

ORDINANCE NO. NS-2560

An ordinance of the City Council amending Bend Municipal Code, Chapter 10.20, Historic Preservation Code, and Bend Development Code Chapters 1.2, Definitions, 2.0, Land Use District Administration, 2.1, Residential Districts, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2, Landscaping, Tree Preservation, Fences and Walls, 3.3 Vehicle Parking Standards for On-Site Parking, 3.4 Public Improvement Standards, 3.6 Special Standards and Regulations for Certain Uses, 3.8, Development Alternatives, 4.1, Development Review and Procedures, 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, 4.3 Land Divisions and Property Line Adjustments, 4.5, Master Plans, 4.7, Transportation Analysis, 4.9, Annexations, and 5.3, Adjustments.

Findings

- A. The 2025-2027 Bend City Council Goals include an Affordable Housing and Sustainability Development Goal. One of the strategies supporting the Goal commits the City to adopting development code and entitlement process improvements that remove barriers and speed up missing middle-income, affordable housing and infill development.
- B. Over the past few years, the State of Oregon has enacted a variety of legislation intended to streamline the development of housing. This legislation places certain requirements on local governments relating to housing development. To comply with those requirements and to support the City Council's Affordable Housing and Sustainability Development Goal, in 2026, the City initiated an application (Project Number PLTEXT20260025) to update the Bend Municipal Code (BMC) and Bend Development Code (BDC) with the objective of implementing the applicable legislation.
- C. The update proposes amendments to the BDC to implement House Bills (HB) 2138 and 4037 from the 2025 and 2026 legislative sessions. HB 2138 broadens allowances and adds flexibility in review processes for middle housing and housing development more generally. HB 4037 introduces new procedural limitations for housing development applications subject to clear and objective standards. It also requires certain affordable housing projects within planned mixed-use developments to mitigate the loss of commercial land once development exceeds a specified threshold.
- D. The proposed amendments define "established service levels" and add approval criteria for public utilities to ensure adequate capacity to serve development.
- E. The amendments limit cottage and townhouse developments to twelve units for middle housing land divisions, as the state law limits the standards cities may apply to these



smaller land divisions, including maximum block length and perimeter. This is particularly important for these housing types which can involve more units than duplexes, triplexes, and quadplexes.

- F. The amendments clarify there is no opportunity for a local appeal for the following decisions: (1) decisions on an application for the development of housing that does not elect to use an alternative approval process; (2) decisions by the Hearings Officer, Landmarks Commission, or Planning Commission; (3) decisions on an Expedited or Middle Housing Land Division application; and (4) decisions on an application for an adjustment under BDC Chapter 5.3, Adjustments.
- G. The amendments revise the approval criteria for Middle Housing Land Divisions to more closely align with the Minimum Development Standards Review criteria applicable to townhouse, triplex, quadplex, and cottage cluster developments.
- H. 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.
- I. The City submitted a Notice of Proposed Amendment to Department of Land Conservation and Development (DLCD) on June 14, 2026.
- J. A notice of the July 13, 2026, Planning Commission public hearing was printed in the Bend Bulletin on June 21, 2026, and was mailed and emailed to the Neighborhood Districts on June 17, 2026. A notice of the August 5, 2026, City Council public hearing was printed in the Bend Bulletin on July 12, 2026, and was mailed and emailed to the Neighborhood Districts on July 14, 2026.
- K. On June 8, 2026, the Planning Commission held a work session to review the package of amendments and on July 13, 2026, the Planning Commission held a public hearing on the package of amendments (Project Number PLTEXT20260025), received public testimony, and deliberated on the matter. The Planning Commission voted 4-0 to recommend that the City Council approve the proposed text amendments including a proposed amendment recommended by staff to BDC 3.6.250(B)(5).
- L. The City Council held a public hearing on August 5, 2026, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation and additional changes to BDC 3.6.250(B)(5). The City Council considered all the amendments reflected in Exhibit A, which includes text amendments that staff recommended following the Planning Commission's recommendation, specifically amendments to BDC 3.6.250(B)(5), BDC 4.2.300(A)(12)(c), BDC 4.2.400(A)(3)(b)(xii), BDC 4.2.400(B)(3)(c)(x), BDC 4.2.500(D)(7) and BDC 4.3.300(E)(4), as presented by staff at the City Council public hearing and were reflected in the City Council Issue Summary. The City Council found that the amendments shown 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 BMC and BDC.
- M. For administrative efficiency and ease of implementation, the changes implementing HB 2138 relating to Retention of Existing Dwelling Units with Middle Housing and Bonus Units for Accessible or Affordable Middle Housing Dwelling Units should be effective on January 1, 2027, to align with the effective date of the bill.



Ordinance

Based on these findings, the City of Bend ordains as follows:

- Section 1.** The Bend Municipal Code and Bend Development Code are amended as shown on the attached Exhibit A.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates by reference the findings attached in Exhibit B.
- Section 3.** The amendments to the Bend Development Code implementing portions of HB 2138, as noted in Exhibit A, will go into effect on January 1, 2027. All other amendments become effective 30 days after the second reading.
- Section 4.** 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 5.** All other provisions of the Bend Municipal Code and Bend Development Code remain unchanged by this ordinance and remain in effect.

First Reading

August 5, 2026

Second Reading

September 2, 2026

Adoption by Roll Call Vote

Yes: Kebler, Franzosa, Norris, Perkins, Platt, Riley

No:

A handwritten signature in black ink, appearing to read "MK", written over a horizontal blue line.

Melanie Kebler, Mayor



Attest:

A handwritten signature in cursive script that reads "Ashley Bontje".

Ashley Bontje, City Recorder

Approved as to form:

A handwritten signature in cursive script that reads "Ian Leitheiser".

Ian Leitheiser, City Attorney

Exhibit A

DRAFT

Bend Municipal Code (BMC) and Bend Development Code (BDC) Update

August 5, 2026

Prepared by:

City of Bend Planning Division

PLTEXT20260025

Note:

Text in underlined typeface is proposed to be added

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

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

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

Bend Municipal Code

Chapter 10.20

HISTORIC PRESERVATION CODE

10.20.110 Appeals.

- A. An appellant must file a completed notice of appeal in conformance with BDC 4.1.1100, Appeals.
- B. Appeals of Type II decisions ~~shall~~ will be heard by the Landmarks Commission ~~as via the Type III process as provided in BDC 4.1.800, Type III and III-CC Quasi-Judicial Hearings.~~
- C. Appeals of Landmarks Commission decisions shall be to the City Council and shall comply with the appeal procedures contained in BDC Chapter 4.1. There is no opportunity for a local appeal of a decision of the Landmarks Commission. ***(Update makes process for an appeal consistent with the BDC)***

Bend Development Code

Rename “townhome” to “townhouse” (*Consistent with ORS 197A.420*)

Chapter 1.2

DEFINITIONS

Alternative approval process means a procedure by which an applicant may elect to have an application otherwise subject to clear and objective standards reviewed under discretionary approval criteria, including variances, waivers or modifications of public improvement standards, and discretionary track requests and includes major master plans.

Dwelling, townhome means single unit dwellings on their own lots or parcels, sharing a common side wall at the property line (*Revised and relocated to Townhouse*)

Established service levels means:

- For sewer service, sanitary sewer main capacity with the development will be (i) at or under 80 percent full during dry weather conditions, (ii) less than two feet of freeboard in a manhole during wet weather, or (iii) a velocity not exceeding 10 feet per second during wet weather flow in sewer force mains.
- For water service, if the water analysis shows fire flow with the development meeting City of Bend Standards and Specifications.

Middle housing means duplexes, triplexes, quadplexes, cottage developments, and townhouses. Middle housing includes existing units under BDC 3.6.200(A)(1), Retention of Existing Dwelling Units with Middle Housing, and additional “bonus” units allowed by BDC 3.6.200(A)(2), Bonus Units for Accessible or Affordable Middle Housing Dwelling Units. (*The amendment will go into effect on January 1, 2027*)

Middle housing land divisions means the creation of multiple lots or parcels from a single parent site on which middle housing is developed or proposed, which results in an individual child lot or parcel for each of the middle housing units. See BDC 3.6.200(A)(3), Development on a Middle Housing Land Division Site ~~Development~~, and 4.3.700, Expedited and Middle Housing Land Division.

Modification of application means:

- A. ~~†~~The applicant's submittal of new information after an application has been deemed complete ~~and prior to~~ and after the close of the record or comment period; or
- B. The applicant's submittal of new information after an application has been deemed complete and prior to close of the record or comment period on a pending application that would modify a development proposal by changing one or more of the following described components: proposed uses, operating characteristics, intensity, scale, site layout (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence before the comment period or record closes that merely clarifies or supports the pending application.

See BDC 4.1.227, Modification of Application (Type II/III/III-CC and Expedited and Middle Housing Land Division).

Needed housing means all housing on land zoned for residential use or mixed residential and commercial use, and includes income qualified housing as permitted in BDC 3.6.250, Income Qualified Housing. Needed housing on an ~~discretionary track~~ alternative approval process refers to a needed housing development that at the request of the applicant is not subject to clear and objective standards. Needed housing also means the development of housing.

Parent site (also referred to as parent property) means a lot or parcel that is the subject of a development application. *(For reference only)*

Regional or localized stormwater facilities means large-scale, centralized systems designed to manage stormwater runoff from more than one site rather than having smaller individual stormwater facilities on each site. A regional facility can be either privately or publicly owned.

Single-room occupancy means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant(s) but require that the occupant(s) share sanitary or food preparation facilities with other units in the occupancy. See BDC 3.6.200(O), Single Room Occupancy. **(Consistent with HB 2138, Section 6)**

Townhouse means a single-unit dwelling constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an abutting unit. See BDC 3.6.200(D), Townhouses and Rowhouses. **(Consistent with ORS 197A.420)**

Townhouse structure means, for purpose of a middle housing land division, a building consisting of two or more attached dwelling units in a row located on a parent site. Individual dwelling units within a townhouse structure may be created on separate child lots or parcels through a middle housing land division. See BDC 4.3.700, Expedited and Middle Housing Land Division.

Chapter 2.0

LAND USE DISTRICT ADMINISTRATION

2.0.200 Land Use District Map.

- A. **Consistency ~~With~~ with Bend Zoning Map.** ~~The boundaries of each of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the Bend Zoning Map,~~

~~retained by the Community Development Director or designee. Said map by this reference is made a part of this Development Code. A certified print of the adopted Bend Zoning Map, and any map amendments, shall be maintained by the City. Refinement Plan maps are included in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans. Zone district boundaries established by this code are shown on the Bend Zoning Map, which is on file with the Community Development Department. The City's Official Zoning Map is the geographic information system (GIS) version of the Bend Zoning Map maintained by the City. The Official Zoning Map, together with all amendments and matters shown thereon, is incorporated into this code and has the same legal effect as if fully set forth herein.~~

- B. ***Applicability of Zoning Requirements.*** Each lot, tract and parcel of land or portion thereof within the land use district boundaries as designated and marked on the Bend Zoning Map is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.

2.0.300 Determination of Land Use District Boundaries.

- A. ***Land Use District Map Amendments.*** All amendments to the Bend Zoning Map ~~shall~~ must be made in accordance with ~~the provisions of BDC Chapter 4.1, Development Review and Procedures and BDC 4.6, Map and Text Amendments.~~

~~4. Copies of all map amendments shall~~ must be dated with the effective date of the ordinance ~~or order~~ adopting the map amendment, and ~~shall~~ must be maintained without change, together with the adopting documents, on file at the City ~~;~~ and

~~2. The City shall make available for public inspection a current copy of the revised Bend Zoning Map, so that it accurately portrays changes of zone boundaries or classification.~~

~~3. Refinement Plans must go through the process described in BDC Chapter 4.1, Development Review and Procedures.~~

- B. ***Conflicts.*** Where due to the scale, lack of scale, lack of detail or illegibility of the Bend Zoning Map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines ~~shall~~ will be determined by the ~~Planning~~ Community Development Director or designee in accordance with the following:

1. Boundaries indicated as approximately following the centerlines of streets, highways, railroad tracks or alleys ~~shall~~ will be construed to follow such centerlines;

2. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract ~~shall~~ will be construed as following such boundaries;
3. If a zone boundary divides a lot into two or more zones, the boundary ~~shall~~ will be determined by using the scale of the map and measuring the distance from the property line or distances specified on the map;
4. Boundaries indicated as approximately following a City boundary or the Urban Growth Boundary ~~shall~~ will be construed as following said boundary;
5. Boundaries indicated as approximately following river, stream and/or drainage channels or basins ~~shall~~ will be construed as following river, stream and/or drainage channels or basins, as applicable; and
6. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way ~~shall~~ will automatically be subject to the same land use district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a land use district boundary, the lands formerly within the vacated right-of-way ~~shall~~ will be allocated proportionately between the subject land use districts.

C. ***Zoning of Annexed Areas.*** If a zoning reclassification for lands annexed to the City of Bend is necessary, said lands will be reclassified to a zone consistent with the Bend Comprehensive Plan automatically upon annexation. Any conditions, limitations or restrictions previously applied by the County to regulate a development of land annexed to the City will continue to apply until replaced by the City. Where appropriate, the City may continue any restrictions, limitations and/or conditions and enforce them pursuant to the effective codes and procedures. See also BDC Chapter 4.9, Annexations.

Chapter 2.1

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

2.1.300 Setbacks.

B. Setback Standards. The following setback standards apply to all structures, except as otherwise provided by this section or specified in this code. ~~See also special setbacks permitted in BDC 3.6.200, Special Standards for Residential Uses, and BDC Chapter 3.8, Development Alternatives.2.1.300 Setbacks.~~

1. Additional Setback Standards.

- a. Where streets and/or alleys with insufficient right-of-way abut the site, special setbacks apply in conformance with BDC 3.4.200(J), Special Setbacks.
- b. Alternative setbacks for certain types of development are identified in BDC 3.6, Special Standards and Regulations for Certain Uses, and BDC Chapter 3.8, Development Alternatives.

C. Front Setbacks.

- 1. **RL and UAR Districts.** The minimum front setback is 20 feet.
 - a. **Exception.** On lots with multiple frontages, the 20-foot front setback must be applied to one of the frontages and the other frontages may be 10 feet; provided, that a garage and/or carport with a street access is set back a minimum of 20 feet.
- 2. **RS, RM-10, RM, and RH Districts.** The minimum front setback is 10 feet. Garages and carports with street access must be set back a minimum of 20 feet from the front property line.
- ~~3. Where streets with insufficient right of way abut the site, special setbacks apply in conformance with BDC 3.4.200(J), Special Setbacks.~~ **(Relocated to BDC 2.1.300(B)(1)(a))**

D. Rear Setbacks.

- 1. **RL and UAR Districts.** The minimum rear setback is 10 feet.
- 2. **RS, RM-10, RM and RH Districts.** The minimum rear setback is five feet.

~~Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.~~ **(Relocated to BDC 2.1.300(B)(1)(b))**

E. Side Setbacks.

- 1. **RL and UAR Districts.** The minimum side setback is 10 feet.
- 2. **RS, RM-10, RM and RH Districts.** The minimum side setback is five feet.

Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.
(Relocated to BDC 2.1.300(B)(1)(b))

Table 2.1.300 – Typical Residential District Setbacks

(Amendments delete Table 2.1.300 Typical Residential Setbacks since it is repetitive of BDC 2.1.300 (C) through (E))

	Front	Rear	Side
UAR	10 ft./20 ft.	10 ft.	10 ft.
RL	10 ft./20 ft.	10 ft.	10 ft.
RS	10 ft., except garages and/or carports must be set back 20 ft.	5 ft.*	5 ft.*
RM-10, RM and RH	10 ft., except garages and/or carports must be set back 20 ft.	5 ft.*	5 ft.*

*When multi-unit residential, single-room occupancies with more than six units or nonresidential uses abut one or more dwelling units in the RL or RS District, the setback abutting the RL or RS District must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number. (Relocated to the additional setback requirements in BDC 2.1.300(F)(9) below. The amendments also propose to only require the additional setback on lots or parcels with non-residential uses when they abut a lot or parcel in the RL or RS District with one or more dwelling units.)

F. Additional Setback Requirements.

3. **Clear Vision Areas.** In addition to the setback standards in this chapter, All structures must comply with this section, except as necessary to comply with BDC 3.1.500, Clear Vision Areas.

5. **Architectural Features.** Except as prohibited in subsection (F)(6) of this section, the following architectural features are allowed to encroach into the front, side and rear setbacks by no more than two feet provided a minimum setback of three feet is provided from the property line: eaves, chimneys including fireplace enclosures and chimney chases, bay windows up to eight feet in width, window wells, and similar architectural features.

6. **Front Setbacks.** The following may encroach into the front setback:

- a. **RL and UAR.** An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be set back a minimum of 10 feet, as long as it does not encroach into a public utility easement. No portion of the structure can encroach closer than 10 feet including the architectural features in subsection (F)(5) of this section.
- b. **RS, RM, RM-10 and RH.** An unenclosed covered or uncovered porch, patio, deck or stoop with a maximum floor height not exceeding 18 inches may be set back a minimum of six feet from the front property line, as long as it does not encroach into a public utility easement. No portion of the structure can encroach closer than six feet to the front property line including the architectural features in subsection (F)(5) of this section.
- c. Stairs, ramps and landings that are not roofed or enclosed above or below the steps may be in the front setback when they follow the grade.

7. **Side and Rear Setbacks.** The following may encroach into the side and rear setback in the UAR, RL, RS, RM, RM-10 and RH:

9. **Nonresidential Uses.** When nonresidential uses abut a lot or parcel with one or more dwelling units in the RL or RS District, the setback abutting the RL or RS District lot or parcel must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number. (Relocated from the * below Table 2.1.300 - Typical Residential District Setbacks, since the Table is proposed to be deleted. The

amendments also propose to only require the additional setback on lots or parcels with non-residential uses when they abut a lot or parcel in the RL or RS District with one or more dwelling units.)

G. **Prohibited in Setbacks.** The following are prohibited, unless stated otherwise, within the following setbacks:

1. **Front Setbacks.**

a. Satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects.

b. Trash receptacle enclosures.

c. Balconies.

2. **Side and Rear Setbacks.**

a. Satellite dishes greater than 18 inches in diameter, heat pumps and other similar objects, unless screened for visual and noise abatement by a solid enclosure two feet higher than the object/use being screened.

b. Balconies.

~~3. Balconies.~~

2.1.600 Residential Density.

B. Exemptions.

2. The following are exempt from the maximum density standards in subsection (A) of this section:

a. Accessory dwelling units (ADUs).

- b. Manufactured ~~home~~ dwelling parks within the RS Zone; provided, that the standards of BDC 3.6.200(G) are met. **(Consistent with BDC definition)**
- c. Duplexes, triplexes, quadplexes, ~~townhomes~~ townhouses and cottage cluster developments.
- d. Multi-unit affordable dwellings. See BDC ~~3.6.200(C)~~ 3.6.250(C), Affordable Housing Strategies.
(Needs update to reflect correct code section)

2.1.950 Design Standards (Triplex, Quadplex, Townhome, and Single-Room Occupancy)

A. Applicability. This section's architectural design standards apply to all of the following types of new buildings:

- 1. Triplex.
- 2. Quadplex.
- 3. Townhome.
- 4. Single-room occupancy with six or fewer units.

For purposes of this section, a "street" also means a tract for mid-block developments and T-courts.

D. Windows and Doors. A minimum of 15 percent of the area of all street facing facades must include windows and/or doors. Gabled areas and garage doors (in blue) and roofs (in white) are not included in the base wall calculation when determining the minimum 15 percent calculation for windows/door areas.

1. Exemptions to the Windows and Doors Standards.

- a. Facades separated from the front lot line by a dwelling unit;
- b. ~~Triplexes, quadplexes, townhomes and single-room occupancies created by a conversion of an existing dwelling unit.~~

Figure 2.1.950.D.



2.1.1100 Other Design Standards.

E. Front Door Orientation Standards.

1. **Applicability.** This section applies to the following types of new buildings:

- a. Single-unit dwellings;
- b. Duplex;
- c. Triplex;
- d. Quadplex;
- e. Townhome;
- f. Single-room occupancy with six or fewer units.

3. Exemptions to Orientation Standards.

a. ~~Duplexes, triplexes, quadplexes, townhomes and single room occupancy created by a conversion of an existing dwelling unit.~~

b. a. Dwelling units located on the flag portion of a flag lot.

Chapter 3.1

LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.300 Multi-Modal Access and Circulation.

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

1. Pedestrian facilities must:

d. Extend throughout the development site, and connect to all future phases of development, abutting trails, public parks and open space areas ~~as described in subsection (C) of this section,~~
~~Off Site Multi-Modal Facilities. (*Outdated reference*)~~

3.1.400 Vehicle Access Management

F. *Access Management Requirements.* Access to the street and alley system must meet the following standards:

4. **Additional Access Points.**

- a. Single-unit detached dwellings and duplexes with no alley access may have an additional access point in compliance with the following:
 - i. Corner lots or parcels at the intersection of two local streets may have one access point per frontage. When one frontage is 80 feet or wider the lot or parcel may have one access point per frontage or two accesses on the frontage with a minimum 80-foot width. The accesses must be separated by a minimum of 10 feet as measured between the edge of the approaches.
 - ii. Lots or parcels on a local street that are not corner lots and have a frontage of 80 feet or wider may have two access points. The accesses must be separated by a minimum of 10 feet as measured between the edge of the approaches.
 - iii. Through lots with two frontages on local streets may have one access point per frontage.

Chapter 3.2

LANDSCAPING, TREE PRESERVATION, FENCES AND WALLS

3.2.200 Tree Preservation

F. Root Protection Zone Requirements. These standards apply to any on-site tree that is identified to be preserved and to any root protection zone that extends into the site from an off-site tree. The tree protection methods and specifications must be consistent with ISA best management practices.

1. **Identify a Root Protection Zone.** The root protection zone must comply with subsection (F)(1)(a) of this section, Clear and Objective Track, or the applicant may request a discretionary track in accordance with subsection (F)(1)(b) of this section, Discretionary Track.

- a. **Clear and Objective Track.**

i. **Root Protection Zone.** For on-site trees that are identified to be preserved and off-site trees where the root protection zone extends into the site, provide a circular area measured from the outside trunk of the tree equal to one foot in radius for every inch of tree at diameter at breast height. For off-site trees with root protection zones that extend into the site, the root protection zone may be estimated but no less than the extent of the dripline.

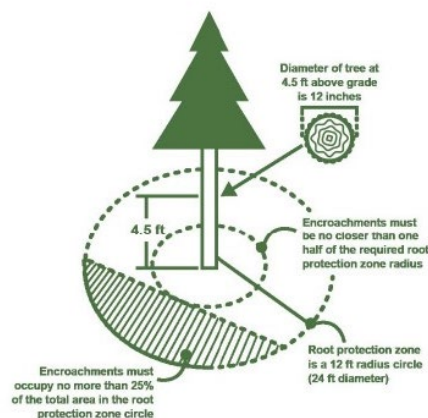
ii. **Encroachments.** Existing encroachments into the root protection zone may remain. New encroachments into the root protection zone for structures, impervious surfaces and utilities are allowed provided:

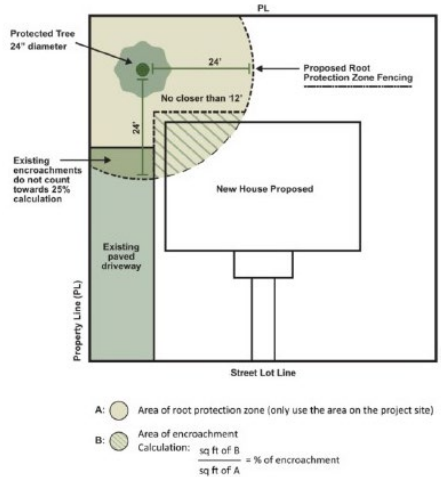
(A) The area of all new encroachments is ~~less~~ no more than 25 percent of the remaining root protection zone area when existing encroachments are subtracted; and (**Consistent with Figure 3.2.200.F, Examples of Permissible Encroachments**)

(B) New encroachments are no closer than one-half of the required root protection zone radius.

(C) Consent from the abutting property owner, for an off-site tree with a root protection zone extending onto the site.

Figure 3.2.200.F. Example of Permissible Encroachments





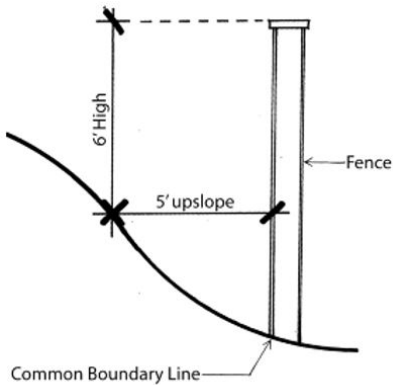
3.2.500 Fences and Retaining Walls

C. Fences.

1. Residential Districts.

- c. Fences must not exceed six feet in height in the side and rear setbacks.
- d. When the fence is located outside of the required ~~side and rear~~ setback area, it may be constructed to a maximum height of eight feet. **(Allows fences on the nonfront designated areas for corner and through lots to be up to eight feet in height when located outside of the setback areas.)**
- de. If there is a grade difference between two sites which would make a six-foot-high fence inadequate to provide for privacy, such fence must be no higher than six feet above the highest grade within five feet of the common boundary line, as illustrated in Figure 3.2.500.C.

Figure 3.2.500.C.



ef. Barbed wire and razor wire fencing is prohibited.

Chapter 3.3

VEHICLE PARKING STANDARDS FOR ON-SITE PARKING

3.3.300 Vehicle Parking Standards for On-Site Parking.

B. Maximum Number of Parking Spaces.

1. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the number of parking spaces provided in Table 3.3.300, Maximum Off-Street Vehicle Parking Spaces. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, tuck-under parking or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Where a fractional number of spaces results, the maximum number of spaces is rounded down to the nearest whole number. This section does not apply to single-unit detached, accessory dwelling units, manufactured dwellings, duplexes, triplexes, quadplexes, single room occupancies with six or fewer units, townhomes, live/work townhomes and cottage developments.

Table 3.3.300. Maximum Off-Street Vehicle Parking Spaces

(Other parking requirements in Table remain unchanged)

Use	Maximum Parking Spaces
Residential	
Bed and breakfast inns	1.5 spaces per bedroom, plus 1 space for the manager or proprietor
Multi-unit residential	Studio units – 1.2 spaces per unit
	Units with one or more bedrooms – 2 spaces per unit
<u>Single-room occupancies with more than six units</u>	<u>2 spaces for every three units</u>
Development alternatives	See BDC Chapter 3.8, Development

(Relocated from BDC 3.6.200,O, Single-Room Occupancy, and revised to be consistent with HB 2138. The HB requires (3)(a) For a single room occupancy, a local government may not require more parking for every three single room occupancy units than the local government requires for: (A) A single detached dwelling, if the single room occupancy development has six or fewer units; or (B) A dwelling unit in a multiunit housing development, if the single room occupancy development has more than six units.)

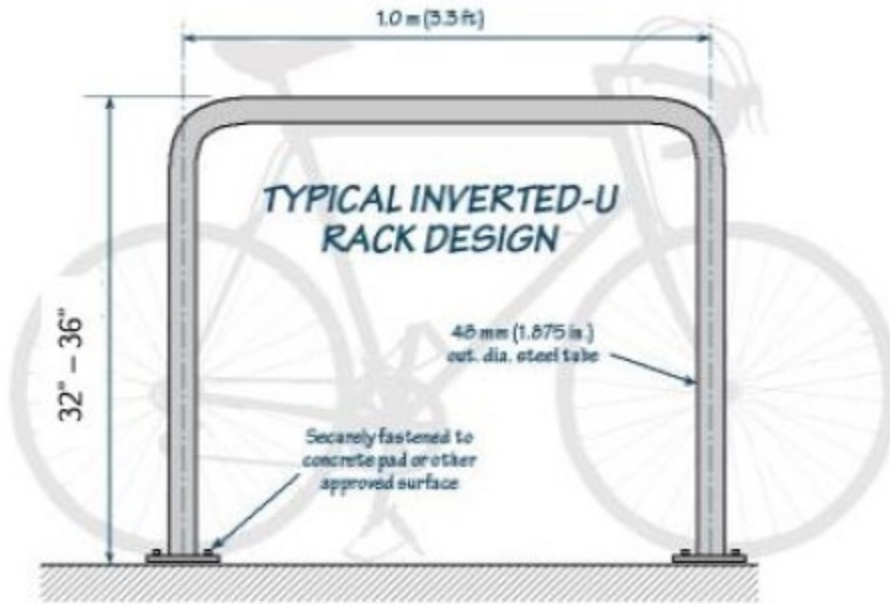
3.3.600 Bicycle Parking Standards.

A. *Applicability.* All uses that are subject to site plan review or minimum development standards review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, must provide bicycle parking in conformance with the following standards:

1. ***Exemption.*** Applications for a single-unit detached, manufactured dwellings, accessory dwelling units, duplexes, triplexes, quadplexes, ~~townhomes~~ townhouses, single room occupancies with six or fewer units or cottage developments, or home businesses are exempt from this section.

C. *Bicycle Parking Requirements.* Required bicycle parking must comply with the following:

1. ***Inverted “U” Style Racks.*** Inverted “U” style racks or similar designs as illustrated below must comply with the following:
 - a. Allow ways to lock at least two points on a standard bicycle frame.
 - b. Have rounded surfaces and corners.
 - c. Be coated in a material constructed of a durable, low maintenance finish, such as galvanized or powder coated.
 - d. Be securely anchored to the ground.
 - e. Each bicycle parking space must be at least two feet wide and six feet long, with four feet spacing between adjacent racks.
 - i. ***Exception.*** Oversized bicycles and alternative bicycle spaces must be at least ~~four~~ three feet wide and eight feet long, with ~~eight~~ six feet spacing between adjacent racks.
 - f. A bicycle parking space must be at least two feet from a curb.



4. **Oversized Bicycles and Alternative Bicycle Types.** Bicycle parking that accommodates oversized bicycles and alternative bicycle types must comply with the following:
 - a. Each space must be at least ~~four~~ three feet wide and eight feet long, with ~~eight~~ six feet spacing between adjacent racks.
 - b. Be securely anchored to the ground.

D. Long-Term Bicycle Parking Requirements. Long-term parking must comply with the following:

4. When more than 20 long-term bicycle parking spaces are required, at least five percent of the required long-term spaces must accommodate oversized bicycle parking. (**Clarify this applies to the required number of bicycle parking spaces.**)

PUBLIC IMPROVEMENT STANDARDS

3.4.200 Transportation Improvement Standards.

C. *Creation of Rights-of-Way for Streets, Alleys and Related Purposes.* Streets must be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a public right-of-way by acceptance of a deed where no plat will be recorded, and the deeded right-of-way conforms to this code. All deeds of dedication must be in a form prescribed by the City and must name “the public” as grantee. All right-of-way, however, dedicated to the City, must be free and clear of all existing liens, ~~and~~ encumbrances, reservations, and restrictions.

- 1. *Discretionary Track.*** If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the City Engineer make a determination that ~~a~~ a lien, encumbrance, reservation or restriction may be maintained if there are significant legal or other impediments to moving or releasing the lien, encumbrance, reservation or restriction and the lien, encumbrance, reservation or restriction does not materially conflict with the City’s potential or actual uses of the right-of-way, in the sole determination of the City Engineer.

F. *Minimum Rights-of-Way and Street Sections.* Streets, alleys, sidewalks, access corridors, planter strips, travel lanes, and parking must be provided in compliance with the City of Bend Standards and Specifications cross-sections. Oregon Department of Transportation (ODOT) facilities must meet Oregon Department of Transportation design standards. ***(A reference to alleys is needed since this section includes requirements that apply to alleys.)***

Additional multi-use paths or bike lanes may be required on local streets to provide a low stress route as identified in the Transportation System Plan Figure 5-1, Bicycle Low Stress Network, or as identified in the Connector Routes and Crossings Map in compliance with the City of Bend Standards and Specifications or as amended by the City Engineer.

3. Exceptions to Minimum Rights-of-Way Standards.

Table A: Right-of-Way Widths for Dedicated Public Roadways and Alleys

Street Classification and Roundabout ROW Right-of-Way Dedication (This title needs to include alleys)	Arterial	Collector	Local	Alley	Cul-De-Sac	Roundabout	Highway (not including the Parkway)
Minimum ROW-Right-of-Way	100'	80'	60'	20'	55' radius from center of the cul-de-sac	100' radius from center of intersection	100'

J. Special Setbacks.

1. **Purpose.** The purpose of this subsection is to ensure that adequate rights-of-way will be available for the appropriate street and alley improvements ~~as the City grows~~ to provide the transportation system planned to meet the needs of current and future development and that there will be no conflicts with the built environment. **(Provides appropriate setbacks when alley dedication cannot be acquired through the land use review process.)**

2. **Applicability.** The special setback standards apply to any lot or parcel that abuts a public right-of-way.

Exception. The special setback standards do not apply to intersections or streets that are already constructed consistent with the Transportation System Plan (TSP) including streets and intersections in subsection (F)(3)(b) of this section as “not being identified for lane expansion.”

3. Setback.

- a. Unless waived under BDC 3.4.150, Waiver and Modification of Public Improvement Standards, all buildings or structures must be set back ~~from planned future rights-of-way~~ the minimum distance established in the applicable zoning district from planned future rights-of-way in accordance with Table J, Special Setback Standards.

- a. **Exception.** For roundabouts, a minimum 10-foot setback is required even if a lesser setback is required for that zone.
- b. ~~Unless waived under BDC 3.4.150, the from existing substandard width rights-of-way must comply with Table J.~~

Table J. Special Setback Standards

<u>Alley and Street Classification</u>	<u>Additional Setback-Planned Future Right of Way from Centerline of Street or Alley</u>
<u>Alley</u>	<u>10 feet</u>
Local Street	30 feet
Collector	40 feet
Arterial (Major, Minor)	50 feet
<u>Cul-de-sac</u>	<u>55-foot radius from center of cul-de-sac</u>
Roundabout (See exception in BDC 3.4.200(J)(3)(a))	440-100-foot radius from center of roundabout
<u>Highway (not including the Parkway)</u>	<u>50 feet</u>

(Proposed amendments require right-of-way needed for alleys, cul-de-sacs and highways with insufficient right-of-way)

- L. Sidewalks, Multi-Use Paths, Planter Strips, Curbs, Bicycle Lanes.** Sidewalks or multi-use paths, planter strips, curbs and bicycle lanes must be installed in conformance with the applicable provisions of

the Transportation System Plan, the Bend Comprehensive Plan, City of Bend Standards and Specifications and the following standards:

1. Sidewalks and multi-use paths must be placed at the property line in compliance with the City of Bend Standards and Specifications.
2. Bicycle lanes must be constructed on all collector and arterial streets. Bicycle low stress routes as shown on Transportation System Plan Figure 5-1, Bicycle Low Stress Network, must be constructed in compliance with the City of Bend Standards and Specifications for providing a Level of Traffic Stress LTS 1 or LTS 2 including any low stress street crossings.
3. Planter strips are not required on T-courts, mid-block lanes or shared lanes.
4. Sidewalks and multi-use paths ~~must be~~ are allowed to meander around existing trees.
5. All streets must have sidewalks or multi-use paths, and curbs.
 - a. Exceptions. Properties within the Woodriver Village subdivision are not required to install curb and must make a payment in lieu of constructing a sidewalk subject to BDC 3.4.160, Payment in Lieu of Sidewalk Construction.

(Proposed amendment makes it clear curbs are not required in Woodriver Village since sidewalks are not required.)

Q. *Curbs, Curb Cuts, Ramps, and Driveway Approaches.* Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches ~~shall~~ must be constructed in accordance with BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation, City of Bend Standards and Specifications and the following standards:

1. Curb exposure ~~shall~~ must be per City of Bend Standards and Specifications.
2. All public and private streets ~~shall~~ must have curbs, ~~except there shall be no curbs on alleys unless otherwise approved by the City Engineer.~~ ***(As defined in BDC Chapter 1.2, Definitions, an alley is not a street).***
 - a. Exceptions. Properties within the Woodriver Village subdivision are not required to install curb.

3. Curb extensions at local residential street intersections are optional. If provided, the minimum width between the curb extensions ~~shall~~ must be 24 feet. Curb extensions ~~shall~~ must not be used on streets with bike lanes.

(Proposed amendment makes it clear curbs are not required in Woodriver Village since sidewalks are not required)

3.4.400 Sanitary Sewer and Water Service Improvements.

- A. *Sewers and Water Mains Required.*** Sanitary sewers and water mains must be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications document and the applicable Bend Comprehensive Plan policies. ***(The Bend Comprehensive Plan does not include standards for sewer and water mains.)***

- D. *Inadequate Capacity.*** Development may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, or surcharging of existing mains, or violations of State or Federal standards pertaining to operation of domestic water and sanitary sewer treatment systems. ***(For reference only, no changes are proposed.)***

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.100 Purpose.

This chapter supplements the standards contained in this code. It provides standards for certain land uses in order to control the size, scale and compatibility of those uses within all the zoning districts.

3.6.200 Residential Uses. This section supplements the standards contained in BDC Title 2 and provides standards for the following land uses in order to control the size, scale and compatibility of those uses within the applicable zone: *(Repetitive of BDC 3.6.100, Purpose)*

~~A. Development on a Middle Housing Land Division Site.~~

~~1. Applicability.~~

- ~~a. The standards of this section apply to lots or parcels created from a middle housing land division. See BDC 4.3.700, Expedited and Middle Housing Land Division.~~

~~2. Development on a Middle Housing Land Division Site.~~

- ~~a. For purposes of the middle housing development, the regulations of the BDC apply to lots and parcels resulting from a middle housing land division collectively and not to each lot or parcel individually. For example, the building setback standards of the corresponding zone apply to the property lines of the parent site prior to the land division and not to the property lines of each individual lot created through the middle housing land division. *(Relocated to BDC 4.3.700, Expedited and Middle Housing Land Divisions)*~~
- ~~b. The residential structure type on a site that has been divided through a middle housing land division remains the residential structure type that was proposed with the middle housing land division. For example, if the middle housing land division was approved for a site with an existing or proposed quadplex, the residential structure type on the site remains a quadplex following the middle housing land division. *(Relocated to BDC 4.3.700, Expedited and Middle Housing Land Divisions)*~~
- ~~3. More than one dwelling unit is prohibited on a lot or parcel that has been created through a middle housing land division. Accessory dwelling units are prohibited on lots or parcels that have been divided through middle housing land divisions. *(Repetitive with BDC 4.3.700, Expedited and Middle Housing Land Divisions)*~~
- ~~4. The further division of a lot or parcel created through a middle housing land division is prohibited. *(Revised and relocated to BDC 4.3.700, Expedited and Middle Housing Land)*~~

5. ~~For purposes of the middle housing development, the concentration limits for short term rentals in BDC 3.6.500 will be measured based on the parent site, rather than from an individual lot or parcel created through a middle housing land division. Individual lots or parcels will each be subject to the other standards in BDC 3.6.500, Short-Term Rentals, on an individual lot or parcel basis. (Relocated to BDC 3.6.500, Short-Term Rentals)~~

A. Middle Housing Developments. (This amendment will go into effect January 1, 2027)

1. Retention of Existing Dwelling Units with Middle Housing.

- a. Development of middle housing is allowed on a lot or parcel with up to two existing dwelling units, which may be retained on the lot or parcel along with the new units. The existing units may consist of:
 - i. One detached single-unit dwelling;
 - ii. One detached single-unit dwelling plus one accessory dwelling unit; or
 - iii. One duplex.
- b. To qualify for the allowances in subsection (A)(1)(a) of this section, the existing units must have been in place for at least five years prior to the submittal of an application for new middle housing dwelling units.
- c. The existing units do not count toward the maximum number of units allowed on a lot or parcel.
- d. The existing units are not required to comply with applicable siting and design standards.
- e. The existing units on the lot or parcel may be separated from the new units by a middle housing land division, pursuant to BDC 4.3.700, Expedited and Middle Housing Land Division.

(Consistent with HB 2138, Section 1 and the Housing Model Code, Large Cities, Adopted December 4, 2025, Section 1.4, Retention of Existing Units with Middle Housing)

2. Bonus Units for Accessible or Affordable Middle Housing Dwelling Units. (This amendment will go into effect January 1, 2027)

- a. **Definitions.** The following words and phrases used in this subsection, which supplement the definitions found in BDC Chapter 1.2, Definitions, and elsewhere in this code, have the following meanings:
 - i. **Accessible unit** means a dwelling unit that complies with the “Type A” requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and

Facilities published by the International Code Council and as referenced by the state building code.

ii. **Affordable unit** means a dwelling unit that is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:

(A) Makes the unit available to purchase for a maximum sales price and requires that the unit be purchased by a household with an income below 120 percent of area median income, with both the maximum price and income threshold as published per region on an annual basis by the division of the Oregon Department of Administrative Services that serves as office of economic analysis; and

(B) Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.

b. **Bonus Units.** If one or more of the dwelling units of a middle housing development is an accessible or affordable unit, then the following additional units are permitted:

i. For a duplex or triplex, one additional attached or detached dwelling unit, resulting in a triplex or quadplex.

ii. For a townhouse, quadplex or cottage development, up to two additional attached or detached dwelling units, resulting in additional townhouses or cottages or attached or detached five-unit or six-unit developments.

c. The additional units under this section are subject to the City's regulations for middle housing, except that increases to the developable area, floor area, height, or density limits are allowed as needed to accommodate the development of the additional units.

d. Additional units permitted under this subsection cannot be combined with other BDC density bonuses, but may be added to existing dwelling units on the lot or parcel as provided in BDC 3.6.200(A)(1), Retention of Existing Dwelling Units with Middle Housing.

(Consistent with HB 2138, Section 3)

- B. Accessory Dwelling Unit (ADU).** An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-unit dwelling as the primary use. The maximum density standards do not apply to ADUs due to their small size and low occupancy. ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

- ~~4. **Sewer Analysis.** If the addition of a second ADU on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone, that ADU is not permitted if the sanitary sewer main capacity with the development of the second ADU (i) is at or over 80 percent full during dry weather conditions, (ii) results in less than two feet of freeboard in a manhole during wet weather, or (iii) results in a sewer force main with a velocity exceeding 10 feet per second during wet weather flow.~~

(Relocated to BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review)

- 5 4. Detached ADUs.** A detached ADU must be a minimum of six feet apart from other dwelling units on the same lot or parcel as measured between their building footprints, unless exempted below.

- a. Exemption.** Does not apply when each dwelling unit's structure was legally constructed prior to April 1, 2016.

- I. Residential Uses Within Commercial Districts.** Residential uses, such as multi-unit dwellings, are encouraged adjacent to employment, shopping and services. All residential developments must comply with subsections (I)(1) through (5) of this section, which are intended to guide mixed-use development; allow limited residential uses within commercial districts while conserving the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of the ordinance codified in this chapter are considered permitted uses and not a nonconforming use.

5. Commercial and Public/Institutional Floor Area.

- a. The commercial or public/institutional uses must occupy at least the floor area equivalent to the entire ground-floor area of the development. The commercial or public/institutional uses ~~shall~~ must be constructed prior to or concurrently with the residential uses. The following floor area may be included in the calculation of commercial or public/institutional use area:

~~a. Exception to the Floor Area Requirement.~~

- (i) Ground-floor entrance lobbies and other common access areas such as hallways or stairways that lead to residential units above or behind the commercial or public/institutional uses ~~are permitted.~~

- (ii) Ground-floor mechanical rooms that serve multiple land uses.

- b. Ground-floor area dedicated to residential uses, including assigned residential vehicle parking spaces, required residential bicycle parking spaces, leasing office and amenities (e.g. laundry rooms, storage areas, and exercise rooms) only accessible to the residents, are calculated as residential ground-floor area. (Amendment clarifies how shared floor area spaces in mixed-use buildings are allocated.)

O. Single-Room Occupancy. Single-room occupancies must comply with the following standards in addition to the standards of the applicable zoning district:

1. Single-room occupancies are permitted as follows:

- a. ~~In the RL and RS zZone; with a maximum of six~~ Up to six units on each a lot or parcel.
- b. ~~In the RS, RM and RH zZone; with the maximum number of units consistent with the density standards of the corresponding zoning district~~ Up to the greater of six units on a lot or parcel or three times the number of units allowed by the maximum density standards of a lot or parcel.
- c. RH Zone: Up to three times the number of units allowed by the maximum density standards of a lot or parcel.

(Consistent with HB 2138, Section 6)

2. **Review Procedure.**

- a. **~~Six or Fewer Units.~~** ~~For minimum development standards review, see BDC 4.2.400, Minimum Development Standards Review.~~ A minimum development standards review application is not required; however, compliance with BDC 4.2.400(A)(3), Approval Criteria, is required and will be verified through the building permit process. For minimum development standards review, see BDC 4.2.400, Minimum Development Standards Review.
 - b. **~~More Than Six Units.~~** A site plan review application is required in compliance with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. ~~For site plan review, see BDC 4.2.500, Site Plan Review.~~
3. Single-room occupancies must include a minimum of four attached or detached units that are independently rented and lockable. **(Consistent with HB 2138, Section 6)**
 4. Each unit must provide living and sleeping space for the exclusive use of an occupant.
 5. Occupants must share sanitary or food preparation facilities with the other units in the occupancy. The developer may provide both facilities as shared facilities; however, when one of the facilities isn't shared, it must be provided in each unit for the exclusive use of the occupant.
 6. ~~The parking maximum is one and one-half parking spaces per unit.~~

~~7. Bicycle Parking.~~

- a. ~~**Six or fewer units.** None.~~
- b. ~~**More than six units.** One covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the single room occupancy has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered under an eave, overhang, an independent structure, or similar cover.~~ **(Relocated to BDC 3.3.300, Vehicle Parking Standards for On-Site Parking and revised to be consistent with HB 2138. The HB requires (3)(a) For a single room occupancy, a local government may not require more parking for every three single room occupancy units than the local government requires for: (A) A single detached dwelling, if the single room occupancy development has six or fewer units; or (B) A dwelling unit in a multiunit housing development, if the single room occupancy development has more than six units.)**

86. Single-room occupancies with more than six units must provide a minimum 15 percent landscaping.
See BDC 3.2.300, New Landscaping.

97. The use of a unit as a short-term rental is prohibited.

3.6.250 Income Qualified Housing.

B. ***Income Qualified Housing Allowed Outright.*** The purpose of this section is to allow the development of income qualified housing consistent with the requirements of ORS 197A.445.

1. ***Affordability.*** As used in this section:

a. “Income qualified housing” means residential property whose affordability, including affordability under an affordable housing covenant as provided in ORS 456.270 to 456.295, is enforceable for a period of no less than 30 years, and:

- i. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or
- ii. The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; or
- iii. The property is a manufactured dwelling park that serves only households with incomes of 120 percent or less of the area median income.

b. “Area median income” means the median income for the metropolitan statistical area in which housing is located as determined by the Oregon Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

2. ***Applicability.***

a. An income qualified housing development is permitted if the proposed development is on property that is:

- i. Owned by a public body as defined in ORS 174.109, a nonprofit corporation that is organized as a religious corporation, a nonprofit corporation that is organized as a public benefit corporation whose primary purpose is the development of affordable housing, a housing authority as defined in ORS 456.005, or a manufactured dwelling park nonprofit cooperative as defined in ORS 62.803; or
 - ii. Located in a Residential, Commercial or Mixed-Use Zoning District or Public Facilities (PF) Zoning District.
 - iii. Located in the Light Industrial (IL) District and the property is:
 - (A) Publicly owned; and
 - (B) Adjacent to lands zoned to allow residential uses or schools.
 - b. Development under this section does not apply on lands where the City determines that:
 - i. The development on the property cannot be adequately served by water, sewer, stormwater drainage or streets, or will not be adequately served at the time that development on the lot is complete;
 - ii. The property contains a slope of 25 percent or greater;
 - iii. The property is within a 100-year floodplain; or
 - iv. The development of the property is constrained by land use regulations based on Statewide land use planning goals relating to:
 - (A) Natural disasters and hazards; or
 - (B) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.
3. **Density and Height Bonus.** Development of income qualified housing under this section may comply with the following density and height requirements, at the greater of:
- a. The density bonus for affordable housing in compliance with subsection (C) of this section, Affordable Housing Strategies; or

- b. The following density and height bonuses:
 - i. For property zoned RL, RS or RM-10, 200 percent of the existing maximum density and 12 additional feet above the height of the underlying zone;
 - ii. For property zoned RM, 150 percent of the existing maximum density and 24 additional feet above the height of the underlying zone; or
 - iii. For property zoned RH, or Commercial or Mixed-Use Districts, 125 percent of the existing maximum density and 36 additional feet above the height of the underlying zone.
- c. The Review Authority may reduce the density or height of the density bonus allowed under this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a Statewide land use planning goal. If the City of Bend utilizes this reduction authority, the City will adopt findings supported by substantial evidence demonstrating the necessity of the reduction.

- 4. **Public Facilities Zoning District Density.** The minimum and maximum density standards of the Medium Density Residential (RM) Zone apply.

5. ~~Income Qualified Housing Allowed Outright in an Area Plan or Community Master Adopted Approved Plan.~~

- a. An application for income-qualified housing under this section that is located within an ~~adopted~~ approved area plan, ~~or~~ community master plan, refinement plan, or other special planned district exceeding 10 acres and that establishes areas or a minimum acreage for commercial development and includes residential or other uses will be required to also submit a concurrent application to amend the applicable plan, in compliance with subsection (b) of this section, if the proposed development of income-qualified housing will result in both of the following:
 - i. The income-qualified housing development would otherwise not be permitted in the corresponding zone without ORS 197A.445 (i.e., standalone residential where a mixed-use development is required); and
 - ii. The income-qualified housing development, either independently or when added with lands previously approved for income-qualified housing under this section, will cause the amount of

land area available for commercial use to be reduced to less than 80 percent of the total amount approved in the ~~adopted~~ plan.

- b. An amendment to the ~~area plan or community master adopted~~ approved plan must include additional land area designated for commercial use that is not smaller than the land area proposed for the income qualified housing development.

(Amended by the Planning Commission on July 13, 2026 and by the City Council on August 5, 2026)

(HB 4037, Section 26)

3.6.300 Nonresidential Uses.

~~This section supplements the standards contained in BDC Title 2 and provides standards for the certain land uses in order to control the scale and compatibility of those uses within the applicable zone.~~ ***(Repetitive of***

3.6.100, Purpose)

3.6.500 Short-Term Rentals

The purpose of this section is to protect the character of the City's residential neighborhoods by limiting and regulating short-term rental of dwelling units.

The following provisions apply to all short-term rentals (STRs) after April 15, 2015.

A. Applicability.

1. No person can occupy, use, operate or manage, nor offer or negotiate to use, lease or rent, a dwelling unit for short-term rental occupancy unless issued a short-term rental (STR) permit or exempted under this chapter.
2. A permit is required for each dwelling unit that is allowed to be a short-term rental even if located on the same legal lot. Applications submitted after November 4, 2021, located in the RL, RS, RM, RH Zoning Districts, and MR Zoning District outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C) ~~that~~

~~include more than one dwelling unit on a property (e.g., ADUs, duplexes, triplexes, quadplexes, multi-unit cottages, etc.)~~ can only have one unit permitted as a short-term rental per property.

The standards of this section supersede the standards elsewhere in the Development Code, unless otherwise stated.

E. ***Concentration Limits.***

1. There must be at least 500 feet of separation between properties zoned RL, RS, RM, RH, and MR outside of the Old Mill District boundary (noted as Type II in Figure 3.6.500.C) measured radially from the property boundary of the subject property as determined by the City of Bend Community Development Director or designee, which have a valid Type II short-term rental application or permit or an active vacation home rental approved prior to April 15, 2015.
2. For a middle housing development, the concentration limits for short-term rentals will be measured radially from the boundary of the original lot or parcel (e.g., parent site), rather than from an individual child lot or parcel created through a middle housing land division. Only one unit on a parent site may be permitted as a short-term rental pursuant to BDC 3.6.500(A)(2). ***(Relocated from BDC 3.6.200(A), Development on a Middle Housing Land Division Site)***

Chapter 3.8

DEVELOPMENT ALTERNATIVES

BDC 3.8.500 Cottage Housing Development

- B. Applicability and Review Process.** Cottage housing developments are allowed in the following districts: Standard Density Residential (RS), Medium Density Residential (RM) and Medium-10 Residential (RM-10). The following review processes apply to cottage housing developments:

1. **Land Division.** The procedures and criteria of BDC Chapter 4.3 apply to cottage housing subdivisions land divisions.
2. **Middle Housing Land Division.** The procedures and criteria of BDC 4.3.700, Expedited and Middle Housing Land Division apply to a middle housing land division with a maximum of 12 cottages per parent site.
3. **Site Plan Review.** If a cottage housing development is proposed with multiple units on an individual lot, site plan and design review apply in accordance with the procedures of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. ~~All cottage housing developments are reviewed through a Type II process.~~

BDC 3.8.900, Cottage Cluster Development

B. ~~Approval~~ Review Process.

1. ~~Cottage cluster developments are subject to~~ **Minimum Development Standards Review.** Cottage cluster developments are subject to the procedures and criteria of BDC 4.2.400, Minimum Development Standards Review (MDS). A cottage cluster cannot include more than twelve cottages except when it is processed concurrently with a land division application.
2. **Land Division.** Cottage cluster developments that include a land division are subject to ~~The the~~ procedures and criteria of BDC Chapter 4.3, Land Divisions and Property Line Adjustments ~~apply to cottage cluster development subdivisions.~~
3. **Middle Housing Land Division.** Cottage cluster developments that involve a middle housing land division are subject to the procedures and criteria in BDC 4.3.700, Expedited and Middle Housing Land Division, and must not include more than 12 cottages per parent site.

Chapter 4.1

DEVELOPMENT REVIEW AND PROCEDURES

Sections:

(Where a section name/number is proposed to be amended, amend throughout the Bend Development Code.)

4.1.200 General Provisions. *(This section includes general provisions relevant to various types of applications. For reference only; no changes are proposed.)*

4.1.225 ~~Acceptance of Application~~ Completeness Check. *(The proposed amendments include a completeness check process for expedited and middle housing land division applications consistent with HB 2138. The proposed amendment relocates and combines BDC 4.1.412 Completeness Check, which is for Type II, III, and III-CC applications, to this section which provides general provisions for various types of applications.)*

4.1.227 Modification of Application (Type II/III/III-CC and Expedited or Middle Housing Land Division). *(The proposed amendments include a process for modifying expedited and middle housing land division applications. The proposed amendment relocates BDC 4.1.445, Modification of Application, which is for Type II, III, and III-CC applications, to this section which provides general provisions for various types of applications.)*

4.1.235~~0~~ Withdrawal of Application.

4.1.235 Final Action. *(The proposed amendments include requirements for final action of an expedited and middle housing land division application. The proposed amendments relocate BDC 4.1.413, Final Action in Type II, III, and III-CC Applications, to this section which provides general provisions for various types of applications.)*

4.1.300 Type I Ministerial Procedures *(Amendments combine BDC 4.1.310, 320, and 325 into 4.1.300 Type I Ministerial Procedures)*

~~4.1.310 Type I Applications.~~

~~4.1.320 Completeness Check and Final Action.~~

~~4.1.325 Decision~~

~~4.1.330 Appeal.~~ *(Repetitive of the new BDC 4.1.325(C), The decision may be appealed by the applicant under BDC 4.1.1100.)*

4.1.400 Type II, III, and III-CC Applications. *(This section outlines the requirements for Type II, III and III-CC applications. For reference only; no changes are proposed.)*

~~4.1.412 Completeness Check.~~ *(The proposed amendments include a completeness check process for expedited and middle housing land division applications consistent with HB 2138. The proposed amendment relocates and combines this section, which is for Type II, III, and III-CC applications, to BDC 4.1.225, Completeness Check, which provides general provisions for various types of applications.)*

~~4.1.413 Final Action in Type II, III and III-CC Applications.~~ *(The proposed amendments include requirements for final action of an expedited and middle housing land division application. The proposed amendments relocate this section, which is for Type II, III, and III-CC applications, to BDC 4.1.235 Final Action, which provides general provisions for various types of applications.)*

~~4.1.445 Modification of Application.~~ *(The proposed amendments include a process for modifying expedited and middle housing land division applications. The proposed amendment relocates this section which is for Type II, III, and III-CC applications, to BDC 4.1.227, Modification of Application (Type II/III/III-CC and Expedited or Middle Housing Land Division), which provides general provisions for various types of applications.)*

4.1.700, Expedited and Middle Housing Land Division Decision. (New section will include revised requirements consistent with HB 2138 that are being relocated from BDC 4.7.300(B), Preliminary Plat Process for Expedited and Middle Housing Land Divisions.)

4.1.1600 Summary of Development Application Types.

4.1.225 Acceptance of Application Completeness Check.

A. Application. As used in this subsection, an “application” means an application for:

1. A permit;
2. A limited land use decision;
3. A zone change;
4. A consolidated zone change and permit described under ORS 227.175;
5. An expedited or middle housing land division; or
6. A plat consisting of a land division and middle housing land division. See BDC 4.3.200(B), Concurrent Applications.

(Consistent with HB 2138, Section 17)

A B. Completeness Review.

1. ~~Type I, II, and III~~ An applications will not be ~~accepted as~~ deemed complete until the Community Development Director has determined that the requirements of BDC 4.1.220 have been met or the application for a ~~permit, limited land use decision or zone change~~ is deemed to be complete under State law.

2. An applicant must not submit any evidence to supplement its application during the 30 days following submittal of its application, except when requested by the Community Development Director. Any evidence submitted by an applicant in violation of this section will not be considered in determining whether the application is deemed complete.

BC. Complete Application. An application is deemed complete when, in the judgment of the Community Development Director, complete information to address all applicable criteria has been provided by the applicant.

~~G. Acceptance of Deeming~~ an application as complete does not preclude a determination at a later date that additional criteria need to be addressed or that additional information is needed to adequately address applicable criteria.

D. Incomplete Application. If an application is incomplete, the City must notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application will be deemed complete for the purpose of final action, upon receipt by the City of:

1. All of the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.

E. Voided Applications. On the one hundred eighty-first day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (D) of this section and has not submitted:

1. All of the missing information;
2. Some of the missing information and written notice that no other information will be provided; or
3. Written notice that none of the missing information will be provided.

4.1.227 Modification of Application (Type II/III/III-CC and Expedited or Middle Housing Land Division).

- A. The Review Authority will not consider any evidence submitted by or on behalf of an applicant that would constitute a modification of an application as defined in BDC Chapter 1.2, Definitions, unless the applicant submits a request for a modification of application and pays all required modification fees.
- B. A modification of application is subject to the standards and criteria in effect at the time the original application was first submitted.
- C. For a modification of application, the applicant must comply with the following:
1. **Type II and Type III Applications.** For Type II and Type III applications, the submission of a modification of application restarts the 120-day or 100-day review periods in BDC 4.1.235, Final Action, as of the date the modification is submitted and the fees are paid. The review period for an application, as modified, may be restarted as many times as there are modifications submitted.
 2. **Expedited or Middle Housing Land Division Application.** For an expedited or middle housing land division application, the submission of a modification of application restarts the 63-day review period in BDC 4.1.235, Final Action, as of the date the modification is submitted and the fees are paid. The review period for an application, as modified, may be restarted as many times as there are modifications submitted.
- D. For Type II, III and III-CC applications, the Review Authority will require that an additional notice be mailed and the Proposed Development Sign be posted for the application and/or additional hearings when a modification of application is submitted after the close of the record or comment period.
- E. Determination of a Modification of Application.
1. Up until the issuance of an administrative decision, the Community Development Director has sole authority to determine whether an applicant's submittal constitutes a modification of application.
 2. Up until the day a hearing is scheduled to open for receipt of oral testimony, the Community Development Director has sole authority to determine whether an applicant's submittal constitutes a modification of application. After such time, the Hearings Body must make such determinations. There is no local appeal process for the Review Authority's determination on whether a submittal constitutes a modification of application.

(Relocated from BDC 4.1.445, Modification of Application and revised to include a modification of application process for an expedited or middle housing land division application.)

~~4.1.235~~ **4.1.230 Withdrawal of Application.** An applicant may withdraw an application in writing at any time prior to ~~a the time a decision becomes~~ final decision. If the land owner is not the applicant, no consent to withdraw the application is needed from the land owner.

4.1.235 Final Action.

A. **Review Periods.** The City must take final action, including resolution of all local appeals, within the shortest applicable period of the following periods, all of which begin on the date that the application is deemed complete:

1. 120 days.
2. 100 days for an application for development of a multi-unit residential building containing five or more residential units within the urban growth boundary and at least 50 percent of the residential units included in the development will be sold or rented as affordable housing.

For the purposes of this subsection, the following definitions apply:

- a. Affordable housing means housing that is affordable to households with incomes equal to or less than 60 percent of the median household income for the county in which the development is built or for the state, whichever is greater, that is subject to an affordable housing covenant as provided in ORS 456.270 and 456.295, that maintains the affordability for a period of 60 years from the date of the certificate of occupancy.
- b. Multi-unit residential building means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

3. 63 days for an expedited land division or middle housing land division. See BDC 4.3.700, Expedited and Middle Housing Land Division.

B. Where the City has tentatively approved an application for the development of residential structures within the urban growth boundary, the City may extend the review periods in subsection (A) of this section by no more than seven days in order to assure the sufficiency of its final action.

C. **Extension.** The review period may be extended for a specified period at the written request of the applicant. The total of all extensions must not exceed 245 days.

D. The review periods established by this section do not apply to the following applications:

1. Quasi-judicial Comprehensive Plan text or map amendments or Development Code text amendments;
2. Revocation proceedings;
3. Interpretation and Determinations;
4. Consideration of remanded applications;
5. Statutory Development Agreements;
6. Major master plans; or
7. Annexations.

(Revised and relocated from BDC 4.1.413 Final Action in Type II, III, and III-CC Applications. Consistent with HB 2138, Section 17 which moves the timelines to ORS 227.178 to standardize common procedures like completeness reviews, the goalpost rule, and timeline waivers for all these application types.)

4.1.240 Applicable Standards.

- A. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted in compliance with BDC 4.1.412(A), 4.1.225(D), Incomplete Application, approval or denial of the application must be based on the following:
 1. Upon the standards and criteria that were applicable at the time the application was first submitted; or
 2. For an application ~~that includes one or more dwelling units, micro units, or single room occupancies~~ relating to development of housing, upon the request of the applicant, those standards and criteria that are operative at the time of the request.
- B. If an applicant requests review of an application under standards and criteria that are operative at the time of the request as provided in subsection (A)(2) of this section, the following applies:
 1. Any applicable timelines for completeness review and final action restart as if a new application were submitted on the date of the request.

2. For the purposes of this section the application is not deemed complete until:
 - a. The City determines that additional information is not required under BDC 4.1.412(A) 4.1.225(D), Incomplete Application; or
 - b. The applicant makes a submission under BDC 4.1.412(A) 4.1.225(D), Incomplete Application in response to the City's request.
3. The City may deny a request if:
 - a. The City has issued a public notice of the application; or
 - b. A request under subsection (A)(2) of this section was previously made for same application.
4. The City may not require that the applicant:
 - a. Pay a fee, except to cover additional costs incurred by the City to accommodate the request;
 - b. Submit a new application or duplicative information, unless information resubmittal is required because the request affects or changes information in other locations in the application or additional narrative is required to understand the request in context; or
 - c. Repeat redundant processes or hearings that are inapplicable to the change in standards or criteria.

4.1.250 Conflicting Procedures.

A. Notwithstanding the provisions of this section, where other provisions of the City of Bend Code or City of Bend ordinances specify procedures with greater opportunity for public notice and comment, those procedures ~~shall~~ apply.

1. Exceptions.

- a. Applications for the development of housing that do not request an alternative approval process.
- b. Expedited and middle housing land divisions. See BDC 4.1.700, Expedited and Middle Housing Land Division Decision.
- c. Adjustments. See BDC Chapter 5.3, Adjustments.

- d. Where state law specifies a lesser opportunity for public notice or comment.

4.1.260 Legal Lot of Record.

- A. **Purpose.** The purpose of this section is to establish criteria and a process for determining when a legal lot of record exists.
- B. **Legal Lot Determination Process.** Legal lot of record determination applications are reviewed under the Type I process. It is the property owner's responsibility to demonstrate that the plot of land meets the legal lot of record definition and the criteria for a legal lot of record in subsection (C) of this section, Criteria.
- C. **Criteria.** A legal lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 to 92.190:
1. The plot of land was lawfully created through a subdivision or partition plat;
 2. The plot of land was created within the City limits through a deed or land sales contract recorded with Deschutes County prior to:
 - a. May 2, 1962, ~~before the City adopted subdivision regulations~~ if the plot of land was created with a land division resulting in four or more lots that are less than five acres each (City Ordinance 591); or
 - b. December 16, 1981, ~~before the City adopted partition regulations~~ if the plot of land was created with a land division resulting in three or fewer parcels (City Ordinance 1349).
 3. The plot of land was created within the County jurisdiction through a deed or land sales contract recorded with Deschutes County prior to:
 - a. October 1, 1970, ~~before the County adopted subdivision regulations~~ if the plot of land was created with a land division resulting in four or more lots of which at least one lot is less than 10 acres in size (County Ordinance PL-2); or
 - b. ~~January 4 April 5, 1977, before the County adopted partition regulations~~ if the plot of land was created with a land division of three or fewer parcels (County Ordinance PL-7); ~~or~~
 - c. November 1, 1979, if the plot of land was created with a land division that did not meet criteria (3)(a) or (3)(b) (County Ordinance PL-14).
- D. **Remedy for Units of Land Found Not to Be Legal Lots of Record.**
1. In accordance with BDC Chapter 4.3, Land Divisions and Property Line Adjustments, consolidate the unit of land with a contiguous unit of land that is determined to be a legal lot of record. Both units of land must be held in the same ownership as shown on the records of the Deschutes County Clerk.

2. Apply for and obtain approval for a single lot partition or minor replat in conformance with ORS 92.176 and BDC Chapter 4.3, Land Divisions and Property Line Adjustments.

4.1.270. Needed Housing.

A. ***Discretionary Track.*** If the proposed development includes needed housing, the ~~developer applicant~~ must identify any standard for which it wishes the City to apply ~~the review standards identified as the a~~ discretionary track or alternative review process. If the ~~developer applicant~~ requests application of any discretionary track standard, a Type I application will be elevated to a Type II review.

B. ***~~Approvals~~ Applications for Subdivision, Partition or Construction for Needed Housing.***

1. The Review Authority must approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land for needed housing that is consistent with the Bend Comprehensive Plan and applicable land use regulations.
2. If an application is inconsistent with the Bend Comprehensive Plan and applicable land use regulations, the Review Authority, prior to making a final decision on the application, must allow the applicant to offer an amendment or propose conditions of approval that would make the application consistent with the Plan and applicable regulations. If an applicant seeks to amend the application or propose conditions of approval:
 - a. The applicant must submit the request in writing and pay all required amendment fees.
 - b. The Review Authority may (i) extend the review period and (ii) may set forth a new time limitation for final action on the consideration of future amendments or proposed conditions of approvals.
3. The Review Authority must deny an application that is inconsistent with the Bend Comprehensive Plan and applicable land use regulations and that cannot be made consistent through amendments to the application or the imposition of reasonable conditions of approval.

C. Applications for the development of housing that do not elect to use an alternative approval process must be decided by the Review Authority without a public hearing.

4.1.275 Review Authority.

A. The following is the Review Authority for Type I, II, III, III-CC and IV Applications:

1. **Type I.** Type I decisions are made by the Community Development Director, unless elevated to a Type II application in compliance with BDC 4.1.310(B) or when an applicant elects to use ~~a discretionary track~~ an alternative approval process. The Community Development Director's decision to elevate a Type I application to a Type II application is not an appealable decision. See BDC 4.1.300, Type I Ministerial Procedures.
2. **Type II.** Type II decisions are made by the Community Development Director. The Community Development Director may elevate a Type II minor master plan application to the Planning Commission for hearing and decision as a Type III application and, ~~except for expedited and middle housing land divisions~~ except for applications for the development of housing that do not request an alternative approval process, all other Type II applications to the Hearings Officer for hearing and decision as a Type III application. The Community Development Director's choice between or among administrative or hearing procedures to apply to a particular application or determination is not an appealable decision. (***HB 4037 does not allow a public hearing for applications for the development of housing.***)
3. **Type III.** Type III decisions are made by the Planning Commission or Hearings Officer after a public hearing following the quasi-judicial hearings procedures of BDC 4.1.800, Type III and III-CC Quasi-Judicial Hearings. The following is the Review Authority for Type III applications:
 - a. The Hearings Officer has the authority to approve or deny a quasi-judicial zone change when the zoning is proposed to be consistent with the Bend Comprehensive Plan Map.
 - b. The Planning Commission has the review authority to approve or deny a quasi-judicial zone change processed concurrently with a minor master plan.
 - c. The Planning Commission has the authority to approve or deny Type III applications in the Waterway Overlay Zone.
 - d. All other Type III decisions are made by the Hearings Officer.

4.1.300 Type I Ministerial Procedures.

~~4.1.310 Type I Applications.~~

A. **Type I Applications.**

1. A Type I application may be handled administratively by the Community Development Director without public notice or hearing because a Type I decision is neither a land use decision nor a limited land use decision under ORS 197.015.

~~4.~~ **a. Exception.** A limited land use decision that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment may be made by the Community Development Director using a Type I process under ORS 197.195. The Community Development Director's decision to make a limited land use decision a Type I application under this section is not an appealable decision.

~~B.2.~~ The Community Development Director may elevate a Type I application to a Type II application when there is a need to interpret or exercise policy or legal judgment, or to apply discretionary land use standards. The Community Development Director's decision to elevate a Type I application to a Type II application is not an appealable decision.

~~C.3.~~ When the applicant elects to use ~~a discretionary track~~ an alternative approval process, the application will be elevated to a Type II application (~~Discretionary Track~~).

4.1.320 B. Completeness Check and Final Action.

A.1. Type I applications are subject to the completeness check procedures found in BDC 4.1.412 4.1.225, Completeness Check.

~~B. 2.~~ Once ~~accepted as~~ deemed complete, an applicant may request to place the application on "hold" for a period of no longer than 60 days, which may be extended by the Community Development Director for good cause, up to a total of 245 days.

4.1.325 C. Decision.

A. 1. Type I applications acted upon without notice or hearing ~~shall~~ will be approved or denied by the Community Development Director or ~~his or her~~ their designee.

~~B. 2.~~ Notice of a decision ~~shall~~ will be provided to the applicant or the applicant's representative.

~~C. 3.~~ The decision may be appealed by the applicant under BDC 4.1.1100, Appeals.

~~D. 4. A Type I decision becomes final when no further appeal under this code is available.~~

~~4.1.330 Appeal.~~

~~Any appeal shall be in accordance with BDC 4.1.1100.~~

~~*(Repetitive of BDC 4.1.325(C), The decision may be appealed by the applicant under BDC 4.1.1100.)*~~

~~***~~

~~4.1.412 Completeness Check.~~

~~A. If an application for a permit, limited land use decision or zone change is incomplete, the City must notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application must be deemed complete for the purpose of BDC 4.1.413, Final Action in Type II or III Applications, upon receipt by the City of:~~

- ~~1. All of the missing information;~~
- ~~2. Some of the missing information and written notice from the applicant that no other information will be provided; or~~
- ~~3. Written notice from the applicant that none of the missing information will be provided.~~

~~B. On the one hundred eighty first day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (A) of this section and has not submitted:~~

- ~~1. All of the missing information;~~
- ~~2. Some of the missing information and written notice that no other information will be provided; or~~
- ~~3. Written notice that none of the missing information will be provided.~~

~~C. An applicant must not submit any evidence to supplement its application during the 30 days following submittal of its application, except when requested by the Community Development Director. Any evidence submitted by an applicant in violation of this section will not be considered in determining whether the application is complete and will be returned to the applicant.~~

(Combined with BDC 4.1.225, Acceptance of Application, and revised and renamed “Completeness Check”)

4.1.413 Final Action in Type II, III, and III-CC Applications.

~~A. Review Periods.~~

- ~~1. **One-Hundred-Twenty-Day Review Period.** The City must take final action on an application for a permit, limited land use decision or zone change, including resolution of all local appeals, within 120 days after the application is deemed complete, except as follows:~~
 - ~~a. For expedited and middle housing land divisions, see BDC 4.3.700, Expedited and Middle Housing Land Division.~~
 - ~~b. A decision involving an application for the development of residential structures within the urban growth boundary, where the City has tentatively approved the application and extends the 120-day review period by no more than seven days in order to ensure the sufficiency of its final action.~~

~~2. One-Hundred-Day Review Period.~~

- ~~a. The City must take final action, including resolution of all local appeals, within 100 days after the application is deemed complete, on an application for development of a multi-unit residential building containing five or more residential units within the urban growth boundary and at least 50 percent of the residential units included in the development will be sold or rented as affordable housing.~~

~~For the purposes of this section, the following definitions apply:~~

- ~~i. “Affordable housing” means housing that is affordable to households with incomes equal to or less than 60 percent of the median household income for the county in which the development is built or for the State, whichever is greater, that is subject to an affordable housing covenant as provided in ORS 456.270 and 456.295, that maintains the affordability for a period of 60 years from the date of the certificate of occupancy.~~
- ~~ii. “Multi-unit residential building” means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.~~

B. ~~**Extension.**~~ The review period may be extended for a specified period at the written request of the applicant. The total of all extensions must not exceed 245 days.

C. The 120-day review period established by this section does not apply to the following applications:

1. ~~Quasi-judicial Comprehensive Plan text or map amendments or Development Code text amendments;~~
2. ~~Revocation proceedings;~~
3. ~~Interpretation and determinations;~~
4. ~~Consideration of remanded applications;~~
5. ~~Statutory development agreements;~~
6. ~~Major master plan; or~~
7. ~~Annexations~~

(The proposed amendments include requirements for final action of an expedited and middle housing land division application. The proposed amendments relocate this section, which is for Type II, III, and III-CC applications, to BDC 4.1.235 Final Action, which provides general provisions for various types of applications.)

4.1.420 Mailed Notice of Type II Applications.

A. Notice of Type II applications must be mailed at least 14 days prior to the issuance of a decision. Such notice 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). ~~For mailed notices for expedited and middle housing land divisions, see BDC 4.3.700, Expedited and Middle Housing Land Division.~~

(Relocated to BDC 4.1.700 Expedited and Middle Housing Land Division Decision. HB 2138, Section 20(2)(d) requires the notice of decision to be provided to the applicant but does not require notice for any other person.)

B. Written notice must be sent by mail to the following persons:

1. The applicant.

2. Applications for the Development of Housing That Do Not Request an Alternative Approval

Process. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet, or within 500 feet for developments of 20 dwelling units or more, of the property that is the subject of the notice.

3. All Other Applications.

~~2.~~ a. Owners of record of property as shown on the most recent property tax assessment roll of property located, and to the addresses based on the City's current addressing records:

i. ~~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 will increase by 250 feet for every 25-foot increment of structure height above 50 feet.

~~b.~~ The applicant must bear the cost (i.e., mailing, etc.) of any notice. ***(Relocated to BDC 4.1.420(C))***

~~3.~~ ii. The designated land use chair(s) of a neighborhood ~~association~~ district recognized by the City of Bend, where any property within the notice area specified in subsection (B)(23)(a) of this section is within the boundaries of a recognized neighborhood ~~association~~ district.

iii. The Community Development Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection (B)(23)(a)(i) of this section, at ~~his or her~~ their sole discretion. ***(Relocated from BDC 4.1.420(B)(5))***

C. The applicant must bear the cost (i.e., mailing, etc.) of any notice. ***(Relocated from BDC 4.1.420(2)(b))***

1. Applications for development of housing will not bear the cost of any additional notice required under subsection (B)(3)(a)(iii) of this section.

D. 4. The notice requirements of this section will be deemed met when the Planning Division can provide an affidavit or other certification that such notice was given.

~~5.~~ The Community Development Director may increase the minimum notice area up to 400 feet beyond what is otherwise required under subsection (B)(2)(a) of this section, at his or her sole discretion. ***(Relocated to BDC 4.1.420(3)(a)(iii))***

~~G.~~ E. 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.

~~D.~~ Notice of the Community Development Director's Type II decision and the appeal period must be mailed to all parties to the record. ***(This is located in BDC 4.1.925 Notice of Decision)***

~~E. Any party can appeal a Type II decision in accordance with BDC 4.1.1100, Appeals.~~ **(This is located in BDC 4.1.1100, Appeals)**

4.1.423 Mailed Notice of Type III and III-CC Hearings.

A. Except as otherwise provided for herein, notice of a Type III or Type III-CC application 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.

B. Written notice 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, and addresses, based on the City's current addressing records, to properties:
 - a. Within 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.
 - i. The notice boundary ~~must~~ will increase by 250 feet for every 25-foot increment of structure height proposed or permitted above 50 feet.
 - b. ~~The applicant must bear the cost (i.e., mailing, etc.) of any notice.~~ **(Relocated to BDC 4.1.423(C) below)**
3. The tenants of a manufactured dwelling park when the application involves rezoning any part of the park.
4. The designated land use chair(s) of a neighborhood district recognized by the City of Bend, where any property within the notice area specified in subsection (AB)(2) of this section is within the boundaries of a recognized neighborhood district.

C. The applicant must bear the cost (i.e., mailing, etc.) of any notice. **(Relocated from BDC 4.1.423(2(b))**

1. Applications for development of housing will not bear the cost of any additional notice required under subsection (E) of this section.

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

~~GE.~~ The Community Development Director may increase the minimum notice area beyond what is otherwise required under subsection (AB)(2)(a) of this section, at ~~his or her~~ their sole discretion.

4.1.424 Contents of Mailed Notices.

- A. ~~For the contents of mailed notices for expedited and middle housing land divisions, See BDC 4.3.700, Expedited and Middle Housing Land Division. All other m~~Mailed notices must:

(Expedited and middle housing land division applications have limited noticing requirements, consistent with HB 2138.)

4.1.425 ~~Posted Notice of~~ Proposed Development Sign for Type II, III or III-CC Applications.

- A. Notice of a Type II, III, or III-CC application for which mailed notice is required must be posted on the subject property by the applicant/property owner throughout the duration of the required public comment period. ~~Such notice~~ The sign must be located within 10 feet of any abutting public way. Failure of applicant/property owner to maintain posting of the sign throughout the duration of the required public comment period does not invalidate a land use decision.
- B. ~~Posted notice of~~ A posted sign for an application for a utility facility line approval must be by posting the proposed route at intervals of not less than 500 feet. The ~~notice~~ sign must be posted as close as practicable to, and be visible from, any public way in the vicinity of the proposed route.
- C. As part of the completeness check procedures in BDC 4.1.412, Completeness Check, the notice to the applicant must include the following information:
1. The requirement for posting a ~~notice~~ sign on the project site;
 2. The number of on-site ~~notices~~ signs required;
 3. The latest date that the ~~notice~~ sign may be posted; and

4. A statement to be signed and returned by the applicant certifying that the ~~notice sign(s)~~ either was or will be posted on site by the required date. Failure to submit such certification constitutes an agreement by the applicant to pause the review period until such statement is provided.

~~4.1.445 Modification of Application.~~

- ~~A. An applicant may modify an application at any time during the review process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process.~~
- ~~B. The Review Authority will not consider any evidence submitted by or on behalf of an applicant that would constitute a modification of an application as defined in BDC Chapter 1.2, Definitions), unless the applicant submits a request for a modification of application and pays all required modification fees. For Type II and Type III applications, the applicant must agree in writing to restart the 120-day or 100-day review periods in BDC 4.1.413, Final Action In Type II, III, and III-CC Applications, as of the date the modification is submitted and the fees are paid. The review period for an application, as modified, may be restarted as many times as there are modifications up to a total of 365 days for the 120-day review period and up to a total of 345 days for a 100-day review period from the day the application was accepted as complete.~~
- ~~C. The Review Authority may require that an additional notice be mailed and posted for the application and/or additional hearings be held.~~
- ~~D. Up until the day a hearing is opened for receipt of oral testimony, the Community Development Director has sole authority to determine whether an applicant's submittal constitutes a modification of application. After such time, the Hearings Body must make such determinations. The Review Authority's determination on whether a submittal constitutes a modification of application is appealable only to LUBA and only after a final decision is issued by the City on an application.~~

(The proposed amendments include a process for modifying expedited and middle housing land division applications. The proposed amendment relocates this section, which is for Type II, III, and III-CC applications, to BDC 4.1.227, Modification of Application (Type II/III/III-CC and Expedited or Middle Housing Land Division) which provides general provisions for various types of applications.)

4.1.600 Deschutes River Design Review Procedures.

For all property subject to the Deschutes River Design Review process pursuant to the Bend Development Code, the following procedures apply:

A. **Review Process.** The following are the review processes for the type of activity proposed in the Waterway Overlay Zone:

2. Type II Application Activities.

a. The following proposed activities are processed as a Type II application:

- i. Minor alterations of 10 percent or less to an existing building facade facing the river, including the roof.
- ii. Changes in window or door placement visible from the river.
- iii. Changes in parking locations.
- iv. Fill or removal activity within 10 feet of the ordinary high water mark of the Deschutes River.
- v. New construction or additions that are not visible from the river due to topography, vegetation or existing development.
- vi. Applications for the development of housing that do not elect to use an alternative approval process.

b. The Community Development Director may elevate a Type II application to the Planning Commission for a hearing as a Type III application. The Community Development Director's decision to elevate a Type II application to a Type III application is not an appealable decision.

3. Type III Application Activities.

a. The following proposed activities are processed as a Type III application, except those associated with the development of housing that do not elect to use an alternative approval process:

- i. Appeal of a Type II administrative review decision.

- ii. New construction and new development that exceed the activities listed in subsection (A)(2)(a) of this section.
- iii. Variances to an application in conformance with BDC Chapter 5.1, Variances.
- iv. Fill and removal activities associated with new development.

b. Type III applications are reviewed by the Planning Commission as follows:

- i. Notice for applications must be in compliance with BDC 4.1.423, Mailed Notice of Type III and III-CC Hearings, and BDC 4.1.424, Contents of Mailed Notices.
- ii. The hearing procedure must be in compliance with BDC 4.1.800, Type III and III-CC Quasi-Judicial Hearings.
- iii. The Planning Commission must review the entire project, even if only a portion of the project falls within the Deschutes River Corridor Design Review Combining Zone.
- iv. ~~Appeals of the decision of the Planning Commission may be appealed to the Land Use Board of Appeals (LUBA) as provided by law.~~ ***(This section is about Planning Commission's review and not about appeals.)***

4.1.700 Expedited and Middle Housing Land Division Decision. *(New section will include revised requirements consistent with HB 2138 that are being relocated from BDC 4.3.700(B), Preliminary Plat Process for Expedited and Middle Housing Land Divisions.)*

A. **Decision.** Decisions are made by the Community Development Director without a public hearing and must be based on applicable requirements of the BDC. An approval may include conditions to ensure that the application meets applicable land use regulations. There is no opportunity for a local appeal of the decision.

B. **Notice of Decision.** Notice of the Community Development Director's decision must be provided to the applicant and include:

- 1. A summary statement explaining the determination; and

2. An explanation of appeal rights under ORS 197.830 to 197.855.

(Consistent with HB 2138, Section 20, ORS 197A.140, Expedited land division; procedures; application fee.)

4.1.925 Notice of Decision.

A. Notice of the Review Authority's decision must be provided to all parties in compliance with the following. If an organization or identifiable group is a party to the proceedings, the City may designate or request the designation of one person to be the recipient of the notice for that organization or group.

1. **Type II Decisions.** A notice of the decision must be provided to the applicant and any person who submitted comments during the comment period.

~~a. **Expedited and Middle Housing Land Division Decisions.** For a notice of decision for an expedited or middle housing land division application, see BDC 4.3.700, Expedited and Middle Housing Land Division.~~ **(The notice of decision is proposed to be relocated to at BDC 4.1.700, Expedited and Middle Housing Land Division Decision)**

4.1.1000 Reconsideration of a Type II, ~~or~~ III or an Expedited and Middle Housing Land Division Decision.

4.1.1010 Reconsideration.

A. An applicant may request that the Review Authority's decision on a Type II, ~~or~~ Type III or an Expedited and Middle Housing Land Division application be reconsidered. The applicant must agree that the review period will not run during the period of the reconsideration and any resulting extended appeal period if applicable. The fee for the reconsideration request will be waived when, in the opinion of the Community Development Director, the reconsideration is requested to correct a clerical or technical error that is the City's fault.

B. Grounds for reconsideration of a Type II or an Expedited and Middle Housing Land Division decision is limited to the following:

1. The applicant submits additional documents or evidence that merely clarifies or supports the pending application, and is directed to one or more discreet aspects of the decision. The new information does not constitute a modification of application; or
2. The applicant requests to correct an error in a condition established by the Review Authority where the condition is not supported by the record or is not supported by law; or
3. The applicant requests to correct an error that is technical or clerical in nature.

4.1.1020 Procedure.

B. Type II and Expedited and Middle Housing Land Division Request for Reconsideration. Upon receipt of a request for reconsideration of a Type II decision or Expedited and Middle Housing Land Division decision, the Community Development Director will determine whether the request for reconsideration has merit. The Community Development Director's decision to determine whether the request for reconsideration has merit will be made without public notice and is not an appealable decision. No comment period or prior notice is required for an administrative reconsideration.

F. Appeals.

1. Filing a request for reconsideration stays the deadline for any party to file ~~an~~ a local appeal, if available, of the Review Authority's decision. A new appeal period for all parties to the proceeding will commence upon mailing a notice of modified decision or upon mailing a determination that a request for reconsideration is denied. The new appeal period will not be calculated as part of the review period.
2. If, during the appeal period, an appeal was filed and the applicant requested reconsideration, the appeal will be stayed pending disposition of the request for reconsideration. If the decision is not modified, the appeal will be processed in accordance with the procedures set forth in BDC 4.1.1100. If the decision is modified, the appellant must, within the appeal period of the modified decision, file in writing a statement requesting that its appeal be activated or the appeal will be invalidated.

3. If the decision is modified, any party can file a local appeal of the modified decision, if available, in accordance with BDC 4.1.1100, Appeals.

4.1.1100 Appeals.

A. Appeals must be in accordance with BDC 4.1.1100 through BDC 4.1.1165.

B. There is no opportunity for a local appeal of the following decisions:

1. A decision on an application for the development of housing that did not elect to use an alternative approval process.
2. A decision by the Hearings Officer, Landmarks Commission, or Planning Commission.
3. A decision on an Expedited or Middle Housing Land Division application.
4. A decision on an application for an adjustment under BDC Chapter 5.3, Adjustments.

~~For an appeal of an expedited or middle housing land division, see also BDC 4.3.700, Expedited and Middle Housing Land. Where there is a conflict between the provisions of the following appeal sections and BDC 4.3.700(B)(9) through (11), the provisions of the BDC 4.7.300(B)(9) through (11) apply. All other appeals must comply with the following sections.~~

4.1.1115 Filing Appeals.

- A. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Planning Division and pay an appeal fee.
- B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received by the Community Development Department no later than the close of the public counter on the twelfth day following mailing of the notice of decision. If a decision has been modified on reconsideration, an appeal must be filed no later than the close of the public counter on the twelfth day following mailing of the notice of modified decision. Notices of appeals cannot be filed by facsimile machine or email.

- C. ~~In the case of an appeal of a Type II decision to a Hearings Officer or to the Planning Commission, the Hearings Body's decision on appeal becomes final the date the notice of decision is provided in compliance with BDC 4.1.925, Notice of Decision.~~
- D. ~~The appeal of a Hearings Officer or Planning Commission Type II decision or of a Type III decision may be appealed to the Land Use Board of Appeals (LUBA) as provided by law.~~

4.1.1140 Scope of Review.

- A. ***Before Hearings Officer, Landmarks Commission or Planning Commission.*** The review of a Type II decision on appeal before the Hearings Officer, Landmarks Commission, or Planning Commission is de novo.

4.1.1145 Hearing on Appeal.

- A. The appellant and all other parties to the decision ~~below~~ must be mailed notice of the hearing on appeal at least 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 will be heard as provided in BDC 4.1.800, Type III and III-CC Quasi-Judicial Hearings. ~~The applicant must proceed first in all appeals.~~
- C. The order of Hearings Body is as follows:
1. Hearings Officer.
 2. Planning Commission for appeals of Type II decisions where the Hearings Officer cannot hear the matter due to unavailability or to a conflict of interest and for eligible appeals of a Type II administrative decision of an activity proposed in the Waterway Overlay Zone.
 3. Landmarks Commission for appeals of Type II decisions of a historic resource application.

4.1.1150 Type I Appeals.

Notice of the hearing date set for appeal ~~shall~~ must be sent only to the applicant. Only the applicant, ~~his or her~~ and representatives, and ~~his or her~~ witnesses of the applicant ~~shall be~~ are entitled to participate. Continuances ~~shall be~~ are at the discretion of the Hearings Body, and the record ~~shall~~ must close at the end of the hearing.

~~4.1.1600 Summary of Development Application Types.~~

There are five types of procedures: Type I, II, III, III-CC and IV. Table 4.1.1600 lists the City's development applications and their required types of procedure(s).

~~Table 4.1.1600. Summary of Development Application Types~~

Development Application	Type I	Type II	Type III	Type III-CC	Type IV
Adjustments	X				
Final Plat — Partition or Subdivision	X				
Home Business Class B	X				
Lot of Record Verification	X				
Minimum Development Standards	X				
Minor Replat	X				
Property Line Adjustment	X				
Temporary Use Authorization	X				
Short Term Rental	X	X			
Cemetery Subdivision		X			
Conditional Use Permit		X			
Design Review CB Zone — Track 1		X			

Design Review Deschutes River, Administrative		X			
Design Review		X			
Home Business Class C		X			
Minor Master Plan		X			
Partition (Tentative Plan)		X			
Planned Unit Development (PUD) Modification		X			
Major Replat		X			
Site Plan Review		X			
Solar Access Permit		X			
Subdivision (Tentative Plan)		X			
Variance (Class A, B, C)		X			
Waiver of Public Improvement Standards		X			
Wireless and Broadcast Communication Facility Site Plan♦♦	X	X			
Tree Removal — Water Overlay Zone	X	X	X		
Design Review CB Zone — Track 2			X		
Deschutes River Design Review — Planning Commission Hearing			X		

Extraterritorial Extension and/or Connection of Water and Sewer Service				X	
Major Master Plan				X	
Area Plan				X	X
Refinement Plan				X	X
Special Planned District				X	X
Statutory Development Agreements				X	X
Annexation				X	X
Bend Comprehensive Plan Map Amendment				X	X
Bend Comprehensive Plan or Code Text Amendment				X	X
Urban Growth Boundary (UGB) Expansion				X	X
Zone Change			X	X	X
Expedited Land Division. See BDC 4.3.700	N/A	N/A	N/A	N/A	N/A
Interpretation and Determinations. See BDC Chapter 4.10, Interpretations and Determinations.	N/A	N/A	N/A	N/A	N/A
Middle Housing Land Division. See BDC 4.3.700	N/A	N/A	N/A	N/A	N/A

*Unless elevated by the Community Development Director as authorized in BDC Chapter 4.1.

◆~~See BDC 3.6.500, Short Term Rentals.~~

◆◆~~See BDC Chapter 3.7, Wireless and Broadcast Communication Facilities—Standards and Process.~~

Chapter 4.2

MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

4.2.200 Review Processes.

- A. **Minimum Development Standards Review.** Applications are reviewed under the Type I process. ~~If minimum development standards review is combined with a waiver or modification of public improvement standards, the application must be reviewed following the Type II process.~~
- B. **Site Plan Review.** Applications that do not meet the applicability of the minimum development standards review must be processed as site plan review. Site plan review applications are reviewed following the Type II process.
- C. **Design Review.** Applications are reviewed under the Type II process.
- D. **Duration of Approvals and Extensions.** For approval expirations and extensions, see BDC 4.1.1310, Duration of Approvals and Extensions.

4.2.300 Submittal Requirements.

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

- 5. **Preliminary Grading and Drainage Plan.** A preliminary grading ~~and drainage~~ plan prepared by a registered professional engineer ~~or registered landscape architect shall be~~ is required in conformance with BC Title 16, Grading, ~~Excavation, and Stormwater Management~~ Erosion Control, Stormwater, Illicit Discharge, Tree Protection, and Wells. The preliminary grading plan ~~shall~~ must show the location and extent to which grading will take place, indicating general changes to contour lines (existing and proposed locations), slope ratios, ~~slope stabilization proposals~~, and location and height of retaining walls, if proposed.

6. **Surface Water Detention and Treatment Plan.** A plan prepared by a registered professional engineer ~~or registered landscape architect~~ showing all drainage retention areas, catch basins, and storm piping prepared in accordance with BDC 3.4.500, Storm Drainage Improvements, BDC 3.5.600, On-Site Drainage, and BMC Title 16, Excavation, and Stormwater Management Erosion Control, Stormwater, Illicit Discharge, Tree Protection, and Wells, shall be required. The plan must indicate how the stormwater will be retained on the site or discharged to regional or localized stormwater systems.

12. ~~Water and Sewer~~ and Water Capacity Analyses.

- a. **Site Plan Review Applications.** ~~These analyses are provided by the City upon request and payment of fee, if required.~~ The application must be accompanied by a sewer and water analysis prepared by the City of Bend.
- b. **Minimum Development Standards Review.** A sewer analysis prepared by the City of Bend is required if the total proposed dwelling units on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone. The dwelling units in excess of the maximum density will not be permitted if the development cannot meet established service levels. For the purpose of this calculation, in zones without a maximum density, the maximum density is assumed to be 43 units per acre.
- c. For properties not served by City water, a statement from the water provider in whose service area the property lies that the water provider is able and willing to serve the proposed development.
(Added by the City Council on August 5, 2026)

4.2.400 Minimum Development Standards Review.

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

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

b. The following standards are met:

- iii. Where available, public water and sanitary sewer mains must be extended through the length of the property frontage with services provided to the dwelling unit(s).

iv. ***Street and Alley Improvements for All Uses Other Than ADUs.***

- (A) Full street improvements must be constructed along the frontages of the property when an improved street has been built to the property line-unless the Community Development Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. When a street has been built to the property line and is not constructed to current City standards, an alternative design may be approved by the City Engineer to match existing improvements. In this case, a waiver under BDC 3.4.150 is not required.
- (B) If the property abuts an alley and one or more of the alley driveway approaches that access the street are not improved to City of Bend Standards and Specifications, then an alley approach must be improved to City of Bend Standards and Specifications with the proposed development unless the Community Development Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards.
- (C) For properties over one acre in size where future division of the property is allowable, street and/or alley improvements are not required if any portion of the dwelling is located more than 300 feet from an improved street or alley. In such cases, an agreement to not remonstrate against the formation of a local improvement district must be recorded against the property.

- xii. ~~Public utilities capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications. Sewer service and water service capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.~~
- (Amended by the City Council on August 5, 2026)***

B. Minimum Development Standards Review for All Other Uses.

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

- c. The following standards are met:

- x. ~~Public utilities shall be adequate to serve the proposal. Where existing utilities are to be replaced, or new utilities are to be installed, construction shall comply with this code and with the City's Standards and Specifications. Public utilities capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications. Sewer service and water service capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.~~
- (Amended by the City Council on August 5, 2026)***

4.2.500 Site Plan Review.

D. **Site Plan Review Approval Criteria.** The City shall approve, approve with conditions, or deny the proposed Site Plan Review application based on the following criteria:

7. ~~All required public facilities have adequate capacity, as determined by the City, to serve the proposed use; Public utilities capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications; Public utilities are or will be provided to serve the development prior to building final inspection; sewer service and water service must be capable of meeting established service levels. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications;~~ ***(Amended by the City Council on August 5, 2026)***

Chapter 4.3

LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

4.3.200 General Requirements.

- A. **Application Processes.** The first step for all subdivisions, partitions and replats is the review of a tentative plan. Upon approval of a tentative plan, the applicant must submit engineered plans to the City for construction of any public improvements approved as part of the tentative plan. The construction plans ~~shall~~ must be reviewed by the City for conformance with the City's Standards and Specifications. Upon approval of the construction plans, the applicant ~~shall~~ must build the improvements or provide a financial security guaranteeing the future construction of the improvements. Upon completion of the infrastructure

construction and fulfillment of any conditions of approval, the final step is the City's review and approval of a final plat and recordation of the final plat with Deschutes County.

B. **Concurrent Applications.** An applicant may elect to further divide one or more of the resulting lots or parcels of a land division application concurrently with a middle housing land division application, all to have final action taken within the timelines provided in BDC 4.1.235 Final Action. (***HB 2138, Section 15(1)(c)(C)***)

C. **Further Partitioning for a Middle Housing Land Division.** Within the same calendar year that an original partition, other than a middle housing land division, is recorded with Deschutes County, one or more resulting vacant parcels may be further partitioned into not more than three parcels through a middle housing land division. (***Relocated from BDC 4.3.700(A)(3) and consistent with HB 2138, Section 14, Subsection 7)***)

4.3.300 Tentative Plan.

B. ***Informational Requirements.*** A tentative plan must be prepared by a professional land surveyor, a registered professional engineer or a registered landscape architect and contain the information listed below. Some information may be omitted from the tentative plan if it is provided in accompanying materials. ~~No~~ A tentative plan application will not be ~~considered~~ deemed complete unless all the required information is provided.

1. General Information Required.

- j. If an application is for a subdivision, the application ~~shall~~ must be accompanied by a sewer and water analysis prepared by the City of Bend.

3. Information Concerning Proposed Subdivision, Partition or Replat.

- g. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, ~~stormwater disposal and other drainage facility plans~~ and all other utilities.

8. **Preliminary Grading Plan.** A preliminary grading plan prepared by a registered professional engineer is required in conformance with BMC Title 16, Grading, Erosion Control, Stormwater, Illicit Discharge, Tree Protection, and Wells. The preliminary grading plan must show the location and extent to which grading will take place, indicating general changes to contour lines (existing and proposed), slope, and location and height of retaining walls, if proposed.

9. **Surface Water Detention and Treatment Plan.** A plan prepared by a registered professional engineer showing all drainage retention areas, catch basins, and storm piping prepared in accordance with BDC 3.4.500, Storm Drainage Improvements, BDC 3.5.600, On-Site Drainage, and BMC Title 16, Grading, Erosion Control, Stormwater, Illicit Discharge, Tree Protection, and Wells, is required. The plan must indicate how the lots will either retain stormwater or discharge to regional or localized stormwater systems within the parent site.

E. ***Criteria for Subdivision, Partition or Major Replat Approval.*** The Review Authority shall not approve a tentative plan for a proposed subdivision, partition or major replat unless the Review Authority finds that the subdivision, partition or replat will satisfy the following criteria of approval:

- 4. ~~All required public facilities have adequate capacity, as determined by the City, to serve the proposed subdivision, partition or replat. Public utilities capable of meeting established service levels are or will be provided to serve the development prior to land division final plat approval. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications. Public utilities are or will be provided to serve the development prior to land division final plat approval; sewer service and water service must be capable of meeting established service levels. Where existing utilities are to be replaced, or new utilities are to~~

be installed, construction must comply with this code and with the City's Standards and Specifications.

(Amended by the City Council on August 5, 2026)

~~7. That the placement of utilities is in accordance with the adopted City standards.~~

~~8-7.~~ The proposal meets the requirements of the Fire Code, adopted flood protection standards, and other adopted standards intended to protect against natural hazards.

~~9-8.~~ The proposal is in compliance with any applicable approved master plan, master facilities plan, refinement plan, area plan and/or special planned district.

~~10-9.~~ The proposal complies with the standards of the zoning district in which the project is located and the standards of the zoning district that implements the Bend Comprehensive Plan designation of the subject property.

~~11-10.~~ The proposal complies with BDC Chapter 4.7, Transportation Analysis.

~~12-11.~~ The proposal complies with BC Title 15, Sewer.

4.3.700 Expedited and Middle Housing Land Division.

(This section incorporates several amendments required by HB 2138. HB 2138 reclassified expedited land divisions and middle housing land divisions as a type of land use decision and repealed the statutes that previously established customized procedures for these divisions. The repealed provisions included requirements for written notice to land division applicants, the use of writs of mandamus to compel local government approval, the associated appeals processes, mandatory application fees, and the use of referees.)

A. Applicability.

1. ***Expedited Land Divisions.*** An expedited land division application may be submitted when it complies with the following:

a. Includes only land zoned for residential uses.

- b. Is solely for the purpose of residential use, including recreational or open space uses accessory to residential use.
- c. Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect open spaces, scenic and historic areas and natural resources including the River Corridor Areas of Special Interest, Riparian Corridors and Upland Areas of Special Interest;
- d. Satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Bend's Standards and Specifications, and the BDC.
- e. Will result in development that either:
 - i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
 - ii. All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Deschutes County. A copy of a deed restriction or other legal mechanism approved by the Community Development Director ~~shall~~ must be submitted.

2. ***Middle Housing Land Divisions.***

- a. ***Eligible Housing.*** A middle housing land division ~~applies to~~ application may be submitted for the following:
 - i. A lot or parcel developed, or proposed to be developed, with units consisting of:
 - (A) ~~a A single duplexes, triplexes, or quadplexes, townhomes, or cottage developments;~~
 - (B) One or more townhouse structures, provided that the total number of dwelling units does not exceed twelve units;
 - (C) A cottage development with a maximum of twelve cottages; or
 - (D) Additional units allowed by BDC 3.6.200(A)(2), Bonus Units for Accessible or Affordable Middle Housing Dwelling Units; and (This amendment will go into effect January 1, 2027)

ii. Any existing dwelling units on the lot or parcel, as allowed by BDC 3.6.200(A)(1), Retention of Existing Dwelling Units with Middle Housing, including:

(A) One detached single-unit dwelling;

(B) One detached single-unit dwelling plus one accessory dwelling unit; or

(C) One duplex.

(This amendment above to (A)(2)(a)(ii) will go into effect January 1, 2027)

(Establishes a limit on the number of townhouses and cottages allowed per a middle housing land division application. The limits are consistent with HB 2138 Section 1, subsection 6 which creates a new limitation on the ability of local governments to require a traffic impact analysis for 12 or fewer cottages or townhouses. Subsections (iv) and (v) are consistent with HB 2138, Sections 1 and 3)

b. ***Applicability of Middle Housing Regulations.*** For purposes of the middle housing development, the regulations of the BDC apply to lots and parcels resulting from a middle housing land division collectively (parent site) and not to each child lot or parcel individually. For example, the building setback standards of the corresponding zone apply to the property lines of the original lot or parcel (e.g., parent site) and not to the property lines of each individual child lot created through the middle housing land division.

c. ***Residential Structure Type on the Parent Site.*** The residential structure type on a parent site that has been divided through a middle housing land division remains the residential structure type that was proposed with the middle housing land division. For example, if the middle housing land division was approved for a parent site with an existing or proposed quadplex, the residential structure type on the parent site remains a quadplex following the middle housing land division.

(Relocated from BDC 3.6.200 from BDC 3.6.200(A)(2)(a and b) and revised)

~~b~~d. A middle housing land division application may be submitted when:

i. The parent site is developed with middle housing;

ii. The parent site has an active building permit to construct middle housing;

- iii. The application is being reviewed concurrently with a building permit application for construction of middle housing; or
 - iv. The application is being reviewed with a site plan for proposed detached middle housing in compliance with subsection ~~(CB)~~(2)(d) of this section.
3. ~~Within the same calendar year that a partition (original) is recorded with Deschutes County, one of the resulting vacant parcels may be further divided into not more than three parcels through a middle housing land division; provided, that:~~
- a. ~~The original partition was not a middle housing land division; and~~
 - b. ~~The original parcel or parcels not divided will not be part of the resulting partition plat for the middle housing land division.~~

(Revised and relocated to BDC 4.3.200(C), Further Partitioning for a Middle Housing Land Division)

- 4. ~~An expedited land division and middle housing land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015. (Repealed with HB 2138)~~

~~B. Preliminary Plat Process for Expedited and Middle Housing Land Divisions.~~ Unless the applicant requests to use the procedure set forth in BDC 4.3.300, Tentative Plan, the City must use the following procedures for an expedited land division and a middle housing land division: ***(HB 2138, Section 17 amends application review procedure timelines to incorporate expedited land division and middle housing land division processes into ORS 227.178. This has the effect of standardizing common procedures like completeness review, the goal post rule, and timeline waivers. Several of the following sections have either been repealed or revised with HB 2138.)***

- 1. ~~Completeness Review.~~ ***(Completeness reviews for an expedited and middle housing land division have been relocated to BDC 4.1.225, Completeness Review.)***
 - a. ~~If the application for an expedited land division or middle housing land division is incomplete, the City must notify the applicant of the missing information within 21 days of receiving an application. The application must be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it. (Repealed with HB 2138, Section 20. BDC 4.1.225, Completeness Review, will apply to expedited and middle housing land divisions.)~~

~~b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted. **(Repealed with HB 2138, Section 20. BDC 4.1.240, Applicable Standards, will apply to expedited and middle housing land divisions.)**~~

~~2. Notice of Application.~~

~~a. Written notice of the receipt of the completed application for an expedited and middle housing land division must be provided to:~~

~~i. The applicant.~~

~~ii. Owners of record of property as shown on the most recent property tax assessment roll of property located, and to the addresses based on the City's current addressing records within 100 feet of the property that is subject of the notice.~~

~~iii. Designated land use chair(s) of a neighborhood district recognized by the City of Bend where any property within the notice area specified is within the boundaries of a neighborhood district.~~

~~iv. Any agency responsible for providing public services or facilities to the subject site.~~

~~b. The notice must include the following:~~

~~i. The deadline for submitting written comments;~~

~~ii. A statement of issues that may provide the basis for an appeal to the Hearings Officer must be raised in writing prior to the expiration of the comment period; and~~

~~iii. A statement that issues must be raised with sufficient specificity to enable the local government to respond to the issue;~~

~~iv. The applicable criteria for the decision;~~

~~v. The place, date, and time that comments are due;~~

- ~~vi. A time and place where copies of all evidence submitted by the applicant will be available for review;~~
 - ~~vii. The street address or other easily understood geographical reference to the subject property;~~
 - ~~viii. The name and telephone number of a local government contact;~~
 - ~~ix. A brief summary of the local decision-making process for the land division decision being made.~~
 - ~~c. The written notice requirement will be deemed met when the Planning Division can provide an affidavit or other certification that such notice was given.~~
 - ~~d. Notice must be posted on the subject property by the applicant/property owner throughout the duration of the required public comment period. Such notice must be located within 10 feet of any abutting public way. Failure of applicant/property owner to maintain posting of the sign throughout the duration of the required public comment period does not invalidate a land use approval.~~
- ~~3. Any person may comment in writing within 14 days from the date notice was mailed.~~

(Repealed pursuant to HB 2138, Section 20. HB 2138 requires that a notice of decision is provided to the applicant only.)

- ~~4. Decisions are made by the Community Development Director following public notice and an opportunity for parties to comment but without a public hearing. ***(Revised to be consistent with HB 2138 and relocated to BDC 4.1.700, Expedited and Middle Housing Land Division Decision. HB 2138, Section 20 states that a City may not hold a hearing or allow any third party to intervene or oppose the application.)***~~
- ~~5. The City must issue the administrative decision on the application within 63 days of receiving a completed application.~~
- ~~6. The Community Development Director's decision must be based on applicable requirements of the BDC. An approval may include conditions to ensure that the application meets applicable land use regulations.~~

~~7. Notice of the decision must be provided to the applicant and to those who received notice under subsection (B)(2)(a) of this section within 63 days of the date of a completed application. The notice of decision must include:~~

~~a. A summary statement explaining the determination; and~~

~~b. An explanation of appeal rights under ORS 197.375.~~

(Revised and relocated to 4.1.700, Expedited and Middle Housing Land Division Decision.)

~~8. Failure to Approve or Deny Application Within Specified Time.~~

~~a. After seven days' notice to the applicant, the City Council may, at a regularly scheduled public meeting, act to extend the 63-day time period to a date certain for one or more applications for an expedited land division or middle housing land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380 and 92.031, including the mandamus remedy provided by ORS 197.370(1), shall remain applicable to the expedited land division and middle housing land division, except that the extended period shall be substituted for the 63-day period wherever applicable. ***(Repealed by HB 2138, Section 21)***~~

~~b. The decision to approve or deny an extension under subsection (B)(8)(a) of this section is not a land use decision or limited land use decision. ***(Repealed by HB 2138, Section 21)***~~

~~9. A decision may be appealed within 14 days of the mailing of the decision notice by the applicant or a person or organization who files written comments within the time period described in subsection (B)(3) of this section. The appeal must include the appeal application and a \$300.00 deposit for costs. ***(Repealed by HB 2138, Section 21)***~~

~~10. An appeal must be based solely on one or more of the allegations:~~

~~a. The decision violates the substantive provisions of the applicable land use regulations;~~

~~b. The decision is unconstitutional;~~

~~c. The application was not eligible for review under this section, Expedited and Middle Housing Land Divisions, and should be reviewed as a land use decision or limited land use decision.~~

~~d. The appellant's substantive rights were substantially prejudiced by a procedural error.~~

~~11. The City must appoint a Hearings Officer to decide the appeal decision and the appointed Hearings Officer must comply with ORS 197.375(3) through (6) when issuing a decision. (**Repealed by HB 2138, Section 21**)~~

CB. ~~Expedited and Middle Housing Preliminary Plan Submittal Requirements.~~

1. ***Expedited Land Division Submittal Requirements.*** An application for an expedited land division must ~~submit~~ include the items listed in BDC 4.3.300(B) and a letter or narrative report documenting compliance with the applicable approval criteria contained in subsection (~~DC~~)(1) of this section, Expedited Land Division Approval Criteria.
2. ***Middle Housing Land Division Submittal Requirements.*** An application for a middle housing land division must include the following:
 - a. Items listed in BDC 4.3.300(B) and a letter or narrative report documenting compliance with the applicable approval criteria contained in subsection (~~DC~~)(2) of this section, Middle Housing Land Division Approval Criteria.
 - b. Existing buildings and structures require evidence in the form of a written statement provided by a design professional licensed in the State of Oregon and including such professional's stamp/seal and a site plan that demonstrates that all of the buildings and structures on a resulting lot or parcel comply with applicable building code provisions relating to the proposed property lines, and that all of the buildings and structures located on the lots or parcels comply with the Oregon Residential Specialty Code. Any structure built or proposed in a building permit ~~applied for~~ application submitted prior to an application for a middle housing land division would be considered existing for the purpose of this section.
 - i. ***Exception.***
 - (A) If the buildings and structures on a resulting lot or parcel are at least three feet from any proposed property line as measured from nearest vertical wall or building footprint, then

the required written statement does not need to be by a design professional licensed in the State of Oregon with the professional's stamp/seal.

c. A plan showing the following details:

- i. ~~Separate utility~~ Water and sewer connections for each dwelling unit, demonstrating compliance with approval criterion in subsection ~~(DC)(2)(c)(i) and (ii)~~ of this section.
- ii. Existing or proposed easements necessary for each dwelling unit ~~on the plan~~, demonstrating compliance with the criterion in subsection ~~(DC)(2)(d)~~ of this section.

d. Middle housing land division applications being reviewed with a site plan for proposed detached middle housing under subsection (A)(2)(~~bd~~)(iv) of this section must include the following to identify the buildable area for each resulting lot or parcel:

- i. Existing and proposed easements.
- ii. Percent of lot coverage allocated for each child lot or parcels.
- iii. Setback dimensions for all existing and proposed buildings.
- iv. Six-foot separation between buildable areas to maintain compliance with BDC 3.6.200(H)(1).

DC. Approval Criteria for an Expedited ~~and~~ or Middle Housing Land Division.

1. ***Expedited Land Division Approval Criteria.*** The applicant for an expedited land division must demonstrate that the application meets the criteria of BDC 4.3.300(E) and the following:

- a. The expedited land division complies with each of the provisions of subsection (A) of this section.

2. ***Middle Housing Land Division Approval Criteria.*** The applicant for a middle housing land division must demonstrate that the application meets all of the following criteria:

- a. The proposed, approved, or legally existing middle housing development ~~meets the standards and regulations of the BDC applicable to the development on the parent site prior to the land division is in compliance or will comply with the land use regulations that are applicable to the original lot or parcel.~~ ***(Consistent with HB 2138, Section 14)***

- b. All of the existing and proposed buildings and structures on a resulting lot or parcel comply with applicable building code provisions relating to the proposed property lines, and all of the buildings and structures located on the lots or parcels comply with the Oregon Residential Specialty Code.
- c. **Water and Sewer Service Connections.**
 - i. **Water.** Separate ~~utility~~ water service connections ~~for public water and sewer~~ will be provided for each dwelling unit.
 - ii. **Sewer.**
 - (A) Separate sewer service connections will be provided for each dwelling unit; or
 - (B) One sewer service connection from the main line will be provided to the parent site and, once on private property, the private service lines will be further distributed across property lines to two or more dwelling units on the resulting lots or parcels.
- d. The preliminary plat includes easements or tracts necessary for each dwelling unit for:
 - i. Locating, accessing, replacing, and servicing all utilities, a minimum of five feet in width;
 - ii. Pedestrian access easement a minimum width of four feet from each dwelling unit to a private or public street and to any required common area;
 - iii. Any common use areas or shared building elements;
 - iv. Any driveways or parking; and
 - v. Any common area.
- e. The middle housing land division results in one dwelling unit on each middle housing child lot or parcel, except for:-
 - i. Lots, parcels or tracts used as common areas; or
 - ii. Lots or parcels with two existing units, as allowed under BDC 3.6.200(A)(1), Retention of Existing Dwelling Units with Middle Housing. Such existing units will be considered a single middle housing unit for the purposes of the middle housing land division. ***(This amendment will go into effect on January 1, 2027) (Consistent with HB 2138, Section 14)***

f. ~~Where a resulting lot or parcel abuts a street that does not meet City standards, street frontage improvements must be constructed in conformance with BDC 3.4.200(F), Minimum Rights of Way and Street Sections. Full street improvements will be constructed along the frontages of the parent site when an improved street has been built to the property line unless the Community Development Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. When a street has been built to the parent site and is not constructed to current City standards, an alternative design may be approved by the City Engineer to match existing improvements. In this case, a waiver under BDC 3.4.150 is not required.~~

g. Sidewalk Improvements.

(A) When an existing public sidewalk exists within 600 feet of the property line of the parent site on the same side of the street of any of the frontages, sidewalks will be constructed along all frontage(s) of the site unless the Community Development Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. A corner lot or parcel has two or more front property lines and frontages.

(B) Properties within the Woodriver Village subdivision must make a payment in lieu of constructing a sidewalk subject to BDC 3.4.160, Payment in Lieu of Sidewalk Construction.

~~g. If the original lot or parcel did not previously provide the dedication needed to meet current standards, additional right of way in compliance with BDC 3.4.200, Table A, Right of Way Widths for Dedicated Public Roadways and Alleys, must be dedicated to the City free and clear of all existing liens and encumbrances. **(Proposed to be deleted since right-of-way is not required for the housing development under Minimum Development Standards Review.)**~~

h. The type of middle housing developed on the parent site is not altered by a middle housing land division.

ED. Preliminary Plat Conditions of Approval for Middle Housing Land Divisions.

1. The following conditions of approval are required for a middle housing land division:

a. Further division of the resulting lots or parcels is not permitted.

- b. New ~~A~~ccessory dwelling units are not permitted on resulting lots or parcels from a middle housing land division. ***(This amendment will go into effect on January 1, 2027)***
- 2. The City must not attach conditions of approval that a resulting lot or parcel requires driveways, vehicle access, parking, or minimum or maximum street frontage.

FE. Final Plat Requirements for Expedited and Middle Housing Land Divisions.

- 1. ***Expedited Land Division Final Plat.*** Approval of a final plat for an expedited land division is subject to BDC 4.3.400, Final Plat.

2. Middle Housing Land Division Final Plat.

- a. Approval of a final plat for a middle housing land division is subject to BDC 4.3.400, Final Plat, ~~except as provided~~ in addition to the requirements below.
- b. A notation must appear on the final plat indicating that the approval was given under ORS 92.031, Middle housing land division; conditions of approval.
- c. A notice in the form of a restrictive covenant must be recorded with the County which states:
 - i. The middle housing lot or parcel cannot be further divided.
 - ii. No more than one dwelling unit of middle housing can be developed on each middle housing lot, except for lots or parcels with two existing units, as allowed under BDC 3.6.200(A)(1), Retention of Existing Dwelling Units with Middle Housing. ***(This amendment will go into effect on January 1, 2027)***
 - iii. New ~~A~~ccessory dwelling units are not permitted. ***(This amendment will go into effect on January 1, 2027)***
 - iv. The dwelling ~~developed~~ on the middle housing lot or parcel is a unit of middle housing and is not ~~an attached or detached dwelling unit or~~ any other housing type.
- d. If the middle housing land division application is being reviewed with a site plan for proposed detached middle housing, the covenant described in subsection ~~(FE)~~(2)(c) of this section must limit the buildable area for each resulting lot or parcel in compliance with the site plan submitted in subsection ~~(EB)~~(2)(d) of this section.

- e. The applicant must record with the County Recorder approved tracts and/or easements for locating, accessing, replacing, and servicing all utilities, which must include provisions that commit the owners or owners' designee to maintain (i) all elements of the tract or easement, and (ii) any privately owned utility facilities within the tract or easement. The tracts or easements containing the maintenance provisions must be submitted to the County with the final plat.
- f. The tentative approval of a middle housing land division is void if a final subdivision or partition plat is not ~~recorded~~ approved within:
 - i. ~~Three~~ Three years of the tentative approval; or
 - ii. A period equal to that allowed for the plan or plat that is submitted concurrently with the division as described in ORS 92.044. (Consistent with HB 4037, Section 27, effective on June 5, 2026)

Chapter 4.5

Master Plans

4.5.100 Master Plan General Provisions.

H. Needed Housing. If the master plan includes needed housing, the written narrative submitted with the master plan application must clearly state whether the applicant is electing to use a process with clear and objective standards (minor master plan) for the development of housing or is electing to use an alternative review process with deviations proposed to one or more of the Bend Development Code standards and/or zoning district requirements and/or with changes proposed to the Bend Comprehensive Plan Map designations and/or zoning (major master plan). **(Clarifies minor master plans are for the development of housing.)**

4.5.200 Community Master Plan

C. Review Process.

1. **Needed Housing.** ~~If the community master plan includes needed housing as defined by State statutes, the written narrative submitted with the community master plan application must clearly state whether the applicant is electing to use a process with clear and objective standards (minor master plan) or is electing to use a deviation process with changes proposed to one or more of the Bend Development Code standards and/or zoning district requirements and/or with changes proposed to the Bend Comprehensive Plan Map designations and/or zoning (major master plan). See BDC 4.5.100(H), Needed Housing.~~

E. Standards and Regulations. Minor and major community master plans must comply with the following standards:

1. **Access to Commercial Goods and Services.** Access to commercial goods and services must be provided in compliance with the following standards:
 - a. The community master plan must have access to commercial goods and services by walking or biking a distance not greater than a one-half mile radius measured from all points along the perimeter of the master plan boundary to any land planned, zoned or developed for one or more such services. Such commercial uses may be provided within nearby neighborhoods or nonresidential districts as long as the minimum distance standard is met. In satisfying such distance standard, commercial goods and services that are not accessible by walking or biking because of physical or geographic barriers (e.g., rivers, Bend Parkway, canals, and railways) may not be used. Except for minor community master plans that are proposing needed housing ~~as defined by state statutes~~, the Review Authority may find that this provision is met when the commercial uses are located further away than one-half mile but the purpose and intent of providing reasonable access to the commercial uses has been met. **(The BDC includes a definition for needed housing.)**

Chapter 4.7

TRANSPORTATION ANALYSIS

4.7.200 Applicability.

A. *Applicability.* An applicant must submit a Transportation Facilities Report and follow the steps in BDC 4.7.300 when a proposed development involves one or more of the following applications:

1. Subdivision application;
2. Site Plan Review application;
3. Master Plan;
4. Bend Comprehensive Plan Mmap amendment;
5. Townhouses or cottage developments with more than 12 units. (***Consistent with HB 2138***)
56. Other development proposals as determined by the City Engineer that do not include needed housing (e.g., commercial, industrial and institutional development proposals).

Chapter 4.9

ANNEXATIONS

4.9.800 Effective Date and Notice of Approved Annexation.

B. *Notice of Approved Annexation.*

1. Not later than 10 working days after the passage of an ordinance approving an annexation, the Community Development Director will:
 - a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the City.

- b. ~~Mail-Transmit~~ a notice of the annexation to the Secretary of State, Department of Revenue, Deschutes County Clerk, Deschutes County Assessor, affected districts, and owners and electors in the annexed territory. The notice must include: (***This amendment will allow staff to mail or email the following documents which is consistent with ORS 222.177, Transmittal of Annexation Records to Secretary of State.***)
- i. A copy of the ordinance approving the annexation;
 - ii. A legal description and map of the annexed territory;
 - iii. The findings; and
 - iv. Each site address to be annexed as recorded on Deschutes County assessment and taxation rolls.
- c. The notice to the Secretary of State will also include a copy of the statement of consent as required in BDC 4.9.400, Initiation Procedures.

Chapter 5.3

ADJUSTMENTS

5.3.400 Review Process

- A. Adjustment applications submitted under this chapter are classified as *limited land use decisions* and ~~shall~~ will be processed pursuant to the Type I procedure. The adjustment application ~~shall~~ must be reviewed concurrently with the associated development application.
- B. Only the applicant may appeal a decision on a Type I adjustment application.
- C. The expiration of approvals and extension provisions for an adjustment are the same as those applicable to the development application with which the adjustment is associated.

EXHIBIT B
CITY COUNCIL
STAFF REPORT AND DRAFT FINDINGS



PROJECT NUMBER: PLTEXT20260025

HEARING DATE: August 5, 2026 at 6:00 p.m.
City of Bend Council Chambers (hybrid)
710 NW Wall Street, Bend, OR 97703

REPORT DATE: July 27, 2026

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

LOCATION: Citywide

REQUEST: Legislative amendments to Bend Municipal Code (BMC), Chapter 10.20, Historic Preservation Code, and to Bend Development Code (BDC) Chapters 1.2, Definitions, 2.0, Land Use District Administration, 2.1, Residential Districts, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2, Landscaping, Tree Preservation, Fences and Walls, 3.3 Vehicle Parking Standards for On-Site Parking, 3.4 Public Improvement Standards, 3.6 Special Standards and Regulations for Certain Uses, 3.8, Development Alternatives, 4.1, Development Review and Procedures, 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, 4.3 Land Divisions and Property Line Adjustments, 4.5, Master Plans, 4.7, Transportation Analysis, 4.9, Annexations, and 5.3, Adjustments. The amendments implement certain Oregon state laws to streamline housing production, and clarify provisions throughout (Type IV Legislative decision by City Council)

STAFF: Pauline Hardie, Senior Planner
(541) 693.2153; phardie@bendoregon.gov

APPLICABLE CRITERIA AND PROCEDURES:

Bend Development Code (BDC)

Approval Criteria

Chapter 4.6, Map and Text Amendments
4.6.200, Legislative Amendments
4.6.600, Transportation Planning Rule Compliance



Procedures

Chapter 4.1, Development Review and Procedures

Bend Comprehensive Plan Goals and Policies

Chapter 1, Plan Management and Citizen Involvement

Chapter 2, Natural Features and Open Space

Chapter 5, Housing

Chapter 6, Economy

Chapter 7, Transportation Systems

Chapter 8, Public Facilities and Services

Chapter 11, Growth Management

PROCEDURAL FINDINGS:

- 1. CITY COUNCIL REVIEW:** The matter before the City Council is the review of proposed text amendments to the Bend Municipal Code (BMC) and Bend Development Code (BDC) to implement Oregon state legislation (HB 2138 and HB 4037) aimed at streamlining housing production. The proposal also includes minor updates to improve clarity and consistency. The recommended amendments are attached to the Ordinance as Exhibit A.
- 2. BACKGROUND:** The proposed amendments to the BMC and BDC implement House Bills 2138 and 4037 from the 2025 and 2026 legislative sessions. HB 2138 broadens allowances and adds flexibility in review processes for middle housing and housing development more generally. HB 4037 introduces new procedural limitations for housing development applications being reviewed under only clear and objective standards. It also requires certain affordable housing projects within planned mixed-use developments to mitigate the loss of commercial land once development exceeds a specified threshold.

The amendments also:

- Define “established service levels” for water and sewer and add approval criteria for public utilities to ensure adequate capacity to serve development.
- Limit cottage and townhouse developments to twelve units for middle housing land divisions, as the state law limits the standards cities may apply, including maximum block length and perimeter. This is particularly important for these housing types which can involve many more units than duplexes, triplexes, and quadplexes.
- Clarify and revise; no local appeal of the following decisions:
 - Decisions on an application for the development of housing that does not elect to use an alternative approval process.
 - Decisions by the Hearings Officer, Landmarks Commission, or Planning Commission.
 - Decisions on an Expedited or Middle Housing Land Division application.
 - Decisions on an application for an adjustment under BDC Chapter 5.3, Adjustments.



- Revise middle housing land division approval criteria to better align with the criteria for Minimum Development Standards Review (MDS) for townhouses, triplexes, quadplexes, and cottage cluster developments.
- Include additional revisions to other sections of the BDC to improve consistency and clarity.

On June 8, 2026, the Planning Commission held a work session to review the proposed amendments. On July 13, 2026, the Planning Commission held a public hearing on the proposed amendments and recommended approval (4-0) to the City Council. During the Planning Commission hearing, the Commission supported staff's recommended revisions to BDC 3.6.250(B)(5) to better align the code with the requirements of HB 4037 and to recognize refinement plans and other special planned districts. Staff is now recommending the following additional changes (**shown in bold**) to further improve consistency with the intent, implementation, and requirements of HB 4037.

5. Income Qualified Housing Allowed Outright in an Area Plan or Community Master Adopted Approved Plan.

- a. An application for income-qualified housing under this section that is located within an **adopted approved** area plan, ~~or~~ community master plan, refinement plan, or other special planned district exceeding 10 acres and that establishes **areas** ~~or~~ a minimum acreage for commercial development and includes residential or other uses will be required to also submit a concurrent application to amend the applicable plan, in compliance with subsection (b) of this section, if the proposed development of income-qualified housing will result in both of the following:
 - i. The income-qualified housing development would otherwise not be permitted in the corresponding zone without ORS 197A.445 (i.e., standalone residential where a mixed-use development is required); and
 - ii. The income-qualified housing development, either independently or when added with lands previously approved for income-qualified housing under this section, will cause the amount of land area available for commercial use to be reduced to less than 80 percent of the total amount approved in the **adopted** plan.
- b. An amendment to the ~~area plan or community master~~ **adopted approved** plan must include additional land area designated for commercial use that is not smaller than the land area proposed for the income qualified housing development.

In addition, since the Planning Commission's public hearing, staff has developed additional recommended amendments to: (1) add a new submittal requirement for Minimum



Development Standards Review and Site Plan Review, and (2) revise the proposed approval criteria for public utilities, to ensure minimum water and sewer standards are met with the new development. These recommendations are summarized below.

1. Staff recommend adding a new submittal requirement to BDC 4.2.300, Submittal Requirements, to require documentation from non-City water providers when a property is not served by City of Bend water.

BDC 4.2.300(A)(12), ~~Water and Sewer~~ and Water Capacity Analyses.

- a. Site Plan Review Applications.** ~~These analyses are provided by the City upon request and payment of fee, if required. The application must be accompanied by a sewer and water analysis prepared by the City of Bend.~~
- b. Minimum Development Standards Review.** A sewer analysis prepared by the City of Bend is required if the total proposed dwelling units on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone. The dwelling units in excess of the maximum density will not be permitted if the development cannot meet established service levels. For the purpose of this calculation, in zones without a maximum density, the maximum density is assumed to be 43 units per acre.
- c.** For properties not served by City water, a statement from the water provider in whose service area the property lies that the water provider is able and willing to serve the proposed development.

2. Staff also recommend revising the proposed approval criteria for Minimum Development Standards Review, Site Plan Review, and land division applications to more clearly identify the applicable utility requirements for each review type.

4.2.400(A) Minimum Development Standards Review for Single-Unit Detached Dwellings, ~~Townhomes~~ Townhouses, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes, Single Room Occupancies with Six or Fewer Units and Cottage Cluster Developments with Twelve or Fewer Units:

(3)(b)(xii) ~~Public utilities capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.~~



Sewer service and water service capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.

BDC 4.2.400(B), *Minimum Development Standards Review for All Other Uses.*

~~(3)(c)(x) Public utilities shall be adequate to serve the proposal. Where existing utilities are to be replaced, or new utilities are to be installed, construction shall comply with this code and with the City's Standards and Specifications. Public utilities capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.~~

Sewer service and water service capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.

4.2.500(D), *Site Plan Review Approval Criteria*

~~(7) All required public facilities have adequate capacity, as determined by the City, to serve the proposed use; Public utilities capable of meeting established service levels are or will be provided to serve the development prior to building final inspection. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications;~~

Public utilities are or will be provided to serve the development prior to building final inspection; sewer service and water service must be capable of meeting established service levels. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.

BDC 4.3.300(E), *Criteria for Subdivision, Partition or Major Replat Approval*

Land Divisions

~~(4) All required public facilities have adequate capacity, as determined by the City, to serve the proposed subdivision, partition or replat. Public utilities capable of meeting established service levels are or will be provided to serve the development prior to land division final plat approval. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.~~

Public utilities are or will be provided to serve the development prior to land division final plat approval; sewer service and water service must be capable of meeting established service levels. Where existing utilities are to be replaced, or new utilities are to be installed, construction must comply with this code and with the City's Standards and Specifications.

During the City Council hearing on August 5, 2026, the Council conducted the first reading approving the proposed amendments to the BMC and BDC, including the staff recommendations described above. Staff also recommended that the HB 2138 provisions relating to Retention of Existing Dwelling Units with Middle Housing and Bonus Units for Accessible or Affordable Middle Housing Dwelling Units become effective on January 1, 2027. This effective date will provide sufficient time to complete the internal administrative and process updates necessary to implement and administer these provisions. The Council supported the January 1, 2027 effective date, which is consistent with the implementation deadline established by HB 2138.

3. PUBLIC NOTICE AND COMMENTS: In accordance with BDC 4.1.510, notice of the July 13, 2026, Planning Commission public hearing was printed in the Bend Bulletin on June 21, 2026, and mailed and emailed to the Neighborhood District land use chairs on June 17, 2026. Notice of the August 5, 2026, City Council public hearing was printed in the Bend Bulletin on July 12, 2026, and mailed and emailed to the Neighborhood District land use chairs on July 14, 2026. Staff also emailed the proposed amendments and notice of the Planning Commission public hearing to the Bend Development Code Update Group on January 30, 2026.

The required notice to the Department of Land Conservation and Development (DLCD) was provided on June 14, 2026, more than the required 35 days prior to the first public hearing. As of July 1, 2026, one public comment letter has been received by the Planning Division.

4. RECORD: The documents in CityView for PLTEXT20260025 are made part of the record and were placed before the Planning Commission and City Council for consideration during the proceedings on the amendments. The documents are available for review and can be viewed in the Online Permit Center Portal at <https://cityview.ci.bend.or.us/Portal/Planning/Locator> on the City of Bend website by entering the project number PLTEXT20260025 in the search bar to find the project.

FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

4.6.200 Legislative Amendments.

- A. *Applicability, Procedure and Authority.*** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, map and text amendments 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 must conform to BDC 4.6.600, Transportation Planning Rule Compliance. A legislative amendment may be approved or denied.

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

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

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

FINDING: The amendments are consistent with the applicable state land use law. In particular, they satisfy Statewide Goal 1, Citizen Involvement, Goal 2, Land Use Planning, Goal 9, Economic Development, Goal 10, Housing, and Goal 11, Public Facilities and Services.

Goal 1, Citizen Involvement

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

FINDING: The City's acknowledged citizen involvement program for legislative amendments is codified in BDC Chapter 4.1. Notice of proposed legislative amendments to the Bend Comprehensive Plan or BDC must be published in a newspaper of general circulation in the City at least 20 days prior to each public hearing. As discussed above, adequate notice was provided in the Bend Bulletin. Mailed notice was also provided to each Neighborhood District land use chair. As a courtesy, the City also provided the proposed amendments and notice of the public hearing to the Bend Development Code Update Group, which includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from Central Oregon Builders Association (COBA), Central Oregon LandWatch (COLW) and Bend Park and Recreation District (BPRD), as well as people generally interested in amendments to the BDC. These notification methods ensure that citizens are informed of the opportunity to participate in a public hearing. The requirements of this goal have been met.



An initial public hearing before the Planning Commission will precede a second public hearing before the City Council. The public involvement procedures identified in the Development Code are being followed, which will ensure compliance with Statewide Planning Goal 1.

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: The proposed text amendments are within a Development Code that has been crafted to be consistent with applicable Bend Comprehensive Plan (BCP) policies. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed text amendments serve to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions.

The City will review and process this application consistent with the procedures detailed in BDC Chapter 4.1, including consideration of any agency and public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.

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: Goals 3 and 4 are not applicable because there are no designated agricultural or forest lands within the City.

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: Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability. Proposed amendments to BMC Chapter 10.20, Historic Preservation Code, are procedural in nature to comply with HB 4037, and do not alter the preservation standards themselves.

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 City's acknowledged regulations for implementing Goal 6 remain in effect with no change in applicability. The amendments do not affect the City's ability to maintain and improve air, water or land resources, as land is developed subject to local and state regulations. The adopted Comprehensive Plan policies and BDC standards ensure compliance with Goal 6.

Goal 7, Areas Subject to Natural Hazards***To protect people and property from natural hazards.***

FINDING: Goal 7 is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

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: This goal is not applicable as the amendments have no effect on the availability of or access to recreational opportunities. Chapter 2 of the Bend Comprehensive Plan establishes Goals and Policies that address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District (BPRD), via Policy 2-2.

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 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.

Senate Bill 8 (codified at ORS 197A.445) permits certain qualifying affordable housing developments on land zoned for commercial use; this is reflected in BDC 3.6.250(B), Income Qualified Housing Allowed Outright.

House Bill 4037 adds a requirement to ORS 197A.445 that when income-qualified housing occupies more than 20 percent of land originally designated for commercial use within an approved area plan, community master plan, refinement plan or other special planned district exceeding 10 acres that sets minimum acreage for commercial land, the amount of commercially-zoned land displaced by the proposed housing must be replaced within the approved plan. By requiring the replacement of commercial land, the provision helps preserve opportunities for future employment uses and ensures that land remains available for businesses and job-generating activities. This approach supports a balanced allocation of land



between housing and employment, helping to sustain an adequate supply of land for economic development while accommodating needed housing. Therefore, compliance with Goal 9 has been met.

Goal 10, Housing

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

FINDING: According to the 2016 Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing, and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-unit dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-unit dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

In addition, the City Council has a 2025-2027 Affordable Housing and Sustainability Development Goal "to implement strategies to meet community housing needs, reduce homelessness, and create complete, walkable neighborhoods through data-driven policies, reliable funding, and innovative development codes" and includes a strategy "to accelerate complete neighborhoods." This strategy is supported by an action to "adopt development code and entitlement process improvements that remove barriers and speed up missing middle-income, affordable housing and infill development."

To help meet housing demand and advance these policy goals, the proposed amendments, consistent with HB 4037, streamline the review process for housing developments that are being reviewed under only clear and objective standards. Under these changes, notice will be mailed only to property owners within 100 feet of a proposed project, or within 500 feet for developments containing 20 or more units. Additional provisions include:

- No public hearing is permitted prior to a decision on an application; and
- Only the applicant may appeal a decision to the Land Use Board of Appeals (LUBA).

When an application opts into any discretionary standard, existing notice processes will apply.

In compliance with HB 2138, the proposed amendments eliminate most separate procedural requirements for expedited and middle housing land divisions and limit certain processes to reduce opportunities for opposition or appeal. The amendments also introduce provisions to allow retention of existing dwelling units alongside middle housing and provide bonus incentives for accessible or affordable middle housing units.

In addition, the amendments reduce barriers to single-room occupancies (SROs) by amending the definition to allow detached configurations and allowing SROs at a density of up to three times the maximum density applied to multi-unit dwellings with five or more units.



Overall, the amendments increase housing opportunities, improve efficiency in the development process, and support a balanced housing supply. Therefore, compliance with Goal 10 has been met.

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: The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted public facility plans. The amendments define "established service levels" for sewer and water services and introduce approval criteria for water and sewer to ensure sufficient capacity to serve proposed developments. As a result, the amendments maintain consistency with current facility plans and preserve compliance with Goal 11.

Goal 12, Transportation

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

FINDING: The Transportation Planning Rule (TPR) (OAR 660-012-0000) implements Goal 12 and states the purpose is "to provide and encourage a safe, convenient and economic transportation system." The TPR also supports mobility and accessibility, the availability of multimodal choices, efficient flow of freight, protection of existing and planned transportation facilities, and coordination among service providers.

The amendments are not site specific and do not affect the functional classification of any street. The amendments will have no immediately measurable impacts on the amount of traffic on the existing transportation system; therefore, the amendments do not cause a "significant effect" under ORS 660-012-0060. Therefore, compliance with Goal 12 has been met.

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 generally imposes obligations on local governments to develop plans and implementation measures that conserve energy. These plans and measures will not be affected by the proposed amendments.

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: The amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. Rather, the amendments further streamline and encourage infill housing development, maximizing the use of existing land within the UGB. The management of

the City's land use inventories is unaffected by these amendments and therefore, the City's long-standing acknowledgment of compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway; Goal 16, Estuarine Resources; Goal 17, Coastal Shorelands; Goal 18, Beaches and Dunes and Goal 19, Ocean Resources

FINDING: Goals 15 through 19 are not applicable to the City of Bend or the proposed amendments.

B. Criteria for Legislative Amendments... *(continued from page 3)*

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 various policies, which are statements of public policy. The following Comprehensive Plan Goals and Policies are applicable:

Chapter 1: Plan Management and Citizen Involvement

Goals

- **Protect and Enhance Bend's Natural Beauty, Heritage and Natural Environment.** As Bend grows, it preserves and enhances natural areas and wildlife habitat. Protect and enhance Bend's natural beauty noting especially the trees, rocks, rivers, view, sounds and historic structures. Wildfire risk management is a key consideration. Bend takes a balanced approach to environmental protection and building a great city.

FINDING: To support Bend's commitment to protecting and enhancing its natural beauty, heritage, and environment, tree root protection zone standards are applied to both on-site and adjacent properties. Trees identified for preservation within a development site, as well as off-site trees whose root protection zones extend onto the property, must have those root protection zones safeguarded. Under a clear and objective approval process, limited encroachment into a root protection zone may be allowed, but no closer than one-half of the required root protection zone radius. For encroachments affecting off-site trees, the proposed amendments do not allow encroachments without consent from the abutting property owner.

- **Plan and Sustain a Strong Diverse Economy.** Bend has a good supply of serviced land planned for employment growth that supports the City's economic development goals, provides a range of diverse jobs and industries, and supports innovation. Employment areas, large and small, have excellent transportation access. Opportunities are created for a stable, vital and diverse economy while sustaining Bend's environment/ecological support systems.

FINDING: The proposed amendments are consistent with the policy to plan for and sustain a strong, diverse economy by ensuring that adequate land remains available for employment



and commercial uses. In accordance with House Bill 4037, the amendments require that when income-qualified housing occupies more than 20 percent of land originally designated for commercial use within an area plan, community master plan, refinement plan or other special planned district exceeding 10 acres that sets minimum acreage for commercial land, the amount of commercially-zoned land displaced by the proposed housing must be replaced within the plan area.

This requirement maintains a balanced supply of land for both housing and employment uses, helping to preserve opportunities for business development, job creation, and a variety of industries. By supporting the continued availability of well-located employment lands with access to transportation infrastructure, the amendments reinforce Bend's economic development objectives. At the same time, this balanced approach aligns with environmental and community goals by promoting efficient land use patterns and sustainable growth.

- **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: House Bill 2138 promotes the development of accessible and affordable middle housing units by requiring density bonuses for qualifying projects. When a developer includes units that meet specified affordability or accessibility standards, cities must permit additional attached or detached units and allow commensurate increases to developable area, floor area, height, or density as needed to accommodate the additional units. The proposed amendments implement these requirements, expanding opportunities for housing that serves a range of incomes, household types, and needs, including seniors, families, and individuals with disabilities, thereby enhancing overall housing choice and affordability in Bend.

- **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: A notice of the July 13, 2026, Planning Commission public hearing was printed in the Bend Bulletin on June 21, 2026, and mailed and emailed to the Neighborhood Districts on June 17, 2026. A notice of the August 5, 2026, City Council public hearing was printed in the Bend Bulletin on July 12, 2026, and mailed and emailed to the Neighborhood Districts on July 14, 2026.

Staff also emailed the proposed amendments to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on May 22, 2026, and on June 5, 2026. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Central Oregon LandWatch, and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC.



On June 8, 2026, the Planning Commission held a work session to review the proposed amendments. On July 13, 2026, the Planning Commission held a public hearing on the proposed amendments and recommended approval (4-0) to the City Council. The City Council will review the proposed amendments during a public hearing on August 5, 2026. Throughout this review process, there will be multiple opportunities for the public to be involved and provide input on the proposed amendments.

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

FINDING: The amendments implement the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

Clarification and Consistency.

- The amendments correct general ambiguities, inconsistencies, and conflicts within the code.
- Appeal procedures for Landmarks Commission decisions in the Bend Municipal Code (BMC) are clarified to ensure consistency with applicable review processes in the Bend Development Code (BDC).

Process Improvements.

- The amendments refine procedures for modifying applications and establish a more streamlined process for expedited and middle housing land divisions.
- Updates are provided to improve accuracy and administration of legal lot-of-record determinations.

Compliance with State Rules and Statutes.

- The amendments provide consistency with HB 2138 and 4037 and with Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).
- Consistent with ORS 197A.400, the amendments incorporate clear and objective standards, conditions, and procedures for housing development within the urban growth boundary, ensuring they do not create unreasonable cost or delay or discourage needed housing.

To support these objectives, the amendments revise BDC 2.1.300, Setbacks, to enhance clarity and facilitate housing development. The changes remove additional setback requirements for multi-unit residential and single-room occupancy developments with more than six units when abutting properties in the Low Density Residential (RL) or Standard Density Residential (RS) districts with existing dwelling units. The amendments also clarify that special setback standards under BDC 3.4.200(J), Special Setbacks, apply where development abuts streets or alleys with insufficient right-of-way, ensuring consistent application of setback requirements.

Overall, the amendments improve the usability, consistency, and effectiveness of the BDC, align local regulations with state requirements, and remove unnecessary barriers to housing

production. Collectively, these updates support efficient administration, greater predictability in the review process, and the timely development of needed housing consistent with Comprehensive Plan policies.

Development within the Urban Growth Boundary

1-6 New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the capital improvement plan.

FINDING: The proposed amendments ensure that new development contributes to and aligns with the timely provision of essential public infrastructure. Developments occurring prior to the construction of sewer, water, and transportation facilities identified in the Capital Improvement Plan will be responsible for extending these facilities to and through the subject property.

The amendments establish clear “service level” standards to ensure that sewer and water infrastructure can adequately support new development. The amendments define “established service levels” as:

- For sewer service, sanitary sewer main capacity with the development will be (i) at or under 80 percent full during dry weather conditions, (ii) less than two feet of freeboard in a manhole during wet weather, or (iii) a velocity not exceeding 10 feet per second during wet weather flow in sewer force mains.
- For water service, if the water analysis shows fire flow with the development will meet City of Bend Standards and Specifications.

To implement these standards, the amendments require Minimum Development Standards Review (MDS) applications for residential development exceeding the maximum allowed density to obtain a sewer capacity analysis prepared by the City. Development proposed above the base density will not be permitted unless established service levels can be provided.

In addition, the amendments add approval criteria for land divisions, site plan review, and Minimum Development Standards Review (MDS) applications requiring that water and sewer services are capable of meeting established service levels for the proposed development, or that they will be provided prior to final building inspection or final plat approval for a land division.

Finally, the amendments to Bend Development Code Chapter 4.7 (Transportation Analysis) align with House Bill 2138 by limiting the City’s ability to require traffic impact analyses or transportation-related exactions for most middle housing types, except for townhouse and cottage cluster developments exceeding 12 dwelling units. These updates maintain compliance with state law while supporting safe and efficient multimodal transportation systems.

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: Notice of the proposed BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on May 28, 2026, more than the required 35 days prior to the first public hearing. A notice of the July 13, 2026, Planning Commission public hearing was printed in the Bend Bulletin on June 21, 2026, and mailed and emailed to the Neighborhood Districts on June 17, 2026. A notice of the August 5, 2026, City Council public hearing was printed in the Bend Bulletin on July 12, 2026, and mailed and emailed to the Neighborhood Districts on July 14, 2026. Staff emailed the proposed amendments to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on May 22, 2026, and on June 5, 2026. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Central Oregon LandWatch, and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC.

On June 8, 2026, the Planning Commission held a work session to review the proposed amendments. On July 13, 2026, the Planning Commission held a public hearing on the proposed amendments and recommended approval (4-0) to the City Council. The City Council will review the proposed amendments during a public hearing on August 5, 2026. Throughout this review process, there will be multiple opportunities for the public to be involved and provide input on the proposed amendments.

The proposed amendments implement Chapter 1 of the Bend Comprehensive Plan by supporting clear and objective land use regulations, streamlining housing review processes, strengthening protections for off-site tree root protection zones, and supporting orderly growth and a strong, diverse economy in area plans, community master plans, refinement plans and other special planned districts. The amendments also support citizen involvement through the public hearing and notification process for these amendments. Therefore, compliance with Chapter 1 has been met.

Chapter 2, Natural Features and Open Space

Goals

- **To preserve interesting and distinct geologic formations and areas of natural vegetation;**

FINDING: The amendments support the goals of preserving interesting and distinct geologic formations and areas of natural vegetation to provide visual relief from developed land, by strengthening protections for existing trees next to development sites. Tree protection standards require that trees identified for preservation, including those located off-site with root protection zones extending into the subject property, are safeguarded during

development activities. This approach helps retain natural vegetation and landscape features that contribute to Bend's unique geologic character.

- **To shape the urban development and provide visual relief from developed land;**

FINDING: The code allows limited, clearly defined encroachment into root protection zones under a clear and objective review process, provided impacts are minimized and no closer than one-half of the required root protection zone radius. Encroachment into the root protection zone of an off-site tree is not permitted without consent of the abutting property owner. Together, these measures ensure that development maintains visual relief that complements the surrounding urban form.

2-6 Major rock outcrops, stands of trees, or other prominent natural features identified in the Comprehensive Plan shall be preserved as a means of retaining the visual character and quality of the community.

FINDING: The amendments are consistent with Policy 2-6 by extending protections for significant natural features to include the root protection zones of off-site trees that encroach into development areas. By requiring the safeguarding of these root systems, the standards help preserve mature tree stands and prominent vegetation that contribute to the visual character and quality of the community, consistent with Policy 2-6.

2-7 Natural tree cover should be retained along streets in new developments to retain the natural character of Central Oregon within the urban area as the community grows.

FINDING: Protecting off-site tree root zones supports the retention of natural tree cover along streets, as required by Policy 2-7, by ensuring that development on adjacent properties does not compromise the health and longevity of existing trees. Additionally, when the trunk of a tree straddles a property line at ground level and extends into the right-of-way, it is treated as an on-site tree for purposes of tree preservation requirements, ensuring consistent protection of shared tree resources that contribute to the streetscape and community character.

2-8 All residential development should respect the natural ground cover of the area, and the city shall work with developers to preserve mature trees within the subdivision.

FINDING: The amendments further Policy 2-8 by requiring development to respect existing natural ground conditions and vegetation, including trees located beyond property boundaries whose root systems extend into the site. By coordinating with abutting property owners and limiting encroachment into root protection zones, the City supports preservation of mature trees during the land division process and promotes development practices that integrate, rather than degrade, the surrounding natural landscape.

The proposed amendments implement Chapter 2 by strengthening protections for off-site tree root protection zones through clear and objective standards, helping preserve mature trees,

neighborhood livability, and environmental quality during development. Therefore, compliance with Chapter 2 has been met.

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.

FINDING: The amendments support the goal of maintaining livable neighborhoods that offer a variety of housing choices close to schools, parks, shopping, and employment opportunities by streamlining the process and standards to develop middle housing and SROs.

In compliance with HB 4037, the amendments require that when income qualified housing cumulatively occupies more than 20 percent of land originally designated for commercial use in an area plan, community master plan, refinement plan or other special planned district exceeding 10 acres that sets minimum acreage for commercial land,, commercially-zoned land displaced by the housing development must be replaced within the area. This approach maintains a balanced mix of residential and commercial uses in planned developments, supporting complete, attractive neighborhoods with convenient access to services, amenities, and employment.

- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.

FINDING: House Bill 2138 promotes the development of affordable “middle housing” by requiring density bonuses for qualifying projects. When a developer includes units that meet specified affordability standards, cities must permit additional attached or detached units and allow commensurate increases to developable area, floor area, height, or density as needed to accommodate the additional units. The proposed amendments implement these requirements, expanding opportunities for housing that serves a range of incomes, thereby enhancing overall housing choice and affordability in Bend.

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

FINDING: The amendments support the goal of promoting flexibility in development standards to balance efficient use of residential land with the preservation of natural features. By eliminating the additional setback requirement in the residential districts for multi-unit residential development and single-room occupancy projects with more than six units when adjacent to properties in the RL or RS District, the code allows for more efficient site design and use of available land.

This increased flexibility enables development to better respond to site conditions, potentially reducing unnecessary land disturbance and allowing for the thoughtful preservation of existing



vegetation and natural features. At the same time, the amendments maintain compatibility with surrounding neighborhoods while supporting more efficient and context-sensitive residential development.

- Zone adequate land in specific designations to allow for production of needed housing units.

FINDING: The amendments ensure that adequate land is available to support the production of needed housing units while maintaining balanced land use patterns. In compliance with HB 4037, the amendments require that when income-qualified housing occupies more than 20 percent of land originally designated for commercial use within an area plan, community master plan, refinement plan or other special planned district exceeding 10 acres that sets minimum acreage for commercial land,, commercial land displaced by the housing must be replaced elsewhere within the plan area. This requirement preserves the intended supply of commercially designated land while accommodating increased housing opportunities.

Housing Mix, Density, and Affordability

5-4 The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

FINDING: Senate Bill 8 (2021) allows income-qualified housing to be developed on lands not otherwise zoned for residential uses, creating additional opportunities for affordable housing development. While this has increased housing opportunities, it has also resulted in the conversion of some commercially designated lands to residential use within area plans and community master plans. House Bill 4037 addressed this issue by requiring that, when income qualified housing developments within an approved area plan, community master plan, refinement plan or other special planned district exceeding 10 acres that sets minimum acreage for commercial land, cumulatively occupy more than 20 percent of land originally designated for commercial use, the amount of commercial land used for the proposed housing development must be replaced within the applicable plan area. These provisions support implementation of the City's adopted Housing Needs Analysis by expanding opportunities for a mix of housing types while ensuring sufficient commercial land remains available to support employment, services, and complete communities.

5-5 The main purpose of maximum densities shown on the Plan Map is to maintain proper relationships between proposed public facilities and services and population distribution. One purpose of minimum densities is to assure efficiency of land use, particularly for larger sites. Another is to encourage development of housing in locations and at densities that support healthy, accessible, and affordable housing choices.

FINDING: The amendments support maintaining proper relationships between proposed public facilities for sewer and population distribution based on maximum densities for residential applications subject to Minimum Development Standards (MDS) review. The amendments define

“established service levels” and require MDS applications to include a sewer analysis prepared by the City of Bend if the total proposed dwelling units on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone. The dwelling units in excess of the maximum density will not be permitted if the development cannot meet established service levels. For the purpose of this calculation, in zones without a maximum density, the maximum density is assumed to be 43 units per acre. 43 units per acre was the maximum density in RH, and the highest residential density allowed within the City when the 2018 Collection System Public Facilities Plan (CSPFP) was adopted. The CSPFP establishes the infrastructure needed to serve planned levels of development. The criteria requiring evaluation of sewer service for developments that meet the highest density the collection system planned for means that density beyond levels previously anticipated in the CSPFP will be studied by the applicant, to demonstrate either that the existing system has capacity to serve the development or that the development will need to make infrastructure improvements to provide adequate service to the development.

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

FINDING: The proposed amendments continue the City’s efforts to remove barriers to the development of a broad range of housing types in residential zones and are consistent with the State Housing Goal to encourage the availability of needed housing at a variety of price ranges, locations, types, and densities. Consistent with HB 4037, the amendments streamline the review process for housing developments that are being reviewed under only clear and objective standards. Under these changes, notice will be mailed only to property owners within 100 feet of a proposed project, or within 500 feet for developments containing 20 or more units, prohibit public hearings prior to a decision on an application and limit appeals only to the applicant before the Land Use Board of Appeals (LUBA). When an application opts into any discretionary standard, existing notice processes will apply.

In addition, to comply with HB 2138, the amendments eliminate most separate procedural requirements for expedited and middle housing land divisions and limit certain processes to reduce opportunities for opposition or appeal.

The amendments also introduce provisions required by HB 2138 to allow retention of existing dwelling units alongside middle housing, and provide bonus development incentives for accessible or affordable middle housing units.

Collectively, these changes reduce regulatory barriers, improve predictability and efficiency in the development process, and expand opportunities for a variety of housing types at different

price points, locations, and densities, consistent with the City's obligations under the State Housing Goal.

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

FINDING: The proposed amendments expand on middle housing allowances to include bonus units when a development provides accessible or affordable units, as well as existing units including a single-detached dwelling unit, a single-detached dwelling unit with an accessory dwelling unit, or a duplex. To further support development flexibility, these existing and bonus units may be included as part of a middle housing land division application and placed on separate lots or parcels, increasing opportunities for both rental housing and homeownership.

The proposed amendments also support innovative and flexible housing options by reducing barriers to single-room occupancies (SROs). The amendments revise the definition of SROs to allow detached configurations and permit SRO developments at densities up to three times the maximum density allowed for multi-unit developments containing five or more units.

Collectively, these changes expand opportunities for a broader range of housing types and increase housing flexibility within residential areas.

5-12 To promote complete neighborhoods and the integration of other supporting uses, the City will employ a master planning process for large development sites which are 20 acres or greater. The master plan process will offer two options for approval: 1) applying clear and objective standards or 2) applying discretionary standards for more flexibility.

FINDING: BDC Chapter 4.5, Master Plans, establishes procedures for both minor master plans (Type II administrative process) and major master plans (Type III-CC quasi-judicial review process), defined as follows:

- **Major Master Plan** means a master plan that includes deviations from development standards and/or zoning district requirements, and/or amendments to the Bend Comprehensive Plan map designation or zoning, pursuant to BDC Chapter 4.5, Master Plans.
- **Minor Master Plan** means a master plan that does not include deviations from development standards, zoning district requirements, Bend Comprehensive Plan map designations, or zoning, pursuant to BDC Chapter 4.5, Master Plans.

The proposed amendments further clarify that minor master plans that include the development of housing are subject to the procedural requirements established under HB 4037 for applications reviewed under only clear and objective standards, conditions, and procedures pursuant to ORS 197A.400(1). Specifically, the amendments provide that:



- Notice of the application will be mailed only to property owners within 100 feet of the subject property, or within 500 feet for developments containing 20 or more dwelling units;
- Applications must be decided by the Review Authority without a public hearing; and
- Only the applicant may appeal the decision to the Land Use Board of Appeals.

5-16 The City may consider density bonuses as an incentive to providing affordable housing.

FINDING: Consistent with HB 2138, the proposed amendments include provisions allowing bonus units for middle housing developments that provide one or more of the dwelling units as accessible or affordable housing units. The additional units will be subject to the City's regulations for middle housing, except increases to the developable area, floor area, height, or density limits will be allowed as needed to accommodate the development of the additional units.

Residential Compatibility

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: In the residential districts, the current code requires additional setbacks for multi-unit residential development, single-room occupancies with more than six units, and nonresidential uses when they abut a lot or parcel in the Low Density Residential (RL) or Standard Density Residential (RS) District containing one or more dwelling units. The proposed amendments revise this additional setback standard to apply only to nonresidential uses.

This approach continues to ensure compatible transitions between nonresidential and residential development through setback standards intended to protect neighborhood character and maintain consistency with the primary purposes of residential zones.

Neighborhood Appearance

5-35 All residential development will respect the natural ground cover of the area and existing and mature trees within the community should be preserved where practicable.

FINDING: The BDC supports preservation of existing and mature trees within residential development areas by requiring root protection zones for trees identified for preservation on-site, as well as for off-site trees whose root protection zones extend onto the subject property.

Under the clear and objective approval process, limited encroachment into a root protection zone may be permitted; however, encroachment may not extend closer than one-half of the required root protection radius. To further support the preservation of identified trees, the

proposed amendments will require consent from the abutting property owner for any encroachment affecting off-site trees.

5-36 The City encourages flexibility in design to promote safety, livability and preservation of natural features. To that end, the City will provide development code standards to allow flexibility on dimensional standards, such as lot size and setbacks, to achieve these objectives.

FINDING: The proposed amendments provide additional flexibility for the development of multi-unit residential projects and single-room occupancies containing more than six units within residential districts. Specifically, the amendments remove the requirement for increased setbacks when these developments abut one or more dwelling units in the RL or RS Districts. This change supports more flexible site design while maintaining opportunities for residential development within existing neighborhood contexts.

Public utilities and services

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

FINDING: The amendments support maintaining proper relationships between proposed public facilities for sewer and maximum densities. The amendments define “established service levels” and require applications subject to Minimum Development Standards Review (MDS) to submit a sewer analysis prepared by the City of Bend if the total proposed dwelling units on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone. The dwelling units in excess of the maximum density will not be permitted if the development cannot meet established service levels. For the purpose of this calculation, in zones without a maximum density, the maximum density is assumed to be 43 units per acre for reasons described above.

Residential Development

5-55 The City will support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis.

FINDING: According to the Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend’s housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-unit dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums and growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-unit dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.



The proposed amendments provide bonus units to middle housing development when the development includes accessible or affordable units, and allow existing single-detached dwellings, ADUs, and duplexes to be part of a middle housing development. The proposed amendments also remove the requirement for increased setbacks for multi-unit residential projects and single-room occupancies containing more than six units when they abut one or more dwelling units in the RL or RS Districts. Finally, the amendments remove the requirement for middle housing land division applications to include right-of-way dedication if the site is located on a substandard street corridor, which aligns with the level of exactions for the middle housing itself under Minimum Development Standards (MDS) Review.

These amendments have the potential to increase infill development by allowing for higher housing density and more efficient use of existing urban land, which helps achieve the mix of housing identified in the adopted Housing Needs Analysis.

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

FINDING: The proposed amendments implement House Bills 2138 and 4037, which build upon the housing reforms established under HB 2001 by further reducing barriers to middle housing development. The City previously implemented HB 2001 through adoption of Ordinance No. NS-2423, which amended the BDC to allow duplexes, triplexes, quadplexes, townhomes, and cottage clusters in all residential zoning districts with reduced lot sizes and no maximum density requirements.

HB 2138 requires cities to allow middle housing on lots containing existing single-unit detached dwellings, duplexes, or accessory dwelling units and requires allowances for bonus units when developments include accessible or affordable housing units. HB 2138 also modifies review procedures for expedited and middle housing land divisions by exempting these applications from local hearing requirements and third-party appeals. In addition, HB 4037 streamlines the review process for housing applications that meet applicable clear and objective standards. Collectively, the proposed amendments continue to promote a mix of housing types within residentially zoned areas through the application of clear and objective standards.

Shelters and Transitional Housing

5-57 The City will support removing barriers for the development of shelters and other types of supportive and transitional housing for people who lack housing in all plan designations, except Industrial General (IG).

FINDING: HB 2138 builds upon the housing reforms established under HB 3395 by further reducing barriers to the development of single-room occupancies (SROs). Consistent with HB 2138, the proposed amendments revise the definition of SROs to allow detached configurations and permit SRO developments at densities up to three times the maximum

density allowed for multi-unit developments containing five or more dwelling units. These changes increase opportunities for alternative and lower-cost housing options, including transitional housing, consistent with this policy.

The proposed amendments implement Chapter 5 of the Bend Comprehensive Plan by promoting a broader mix of housing types, increasing flexibility for residential development, and reducing barriers to housing production. The amendments expand middle housing opportunities, support accessible and affordable housing incentives, reduce barriers to SROs, and streamline review procedures through clear and objective standards consistent with state housing mandates. The amendments also help ensure urban services, including sewer and water capacity, remain coordinated with residential density and development. Therefore, the amendments satisfy Chapter 5, Housing.

Chapter 6: Economy

Goals

- Ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.

FINDING: The proposed amendments support the goal of ensuring an adequate supply of appropriately zoned land for commercial development opportunities within approved area plans, community master plans, refinement plans and other special planned districts. These approved plans are intended to provide complete neighborhoods with a range of housing types, services, amenities, parks, schools, shops, and employment opportunities within convenient walking and biking distance. To maintain this balance, the amendments require, consistent with HB 4037, that when income-qualified housing cumulatively occupies more than 20 percent of land originally designated for commercial use within an area plan, community master plan, refinement plan or other special planned district exceeding 10 acres that sets minimum acreage for commercial land, commercial land developed by the proposed housing must be replaced within the area. This requirement helps preserve long-term commercial land capacity and supports the creation of complete and economically sustainable neighborhoods.

Mixed Use Development

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

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



- where applicable, improve the natural conditions along the Deschutes River, and encourage access to and enjoyment of the Deschutes River.

FINDING:

The proposed amendments support the purposes of mixed-use development by maintaining opportunities for both housing and employment within approved area plans, community master plans, refinement plans and other special planned districts. In mixed-use zones of any of these approved plans where standalone residential development is not otherwise permitted, developers may propose income-qualified housing consistent with BDC 3.6.2500(B), Income Qualified Housing Allowed Outright. When such development would reduce the amount of land available for commercial use to less than 80 percent of the amount designated in the approved plan, the amendments require additional commercially designated land to be added through an amendment to the applicable plan. This requirement helps ensure mixed-use areas continue to provide a balance of housing, employment opportunities, and complete neighborhood amenities while supporting coordinated and compatible development patterns.

Commercial Development**6-30 New commercially designated areas are encouraged to develop with mixed-use centers to include housing, open space, commercial development, and other employment uses.**

FINDING: Area plans, community master plans, refinement plans and other special planned districts support the development of mixed-use centers within commercially designated areas by encouraging a balanced mix of housing, commercial services, and employment opportunities. Income-qualified housing is permitted in areas designated for commercial use; however, consistent with HB 4037, when an income-qualified housing development would reduce the amount of land available for commercial use to less than 80 percent of the amount designated in an approved plan that sets minimum acreage for commercial zoning, the amendments require additional commercially designated land to be added through an amendment to the applicable plan. These provisions help preserve opportunities for employment and commercial activity while supporting integrated, mixed-use neighborhoods that include housing and complementary community amenities.

6-40 The City will limit the amount of ground-floor residential development in the commercial zones and mixed employment zones to preserve economic lands for economic uses.

FINDING: The City limits the amount of ground-floor residential development within Commercial Districts to preserve economic lands for commercial and employment uses. Existing BDC standards require commercial or public/institutional uses to occupy at least the floor area equivalent to the entire ground-floor area of a development when residential uses are proposed in Commercial Districts. The proposed amendments clarify that ground-floor entrance lobbies, hallways, stairways providing access to residential units located above or

behind commercial or public/institutional uses, and shared mechanical rooms serving multiple uses may be counted toward the required commercial or public/institutional ground-floor area. The amendments also clarify that areas dedicated solely to residential uses, including assigned residential parking spaces, required residential bicycle parking, leasing offices, and residential amenities such as laundry rooms, storage areas, and exercise rooms, are counted as residential ground-floor area. These amendments establish clear and objective standards that preserve ground-floor spaces within Commercial Districts for economic and employment-generating uses.

The proposed amendments implement Chapter 6 of the Bend Comprehensive Plan by supporting commercial and mixed-use zoned lands for employment and economic uses. The amendments help maintain commercial land capacity within area plans, community master plans, refinement plans and other special planned districts, clarify ground-floor commercial use requirements, and provide clear and objective standards that support complete neighborhoods and long-term economic development opportunities. Therefore, the amendments satisfy Chapter 6, Economy.

Chapter 7: Transportation Systems

Goals

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

- Increase route choices and connections for all users.
- Roads: increase capacity and efficiency.
- Sidewalks: increase access and connectivity.
- Increase the number of people who walk, ride a bike, and/or take transit.

FINDING: The proposed amendments support the goal of increasing transportation system capacity, quality, and connectivity for all users by updating the approval criteria for middle housing land divisions to more closely align with the Minimum Development Standards Review (MDS) process for residential uses allowed by state statute. For middle housing land divisions, the amendments clarify requirements for sidewalk and street frontage improvements consistent with state law, which allows cities to require frontage improvements where a resulting lot or parcel abuts a street. These improvements support increased roadway efficiency, improved sidewalk access and connectivity, and expanded opportunities for walking, bicycling, and transit use.

7-13 The City will design roadways to reflect the land use context as well as the roadway classification.

FINDING: The proposed amendments support Policy 7-13 by updating roadway design approval criteria for middle housing land divisions to reflect both the surrounding land use

context and the applicable roadway classification. The amendments revise BDC 4.3.700(C)(2)(f) to require full street improvements along the frontage of the parent site when an improved street has been constructed to the property line, unless waived or modified pursuant to BDC 3.4.150. Where an adjoining street has been constructed but does not meet current City standards, the City Engineer may approve an alternative design that matches existing improvements. These amendments are consistent with ORS 92.031, which allows cities to require frontage improvements for middle housing land divisions where a resulting lot or parcel abuts a street, and help ensure roadway improvements match the surrounding development pattern and transportation network.

In addition, prior to 2016, many of the highway roads, such as 3rd Street and Greenwood Avenue, were classified as arterials and the BDC required a minimum 100-foot ROW. Although these facilities were later identified as highways in the updated TSP, the BDC did not include corresponding right-of-way or special setback standards for highways. The proposed amendments update BDC 3.4.200, including Table A, Right-of-Way Widths for Dedicated Public Roadways and Alleys, and Table J, Special Setback Standards, for highways, excluding the Bend Parkway, to ensure the right-of-way reflects the roadway classification and to clarify how Special Setbacks are measured.

Overall, the amendments reinforce the alignment between roadway design, functional classification, and adjacent land uses, while providing flexibility to respond to existing conditions. This approach promotes a safe, efficient, and context-sensitive transportation system that is consistent with the City's Comprehensive Plan and supports coordinated, predictable infrastructure development.

7-15 The City requires applicants with new land use proposals to assess the adequacy of the transportation system and ensure safe and efficient transportation for people using all modes. The City will assess the motor vehicular adequacy of the transportation system based on a peak hour analysis unless specified by the City Engineer. The City currently uses volume to capacity (v/c) targets and safety to evaluate intersection performance for motor vehicles. The City may adjust the v/c target, temporarily or permanently, for a specific intersection based on locational constraints, safety concerns, road classification, and/or surrounding existing or planned land uses. The City may impose reasonable conditions and mitigation requirements on development in proportion to their impacts. The City may use a measurement other than v/c in the future.

FINDING: The proposed amendments support Policy 7-15 by aligning the City's transportation analysis requirements with HB 2138 and ensuring transportation impacts are evaluated in a manner proportionate to development impacts. HB 2138 limits a local government's ability to require traffic impact analyses or impose transportation-related exactions for individual middle housing developments, except for townhouse and cottage cluster developments containing more than 12 dwelling units. The proposed amendments to BDC Chapter 4.7, Transportation Analysis, implement these statutory requirements while continuing to support safe and efficient transportation systems for all modes of travel.



7-18 The City's policy is to preserve the function of both local and State of Oregon transportation facilities, with emphasis on stated functional classification hierarchy, through continued coordination with the Oregon Department of Transportation (ODOT).

FINDING: The proposed amendments support Policy 7-18 by preserving the function of local and state transportation facilities through updated roadway standards coordinated with facility classifications in the Transportation System Plan (TSP). Prior to the 2016 TSP update, several state highway facilities, including 3rd Street and Greenwood Avenue, were classified as arterials and subject to a minimum 100-foot right-of-way requirement in the BDC. Although these facilities were later identified as highways in the updated TSP, the BDC did not include corresponding right-of-way or special setback standards for highways. The proposed amendments address this inconsistency by updating BDC 3.4.200, including Table A, Right-of-Way Widths for Dedicated Public Roadways and Alleys, and Table J, Special Setback Standards, to establish standards for highways, excluding the Bend Parkway. These amendments support continued coordination with ODOT and help preserve the functional classification and operation of the transportation system.

7-21 New residential block lengths shall not exceed 600 feet without a connecting cross street. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.

FINDING: To promote efficient multi-modal circulation along parallel and connecting streets throughout the City, developments are required to develop complete blocks bounded by a connecting network of streets. Under Oregon's Middle Housing Land Division (MHL) statutes, cities are limited in their ability to apply certain traditional land division requirements, including maximum block length and perimeter standards, to middle housing developments.

Because duplexes, triplexes, and quadplexes are limited to two, three, and four units on a parent site, these developments are less likely to create excessively large block frontages. In contrast, townhouse and cottage developments may contain substantially more units within a single development. To help maintain connectivity and avoid large uninterrupted block lengths, the proposed amendments establish a maximum of 12 townhouse or cottages units per middle housing land division application. Individual townhouse or cottage developments with more than 12 units would be reviewed as a standard land division, subject to maximum block length and perimeter standards. This approach supports the intent of Policy 7-21 by balancing state requirements for middle housing with the City's goal of maintaining a connected and multi-modal street network.

The proposed amendments support Chapter 7 of the Bend Comprehensive Plan by improving transportation system capacity, quality, and connectivity for all users. The amendments require transportation analysis for larger townhouse and cottage developments to ensure system adequacy, establish right-of-way and setback standards for highways (excluding the Parkway), and limit development size to maintain connected multi-modal systems. Collectively, these

provisions support a safe, efficient, and well-connected transportation network. Therefore, the amendments satisfy Chapter 7, Transportation Systems.

Chapter 8: Public Facilities and Services

Goals

- Adequate public facilities are the key to efficient and stable urban development. The goals below provide general guidance for maintaining and improving the level and quality of urban services as growth occurs in Bend. The citizens and elected officials strive:
 - To have public and private utility systems provide adequate levels of service to the public at reasonable cost;
 - For new development to pay its fair share of the cost of major facilities needed to support development;

FINDING: The proposed amendments support the City's goals of maintaining adequate public facilities and ensuring utility systems provide appropriate levels of service as growth occurs in Bend. The amendments add approval criteria for land divisions, site plan review, and Minimum Development Standards Review (MDS) applications requiring that water and sewer services are capable of meeting established service levels for the proposed development, or will be provided prior to final building inspection or final plat approval for a land division. Any installation or replacement of utilities must comply with the Bend Development Code and the City of Bend Standards and Specifications. These requirements help ensure infrastructure improvements are provided concurrent with development and that new development contributes its fair share toward maintaining adequate urban services.

Policies

Sewer Collection Facilities

8-1 All new development within the City Limits should be connected to City sewer.

8-10 These policies will be implemented through the City of Bend Public Improvement Construction Procedure Standards & Specifications.

FINDING for Policies 8-1 and 8-10: The proposed amendments support Policies 8-1 and 8-10 by ensuring new development is adequately served by public sewer infrastructure consistent with the City of Bend Standards and Specifications. The amendments establish clear "established service level" standards for sewer facilities to ensure infrastructure capacity can support new development while maintaining system performance and reliability.

To implement these standards, the proposed amendments require residential developments subject to a Minimum Development Standards Review (MDS) application that propose above the base maximum density to obtain a City-prepared sewer capacity analysis demonstrating established service levels can be maintained. Development exceeding the base density will not be permitted where adequate sewer capacity is unavailable.

The amendments also add approval criteria for land divisions, site plan review, and Minimum Development Standards Review (MDS) applications requiring that City water and sewer services are capable of meeting established service levels for the proposed development, or will be provided prior to final building inspection or final plat approval for a land division.

Any installation or replacement of utilities must comply with the Bend Development Code and the City of Bend Standards and Specifications.

Water Facilities and Systems

8-18 Within the urban planning area, public and private water systems shall be consistent with City Standards and Specifications for construction and service capabilities.

FINDING: The proposed amendments support Policy 8-18 by establishing clear “established service level” standards to ensure water infrastructure can adequately serve new development consistent with City Standards and Specifications. For water service, the amendments define “established service levels” if the water analysis shows fire flow with the development will meet City of Bend Standards and Specifications. In addition, site plan review and land division submittal requirements include a requirement for a sewer and water analysis prepared by the City of Bend.

Storm Drainage Facilities and Systems

8-24 The City will consider codes and standards to support effective stormwater management in new development, redevelopment and infill development that supports dense urban form and housing production goals.

8-25 The City will require development, to the extent practicable, to contain and treat storm drainage within the boundaries of the development, which may be one property or a group of adjacent properties being developed under a common scheme. In instances where containing storm drainage on the site would be technically infeasible or would not support the planned development pattern, the City will consider regulations that allow a developer to enter into a formal and recorded arrangement with the City or a private party to adequately address the storm drainage off site, such as a regional control. The City may adopt regulations requiring maintenance and access agreements for stormwater facilities, consistent with its permits from DEQ.

FINDING for 8-24 and 8-25: The proposed amendments define regional or localized stormwater facilities as large-scale, centralized systems designed to manage stormwater runoff from more than one site rather than having smaller individual stormwater facilities on each site. A regional facility can be either privately or publicly owned. Site plan review and land division applications must submit a surface water detention and treatment plan prepared by a registered professional engineer showing all drainage retention areas, catch basins, and storm piping prepared in accordance with BDC 3.4.500, Storm Drainage Improvements, BDC 3.5.600, On-Site Drainage, and BMC Title 16, Erosion Control, Stormwater, Illicit Discharge, Tree Protection, and Wells. The plan must indicate how the stormwater will be retained on the site



or discharged to regional or localized stormwater systems. These requirements support coordinated and flexible stormwater management approaches while ensuring storm drainage is adequately addressed during development.

The proposed amendments implement the intent of Chapter 8 of the Bend Comprehensive Plan by ensuring water and sewer infrastructure can adequately support new development while maintaining established service levels and compliance with City standards. The amendments require utility and drainage analyses, support coordinated stormwater management through regional or localized facilities, and ensure infrastructure improvements are provided concurrent with development to support orderly urban growth and housing development. Therefore, the amendments satisfy Chapter 8, Public Facilities and Services.

Chapter 11: Growth Management

Goals

The following goal statements describe the future urban form and growth aspirations of the community and serve as the foundation for policy statements in this chapter. The citizens and elected officials of Bend wish to:

- Encourage the city's evolution from small town to livable city, with urban scale development, amenities, and services in appropriate locations, while preserving and enhancing the natural environment and history of the community.
- 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.

FINDING: The proposed amendments support the community's vision for urban form and growth by reinforcing the development of complete, walkable, and mixed-use communities within area plans, community master plans, refinement plans and other special planned districts. These plans are intended to provide a range of housing types, services, amenities, employment opportunities, and access to transportation within convenient proximity.

The amendments further support this goal by implementing HB 4037 requirements to maintain adequate commercially designated land within these plans. When income-qualified housing developed in commercial areas would reduce commercial land below 80 percent of the amount designated in the approved plan, the amendments require replacement of the commercial land used by the proposed housing through a plan amendment. This approach helps balance housing and employment needs, maintain appropriate locations for jobs and services, and support the development of livable, complete communities consistent with state requirements and local growth objectives.



Policies

General Growth Management Policies

11-1 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 proposed amendments support Policy 11-1 by reinforcing compact development and the integration of land uses within area plans, community master plans, refinements plans and other special planned districts. These plans are designed to provide a mix of housing, employment, services, and recreation within walkable and bikeable neighborhoods.

Consistent with HB 4037, the amendments require that when income-qualified housing developed in commercial areas would reduce commercial land below 80 percent of the amount designated in the approved plan, the amendments require replacement of the commercial land used by the proposed housing through a plan amendment. Maintaining this balance of commercial and residential uses helps sustain integrated, mixed-use areas which reduce trip lengths and vehicle miles traveled, and support increased opportunities for non-automobile travel.

11-3 The City will ensure that development of large blocks of vacant land makes efficient use of land, meets the city's housing and employment needs, and enhances the community.

FINDING: The proposed amendments support Policy 11-3 by ensuring that development of larger sites within area plans, community master plans, refinements plans and other special planned districts make efficient use of land while meeting housing and employment needs. The amendments maintain a balance of residential and commercial uses by requiring preservation or replacement of commercially designated land when income-qualified housing reduces commercial acreage below established thresholds. This approach supports efficient land use patterns, accommodates needed housing and employment opportunities, and contributes to the development of complete, well-functioning communities.

Policies for Land Use and Transportation

11-18 The City of Bend shall continue to work with ODOT and Deschutes County to coordinate solutions to highway and non-highway road issues that cross over jurisdictional boundaries.

FINDING: The proposed amendments support Policy 11-18 by providing standards for rights-of-way width for highway roads. Prior to the 2016 Transportation System Plan (TSP) update, several state routes, including 3rd Street and Greenwood Avenue, were classified as arterials and subject to a minimum 100-foot right-of-way under the BDC. Although these facilities were reclassified as highways in the updated TSP, the BDC did not include corresponding right-of-way width standards. The proposed amendments address this by updating BDC 3.4.200, including Table A, Right-of-Way Widths, and Table J, Special Setbacks, to codify highway ROW width to match existing standards for highways, excluding the Bend Parkway. Coordination with ODOT was initiated through communication on April 8, 2026. These updates support interagency coordination and help preserve the function and classification of the transportation system.

Policies for Centers and Corridors

11-26 New commercially designated areas are encouraged to develop with mixed-use centers to include housing, open space, commercial development, and other employment uses.

11-28 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 proposal complies with Policies 11-26 and 11-28 by maintaining and enhancing a balanced mix of residential and commercial uses within area plans, community master plans, refinements plans and other special planned districts. In compliance with HB 4037, the amendments ensure that when income-qualified housing cumulatively occupies more than 20 percent of land originally designated for commercial use within an approved area plan, community master plan, refinement plan or other special planned district exceeding 10 acres that sets minimum acreage for commercial land, any commercial land displaced by the housing development is replaced within the plan area.

This requirement preserves the intent of Policy 11-26 by sustaining opportunities for commercial and employment uses alongside residential development and open space, thereby reinforcing the creation of integrated, mixed-use centers. Additionally, the replacement of commercial land supports the objectives of Policy 11-28 by maintaining appropriately scaled neighborhood-serving commercial uses that meet the frequent needs of nearby residents.

Master Planning Policies

11-47 The City will provide a mechanism in the development code for property owner-initiated master plans. The development code shall specify approval criteria and procedures for such master plans.

11-50 The City will provide the opportunity for master plans to proceed under clear and objective standards where the applicant does not seek to deviate from the standards of the development code, the adopted zoning map, or Comprehensive Plan map.



FINDING for 11-47 and 11-50: BDC Chapter 4.5, Master Plans, establishes procedures for both minor and major master plans, distinguishing between applications that include deviations or plan amendments (major) and those that do not (minor). The proposed amendments clarify that community minor master plans for the development of housing are subject to the clear and objective review procedures required under HB 4037 and ORS 197A.400(1). Specifically, these minor master plans will be processed without a public hearing, will require mailed notice only to nearby property owners, and will limit appeal rights to the applicant. These provisions provide a clear and objective pathway for community minor master plans for the development of housing that comply with existing standards, while maintaining a mechanism for property owner-initiated master planning.

B. Criteria for Legislative Amendments... (continued from page 8)

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

FINDING: The proposed amendments demonstrate a clear public need and benefit by implementing state housing requirements under HB 2138 and HB 4037 and improving the efficiency, clarity, and consistency of the BDC. The amendments streamline housing development by limiting traffic impact analysis requirements for certain middle housing types, allowing existing units within middle housing development proposals, and allowing bonus units for accessible and affordable middle housing units. They also simplify review procedures for the development of housing applications that are clear and objective and for middle housing land divisions and they reduce regulatory barriers to single-room occupancies (SROs), thereby expanding housing choice and availability.

The amendments further support public benefit by preserving at least 80% of commercial land within area plans, community master plans, refinement plans and other special planned districts when income-qualified housing is proposed on commercially-zoned lands, maintaining opportunities for employment and economic activity and complete neighborhoods. The amendments also promote connected and livable neighborhoods by limiting the scale of cottage and townhouse developments under streamlined middle housing land division applications and aligning approval criteria with Minimum Development Standards (MDS) review applications.

Additionally, the amendments define and apply “established service level” standards for water and sewer to ensure adequate infrastructure capacity for new housing developments, protect natural resources such as off-site tree root protection zones, and provide other clarifications for consistency.

Collectively, these changes support orderly growth, increase housing opportunities, protect community resources, and align local regulations with state law, resulting in a clear public need and benefit.

Therefore, the amendments to the BDC meet this criterion.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The proposed text amends the BDC which is a functional component of the Bend Comprehensive Plan and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations that result in the generation of additional vehicle trips; therefore, the amendments will have no immediately measurable impacts on the amount of traffic on the existing transportation system. Because of this, the text amendments do not cause a "significant effect" under ORS 660-012-0060.

CONCLUSION:

Based on the findings throughout this report, the proposed amendments to the Bend Municipal Code and Bend Development Code meet all applicable criteria for City Council adoption.



Accommodation Information for People with Disabilities & Language Assistance Services

You can obtain this information in alternate formats such as Braille, electronic format, etc. Free language assistance services are also available. Please email accessibility@bendoregon.gov or call 541-693-2198. Relay Users Dial 7-7-1. All requests are subject to vendor processing times and should be submitted 48-72 hours in advance of events.

Servicios de asistencia lingüística e información sobre alojamiento para personas con discapacidad

Puede obtener esta información en formatos alternativos como Braille, formato electrónico, etc. También disponemos de servicios gratuitos de asistencia lingüística. Póngase en contacto en correo electrónico accessibility@bendoregon.gov o número de teléfono 541-693-2198. Los usuarios del servicio de retransmisión deben marcar el 7-1-1. Por favor, envíe sus solicitudes con 48-72 horas de antelación al evento; todas las solicitudes están sujetas a los tiempos de procesamiento del proveedor.