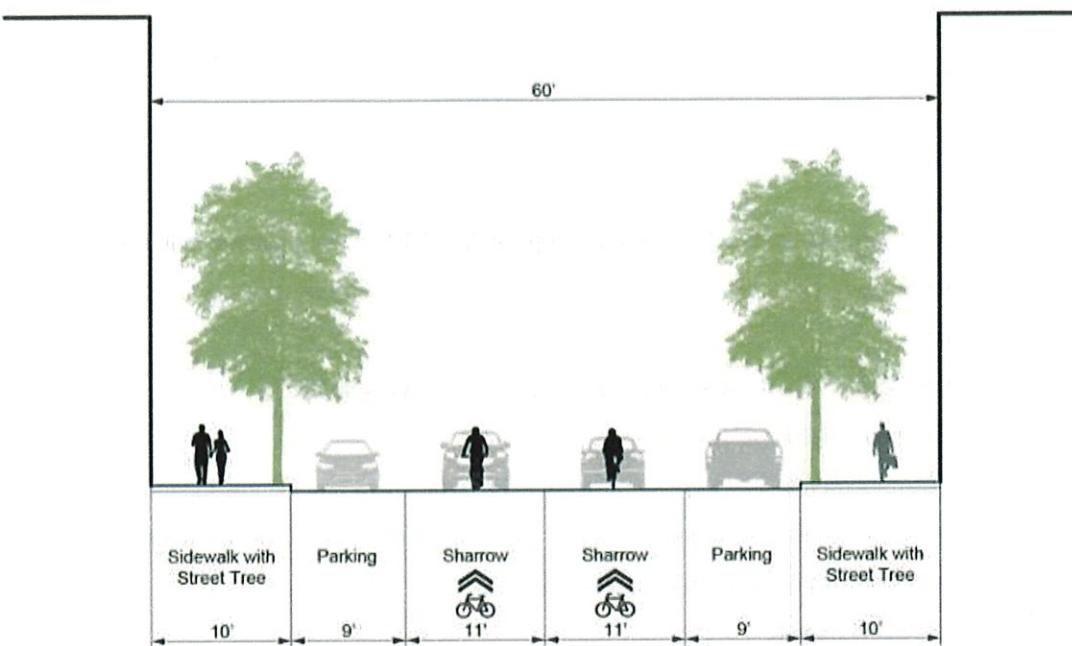
Note: Sharrows are not required on local streets.

Figure 2.7.3260.B

Delete figure



Add the following figure



B. To accomplish new streets, additional street widths and street improvements envisioned for the BCD the following requirements apply:

1. The required five foot front setback along all street frontages must be dedicated as a public access easement with site plan approval. This is in addition to any additional right-of-way that may be required by BDC Chapter 3.4.

2.7.3270 Low Impact Stormwater Management.

A. The use of low impact development (LID) techniques to manage stormwater on site is encouraged must be consistent with the City's Central Oregon Stormwater Manual. and must include at least one of the following techniques: Techniques can include, but are not limited to, the following:

1. Use of on-site pervious paving materials to minimize impervious surfaces allowed within off-street and on-street parking areas and other areas within a development site.
2. Provision of an eco-roof or rooftop garden.
3. Use of drought tolerant species in landscaping drywells.
4. Provision of parking integrated into building footprint (above or below grade).

EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 19-0861

I. PROCEDURAL FINDINGS:

(1) PUBLIC NOTICE AND COMMENTS. Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on December 3, 2019. Staff emailed the amendments to the Bend Development Code Update Group and to people who have expressed an interest in the amendments on December 10, 2019. A notice of the January 13, 2020, Planning Commission public hearing and of the February 5, 2020, City Council public hearing was printed in the Bend Bulletin on December 22, 2019, and was mailed to the neighborhood associations and property owners in the Bend Central District on December 16, 2019. The February 5, 2020, City Council hearing was rescheduled to February 19, 2020. A notice of the February 19, 2020, City Council public hearing was printed in the Bend Bulletin on January 26, 2020, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 22, 2020.

(2) PROPOSAL: Bend Development Code amendments to Chapter 1.2, Definitions and Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

II. CRITERIA OF APPROVAL:

- (1) The Bend Comprehensive Plan
- (2) Bend Development Code
 - (a) Chapter 4.6, Land Use District Map and Text Amendments; Section 4.6.200(B), Criteria for Legislative Amendments

III. APPLICABLE PROCEDURES:

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

IV. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

expressed an interest in the amendments on December 10, 2019. A notice of the January 13, 2020, Planning Commission public hearing and of the February 5, 2020, City Council public hearing was printed in the Bend Bulletin on December 22, 2019, and was mailed to the neighborhood associations and property owners in the Bend Central District on December 16, 2019. The February 5, 2020, City Council hearing was rescheduled to February 19, 2020. A notice of the February 19, 2020, City Council public hearing was printed in the Bend Bulletin on January 26, 2020, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 22, 2020.

On January 13, 2020, the Planning Commission held a public hearing and recommended approval of the amendments.

Therefore, Goal 1 has been met.

Goal 2, Land Use Planning, requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

FINDING: The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC as a basis for the decisions and actions related to the new regulations regarding the use of land and to assure an adequate factual base for these decisions and actions. The amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes should be based on special studies or other information, which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. On June 20, 2018, the City Council approved the Urban Renewal Advisory Board (URAB) to help with a Feasibility Study and subsequent Urban Renewal Plan for the central area of Bend and to explore opportunities to incentivize and encourage development within the Bend Central District. On April 2, 2019, URAB reviewed a Development Feasibility Analysis prepared by Cascadia Partners which detailed barriers to development/redevelopment in the Bend Central District and 15 blocks located east (one block) and area north of the Bend Central District. On August 13, 2019, URAB reviewed a Zoning Audit of the Bend Central District prepared by Cascadia Partners to determine which zoning standards within the Bend Central District may be limiting investment, redevelopment and preventing the area from achieving citywide goals, including new housing. On October 1, 2019, URAB discussed a summary of potential code amendments and unanimously recommended support of the amendments to the City Council. On October 16, 2019, the City Council directed staff to proceed with developing amendments based on URAB's recommendation. On December 9, 2019, the Planning Commission along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Bend Economic

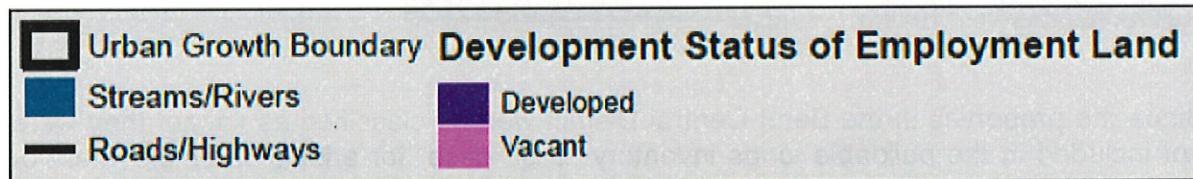
Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth.

Land in the Bend Central District was identified as "developed" as part of the Employment land supply in the Building Lands Inventory (BLI) that was completed with the Urban Growth Boundary (UGB) expansion. The BLI status for all land planned or zoned for employment use (including mixed-use designations & zones) was assigned using the following statutory definitions for employment land, with the exception of school and park land.

Vacant - a lot or parcel equal to or larger than one half-acre not currently containing permanent buildings or improvements; or equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.

Developed - All other employment land is identified in the BLI map as developed, although only a subset of this will meet the state definition of "developed" land that may be part of the inventory of available employment land ("Developed Land" means non-vacant land that is likely to be redeveloped during the planning period).

As shown below in Figure 5, Employment BLI Status Map (2015) in the BLI, the subject properties are classified as "Developed" due to their small size (less than $\frac{1}{2}$ acre).



One of the issues is that the Bend Central District doesn't currently permit standalone residential uses (residential uses that are not part of a mixed-use development). Even when residential uses are part of a mixed-use development, the nonresidential uses must occupy at least the floor area equivalent to the entire ground floor area of the development area unless a conditional use permit is approved. Even in prime commercial locations such as downtown, populating the entire ground floor with commercial space is often more square footage than the market can absorb. Requiring the construction of more commercial space than the market can absorb means either the project does not get built or the residential rental rates must be higher to absorb the cost of building empty/low rent commercial space. This requirement also prevents residential amenity spaces, like lobbies and gyms, rear tuck under parking, storage, mechanical, garbage, etc, to be located on the ground floor.

The amendments remove the requirement for a certain percentage of the ground floor of a mixed-use development to be a commercial use. The amendments will also allow for standalone residential uses, including townhomes and multifamily, in certain locations in the Bend Central District to help activate the area with people, ultimately helping to spur and support economic development of the area. On streets designated as Main Streets (see the Main Street map below) the ground floor of a development will be required to be designed to be "commercial-ready" meaning that it must be built to accommodate commercial uses by requiring a minimum floor-to-ceiling height, minimum transparency requirements, and other features that comply with applicable design and building code standards. Commercial-ready space provides the flexibility of occupying a space with a residential use in accordance with market demand and allowing the use in such space to change to a commercial use in the future.

Main Streets

cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The Comprehensive Plan goals for the Bend Central District include a need for up to 230 housing units by 2028. In addition, the City Council has a goal to increase the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

- *Permitting 3,000 units with the target of 1170 single family units, 390 single family attached units and 1440 multi-family units by June 30, 2019.*

As part of the goal, the Council has a strategy to "Increase the supply of shovel-ready residential land and decrease development costs for needed housing through public investment leveraging private development, City policy and procedural adjustments." To implement this strategy, the Council has identified a need to audit the Bend Development Code in order to identify barriers in constructing needed housing, including mobility and parking standards.

Since the Bend Central District was re-zoned in 2016, the area has seen no new housing unit developments proposed and it is therefore unlikely this area will become all residential. The development capacity and parking analysis report identified that under the current Bend Central District code, it will be difficult to achieve existing housing needs and goals for the Bend Central District as adopted in the City's Comprehensive Plan. The amendments will help implement the Council's goal of permitting 3,000 units by June 30, 2021, and help meet the needs identified in the Housing Needs Analysis by encouraging the development of townhomes, apartments and mixed-use developments in the Bend Central District. The amendments are intended to supplement some additional units but not make the area exclusively residential.

Therefore, compliance with Goal 10 is satisfied.

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

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

range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.

- **Ensure Quality Design and Attractive Development.** Ensure that the “built environment” is as attractive as feasible.
- **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 Bend Central District was identified as an “Opportunity Area” through the UGB process to achieve greater efficiency within the existing boundary for housing and employment. Concurrent with the UGB adoption, new development code text to implement the Bend Central District was added. Due to a lack of development in the Bend Central District since 2016, new amendments are necessary to maximize buildable space for private development while balancing public needs such as creating walkable and attractive streets. The amendments increase allowances for residential uses and focus non-residential mixed-use requirements through commercial-ready space design standards on designated Main Streets. The amendments create greater flexibility for mixed-use developments by removing barriers including modifications to setback requirements, size limitations, lot width requirements and parking requirements. The 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 amendments allow a mix of residential and nonresidential uses, providing pedestrian friendly access to goods and services, convenient to nearby residents which increases walkability and reduces trips and vehicle miles traveled.

1-8 The City and county will encourage infill and redevelopment of appropriate areas within Bend Central Core, opportunity Areas and transit corridors (see Figure 11-1).

FINDING: Small property size is often listed as a factor that impedes redevelopment in the Bend Central District, partially because there is a level of efficiency in building construction that can be achieved on sites over a certain size (half acre or more). More often than not, however, the real challenge in redeveloping small sites relates to development standards that are not compatible with smaller footprint buildings. The majority of the properties in the Bend Central District are smaller than 12,000 square feet. Accommodating off-street parking and the associated vehicular turning and

On December 9, 2019, the Planning Commission along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), Bend Economic Development Advisory Board (BEDAB) and Urban Renewal Advisory Board (URAB) held a work session to discuss the amendments and review a parking and development capacity analysis for the area. Staff emailed the amendments to the Bend Development Code Update Group and to people who have expressed an interest in the amendments on December 10, 2019.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on December 3, 2019. A notice of the January 13, 2020, Planning Commission public hearing and of the February 5, 2020, City Council public hearing was printed in the Bend Bulletin on December 22, 2019, and was mailed to the neighborhood associations and property owners in the Bend Central District on December 16, 2019. The February 5, 2020, City Council hearing was rescheduled to February 19, 2020. A notice of the February 19, 2020, City Council public hearing was printed in the Bend Bulletin on January 26, 2020, and was mailed to the neighborhood associations and property owners in the Bend Central District on January 22, 2020.

On January 13, 2020, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council as amended.

Therefore, compliance with Chapter 1 has been met.

Chapter 5: Housing and Residential Lands

Goals:

- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- Recognize the importance of transportation linkages (streets, bikeways, sidewalks and paths) in connecting neighborhoods and building and maintaining a sense of community.
- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.
- Zone adequate land in specific designations to allow for production of needed housing units.

FINDING: The City Council has a goal to increase the supply of shovel ready land available for housing and employment in alignment with the City's Comprehensive Plan by:

The Development Feasibility Analysis prepared by Cascadia Partners indicated a set of issues within the existing Bend Central District code standards, including prescriptive mixed-use requirements, parking requirements, and other issues, that are hindering new development in the area. The amendments will allow for more housing, including townhomes and multifamily, in a walkable area with access to services, by relaxing prescriptive mixed-use and parking requirements.

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

FINDING: The Bend Central District is intended to provide for a wide range of mixed residential, commercial and office uses throughout the District and, depending on the property and its surroundings, vertical mixed-use (i.e., a mix of uses within the same building). It is also intended to provide a variety of residential development types and greater density of development, with a transition area adjacent to the existing residential neighborhood east of 4th Street.

Parking is the most significant limitation on building size and height of development in the Bend Central District. Under the existing BDC, some properties would be undevelopable due to the conflict between the amount of parking required and limited amount of space on which parking could actually be sited, particularly on small lots. Most sites could develop, but at well below maximum allowable height and density allowances. Existing parking minimums significantly limit the ability to incorporate housing units into developments because of the additional on-site parking required for residential uses in particular.

In terms of how parking might affect the number of residential units, the Development and Parking Analysis of Potential Code Amendments states that in the estimated 50 year timeframe the existing code would provide 225 residential units in the area but would require 781 total parking spaces for both residential and commercial uses, utilizing on-site and on-street spaces. Under the amendments, a potential total of 1,027 residential units could be developed but would require just 567 parking spaces. This is assuming maximum allowable buildout and full utilization of all parking exemptions that could be provided. It is not likely that all developments will build to this intensity or take full advantage of all parking reductions.

As previously discussed, the amendments will allow townhomes and multifamily residential uses as standalone uses and nonprescriptive mixed-use developments in all subdistricts. When these uses are located on Main Streets, they will be required to be commercial-ready. Commercial-ready space provides the flexibility of occupying a space with a residential use in accordance with market demand and allowing the use in such space to change to a commercial use. These amendments will help provide a mix of housing types.

5-44 Sidewalks will be required in all new developments. Separated sidewalks will be required on all new streets. However, an alternative system of walkways that provide adequate pedestrian circulation may be approved.

5-46 Bikeways shall be considered as a transportation element, and adequate facilities shall be provided as a part of new development.

FINDING: The amended cross-sections continue to provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities.

Therefore, the proposed amendments satisfy Chapter 5 since they will help foster a variety of housing developments by providing more flexible development standards.

Chapter 6: Economy

Goals:

- Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.
- Ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.
- Create commercial areas that support multimodal access.
- Encourage more small neighborhood commercial developments and convenience commercial centers to reduce the number and length of single occupancy vehicle (SOV) trips.

FINDING: The Bend Central District is intended to provide for a wide range of mixed residential, commercial and office uses throughout the District and, depending on the property and its surroundings, vertical mixed-use (i.e., a mix of uses within the same building). It is also intended to provide a variety of residential development types and greater density of development, with a transition area adjacent to the existing residential neighborhood east of 4th Street. As the Bend Central District redevelops, the mix of residential and nonresidential uses will help reduce the number and length of single occupancy vehicle trips.

Policies

General Policies

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

- 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.

6-25 The City will encourage vertical mixed use development in commercial and mixed use zones, especially where those occur within the Central Core, Opportunity Areas and along transit corridors.

FINDING: Vertical mixed-use buildings are a relatively new building type in Bend. They allow for greater employment density and provide opportunities for upper floor residential housing. Mixed-use is important to the success of the City Council's housing goal of providing 1,440 multi-family units by June 30, 2019. The current Bend Central District prescriptive mixed-use standards and parking requirements have negative (and unintended) impacts to financial feasibility and building form of mixed-use developments. The amendments create greater flexibility for mixed-use developments by removing barriers including modifying setback requirements, size limitations, lot width requirements and parking requirements.

Commercial Development

6-28 The City will encourage development and redevelopment in commercial corridors that is transit-supportive and offers safe and convenient access and connections for all transportation modes.

FINDING: The entire Bend Central District is within 0.25 miles of a bus stop. The non-prescriptive amendments provide an opportunity for commercial strip development to transition to a mixed-use corridor which will decrease per capita vehicle miles traveled (VMT) through increased walking, biking, and transit use.

6-30 The City shall strive to retain and enhance desirable existing commercial areas and encourage property owners' efforts to rehabilitate or redevelop older commercial areas.

6-40 The City will monitor parking needs for commercial uses and set requirements at the lowest level to meet the community needs.

6-41 The City will write parking requirements to encourage walkable commercial development while providing for adequate parking.

FINDING: Excessive off-street surface parking undermines the desired pedestrian-oriented character of the Bend Central District. A high level parking analysis identified 885 total off-street parking stalls and 143 on-street parking stalls with 33% being utilized. Based on the Development Capacity and Parking Analysis, it was determined that there was an abundance of existing underutilized parking, and even with the amendments, it would be feasible to accommodate parking on-street for the next 10 years, at a minimum. On-street parking supports businesses and provides a layer of safety to pedestrians. Additionally, on-street parking spaces represent significant revenue as well as cost savings for businesses. Rather than building off-street parking at additional cost, on-street spaces are public, easily accessed, and conveniently located.

The Bend Central District contains use-based, off-street parking requirements which are problematic. Because uses in buildings change far more often than buildings themselves change, many communities are moving away from detailed use-based parking requirements and simplifying parking requirements, often only distinguishing between residential and non-residential uses. The amendments are consistent with this practice; simplifying the use-based parking requirements to a single non-residential use requirement of 1 space per 1,000 square feet and reducing residential parking requirements to 0.5 spaces per unit on average from 1

The current code contains a parking exemption for up to 5,000 square feet of retail or restaurant uses only. The amendments expand this innovative policy to include a reduction for all uses for the first 10,000 square feet of the building footprint including all stories located above the 10,000 square foot footprint may be reduced to zero. During the Planning Commission public hearing on January 13, 2020, the Commission revised this parking reduction to allow the amount of off-street parking to be reduced to zero for a maximum of 10,000 square feet per floor and that the 10,000 square feet didn't have to be contiguous. Because many of the lots in the Bend Central District are small, this reduction is especially impactful as accommodating parking and the related drive aisles and buffering on a small lot takes up a significant portion of the site and therefore often makes urban scale development unfeasible.

In order to be eligible for the mixed-use parking reduction of 25% under the current code, a mixed-use project is required to have at least 20% secondary uses, such as ground floor commercial. The current code is overly prescriptive in determining the amount of that secondary use, even if the market cannot sustain that amount of square footage. For instance, if a building is proposed with 50,000 square feet, at least 10,000 square feet must be secondary uses in order to be eligible for the mixed-use parking

pedestrians, bicycles, street trees and pedestrian amenities. The cross-sections provide for a continuous, safer, and more comfortable street design for bicyclists and pedestrians in the Bend Central District.

Objectives:

- To promote land use patterns that support fewer vehicle trips and shorter trip lengths
- To ensure that future development, including re-development, will not interfere with the completion of Bend's transportation system

Policies:

7-5 The City shall continue to explore mixed use zoning as one of the land use patterns that will promote fewer vehicle trips and shorter trip lengths.

7-6 The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.

7-7 The City shall explore incentives for re-development of existing commercial strips in order to help reduce the need to expand the Urban Growth Boundary.

FINDING: The Bend Central District provides opportunities for all transportation users including those that drive to the area and need to park, as well as bicyclists, pedestrians and transit users. The amendments will activate the area with people by removing barriers to development that will bring new residents, more transit users, and a larger customer base for the area's businesses. Pedestrian friendly access to goods and services convenient to nearby residents will reduce trips and vehicle miles traveled.

Pedestrian and Bicycle Systems

Objectives:

- To support and encourage increased levels of bicycling and walking as an alternative to the automobile
- To provide safe, accessible and convenient bicycling and walking facilities

7-30 The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3rd Street, the Bend Parkway and the railroad.

streets and lane standards, on-street parking, and other pedestrian friendly design elements. The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.

FINDING: The intent of the Bend Central District special street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. The updated street standards continue to provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities. These special street standards will reduce vehicle speed, avoid construction of excessive pavement and create livable neighborhoods.

Bend Central District Plan (BCD)

- 7-83** The city will partner with property owners and developers to make improvements to transportation facilities within the District Overlay to improve connections for all modes of travel, including implementing a well-connected system for pedestrians, bicyclists, and transit users.
- 7-84** The city will implement street designs identified in the District Plan over the long term. Improvements may be phased in over time and will be refined, as needed and appropriate, through more detailed facility design processes.

FINDING: The intent of the Bend Central District special street standards is to develop complete streets that enable safe travel for all modes of travel including transit, motorists, pedestrians, cyclists and freight users. The updated street standards continue to provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities. These special street standards will reduce vehicle speed, avoid construction of excessive pavement and create livable neighborhoods.

- 7-85** The city will encourage and work with local businesses and residents to implement transportation demand management programs and strategies.

FINDING: Bend Development Code Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan includes a wide range of strategies intended to increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand.

- 7-86** The city will work with local businesses and property owners to develop and implement a parking strategy for the District that meets local parking needs while also encouraging use of alternative modes (e.g., bicycling, walking, and transit) to travel to, from, and within the District.

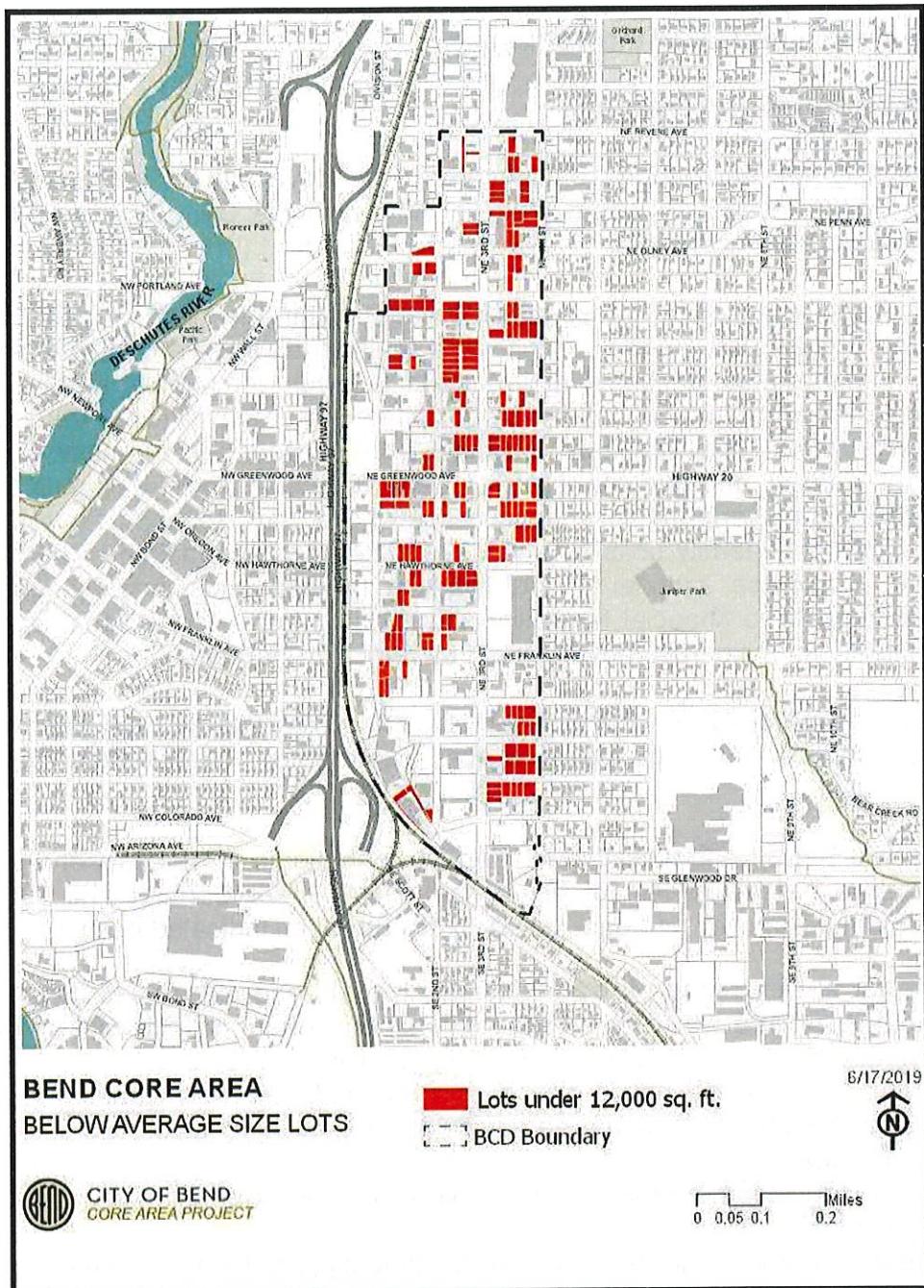
- Use Bend's existing urban land wisely, making efficient use of land inside the boundary, with infill and redevelopment focused in appropriate areas within the Central Core, along transit corridors, and in key opportunity areas (see Figure 11-1);
- Create new walkable, mixed use and complete communities by leveraging and complementing land use patterns inside the existing boundary and using expansion to create more complete communities;
- Locate jobs in suitable locations, where there is access to transportation corridors, larger parcels, and good visibility for commercial uses;
- Meet state requirements for growth management and the UGB while achieving local goals;
- Plan Bend's infrastructure investments for the long term;
- Implement an overall strategy to "*Wisely grow up and out*".

FINDING: During the UGB Remand planning process (2014 to 2016), the City evaluated the efficient use of existing urban land through the lens of "opportunity areas". Opportunity areas are locations within the City that are appropriate to focus new growth because of their location, zoning (existing or planned), amount of vacant or underdeveloped land, and/or proximity to urban services. Each opportunity area will serve a unique role in the City's future – some are vacant land and will develop primarily through private sector initiative; others are redevelopment opportunities and will require a partnership of private sector investment and City support or investment. The Bend Central District is one of the opportunity areas. The purpose of the Bend Central District is to provide for a wide range of residential, commercial and office uses throughout the District that result in a walkable, vibrant, diverse mixed-use district, with an emphasis on commercial uses at street level on designated Main Streets.

The amendments to the Bend Central District can be broadly grouped into three categories:

1. **Amendments that allow for more housing by relaxing prescriptive mixed-use requirements.**
2. **Amendments that simplify and reduce parking requirements, particularly for small lots.**
3. **Amendments that maximize buildable space for private development while balancing public needs such as creating walkable and attractive streets.**

These amendments will ultimately help spur private development and encourage infill/redevelopment that may not otherwise occur in order to support the vision and goals, including housing and employment goals, for the opportunity area.



11-4 Streets in the Centers and Corridors, Employment Districts, Neighborhoods, and Opportunity Sites will have the appropriate types of pedestrian, biking, and transit scale amenities to ensure safety, access, and mobility.

FINDING: The amended special street standards continue to provide on-street parking, bicycle facilities, and wider sidewalks to accommodate pedestrians, bicycles, street trees and pedestrian amenities. The special street standards will help create a safe and

FINDING: As envisioned in the Comprehensive Plan, the Bend Central District should “grow up” due to the base infrastructure, population density and proximity to urban amenities and regional destinations. The entire Bend Central District is within 0.25 miles of a bus stop. The non-prescriptive amendments provide an opportunity for commercial strip development to transition to a mixed-use corridor which will decrease per capita vehicle miles traveled (VMT) through increased walking, biking, and transit use.

Policies for Employment Districts

11-13 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: While there is significant development interest within the Bend Central District, there is also a sentiment that some of the existing BDC regulations prevent significant redevelopment of the area. There have been relatively few new construction projects with the Bend Central District since 2007. The large amount of relatively low-cost commercial space limits achievable commercial rents and thus limits the viability of newly constructed commercial space, except in very select locations and/or with a national tenant in-hand. The new construction projects that have occurred are largely single-story commercial buildings, often with a national chain commercial tenants, such as Walgreen and Jack In The Box, or owner-occupied new buildings. Many of the remodels in the Bend Central District have been to accommodate auto-oriented commercial and service chain stores, such as fast food.

The amendments remove barriers and encourage the development of housing which will activate the area with people while not precluding commercial uses, such as office, retail, etc. as allowed uses. Residential development can help tip the scales of feasibility of vertical mixed-use by helping to overcome relatively low commercial rents. The amendments will ultimately help spur private redevelopment and revitalization that may not otherwise occur in the Bend Central District.

Policies for Residential Areas and Neighborhoods

11-16 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment, and public open space to provide the maximum access to the highest concentrations of population.

FINDING: The amendments will allow townhomes and multifamily developments in the Bend Central District. These future developments will have good access to transit since the entire Bend Central District is within 0.25 miles of a bus stop. They will also have

vehicle trips; therefore, the amendments will have no measurable impacts on the amount of traffic on the existing transportation system. Because of this, the text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

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

VI. RECOMMENDATION:

The Planning Commission recommended approval of the amendments to the City Council.