



## CITY OF BEND

### **P L A N N I N G   C O M M I S S I O N   M E M O**

**Meeting Date:** November 28, 2022

**File Number:** PLTEXT20220763

**Staff Members:** Pauline Hardie, AICP, Senior Code Planner

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**SUBJECT:** The City of Bend is proposing amendments to Bend Development Code (BDC) Chapters 1.2, Definitions, 2.1, Residential Districts, 2.7, Special Planning Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.3, Vehicle Parking, Loading and Bicycle Parking, 3.6, Special Standards and Regulations for Certain Uses, 3.8, Development Alternatives, 4.2, Minimum Development Standards Review, Site Plan Review and Design Review and 4.8, Transportation and Parking Demand Management (TDMD) Plan. See Attachment A.

**LOCATION:** The proposed changes to the BDC are legislative text amendments and apply citywide.

**BACKGROUND:** On July 21, 2022, the Land Conservation and Development Commission adopted Climate Friendly and Equitable Communities (CFEC) rules which require, among other things, cities over a certain size, including Bend, to make a number of changes to parking codes, both in how parking is regulated and how much parking can be required. The state rules break these changes into two phases (Parking A and B) and require a city to pick a parking mandate option (Option 1, 2 or 3). See Attachment C for more details.

- Parking A addresses changes that must be made by Dec. 31, 2022, such as removing minimum parking requirements for small dwelling units, shelters and childcare facilities. These changes go into effect by the end of the year, and must be applied to new development applications, even if the City does not update its code at all.
- Parking B addresses broader, community-wide parking regulation changes that need to be in place by June 30, 2023.

Option 1, 2, or 3 must be implemented by June 30, 2023:

- Option 1 requires the City to remove minimum parking requirements citywide. If Option 1 is chosen, this mandate is satisfied and Option 2 and 3 are not required.
- Option 2 requires the adoption of specified parking policies.
- Option 3 requires the adoption of regulations to minimize or exempt parking for 15 development types.

In addition, cities that choose Option 2 or 3, must also adopt on-street parking prices equivalent to at least 50 cents/day per spot for 5% of total on-street parking supply by September 30, 2023, and 10% of total on-street parking supply by September 30, 2025.

The City Council held a work session on November 16, 2022, and reviewed CFEC's parking mandates and potential pathways to conformance with OAR 660-012-0400. The Council discussed adopting changes to achieve Parking A, and then moved onto Parking B and one of the Options which must be in effect before June 30, 2023. The Council also discussed moving ahead with Option 1 now, instead of Parking A. In this case, Option 1 would remove all parking minimums and no further action would be required to address Parking A. After discussion, Council directed staff to draft BDC amendments to implement Option 1 as temporally close to December 31, 2022, as hearings procedures allow, and to include recommendations for on-site vehicle parking space(s) in compliance with the Americans with Disabilities Act (ADA) in certain circumstances where parking is not otherwise required.

**DISCUSSION:** The following highlights the package of proposed amendments in compliance with OAR 660-012-0420:

**Chapter 1.2, Definitions:** New definition for "electric service capacity".

**Chapter 2.1, Residential Districts:** Delete garage parking space size requirements.

**Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans:** Amend all master plans to eliminate parking minimums.

**Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking:** Eliminate all minimums, clarify maximums (150% of the current minimums), add electrical service capacity requirements, revise Table 3.3.300.F.1, Parking Stall Dimensions and Figure 3.3.300.F.1, Parking Area Dimensions and revise bicycle parking requirements.

**Chapter 3.6, Special Standards and Regulations for Certain Uses.** Delete parking requirements for affordable housing, home businesses, neighborhood commercial sites, temporary uses, short-term rentals and shelters.

**Chapter 3.8, Development Alternatives.** Delete parking requirements for micro-units, small dwelling units, cottage developments, urban dwelling sites and shared courts.

**Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review:** Revise change of use requirement.

**Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan:** Delete parking reduction measures.

In addition, the proposed amendments address accessible parking requirements in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. In compliance with the State Building Code, where parking is provided on-site, there are proportional requirements for providing ADA stalls. When there is no minimum required parking but parking is provided, a minimum number of ADA spaces would still be required and is generally one ADA space for every 25 spaces in a parking lot. To require at least one ADA space in developments that don't otherwise provide parking, the following amendments are proposed:

**G. ADA Accessible Parking Spaces.**

- 1. When parking is provided on-site accessible parking shall must be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking is included in the total minimum number of required parking spaces in Table 3.3.300. On-site accessible parking facilities shall must comply with the design requirements of the current building code as adopted by the State of Oregon.**
  
- 2. If parking is not otherwise provided on-site, all developments subject to Site Plan Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, must provide a minimum of one van-accessible parking stall except as follows:**
  - a. Developments in the Central Business (CBD) District.**
  - b. Developments in the Bend Central District. See BDC 2.7.3200, Bend Central District (BCD).**
  - c. Developments on lots or parcels smaller than 10,000 square feet.**

The Central Business District and Bend Central District exemptions reflect the current BDC standards which do not require accessible parking for developments with no on-site parking. The exemption for lots or parcels smaller than 10,000 square feet provides flexibility for the development of these smaller sites, and allows more of the site to be devoted to building and other structural uses. It is important to note that if any of these properties provide on-site parking, then they must comply with the State Building Code requirements for ADA parking.

**PUBLIC OUTREACH:**

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on October 21, 2022. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. Public comments can be viewed in the [Online Permit Center Portal](#) on the City of Bend website. Open the Portal and select the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20220763 in the search bar to find the project.

**ATTACHMENTS:**

- Attachment A - Draft Bend Development Code Amendments
- Attachment B – Planning Commission Findings
- Attachment C – Summary of Parking Mandates

**DRAFT**  
**Development Code Update**  
**November 28, 2022**  
Prepared by:  
City of Bend Planning Division

File #: PLTEXT20220763

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***

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**Bend Development Code**

Rename 3.3.300 Vehicle Parking Standards for On-Site Requirements to 3.3.300 Vehicle Parking Standards  
~~for On-Site Requirements~~ throughout the BDC.

**Chapter 1.2**

**DEFINITIONS**

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**Change of use** means a change in the essential character or nature of the activity conducted on a lot, as evidenced by:

1. A change from one use to another permitted or conditional use; or
2. A change in proportion of space devoted to uses within a property; or
3. An increase in ~~the parking demand,~~ traffic generation, water demand or wastewater demand as calculated pursuant to existing City regulations.

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Electrical service capacity means a designated location or space for electrical service, if not actual service, and a conduit system from that location to the parking spaces. The conduit system must be able to support wiring for installation of Level 2 or above electric vehicle charging stations.

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## BDC Chapter 2.1

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

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#### 2.1.1100 Other Design Standards.

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~~E. Required vehicle parking in a dwelling unit's garage or carport must be a minimum of nine feet by 18 feet.~~

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## Chapter 2.7

### SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS

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#### Article I. Lave Ridge Refinement Plan

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C. Street and Pedestrian Standards. Street and pedestrian standards ~~shall~~ must be consistent with the requirements of the Bend Comprehensive Plan and the Zoning Ordinance, except as set forth below:

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7. Hammerhead Streets. Hammerhead streets meeting the following design standards may be permitted in the Lava Ridge Refinement Plan RM and RS Zones.

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~~k. Off-street parking requirements shall be met for underlying zone.~~

~~l.~~ k. Landscaping on interior of hammerhead cluster ~~shall be~~ is required in area from house to edge of pavement.

~~m.~~ l. Street Frontage. Houses on lots fronting a public street, except an arterial, shall face the public street.

~~n.~~ m. Building setback shall be the same as the underlying zone unless modified in the plat.

~~o.~~ n. Fences or walls adjacent to an arterial shall be approved at the time of plat. Walls shall be built with varied texture and materials and shall comply with any adopted design standards. The maximum height shall be six feet except where the elevation between the arterial street and the lot line exceeds eight feet, in which case reductions to the wall or fence height may be required. The area between the fence or wall and the arterial curb shall be landscaped and maintained by abutting property owner(s) or homeowners association.

~~p.~~ o. Fencing. On hammerhead and public streets, except arterials, fences within the yard setback area may not exceed three and a half feet in height. A fence up to six feet in height may be constructed outside of the setback area; provided, that it is no closer to the street than the building face. A fence up to six feet in height may be constructed on rear lot line.

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## Article II. NorthWest Crossing Overlay Zone

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### 2.7.310 Definitions

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F. **Parking district** means the area designated for common parking lots or facilities in the two NorthWest Crossing Commercial/Mixed Employment Districts. Each Commercial/Mixed Employment District has areas designated for common off-street parking lots or facilities ~~designed to serve the minimum parking needs for permitted uses in the Commercial Limited and Mixed Employment Districts.~~ The designated parking areas will be located behind or at the side of buildings permitted in the Parking District, or on

private streets within the Parking District. The designated common parking areas will allow all buildings to be close to the street to create a lively pedestrian-oriented commercial streetscape. A public entrance to all buildings ~~shall~~ must be on the primary street frontage.

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## 2.7.320 Districts.

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### E. Residential Cluster Overlay District.

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#### 4. Development Standards and Site Requirements for Cluster Housing Developments.

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d. **Parking Location and Screening.** The parking location and screening standards are designed to ensure minimal visual impact from vehicular use and parking areas for residents of the NorthWest Crossing Cluster Housing Overlay District and adjacent properties, and to maintain a single-unit character along public streets.

- i. ~~A minimum of one parking space~~ No parking minimum and a maximum of two parking spaces ~~are required~~ for each cottage.
- ii. A parking area is a location for two or more contiguous vehicle spaces, ~~which are required to meet the minimum parking requirements,~~ and are not within a garage or carport. Parking areas:

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### F. Residential High Density Multiple-Unit Overlay District.

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~~7. Minimum motor vehicle parking for housing that is limited to residents of age 55 and older is one parking space per dwelling unit.~~



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## G. Residential Mixed-Use Overlay District.

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### 11. Off-Street Parking Standards.

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- a. Each live/work house or live/work townhome may have no more than ~~two~~ four off-street spaces ~~in addition to the two spaces required by BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.~~

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- c. Community commercial uses ~~shall~~ must have ~~a minimum of one off-street vehicle parking space for each 500 square feet of floor area and~~ a minimum of four covered bicycle parking spaces. The maximum number of off-street parking spaces for a community commercial building is five, including one disabled accessible space, if required.

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## H. Commercial/Mixed Employment Overlay District.

1. Purpose and Applicability. This district applies to all land zoned Commercial Limited and Mixed Employment within the NorthWest Crossing Overlay District. The purpose of this district is to allow a special front yard setback that is not permitted in the underlying Commercial Limited and Mixed Employment Zones and to create parking districts. The purpose of the parking districts is to allow ~~minimum parking needs to be met~~ provided in common, shared, off-site parking lots. The special setback and parking districts will create a pedestrian-friendly, main-street environment.

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### 9. Parking District Standards.

- a. Each Commercial/Mixed Employment District ~~will~~ may have areas designated for common off-street parking lots and streets designed to ~~serve the minimum~~ provide parking ~~needs~~ for permitted

and conditional uses in the Commercial Limited and Mixed Employment Zones. There is no minimum parking required in the designated areas for parking.

b. Buildings ~~shall~~ must be located on and oriented to the streets and the parking lots will be located in the interior of the site or at the sides of buildings. The designated common parking areas will allow all buildings to be close to the street to create a pedestrian-scale street environment.

c. ~~When uses are approved under this code in the Commercial Limited and Mixed Employment Zones, the minimum off-street parking requirements may be met in off-site, common parking lots or facilities, or in on-street parking on designated streets conveniently located to serve the commercial, office and industrial uses.~~

d. ~~City approval of a use in the Commercial/Mixed Employment District shall be conditioned on evidence that the City minimum parking requirements for a proposed use are met by:~~

i. ~~A deed, easement or irrevocable lease, contract or other irrevocable legal agreement assuring reservation of the required minimum number of spaces in a common Parking District parking lot or facility, or in on-street parking on private streets for the term the parking is needed; or~~

ii. ~~City approval of a shared or joint use agreement evidenced by an irrevocable deed, lease, contract or other legal agreement for the term that the required parking is needed.~~

e. ~~Any parking desired over the minimum city standard shall be met with on-street or shared parking within the Commercial/Mixed Employment Districts.~~

~~f.~~ d. Designated pedestrian access from the common district parking areas to the street and entrances to the commercial uses ~~shall~~ must be provided.

~~g.~~ e. All buildings must have at least one primary entrance directly fronting a public or private street.

~~h.~~ f. The Parking District facilities ~~shall~~ must be managed and maintained by an association of building owners in the Commercial/Mixed Employment Districts.

~~i.~~ g. Parking for any secondary, second-story residential use ~~shall~~ may be provided in assigned and reserved parking spaces, or through City approval of a shared or joint use agreement evidenced by a deed, lease, contract or other legal agreement. ~~Reserved residential parking spaces shall not exceed the minimum city standard.~~

h. Parking lot landscaping will meet or exceed minimum City standards.

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## Article V. Waterway Overlay Zone (WOZ)

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### 2.7.630 River Corridor Areas of Special Interest Sub-Zone.

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B. Development Credit. When an applicant preserves a River Corridor Area of Special Interest, the development potential for the preserved area may be transferred to the balance of the parcel for development or applied to the subject property as indicated below:

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2. Where the applicant preserves a River Corridor Area of Special Interest, the property owner may initiate one or more of the activities listed below; provided, that the compensation does not exceed the benefit of the ASI protection as determined through the land use permit process.
  - a. Substitute the area of the preserved ASI as the equivalent required on-site landscaping;
  - ~~b. Receive up to 10 percent reduction in the required on-site parking spaces;~~
  - ~~c. Reduce the front yard setback up to 50 percent of the standards required for the applicable zone.~~
  - b. Reduce the front yard setback up to 50 percent of the standards required for the applicable zone.

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## Article VI. Upland Areas of Special Interest Overlay Zone

### 2.7.700 Upland Areas of Special Interest Overlay Zone

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D. Development Standards. The ASI Boundary is delineated by the outside edge of the boundary line shown on the Bend Comprehensive Plan Map and the City Zoning Map. No development as defined in this

chapter ~~shall~~ must occur within an Upland Area of Special Interest boundary unless expressly permitted by the provisions of this chapter.

The development standards ~~shall~~ apply to structures, fences, impervious surfaces including streets and driveways except where provided for in this section and landscaping as described in subsection (D)(5) of this section. In addition, no stock piling of fill materials, parking or storage of equipment or personal property ~~shall~~ must be placed within an Upland Area of Special Interest.

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6. Development Credit. When an applicant preserves an Upland Area of Special Interest, the development potential for the preserved area may be transferred to the balance of the parcel for development or applied to the subject property as indicated below:

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- b. Where the applicant preserves an Upland Area of Special Interest, the property owner may initiate one or more of the activities listed below; provided, that the compensation does not exceed the benefit of the ASI protection as determined through the land use permit process.

- Substitute the preserved ASI as the equivalent required on-site landscaping;
- ~~Receive up to 10 percent reduction in the required on-site parking spaces;~~
- Reduce the front yard setback up to 50 percent of the standards required for the applicable zone;
- Develop accessory dwelling units on lots abutting an area of special interest.

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## **Article X. Central Oregon Community College (COCC) – Special Planned District/Overlay Zone**

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### **~~2.7.1005~~ Parking.**

~~In accordance with Table 3.3.300, a Parking Management Plan shall be formulated for the Core Campus Area and updated with each subsequent Site Plan Review application. The Campus Village Area may be included in this plan or parking in the Campus Village Area may be provided based on other uses in Table 3.3.300. The~~

~~Parking Management Plan may specify alternative parking standards for the district that supersede and replace the standards contained in BDC Chapter 3.3. The Parking Management Plan shall also address the bicycle parking requirements of BDC Chapter 3.3. Repealed by Ord. NS-XXXX~~

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#### **Article XIV. Bend Central District**

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##### **2.7.3205 Bend Central District Purpose.**

- A. The Bend Central District is intended to implement the goals and objectives for the creative redevelopment of the central Third Street Corridor and surrounding areas west to the Parkway and east including 4th Street as indicated below:

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~~6. Provide reduced parking standards and encourage alternative parking arrangements.~~

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##### **2.7.3250 Parking Standards.**

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

~~1. Required Off-Street Parking. The minimum number of required off-street vehicle parking spaces is established below. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.~~

~~a. Residential Uses.~~

~~i. Townhomes: one space per dwelling unit.~~

~~ii. Live/work dwelling unit: one space per live-work dwelling unit.~~

~~iii. Residential uses in a mixed-use development, quadplexes, multi-unit, micro-units and commercial-ready space used as residential: one-half space per dwelling unit.~~

~~vi. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.~~

~~b. Nonresidential uses: one space per 1,000 square feet of floor area.~~

~~i. Exception. Hotels/motels and entertainment uses may use the off-street parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces.~~

~~c. Shelters. See BDC 3.6.600, Shelters.~~

~~2. Parking Reductions.~~

~~a. Mixed-Use Developments. If more than one type of land use occupies a single structure or property with no single use occupying more than 95 percent of the total square feet of the building, the minimum off-street parking may be 75 percent of the sum of the requirements for all uses.~~

~~b. The amount of off-street parking required for nonresidential uses may be reduced by up to 10 percent in exchange for providing on-site public open space/green space at the following ratio: one vehicle parking space per 500 square feet of public open space/green space.~~

~~c. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the required off-street parking.~~

~~d. The amount of off-street parking may be reduced to zero for a maximum of 10,000 square feet per floor. When using this parking reduction, it must be calculated prior to any other reductions.~~

~~e. These reductions are in addition to any reductions taken under BDC 3.3.300(D).~~

~~3. Parking Standards.~~

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

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#### Article XV. Southeast Area Plan

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#### 2.7.3320 General Commercial Districts (CG).

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#### D. Special Standards and Regulations for Certain Uses.

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1. Standalone residential uses, including live/work townhome dwelling units, that are not part of a mixed-use development must meet the following standards:

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- e. ~~Parking. The minimum number of required off-street vehicle parking spaces is established below. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number. See BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.~~

~~i. Townhome, duplex, triplex, and multi-unit residential: one space per dwelling unit.~~

~~ii. Affordable housing projects in accordance with BDC 3.6.200.C.1 through 3: one-half space per affordable dwelling unit.~~

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## **2.7.3360 Tree Preservation and Rock Outcropping Standards.**

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### **B. Tree Preservation.**

1. For sites two acres or larger, at least 50 percent of all trees measuring 24 inches in diameter or greater as measured four feet above the ground (known as DBH, "diameter at breast height") must be retained on site unless exempted in subsection (B)(4) of this section.
2. Site Plan Review Incentives. As part of a site plan review application under BDC 4.2.500, the City may allow one or more of the following incentives when more than 50 percent trees with a DBH of 24 inches are preserved:
  - a. Reduction of setbacks up to 30 percent.
  - ~~b. Reduction of required on-site parking up to 15 percent.~~
  - ~~c.~~  b. Increased lot coverage up to 20 percent.
  - ~~d.~~  c. Reduced landscape coverage up to 10 percent.
  - ~~e.~~  d. A 10-foot increase in building height above the height of the underlying zone and in addition to the increase in building height allowance for affordable housing units per BDC 3.6.200(C)(4)(b).

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4. Exemptions. Trees protected under subsection (B) of this section may be removed only if:

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- b. A site undergoing development review includes a public facility or school and the removal of trees with a DBH of 24 inches or greater is necessary to accommodate buildings, ~~or~~ accessory uses (e.g., ball fields), ~~and required parking~~ as demonstrated on the Tree Protection Plan. Trees not within the building footprint or footprint of the accessory use(s) ~~or required parking~~ must be retained.

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D. Significant Rock Outcrop Areas. Significant rock outcrop areas are defined as rocks or clusters of naturally occurring rock that (1) have at least one point a height of at least eight feet from the surrounding terrain, and (2) are over 3,000 square feet in area.

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- 3. Site Plan Review Incentives. As part of a site plan review application under BDC 4.2.500, the City may allow one or more of the following incentives when a significant rock outcrop area is preserved:
  - a. Reduction of setbacks up to 30 percent.
  - ~~b. Reduction of required on-site parking up to 15 percent.~~
  - ~~e. b.~~ Increased lot coverage up to 20 percent.
  - ~~d. c.~~ For public facilities, an increase in maximum parking by up to 15 percent.

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## **Article XVII. Oregon State University – Cascade Overlay Zone**

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### **2.7.3550 Parking and Loading.**

- A. Parking Location. ~~The required number of vehicle parking spaces must comply with the standards of BDC Table 3.3.300, or as modified by the approved Transportation Parking Demand Management Program contained in Ordinance NS-2309.~~ The general locations of possible parking areas as depicted in Figure 2.7.3550.A must comply with the following:

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**2.7.3580 Transportation and Parking Demand Management Plan.**

A. Applicability. The following Transportation and Parking Demand Management Plan (TPDM Plan) applies to all development within the Oregon State University – Cascades Overlay Zone.

B. Trip and Parking Reduction Measures. The TPDM Plan ~~must include the measures set forth in Table 2.7.3580.B, and~~ may include any measures identified in Table 4.8.500, Trip and Parking Reduction Measures, if such additional measures are adopted through site plan approvals, consistent with BDC 4.8.800.

**Table 2.7.3580.B**

<b>Facility Provision Measures</b>	<b>Parking Reduction</b>
<del>Provide on-site showers and lockers free of charge.</del>	5%
<del>Provide enclosed bike lockers and/or fenced, covered bike storage areas and/or a designated bike storage area inside a building.</del>	5%
<b>Ongoing Incentive Measures</b>	
<del>Project is located within one-quarter mile of a transit facility and employer participates in CET's Group Bus Program.</del>	5%
<del>Provide a bike-share program or free use of bikes on site that is available to all tenants/employees of the site.</del>	5%

C. Ongoing Participation, Monitoring and Reporting. The applicant is required to commit to ongoing participation in the TPDM plan in its deeds, tenant leases, codes, covenants and restrictions and is subject to ongoing monitoring and tracking of the activities undertaken to implement the approved measures and their results. ~~The applicant shall submit an annual report to the City no later than August 30 of each year, which shall include the following information:~~

- ~~1. Evidence that the parking reduction measures identified in Table 2.7.3580.B or other parking reduction measures approved pursuant to BDC 4.8.800 were in place or operational during the prior 12-month period.~~
- ~~2. A description of any voluntary parking reduction measures identified in Table 4.8.500 in place or operational during the prior 12-month period.~~
- ~~3. The average utilization of parking spaces located in the Campus and Recreation Districts during fall, winter and spring academic terms for the prior 12-month period. For purposes of reporting, counts shall be taken on a weekly basis between the weekday hours of 12:00 p.m. and 4:00 p.m.~~

~~If the average utilization of parking spaces exceeds 93 percent during fall, winter or spring term during any 12-month reporting period, the City shall have the discretion to require the applicant to provide additional parking spaces in the Recreation District concurrent with the next site plan application filed by the applicant. The number of additional parking spaces required during subsequent site plan review must be equal to the number of parking spaces required to reduce the average utilization of parking spaces to 90 percent, based on the most recent reporting year.~~

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#### **Article XVIII. 15<sup>th</sup> Street School Overlay Zone.**

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#### **2.7.3670 Access, Landscaping and Parking.**

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#### **D. Vehicle Parking, Loading and Bicycle Parking (BDC Chapter 3.3).**

1. Notwithstanding BDC 3.3.300(C)(1) and (2), parking may be located within the front yard setbacks of the private local street.
2. Ten percent of the vehicle parking spaces provided on-site must be reserved for carpool, vanpool or carshare vehicles and located in the most desirable on-site location.
3. Twice as many covered, secured bike parking racks as required by BDC Chapter 3.3 must be provided.

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## Article XIX. Discovery West Master Planned Development

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### 2.7.3770 Residential Mixed Use District.

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#### G. Special Standards for Live/Work Townhomes.

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4. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. ~~No more than four off-street parking spaces must be provided for each live/work townhome.~~

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#### H. Special Standards for Cluster Housing Developments. Cluster housing development provides an alternative housing type to satisfy the attached single-unit housing requirement of BCP Policy. The cluster housing development type supports the following principles:

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4. Parking.
  - a. ~~A minimum of one parking space and a~~ A maximum of two parking spaces are ~~required~~ allowed for each cottage or mews dwelling unit.
  - b. A parking area is a location for two or more contiguous vehicle spaces not within a garage or carport. Any common parking area must be located in the cluster housing development.

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## Article XXI. Petrosa Master Planned Development

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**2.7.3950 Residential Zoning Districts.**

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J. Additional Standards for Live/Work Townhomes.

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2. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. ~~No more than four off-street parking spaces are required for each live/work townhome.~~

L. Additional Standards for Residential Mixed-Use Development.

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4. ~~Parking. Off-street parking is optional for commercial uses located where on-street parking is available adjacent to the mixed-use site, except for food and beverage service uses. Parking for food and beverage service uses is subject to the standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.~~ Off-street parking for commercial uses is subject to the following standards:
  - a. Off-street parking, driveways and other vehicular use and circulation areas must not be placed between a building and the street.
  - b. Where off-street parking is adjacent to a street, the parking and maneuvering area must be separated from the right-of-way by a three-foot minimum landscape planter.
  - c. In no instance may there be more than six off-street parking spaces per site.

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**Article XXIV. Stevens Ranch Master Planned Development**

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**2.7.4250 Residential.**

\*\*\*

K. Additional Standards for Live/Work Townhomes.

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2. Vehicle and bicycle parking must be in accordance with BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. ~~No more than four off-street parking spaces are required for each live/work townhome.~~

\*\*\*

### Chapter 3.1

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

\*\*\*

##### 3.1.400 Vehicular Access Management.

\*\*\*

F. Access Management Requirements.

\*\*\*

4. Additional Access Points.

- a. Single-unit detached dwellings may have an additional access point in compliance with the following:

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- iii. Alley access may be allowed when the lot or parcel has an existing permitted street access. If ~~the required~~ on-site parking is provided off the alley, the City Engineer may require the street access to be closed and replaced with curbing, sidewalks/pathways, and landscaping, in accordance with the provisions of this code and the City standards and specifications.

\*\*\*

### Chapter 3.3

## VEHICLE PARKING, LOADING AND BICYCLE PARKING

### 3.3.100 Purpose.

The purpose of this chapter is to provide basic and flexible standards for the development of vehicle parking, loading and bicycle parking. The design of parking and loading areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. ~~This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards).~~ This chapter ~~also~~ provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

### 3.3.200 Applicability.

All development within the City of Bend ~~shall~~ must comply with the provisions of this chapter.

~~In the Central Business District (CBD), prior to the issuance of any building permit for construction of a new building, enlargement of an existing building, or the change of use requiring additional off-street parking as required by BDC 3.3.300, the owner or occupant shall pay a fee in lieu of providing the required off-street parking or provide the off-street parking as specified in Table 3.3.300. The fee to be paid in lieu of providing parking shall be calculated on the basis of parking spaces required by this chapter. The fee and the policies regarding fees in lieu of parking shall be established by resolution by the City Council.~~

~~The fee shall be a one-time fee deposited into a fund to be used only for the planning, acquisition, development and maintenance of off-street parking facilities located in and/or adjacent to the CBD.~~

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

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) is determined based on the standards in this section.

~~A. Off-Street Parking Requirements. The number of required off-street vehicle parking spaces is determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including~~

emergency or fire access lanes). In applying the exceptions and reductions listed in subsections B, C, and D of this section, reductions and exceptions may be combined except where otherwise specified. Where a fractional number of spaces results, the required number of spaces is rounded down to the nearest whole number.

- A. **Minimum Number of Parking Spaces.** There are no minimum parking requirements in the City of Bend. For accessible parking space requirements, see BDC 3.3.300.G, ADA Accessible Parking Spaces.
- B. **Maximum Number of Parking Spaces.** The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the number of parking spaces provided in Table 3.3.300, Maximum Off-Street Vehicle Parking Spaces. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, tuck-under parking or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Where a fractional number of spaces results, the maximum number of spaces is rounded down to the nearest whole number. This section does not apply to single-unit detached, accessory dwelling units, manufactured dwellings, duplexes, triplexes, quadplexes, townhomes, live/work townhomes and cottage developments. *(Relocated from BDC 3.3.300.E)*

**Table 3.3.300. Required ~~Minimum~~ Maximum Off-Street Vehicle Parking Spaces**

Use	<del>Minimum Requirement</del> Maximum Parking Spaces
<b>Residential</b>	
Accessory dwelling unit	None
Residential care home	2 parking spaces per dwelling unit
All multi-unit residential uses within the CB and MU Zoning Districts	1 space per dwelling unit
Bed and breakfast inns	1.5 space per bedroom, plus 1 space for the manager or proprietor
Short-term rentals	See BDC 3.6.500(H)
Duplex and triplex	None
Quadplex	RL: 2 parking spaces per quadplex development



Use	<del>Minimum Requirement</del> <b>Maximum</b> Parking Spaces
	All other zones: 1 parking space per quadplex development
Manufactured home parks	2 parking spaces per dwelling unit
Multi-unit residential	Studio units or 1-bedroom units – 1.5 spaces <del>per</del> unit
	2-bedroom units – <del>4.5</del> <u>2.25</u> spaces per unit
	3- or more bedroom units – <u>2.3</u> spaces per unit
	Retirement complexes for seniors 55 years or older – 1 space per unit
Townhomes	1 parking space per dwelling unit
Single-unit detached, including a manufactured home on individual lot	2 parking spaces per dwelling unit
Development alternatives	See BDC Chapter 3.8, Development Alternatives
<b>Commercial</b>	
<u>General commercial such as retail trade, services, and office uses (including medical and dental offices, clinics and laboratories, alternative health care)</u>	<u>1 space per 200 square feet</u>
All commercial uses within the CB and MU Zoning Districts	1 space per 500 square feet of gross area
Banking services	1 space per 350 square feet floor area
Bulk and outdoor retail trade and services, including: auto, boat or trailer sales, retail nurseries, lumberyards, and similar bulk retail uses	1 space per <del>4,000</del> <u>700</u> square feet of gross floor area
<u>Bulky merchandise (appliance, furniture)</u>	<u>1 space per 500 square feet of gross floor area</u>
Commercial storage (e.g., ministorage, self-storage)	1 space per <del>6,000</del> <u>4,000</u> square feet of net leasable square footage, with up to half the required spaces and associated driveway areas permitted to remain unmarked for trucks and other large vehicles.
Entertainment (e.g., theaters, clubs, and other completely enclosed amusement uses)	1 space per <del>4</del> <u>3</u> seats

Use	<del>Minimum Requirement</del> <b>Maximum</b> Parking Spaces
Hotels/motels	1 <del>5</del> space for each guest room, plus 1 space for the manager
<del>Laundromats and dry cleaners</del>	1 space per 350 square feet of customer use area, plus 2 spaces per 3 employees on the largest shift
<del>Office use (including medical and dental offices, clinics and laboratories, alternative health care)</del>	1 space per 350 square feet of gross floor area
Restaurants and bars (subject to BDC 3.6.300(J)(10))	1 space per <del>200</del> <u>150</u> square feet of gross leasable floor area  <u>Exemption: 500 square feet of seasonal outdoor seating is exempt from the maximum required parking standards.</u>
<del>Retail trade and services</del>	
• <del>General trade</del>	• <del>1 space per 350 square feet of gross floor area</del>
• <del>Bulky merchandise (appliance, furniture)</del>	• <del>1 space per 750 square feet of gross floor area</del>
<b>Industrial Uses</b>	
<del>Heavy industrial and public/private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)</del>	1 space per <del>2 employees on the largest shift or for each 1,000</del> <u>700</u> square feet of gross floor area, plus 1 space per company vehicle
Light manufacture and production businesses (e.g., electronic equipment, printing, bindery, furniture, bakery, crafts, call center and similar uses)	1 space per <del>2 employees on the largest shift or for each 700</del> <u>500</u> square feet of gross floor area, plus 1 space per company vehicle
<del>Public/private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities) (Moved up to heavy industrial)</del>	1 space per <del>2 employees on the largest shift, plus 1 space per company vehicle; a minimum of 2 spaces is required</del>
Warehousing and distribution	1 space per <del>2,000</del> <u>1,500</u> square feet of gross floor area
<b>Public and Institutional Uses</b>	
Adult day care	2 parking spaces per dwelling unit
Child care facility	1 space per 2 employees; a minimum of 2 spaces is required <del>1 space per 200 square feet (Similar to other service uses)</del>

Use	<del>Minimum Requirement</del> <b>Maximum Parking Spaces</b>
Clubs, lodges, similar uses	1 space per <del>3</del> <u>2</u> persons allowed by Building Code in the main assembly room or auditorium
Community and regional parks and recreational facilities	1 space per <del>40,000</del> <u>7,000</u> square feet of gross area or 1 space per <del>4,000</del> <u>700</u> square feet of building floor area, whichever is greater, <del>or as required by a Conditional Use Permit</del>
Golf courses, including miniature golf	<del>2</del> <u>3</u> spaces per hole, plus additional spaces for auxiliary uses as <del>required</del> <u>listed</u> elsewhere in this section
Government – limited point of service (e.g., public works yards, vehicle storage, etc.)	1 space per <del>2</del> <u>1.5</u> employees on the largest shift or <u>1 space</u> for each <del>500</del> <u>350</u> square feet of gross floor area, plus 1 space per fleet vehicle
<del>Government – point of service intended to serve the entire City</del>	<del>1 space per 350 square feet of gross floor area</del>
<del>Government – point of service intended to serve a portion of the City</del>	<del>1 space per 350 square feet of gross floor area</del>
Hospitals	<del>1.5</del> spaces per bed
Neighborhood parks and recreational facilities	None except as required for accessibility compliance or as required by a Conditional Use Permit
Places of worship	1 space per <del>4</del> <u>3</u> seats in the main worship area
Residential care facility	1 space per <del>2</del> <u>1.5</u> patient beds or 1 space per apartment unit
<del>Registered or certified family child care home</del>	<del>2 parking spaces per dwelling unit</del>
Schools (public and private) – elementary and middle	<u>1.5</u> space per employee or <u>1 space per 4</u> <del>3</del> seats in the auditorium, whichever is greater
Schools (public and private) – high schools	<del>1.5</del> <u>2</u> spaces per classroom, plus 1 space per <del>40</del> <u>7</u> students. If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking <del>shall</del> <u>may</u> be provided at a rate <del>of not to exceed</del> <u>1 space per 4</u> <del>3</del> seats.
Institutions of higher education	1 space per <del>5</del> <u>3</u> off-campus students 1 space per <del>40</del> <u>7</u> on-campus students

Use	<del>Minimum Requirement</del> <b>Maximum</b> Parking Spaces
	1 space per <del>2.4</del> <b>3</b> employees
<b>Miscellaneous</b>	
Unspecified uses	For uses not specified in Table 3.3.300, the Review Authority must determine the <del>minimum</del> <b>maximum</b> number of <del>required</del> parking spaces <b>allowed</b> as part of the development review process accompanying the proposed use, based upon similar uses listed in this table.
Transportation and parking demand management (TPDM) plan	Institutional and employment master plans must provide a transportation and parking demand management (TPDM) plan in compliance with BDC Chapter 4.5, Master Plans, and BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan. All other development applications may choose to develop a TPDM plan in compliance with BDC Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan.
Shelters	See BDC 3.6.600, Shelters

~~B. Credit for On-Street Parking.~~

- ~~1. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 50 percent of the requirement, except as specified in subsections (B)(1)(a) and (b) of this section.~~
  - ~~a. Uses within the CB Zone shall not receive credit for on-street parking, but have the option to pay a fee in lieu of providing off-street parking per BDC 3.3.200.~~
  - ~~b. For uses within the MU and MN Zones and in the Bend Central District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement.~~
- ~~2. On-street parking must follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. An on-street parking space is defined as follows:~~

- a. ~~Parallel parking, each 22 feet of uninterrupted curb, where allowed;~~
- b. ~~Forty five degree diagonal, each with 14 feet of curb, where allowed;~~
- c. ~~Ninety degree (perpendicular) parking, each with 12 feet of curb, where allowed;~~
- d. ~~Curb space must be connected to the lot that contains the use;~~
- e. ~~Parking spaces will not obstruct a required clear vision area or violate any law; and~~
- f. ~~On street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or action limiting general public use of on street spaces is permitted. (Relocated to 3.3.300.C.4 below)~~

**C. ~~Parking Location and Shared Parking Standards.~~**

1. Location. Vehicle parking is allowed only on approved streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Vehicle parking must not be located in a vehicle travel lane (including emergency or fire access lanes). Specific locations for parking are indicated within the individual land use districts for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). Off-street parking and maneuvering areas must not be located within the front setbacks except for single-unit dwellings, ADUs, duplexes, triplexes and quadplexes.
2. Screening. Commercial or industrial off-street parking which adjoins a residentially designated district ~~shall~~ must be effectively screened by a fence and landscaping with a minimum width of 10 feet unless otherwise specified in this code.
3. ~~Off Site Parking. Except for single unit dwellings, the vehicle parking spaces required by this chapter may be located on another parcel of land when commercial off-site parking is permitted in the underlying zone, provided the parcel is within 1,000 feet of the use it serves and the amount of off-site parking does not exceed the minimum amount of parking required for the intended use. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.~~

~~4. Mixed-Use Developments. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be 95 percent of the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly. (See subsection (C)(5) of this section, Shared Parking.)~~

~~5. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature, or of a weekday vs. weekend nature); and provided, that the right of joint use is evidenced by a binding agreement that is tied to the land or similar written instrument establishing the joint use. The binding agreement may restrict future changes to use of the property. Shared parking is encouraged.~~

~~6.3. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees. Signs shall must conform to the standards in the Bend Code, Chapter 9.50, Signs.~~

~~4. On-Street Parking. On-street parking must follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County standards. An on-street parking space is defined as follows:~~

~~a. Parallel parking, each 22 feet of uninterrupted curb, where allowed;~~

~~b. Forty-five-degree diagonal, each with 14 feet of curb, where allowed;~~

~~c. Ninety-degree (perpendicular) parking, each with 12 feet of curb, where allowed;~~

~~d. Curb space must be connected to the lot that contains the use;~~

~~e. Parking spaces will not obstruct a required clear vision area or violate any law;~~

~~f. On-street parking spaces for a specific use may not be reserved exclusively by that use, but must be available for general public use at all times. No signs or action limiting general public use of on-street spaces is permitted; and~~

g. Accessible on-street parking spaces must be provided in compliance with the City of Bend Standards and Specifications. (New standard)

**(Relocated from 3.3.300.B.2)**

D. ~~Exceptions and Special Standards for Commercial Customer~~ Parking.

~~1. Exceptions for Required Parking.~~

~~a. Seasonal outdoor seating where the seating area is less than 500 square feet is exempt from the required parking standards.~~

~~b. The total number of required vehicle parking spaces for an industrial, commercial, or office use that is not part of a transportation and parking demand management (TPDM) plan in compliance with BDC Chapter 4.8 may be reduced by five percent for each of the listed activities which are provided by the owners or operators, up to a maximum 10 percent reduction in the total number of vehicle spaces per development.~~

~~• Designating at least 10 percent of the employee vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking.~~

~~• Providing showers and lockers for employees who commute by bike.~~

~~• Providing twice as many covered, secured bike racks or facilities as required by this code.~~

~~• Providing a transit facility (e.g., bus stop) that is approved by the local transit authority, with related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, shelter, and additional landscaping.~~

~~c. The total number of required motor vehicle parking spaces for all uses except for single-unit detached dwellings may be reduced by up to 10 percent for developments within 660 feet of a transit route (as the crow flies). Where only a portion of the site lies within 660 feet of a transit route, the reduction shall be applied only to buildings that are fully or partially within 660 feet of a transit route.~~

~~d. The parking requirement for affordable dwelling units in conformance with BDC 3.6.200(C) is one on-site parking space per affordable dwelling unit.~~

~~2-~~ 1. Special Standards for Commercial Customer Parking. The motor vehicle parking areas ~~shall~~ must be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets, or transit stops. Ways to achieve this standard may include, but are not limited to:

- Front facades and primary entrances of all buildings are oriented to a public street or a private internal drive or street, to minimize pedestrian and bicycle travel through a parking area and to provide safe, convenient, and direct travel routes for pedestrians;
- One or more raised walkways are provided through the parking areas, meeting Federal Americans with Disabilities Act requirements, in order to provide safe, convenient, and direct travel routes for pedestrians through the parking areas;
- Walkways abutting parking spaces or maneuvering areas are protected from vehicles through either landscaping buffers, minimum three feet wide on each side, or curbs on both sides;
- Walkways across vehicle aisles are delineated by nonasphaltic material in a different color or texture than the parking areas;
- On-site pedestrian walkways and bikeways connect to existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas;
- ~~• Internal drives or streets are designed to City standards for local streets in regard to pavement width, sidewalks, and street trees. Sidewalks comply with ADA standards. Sidewalks 10 to 15 feet wide abutting front building facades are strongly encouraged. Internal vehicular circulation design for the site complies with City street connectivity standards, including maximum block length and perimeter;~~
- Internal drives or streets connect to public streets abutting the site, unless physically precluded by preexisting buildings;
- Structures are located on the site to facilitate future infill and redevelopment of parking and landscape areas;
- ~~• For shopping centers abutting one or more future transit routes, one or more transit stops are located and designed with the approval when applicable of the local transit provider;~~



• ~~No drive-up, drive-in, or drive-through drives or lanes are located between a building and a public or private street.~~

~~E. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by this section by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number. This section does not apply to single-unit detached, manufactured dwellings, duplexes, triplexes, quadplexes, townhomes and cottage developments. (Relocated above Table 3.3.300)~~

E. Electrical Service Capacity.

1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.
2. New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.
3. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.

**Table 3.3.300.E.1. Parking Stall Dimensions**

<b>Parking Angle</b>	<b>Stall Width</b>	<b>Stall Depth</b>	<b>Aisle Width (*one-way)</b>	<b>Curb Length</b>	<b>Bay Width</b>
	9'-0"	9.0	12.0	22.0	30.0
0°	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	32.0
	9'-0"	10.8	13.0	12.7	52.5
45°	9'-6"	20.1	13.0	13.4	53.3

Parking Angle	Stall Width	Stall Depth	Aisle Width (*one-way)	Curb Length	Bay Width
	10'-0"	20.5	13.0	14.1	54.0
	9'-0"	21.0	18.0	10.4	60.0
60°	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
	9'-0"	21.0	19.0	9.6	61.0
70°	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
	9'-0"	20.0	24.0	9.0	64.0
90°	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0

\*24-foot minimum for two-way traffic

F. Parking Stall Standard Dimensions and Compact Car Parking.

1. All off-street parking stalls must be improved to conform to City standards for surfacing, storm water management and striping, and provide dimensions in accordance with Table 3.3.300.F.1, Parking Stall Dimensions and Figure 3.3.300.F.1, Parking Area Dimensions.

**Table 3.3.300.F.1. Parking Stall Dimensions**

<u>Parking Angle (A)</u>	<u>Parking Stall Type</u>	<u>Width (B)</u>	<u>Curb Length (C)</u>	<u>1 Way Aisle Width (D)</u>	<u>2 Way Aisle Width (D)</u>	<u>Stall Depth (includes bumper overhang) (E)</u>
0°	Standard	9'	22'	12'	20'	9'
	Compact	8'	20'	12'	20'	8'
30°	Standard	9'	18'	12'	20'	17.3'
	Compact	8'	15.5'	12'	20'	14.3'
45°	Standard	9'	12.7'	13'	20'	19.8'
	Compact	8'	11.2'	13'	20'	16.1'
60°	Standard	9'	10.4'	18'	20'	21'
	Compact	8'	9.2'	18'	20'	17'
90°	Standard	9'	9'	24'	24'	20'
	Compact	8'	8'	24'	24'	17'

**Table 3.3.300 – Parking Area Dimensions**

*(Delete table)*

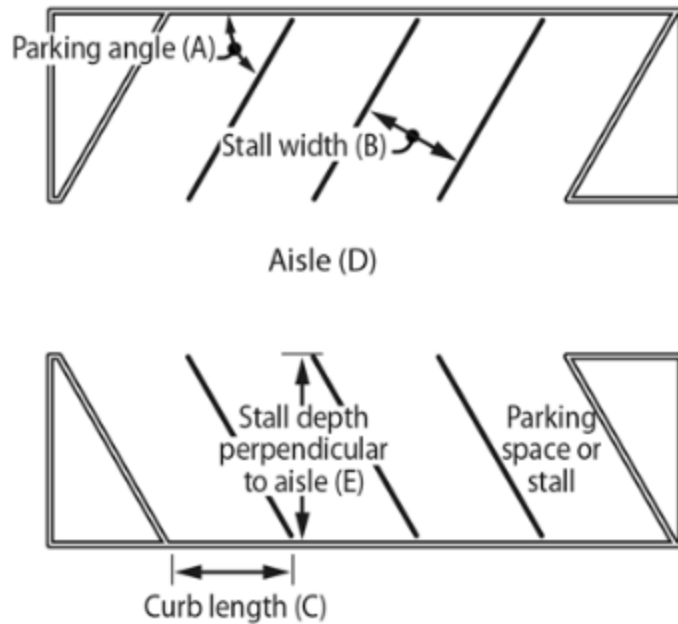
	<p>A = Parking angle  B = Stall width  C = Stall depth  D = Aisle width</p> <hr/> <p>• For one row of parking stalls use “C” + “D” as minimum bay width.</p> <hr/> <p>• Public alley width may be included as part of dimension “D,” but all parking stalls must be on private property.</p> <hr/> <p>• For estimating available parking area use 300 to 325 square feet per vehicle for stall aisle and access areas.</p>
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	<ul style="list-style-type: none"> <li>For narrow lots, equivalent size stalls and aisles may be approved by the City Engineer.</li> <li>For large parking lots exceeding 20 stalls, alternate rows may be designated for compact cars; provided, that the compact stalls do not exceed 30 percent of the total required stalls. A compact stall measures 8 feet in width and 17 feet in length.</li> <li>Required vehicle parking in a dwelling unit's garage or carport must be a minimum of 9 feet by 18 feet.</li> </ul>
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**Figure 3.3.300.F.1**

**Parking Area Dimensions**

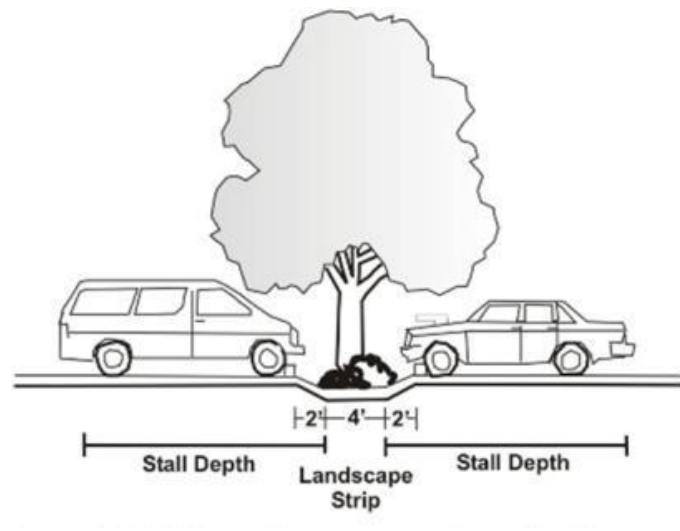
*(Add Figure)*



- No more than 50 percent of the parking stalls provided on-site can be compact spaces.

3. The stopping edge of any curb or wheel stop must be placed no less than two feet from the end of the parking stall. Where a curb or wheel stop is provided, the overhang of a vehicle past the curb or wheel stop may be counted as part of the required parking stall depth, up to a maximum of two feet.
  - a. Where the curb abutting a pedestrian walkway is used as a wheel stop, a minimum of two feet must be added to the width of the walkway.
  - b. A portion of a standard parking stall may be landscaped instead of paved, as follows:
    - i. The landscaped area may be a maximum of two feet from the stopping edge of a wheel stop or curb, when such protective devices are provided, and may be counted as part of the required parking stall depth, as shown in Figure 3.3.300.F.2.

Figure 3.3.300.F.2.



- ii. Landscaping that is part of the parking stall depth must be ground cover plants.

G. ADA Accessible Parking Spaces.

1. When parking is provided on-site a ~~Accessible parking shall~~ must be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). ~~Accessible parking is included in the total minimum number of required parking spaces in Table 3.3.300. On-site A~~ Accessible parking facilities shall ~~must~~ comply with the design requirements of the current building code as adopted by the State of Oregon.

2. If parking is not otherwise provided on-site, all developments subject to Site Plan Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, must provide a minimum of one van-accessible parking stall except as follows:

- a. Developments in the Central Business (CBD) District.
- b. Developments in the Bend Central District. See BDC 2.7.3200, Bend Central District (BCD).
- c. Developments on lots or parcels smaller than 10,000 square feet.

\*\*\*

**3.3.600 Bicycle Parking Standards.**

All uses that are subject to ~~site development review~~ 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, ~~which are evaluated during site development review~~. This section does not apply to single-unit detached, manufactured dwellings, accessory dwelling units, duplexes, triplexes, quadplexes, townhomes and cottage developments, and home businesses. ~~A minimum of one bicycle parking space is required for all other developments with fewer than 10 vehicle parking spaces.~~

- A. Number of Bicycle Parking Spaces. A minimum of one ~~u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two~~ bicycle parking spaces per use is required for all uses ~~subject to site development review~~. Table 3.3.600 lists additional standards that apply to specific types of development.

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

<b>Use</b>	<b>Requirement</b>
Multi-unit dwellings and micro-units with 5 units or more	1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun

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

<b>Use</b>	<b>Requirement</b>
	and precipitation under an eave, overhang, an independent structure, or similar cover.
Retirement home or assisted living complex	2 covered spaces or 1 covered space for every 10 employees, whichever is greater
Retail sales and service	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Multiple uses	For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
Street vendors, itinerant merchants, and similar temporary sales operations	No bicycle spaces required
Restaurants, cafes, and bars	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces.
Professional office	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces

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

<b>Use</b>	<b>Requirement</b>
Medical or dental office or clinic or hospital	1 covered space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Stadium, arena, theater or similar use	1 covered space for every 20 seats
Public or private recreational facility	1 space for every 10 employees plus 1 space for every 20 motor vehicle spaces
Parking lots	All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces
Industrial uses without retail trade or service	1 covered space for every 20 employees
Industrial uses with retail	1 covered space for every 20 employees
Elementary school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
Junior high school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.



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

<b>Use</b>	<b>Requirement</b>
High school	1 covered space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
College, university or trade school	1 space for every 10 motor vehicle spaces plus 1 covered space for every dormitory unit. Colleges and trade schools shall provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

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

<b><u>Use</u></b>	<b><u>Requirement</u></b>
<u>Multi-unit dwellings and micro-units with 5 units or more</u>	<u>1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.</u>
<u>Age restricted multi-unit</u>	<u>1 covered space per 10 units. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.</u>

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

<b>Use</b>	<b>Requirement</b>
<u>Retirement home or assisted living complex</u>	<u>1 per 10 beds</u>
<u>Hospital</u>	<u>1 space per 3,000 square feet for floor area</u>
<u>General commercial such as retail trade, services, restaurants, and office uses</u>	<u>1 per 2,500 square feet of floor area, 25% must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>Bulky merchandise</u>	<u>1 per 10,000 square feet, 25% must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>Hotels/Motels</u>	<u>1 space per 10 rooms, 50% must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>Street vendors, itinerant merchants, and similar temporary sales operations</u>	<u>No bicycle spaces required</u>
<u>Parks</u>	<u>Two bicycle parking spaces within 50 feet of each developed play-ground, ball field, and shelter</u>  <u>OR</u>

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

<b>Use</b>	<b>Requirement</b>
	<u>8 per park</u>
<u>Stadium, arena, theater, Clubs, lodges, places of worship, or similar uses</u>	<u>1 covered space for every 20 seats or 1 space per 20 persons allowed by Building Code in the main assembly room or auditorium</u>
<u>Public or private recreational facility</u>	<u>1 per 1,000 square feet, 25% must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>Parking lots</u>	<u>All public and commercial parking lots and parking structures must provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.</u>
<u>Industrial uses without retail trade or service</u>	<u>1 space per 20,000 square feet, 100% must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>Industrial uses with retail</u>	<u>1 space per 20,000 square feet plus 1 space per 2,500 square feet of retail space, 75% must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>Schools (elementary through high school)</u>	<u>1 covered space for every 10 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.</u>

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

<b>Use</b>	<b>Requirement</b>
<u>College, university or trade school</u>	<u>1 space for every 10 motor vehicle spaces plus 1 covered space for every dormitory unit. 50% of the bicycle parking spaces must be sheltered under an eave, overhang, independent structure, or similar cover.</u>
<u>All other uses</u>	<u>1 u-rack sheltered under an eave, overhang, independent structure, or similar cover to provide two bike parking spaces</u>

\*\*\*

### Chapter 3.6

#### Special Standards and Regulations for Certain Uses

\*\*\*

**C. Affordable Housing Strategies.** The City of Bend provides an incentive program to developers to assist in the development of affordable housing.

\*\*\*

4. Developments in compliance with subsection (C)(1) of this section may be eligible for the following incentives unless otherwise specified:

\*\*\*

~~e. Parking Requirement Reduction. The parking requirement for affordable dwelling units is one on-site parking space per affordable dwelling unit.~~

~~i. Exception:~~

~~Parking for special population developments and senior developments is 0.5 parking spaces per affordable dwelling unit.~~

~~For purposes of this subsection, senior developments are limited to those 55+ and are recognized by Housing and Urban Development (HUD) or the Low Income Housing Tax Credit (LIHTC) program at Oregon Housing and Community Services as affordable for a term of 30 years or more.~~

~~For purposes of this subsection, special population developments provide affordable housing and supportive services to those with intellectual or developmental disabilities or acute health needs. These developments must be publicly supported affordable for a minimum of 30 years and serving those with intellectual or developmental disabilities in an integrated setting as a primary function.~~

\*\*\*

**N. Home Business.** The purpose of this subsection is to support those who are engaged in small business ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a primary dwelling unit or in an approved accessory structure or accessory dwelling unit. More than one home business may be operated on site provided the home businesses comply with the following standards cumulatively. There are three classes of home businesses.

\*\*\*

3. Class B Home Business. A Class B home business is one where the residents use their home as a place of work and involves a limited number of nonresident employees and/or clients or customers coming to the site.

\*\*\*

- b. A Class B home business is intended to have minimal impact to the existing neighborhood and must meet the general standards of subsection (N)(1) of this section and the following standards:

\*\*\*

~~iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.~~

~~iv~~ iii. No more than 25 percent of the dwelling unit, including the floor area of garages, accessory structures and an ADU, may be utilized for all home business uses.

~~v~~ iv. A Class B home business is not permitted on a site with a Type II short-term rental.

4. Class C Home Business. A Class C home business is one where the residents use their home as a place of work and the scope of the business activities exceeds the standards for a Class B home business.

\*\*\*

- b. A Class C home business is intended to have minimal impact to the existing neighborhood and must meet the general operational standards of subsection (N)(1) of this section and the following standards:

\*\*\*

~~iii. The home business site can accommodate parking for the total number of nonresident employees, clients, and customers on site during the largest shift, in addition to the required parking for the primary dwelling unit. On-site parking and on-street parking credit must comply with BDC 3.3.300. Tandem parking is permitted.~~

~~iv~~ iii. A Class C home business is not permitted on a site with a Type II short-term rental.

\*\*\*

### **3.6.300 Nonresidential Uses**

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## **J. Neighborhood Commercial Sites**

\*\*\*

6. Parking Standard. In addition to the standings in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, off-street parking, driveways, and other vehicular use and circulation areas cannot be placed between a building and the street.

~~a. The following parking requirements supersede parking requirements in Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Unless otherwise stated here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.:~~

~~i. Neighborhood commercial sites located one-quarter mile or greater from a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:~~

~~(A) Neighborhood Commercial Uses. Off-street parking is optional where abutting on-street parking is available, except for food and beverage services. Where abutting on-street parking is not available or the use is for food and/or beverage services, parking must comply with the requirements in subsection (J)(6)(a)(ii)(A) of this section.~~

~~(B) Residential Uses. One space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.~~

~~(C) Short-Term Rentals. See BDC 3.6.500(H), Parking.~~

~~ii. Neighborhood commercial sites located adjacent to a Commercial or Mixed-Use Comprehensive Plan map designation must comply with the following:~~

~~(A) Neighborhood Commercial Uses. One space per 500 square foot of gross floor area, except food and/or beverage services is one space per 200 square foot of gross floor area.~~

~~(B) Residential Uses. One space per dwelling unit. Tandem parking is permitted when the spaces are assigned to the same unit.~~

~~(C) Short-Term Rentals. See BDC 3.6.500(H), Parking.~~

~~(D) The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting the development, up to 100 percent of the requirement, except for short-term rentals.~~

~~b. Off-street parking, driveways, and other vehicular use and circulation areas cannot be placed between a building and the street.~~

~~c. Exemption. Buildings and associated sites constructed prior to the date of adoption of this code and with a documented history of a commercial use are exempt from the parking requirements.~~

\*\*\*

### 3.6.400 Temporary Uses.

\*\*\*

**A. Seasonal Sales.** Seasonal sales related to a holiday or seasonal event such as holiday tree sales and Fourth of July fireworks sales occur only once in a calendar year and for no longer than 30 days. No temporary use permit is required. However, the use ~~shall~~ must comply with the following standards:

\*\*\*

~~3. The minimum parking requirements of BDC Chapter 3.3 will be maintained for all uses on the site.~~

~~4. 3.~~ The vision clearance standards of BDC Chapter 3.1 are maintained and public rights-of-way are not obstructed.

~~5. 4.~~ Ingress and egress are safe and adequate and meet the access standards of BDC Chapter 3.1.

~~6. 5.~~ The use is adequately served by sewer or septic system and water, if applicable.

~~7. 6.~~ The temporary use ~~shall~~ must terminate no later than 30 days after initial start-up.

\*\*\*

**D. Temporary Building.** A temporary buildings such as a trailer, cargo container, or prefabricated building may be used as a temporary commercial or industrial office or space associated with the primary use on a property. Temporary buildings are subject to temporary use permit review and must meet all of the following standards:

\*\*\*

3. Ingress and egress meet the applicable requirements of BDC Chapter 3.1.

~~4. There is adequate parking for the temporary and primary uses as required by BDC Chapter 3.3.~~



- ~~5.~~ 4. The temporary building complies with applicable building codes.
- ~~6.~~ 5. The use can be adequately served by sewer or septic system and water, if applicable.
- ~~7.~~ 6. All locational standards for structures in the applicable zoning district are met (e.g., setbacks, height and lot coverage).
- ~~8.~~ 7. The length of time that the temporary building will be used must not exceed 12 months. When a temporary permit expires, the applicant or owner must remove the temporary building from the site.
- ~~9.~~ 8. Temporary buildings used for construction purposes are allowed on a site under construction and do not need a temporary use permit; however, they must be removed 30 days after the final inspection is complete.

**E. Temporary Placement of Educational Modulars.** The placement of educational modular classrooms may be granted for up to two years without site plan approval through a temporary use permit application approval. The temporary use permit application ~~shall~~ must contain a schematic site plan that shows the following: (1) the type of modular proposed, and (2) the proposed placement location of the modular.

In addition to meeting the standards of subsections (D)(1) through (~~7~~6) of this section, the application for a temporary use permit for an education modular ~~shall~~ must also meet the following standards:

- 1. The parking requirements of BDC Chapter 3.3 ~~shall~~ must be met for the permanent and temporary structures.
- 2. The landscaping requirements in BDC Chapter 3.2 ~~shall~~ must be met.

\*\*\*

**G. Temporary Carnivals, Fairs, Parking Lot Sales and Warehouse Sales.** Temporary carnivals, fairs, parking lot sales and retail sales from a warehouse are permitted on developed commercial, industrial and public facility sites for a maximum of 14 days each calendar year. No permit is necessary; however, the following standards must be met:

- ~~1. Adequate parking is available to meet the minimum parking requirements of BDC Chapter 3.3;~~

~~2.~~ 1. The vision clearance standards of BDC Chapter 3.1 are maintained and public rights-of-way are not obstructed; and

~~3.~~ 2. Vehicle ingress and egress locations meet the access standards of BDC Chapter 3.1.

\*\*\*

### **3.6.500 Short-Term Rentals.**

\*\*\*

B. Application Submittal Requirements. The following information ~~shall~~ must be submitted to the City along with a form approved by the City in order to apply for a STR permit.

1. The name, address, email address and telephone number of the owner of the short-term rental for which the permit is to be issued, and the same for the authorized representative if different than the owner. An application may be submitted by an owner with the buyer as the applicant and upon written request, the approval will be granted to both the owner and the buyer.
2. A floor plan identifying the number of bedrooms proposed for use.
3. A diagram and/or photograph of the premises showing and indicating the number, location and dimensions of designated on-site and abutting on-street parking spaces ~~that meet the minimum required number of parking spaces and maneuvering per BDC 3.3.300.~~
4. Acknowledgment by signature that the owner and authorized representative have read all the regulations relating to the operation of a short-term rental under BC Chapter 7.16.
5. Certification of the accuracy of the information submitted and agreement to comply with the conditions of the permit.
6. Consent to inspection to ensure compliance with this section.

\*\*\*

H. Parking. The following parking standards ~~are~~ is required, in accordance with BDC Chapter 3.3:

~~1. The parking requirement for STRs is one space per bedroom. In the case of an owner-occupied STR, the parking requirement is either one space per bedroom or two spaces for the owners occupying the dwelling unit plus one space per approved STR bedroom, whichever is less.~~

~~2. 1. Each~~ If on-site parking space is required provided, each on-site space must be to be a minimum of 20 feet deep by nine feet wide. Vehicle parking in a dwelling unit's garage or carport must be a minimum of 9 feet by 18 feet. Parking spaces may be in a garage or in an otherwise approved parking space on the property, such as a driveway, provided the parking dimension for the spaces are met. New parking spaces are required to be paved and cannot be gravel. The entirety of the parking space must be accommodated on-site such that the space does not cross over the property line. Tandem parking is allowed.

~~3. If the garage is to be utilized to meet the parking requirement, a photo of the interior of the garage must be submitted to show the garage is available for parking. The garage must continually be available for guest parking as long as the STR permit is valid.~~

~~4. Where on-street parking abutting the site is allowed, up to 50 percent of the required parking may be met with approved on-street parking spaces in accordance with BDC 3.3.300(B).~~

N. Inspection. Any short-term rental applications submitted after April 15, 2015, ~~shall be~~ are subject to inspection prior to commencement of the use by the City for compliance with this section.

~~1. The Community and Economic Development Director or designee may conduct a site visit upon an application for a short-term rental to confirm the number of bedrooms stated on the application and the number, location and availability of on-site parking spaces. The site visit will be coordinated with the applicant and be conducted during normal business hours, and with reasonable notice.~~

~~2. 1.~~ The Community and Economic Development Director or designee may visit and inspect the site of a short-term rental on a prescribed schedule to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice and other procedural safeguards as necessary. Code violations ~~shall be~~ are processed in accordance with BDC Chapter 1.3, Enforcement.

\*\*\*

### **3.6.600 Shelters.**

\*\*\*

B. Review Process.

1. Type I Minimum Development Standards Review. The following shelters are reviewed through a Type I Process:

- a. A building expansion of up to 50 percent of the existing building area or up to 5,000 square feet, whichever is less.
- b. Expansion of an outdoor shelter use or parking of up to 50 percent of the existing outdoor shelter use area or parking area or up to 5,000 square feet of new outdoor shelter use area or parking area, whichever is less.
- c. A change of use of a building or property that increases demand on public facilities ~~and/or requires new additional parking spaces~~. A determination that there is an increase in demand on public facilities is made when:
  - i. The development will result in an increase of trip generation by 20 percent or 100 average daily trips (ADT); and/or
  - ii. The development will require that the water meter or water or sewer laterals be increased in size.

A change of use of a building or property that does not increase demand on public facilities ~~and/or require new additional parking spaces~~ does not require Minimum Development Standards Review or Site Plan Review.

\*\*\*

C. Shelters Standards. Shelters must comply with the following standards:

\*\*\*

9. On-Site Improvements. ~~Required~~ Parking areas, aisles and turnarounds are exempt from the paving standards required by this code. Driveway approaches must comply with City of Bend Standards and Specifications.

\*\*\*

E. Outdoor Shelters.

\*\*\*

2. Off-Street Parking. ~~There are no minimum or maximum parking requirements. A minimum of 0.5 parking spaces per unit for the first 16 units, plus 0.3 spaces per additional unit is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

\*\*\*

F. Group Shelters.

\*\*\*

2. Off-Street Parking. ~~There are no minimum or maximum parking requirements. Minimum 0.25 spaces per bed is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

G. Multi-Room Shelters.

\*\*\*

2. Off-Street Parking. ~~There are no minimum or maximum parking requirements. A minimum of 0.25 spaces per room is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

\*\*\*

## Chapter 3.8

### DEVELOPMENT ALTERNATIVES

\*\*\*

#### 3.8.200 Micro-Unit Development.

\*\*\*

I. Off-Street Parking. ~~The following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of~~ In addition to BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, and BDC 2.7.3250, Parking, the following apply:

1. ~~RS, RM and RH: minimum one space per micro-unit. There are no minimum parking requirements.~~

~~a. Exception: Micro-unit developments located within a quarter of a mile (1,320 feet as the crow flies) of a transit route may provide 0.5 parking spaces per micro-unit.~~

2. ~~Mixed Use Districts and Commercial Districts and Bond Central District: Minimum 0.5 spaces per micro-unit.~~

3. ~~2.~~ The maximum is 150 percent of one 1.5 parking spaces per micro-unit.

4. ~~When four or more required spaces are provided, up to 50 percent of the required off-street parking spaces may be developed as compact parking spaces. Where a fractional number of compact spaces results, the allowed number of compact spaces is rounded down to the nearest whole number.~~

5. ~~3.~~ Parking is prohibited between the street and the micro-unit development when more than three parking spaces are provided. When more than three parking spaces are provided, backing onto the street is not allowed.

6. ~~Off-street parking may be reduced in compliance with BDC 3.3.300.D and in the Bond Central District in compliance with BDC 2.7.3250(A)(2).~~

\*\*\*

### **3.8.300 Small Dwelling Unit Development.**

\*\*\*

J. Parking Requirements.

\*\*\*

1. ~~Minimum one space per small dwelling unit. There are no minimum or maximum parking requirements.~~

~~a. Exception. No parking is required for ADUs.~~

\*\*\*

### 3.8.500 Cottage Housing Development.

\*\*\*

K. Parking. Parking for CHDs must be located on the CHD property and identified on the tentative subdivision plan and/or site plan. On-site parking must meet the following standards:

\*\*\*

5. ~~Off-street parking requirements are calculated based on the number of bedrooms per cottage unit:~~
  - a. ~~One bedroom: minimum one space.~~
  - b. ~~Two bedrooms: minimum 1.5 spaces.~~
  - c. ~~Three or more bedrooms: minimum two spaces.~~

There are no minimum or maximum parking requirements.

\*\*\*

### 3.8.800 Urban Dwelling Sites.

\*\*\*

I. Off-Street Parking. ~~The minimum number of required off-street vehicle parking spaces is established below. There are no minimum parking requirements. See BDC Chapter 3.3., Required Off-Street Vehicle Parking Spaces for maximum parking requirements. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.~~

~~1. Townhome and multi-unit residential: one space per dwelling unit.~~

~~2. Duplex and triplex: none.~~

~~3. Quadplex: one space per quadplex development.~~

~~4. Micro-unit developments: one-half space per micro-unit. See BDC 3.8.200(I) for off-street parking requirements.~~

~~5. Affordable housing projects in accordance with BDC 3.6.200(C)(1) through (C)(3): one-half space per affordable dwelling unit.~~

\*\*\*

### **3.8.1000 Shared Courts.**

\*\*\*

#### **H. Off-Street Parking.**

~~1. Dwelling units: There are no minimum or maximum parking requirements. See Table 3.3.300, Required Off-Street Vehicle Parking Spaces. Required parking spaces may be provided in tandem.~~

~~2. Guest parking: 0.25 spaces per dwelling unit. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.~~

~~3. 2. No parking is allowed within the private access drive. "No Parking" signs are required and must be maintained.~~

~~4. 3. Common off-street parking, including guest parking, may abut the private access drive when located outside of the minimum required dimensions of the private access drive. The off-street parking must be located in a common tract and the homeowners' association must be responsible for enforcing this requirement.~~

~~5. 4. Parking is prohibited between the street and the dwelling units.~~

\*\*\*

## **Chapter 4.2**

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

\*\*\*



#### 4.2.400 Minimum Development Standards Review.

\*\*\*

A. Minimum Development Standards Review for Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes and Cottage Cluster Developments.

\*\*\*

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:

\*\*\*

vi. Driveways and ~~required~~ parking areas must be paved with asphalt, concrete or comparable surfacing; a durable nonpaving material (e.g., grass-crete, eco-stone) may be used to reduce surface water runoff and to protect water and air quality or a ribbon driveway may be used in compliance with BDC 3.1.400. Gravel is not allowed. Driveway apron design and location must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways. If a driveway is existing and no changes are proposed to the existing driveway and/or existing parking, then driveway and apron improvements are not required for an ADU.

\*\*\*

B. Minimum Development Standards Review for All Other Uses.

1. Applicability. This subsection applies to development other than those in subsection (A) of this section where there is:

\*\*\*

c. A change of use of a building or property that increases demand on public facilities ~~and/or requires new additional parking spaces;~~ A determination that there is an increase in demand on public facilities is made when:

i. The development will result in an increase of trip generation by 20 percent or 100 average daily trips (ADT); and/or

ii. The development will require that the water meter or water or sewer laterals be increased in size.

and/or:

\*\*\*

3. Approval Criteria. The Review Authority shall 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:

\*\*\*

iii. ~~The minimum required number of p~~ Parking spaces and vehicle circulation areas shall ~~must~~ be paved and striped as specified in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.

\*\*\*

## Chapter 4.8

### TRANSPORTATION AND PARKING DEMAND MANAGEMENT (TPDM) PLAN

#### 4.8.100 Purpose.

A ~~t~~ Transportation and p ~~r~~ Parking d ~~e~~ Demand m ~~a~~ Management (TPDM) plan includes a wide range of strategies intended to increase walking, biking, and transit use and reduce single-occupant vehicle trips and parking demand.

\*\*\*

#### **4.8.500 Submittal Requirements.**

In addition to the submittal requirements of BDC Chapter 4.7, Transportation Analysis, the proposed TPDM plan must include the following information as deemed applicable by the Community and Economic Development Director:

- A. TPDM goals, objectives and policies.
- B. Proposed types and approximate number of users (e.g., residents, employees, students, customers, patients, visitors, clients, and deliveries).
- C. Anticipated mode of travel by users (vehicle, biking, walking and transit).
- D. Anticipated parking demand by time of day and/or demand by user.
- E. Anticipated parking utilizing shared spaces.
- F. Proposed number of on- and off-site parking spaces, including carpool, vanpool, car share and bike parking.
- G. Parking and trip demand analysis.
- H. Estimated daily trip generation and peak hour of trips for the proposed use based on the ITE trip generation rates (note: this may not be the p.m. peak of 4:00 to 6:00 p.m.; e.g., an institution of higher education may have a peak hour of use that is different than the p.m. peak hour).
- I. Proposed trip and parking reduction measures in BDC Table 4.8.500 according to the following requirements:
  - 1. A maximum trip generation reduction rate of 25 percent for the peak hour of use will be considered for combined trip reduction measures. If the TPDM plan including the applicant's proposed trip reduction measures and rates are approved by the City, the approved trip generation reduction rates will be applied to the applicant's Transportation Facilities Report in BDC Chapter 4.7, Transportation Analysis.
  - ~~2. A minimum of three parking reduction measures must be proposed.~~

3. ~~The number of vehicle parking spaces may be reduced up to 20 percent of the minimum requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces.~~

**Table 4.8.500 – Trip and Parking Reduction Measures**

<b>Facility Provision Measures</b>	<b>Trip Generation Reduction Rate</b>	<b>Parking Reduction</b>
<del>Project provides no more than the minimum required parking and achieves that by providing the maximum on-street parking that is permitted and/or using shared parking agreements.</del>	<del>5%</del>	<del>0%</del>
Project reserves a minimum of 10% of vehicle parking spaces with designated signage for carpool, vanpool and car share vehicles, with a minimum of one space required. The carpool, vanpool and car share parking spaces must be provided free of charge and located at the most desirable on-site location.	5%	5%
Provide on-site showers and lockers free of charge.	5%	5%
Provide enclosed bike lockers and/or fenced, covered bike storage areas and/or a designated bike storage area inside a building.	5%	5%
Project provides twice as many covered, secured bike parking racks or facilities as required by BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking.	5%	5%
<b>Ongoing Incentive Measures</b>	<b>Trip Generation Reduction Rates</b>	<b>Parking Reduction</b>
Project is located within 1/4 mile of a transit facility and employer participates in CET's Group Bus Program.	5%	5%
Implement a carpool, vanpool and/or car share program (e.g., carpool ride-matching for employees, assistance with vanpool formation, provision of vanpool or car share vehicles). The carpool, vanpool and car share parking spaces must be provided free of charge and located at the most desirable on-site location.	5%	5%
Project charges the actual cost to provide on-site parking on an annual basis for employee/student parking and provides free parking for carpool, vanpool and car share vehicles. The carpool, vanpool and car share parking spaces must be located at the most desirable on-site location.	5%	5%

Implement parking cash-out program for employees (nondriving employees receive transportation allowance equivalent to the value of subsidized parking).	5%	5%
Provide a shuttle program or participation in an existing recognized shuttle program subject to any fees for the existing program.	5%	5%
Flexible Scheduling – Allow employees to reduce their number of weekly commute trips and shift work trips to nonpeak hour times of day. Examples include:	5%	5%
• Teleworking – Allow employees to work from home or a nonoffice location one or more days a week.		
• Compressed Workweek – Enable employees to compress regularly scheduled hours into fewer work days per week.		
• Flexible Schedule – Allow employees to offset work hours from the typical 9-5 standard and shift commute travel to off-peak hours.		
Provide unbundled parking.	5%	5%
Provide a bike-share program or free use of bikes on-site that is available to all tenants/employees of the site.	5%	0%
Provide a guaranteed ride home program.	5%	5%
Participation in a transportation demand management (TDM) incentive program recognized by the City (e.g., Commute Options Partner Program).	5%	0%
Other TPDM elements as approved by the City.	Up to 25%	<del>Up to 20%</del>

\*\*\*

**4.8.800 Modifications.**

A. Modifications to an approved TPDM plan may be processed concurrently with a Type II or Type III development application. ~~The applicant may request to reduce the number of vehicle parking spaces more than 20 percent of the minimum requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, if it can be demonstrated that actual demand for parking spaces during the peak period is less than 85 percent.~~

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**Exhibit B**

**FINDINGS OF  
BEND PLANNING COMMISSION  
FOR DEVELOPMENT CODE TEXT AMENDMENTS**



CITY OF BEND

**PROJECT**

**NUMBER:** PLTEXT20220763

**HEARING DATE:** Monday, November 28, 2022  
City Council Chambers (Hybrid)  
710 NW Wall Street  
Bend, OR 97703

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

**REQUEST:** Amendments to the Bend Development Code (BDC) Chapters 1.2, Definitions, 2.1 Residential Districts, 2.7, Special Planning Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.3 Vehicle Parking, Loading and Bicycle Parking, 3.6 Special Standards and Regulations for Certain Uses, 3.8 Development Alternatives, 4.2 Minimum Development Standards Review, Site Plan Review and Design Review and 4.8, Transportation and Parking Demand Management (TDMD) Plan. The amendments are in compliance with OAR 660-012-0400 et seq., relating to implementing the parking mandate reform requirements from the Climate Friendly and Equitable Cities rules adopted by the Land Conservation and Development Commission on July 21, 2022.

**STAFF:** Pauline Hardie, AICP, Senior Code Planner

**I. APPLICABLE CRITERIA:**

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

**II. APPLICABLE PROCEDURES:**

- (1) Bend Code Chapter 10, City of Bend Development Code
  - (a) Chapter 4.1, Land Use Review and Procedures

### **III. PROCEDURAL FINDINGS:**

- 1. PLANNING COMMISSION REVIEW:** The matter before the Planning Commission is the review of text amendments to the Bend Development Code (BDC) Chapters 1.2, Definitions, 2.1 Residential Districts, 2.7, Special Planning Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.3 Vehicle Parking, Loading and Bicycle Parking, 3.6 Special Standards and Regulations for Certain Uses, 3.8 Development Alternatives, 4.2 Minimum Development Standards Review, Site Plan Review and Design Review and 4.8, Transportation and Parking Demand Management (TDMD) Plan. The amendments are in compliance with OAR 660-012-0400 et seq., relating to implementing the parking mandate reform requirements from the Climate Friendly and Equitable Cities rules adopted by the Land Conservation and Development Commission on July 21, 2022. The recommended amendments are attached as Exhibit A.
- 2. PUBLIC NOTICE AND COMMENTS:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on October 21, 2022. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. Public comments can be viewed in the [Online Permit Center Portal](#) on the City of Bend website. Open the Portal and select the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20220763 in the search bar to find the project.
- 3. BACKGROUND:** The amendments are in compliance with OAR 660-012-0400 et seq., relating to implementing the parking mandate reform requirements from the Climate Friendly and Equitable Cities rules adopted by the Land Conservation and Development Commission on July 21, 2022.

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

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

#### 4.6.200 Legislative Amendments.

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

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

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

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

**FINDING:** The amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economic Development, Goal 10: Housing, and Goal 12, Transportation and Goal 13, Energy Conservation.

**Goal 1, Citizen Involvement,** is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

**FINDING:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on October 21, 2022. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022.

On November 28, 2022, the Planning Commission held a public hearing and



recommended approval of the amendments to the City Council. The City Council will review the proposed amendments on December 7, 2022.

Therefore, Goal 1 has been met.

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

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

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

The FY 2021-23 Council Goal Framework plan includes the following Environmental and Climate Goal, guiding principles and action item:

***Goal: Improve quality of life for more people in Bend by increasing equitable access to clear air, water and to a healthy environment. Implement solutions that fulfill the City's commitment to being good stewards of our natural environment, decreasing carbon emissions and mitigating the effects of climate change.***

#### ***Guiding Principles***

- ***Plan for electric vehicles community-wide***
- ***Prioritize equity actions in the Community Climate Action Plan***
- ***Explore opportunities for programs that reduce greenhouse gas emissions***

#### ***ACTION ITEMS***

- ***Develop a workplan for the state's Climate Friendly and Equitable Cities***

## ***requirements***

On July 21, 2022, the Land Conservation and Development Commission adopted Climate Friendly and Equitable Communities (CFEC) rules which require, among other things, cities over a certain size, including Bend, to make a number of changes to parking codes, both in how parking is regulated and how much parking can be required. The state rules break these changes into two phases (A and B) and then further requires a city to pick a parking mandate option (Option 1, 2 or 3).

- Parking A addresses changes that must be made by Dec. 31, 2022, such as removing parking minimums from homeless shelters and childcare facilities. These changes go into effect by the end of the year, and must be applied to new development applications, even if the City does not update its code at all.
- Parking B addresses broader, community-wide parking regulation changes that need to be in place by June 30, 2023.
- Option 1 requires the adoption of no parking minimums citywide.
- Option 2 requires the adoption of specified parking policies.
- Option 3 requires the adoption of regulations to minimize or exempt parking for 15 development types.

In addition, cities that choose Option 2 or 3 must also adopt on-street parking prices equivalent to at least 50 cents/day per spot for 5%/10% of total on-street parking supply by September 30, 2023/2025.

The City Council held a work session on November 16, 2022, and reviewed CFEC's parking mandates and potential pathways to conformance with OAR 660-012-0400. The Council discussed adopting changes to achieve Parking A, and then moved onto Parking B and one of the Options which must be in effect before June 30, 2023. The Council also discussed moving ahead with Option 1 now, instead of Parking A. In this case, Option 1 would remove all parking minimums and no further action would be required to address Parking A. After discussion, Council directed staff to draft BDC amendments to implement Option 1 as temporally close to December 31, 2022, as hearings procedures allow, and to include recommendations for on-site vehicle parking space(s) in compliance with the Americans with Disabilities Act (ADA) in certain circumstances where parking is not otherwise required.

The following highlights the package of amendments in compliance with OAR 660-012-0420:

**Chapter 1.2, Definitions:** New definition for "electric service capacity".

**Chapter 2.1, Residential Districts:** Delete garage parking space size requirements.

**Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans:** Amend all master plans to eliminate parking minimums.

**Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking:** Eliminate all minimums, clarify maximums (150% of the current minimums), add electrical service capacity requirements, revise Table 3.3.300.F.1, Parking Stall Dimensions and Figure 3.3.300.F.1, Parking Area Dimensions and revise bicycle parking requirements.

**Chapter 3.6, Special Standards and Regulations for Certain Uses.** Delete parking requirements for affordable housing, home businesses, neighborhood commercial sites, temporary uses, short-term rentals and shelters.

**Chapter 3.8, Development Alternatives.** Delete parking requirements for micro-units, small dwelling units, cottage developments, urban dwelling sites and shared courts.

**Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review:** Revise change of use requirement.

**Chapter 4.8, Transportation and Parking Demand Management (TPDM) Plan:** Delete parking reduction measures.

The amendments address accessible parking requirements in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. In compliance with the State Building Code, where parking is provided on-site, there are proportional requirements for providing ADA stalls. When there is no minimum required parking but parking is provided, a minimum number of ADA spaces would still be required and is generally one ADA space for every 25 spaces in a parking lot. To require at least one ADA space in developments that don't otherwise provide parking, the following amendments are proposed:

**G. ADA Accessible Parking Spaces.**

- 1. When parking is provided on-site a Accessible parking ~~shall~~ **must** be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). ~~Accessible parking is included in the total minimum number of required parking spaces in Table 3.3.300. On-site A~~ Accessible parking facilities ~~shall~~ **must** comply with the design requirements of the current building code as adopted by the State of Oregon.**
- 2. If parking is not otherwise provided on-site, all developments subject to Site Plan Review in BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, must provide a minimum of one van-accessible parking stall except as follows:**

- a. Developments in the Central Business (CBD) District.
- b. Developments in the Bend Central District. See BDC 2.7.3200, Bend Central District (BCD).
- c. Developments on lots or parcels smaller than 10,000 square feet.

The Central Business District and Bend Central District exemptions reflect the current BDC standards which do not require accessible parking for developments with no on-site parking. The exemption for lots or parcels smaller than 10,000 square feet provides flexibility for the development of these smaller sites and allows more of the site to be devoted to building and other structural uses. It is important to note that if any of these properties provide on-site parking, then they must comply with the State Building Code requirements for ADA parking.

The amendments implement CFEC's parking mandate rules and the 2021-23 Council goals by eliminating minimum parking requirements and requiring sufficient electrical service capacity for certain vehicle parking spaces.

In addition, the FY 2021-23 Council Goal Framework plan includes a housing goal to "Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend." This goal includes the following guiding principle:

*Reduce regulatory barriers for housing development with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.*

The amendments implement this Council goal by reducing barriers to residential development. These changes conform to CFEC's parking mandate rules and facilitate implementation of the Council's goals. Therefore, the amendments are justified and needed, and compliance with Goal 2 is met.

**Goal 3, Agricultural Lands, Goal 4, Forest Lands, and Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City. Goal 5 is not applicable because these amendments do not affect any regulation that implements Goal 5 and the City's acknowledged regulations implementing Goal 5 remain in effect with no change in applicability.

**Goal 6, Air, Water and Land Resources Quality,** is not applicable because the City's acknowledged regulations implementing Goal 6 remain in effect with no change in applicability.

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

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

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

**FINDING:** Minimum parking requirements are a one-size-fits-all approach. Parking based on regulatory minimums can be over-built, adding costs and using land that could be developed for economic purposes.

The amendments eliminate parking minimums and will let businesses and developments provide parking when they determine there is demand. Ending parking mandates will also allow existing parking areas to be redeveloped into more productive uses. The BDC will continue to have parking maximums for commercial and industrial uses to help limit the development of excess parking. These amendments will contribute to less land being used for parking and allow more land to be developed for economic purposes. Therefore, compliance with Goal 9 has been met.

**Goal 10, Housing,** requires provisions to provide for the housing needs of citizens of the state. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**FINDING:** The amendments repeal all parking mandates within the City in compliance with OAR 660-012-0420. According to DLCDC's publication "More Housing, More Businesses, Lower Costs, and Parking Still Supplied: What Happens When Parking Mandates are Reduced", cities that lower parking mandates have seen reduced housing costs, increased business development, and more diverse developments, with creative approaches to providing parking<sup>1</sup>. For example,

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<sup>1</sup> The Department of Land Conservation and Development. *More Housing, More Businesses, Lower Costs, and Parking Still Supplied: What Happens When Parking Mandates are Reduced*. October 4, 2022

Minneapolis, MN saw typical rents of studio apartments fall 17% (from \$1,200 to \$1,000) in buildings without parking.

The FY 2021-23 Council Goal Framework plan includes a housing goal to “*Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend.*” This goal includes the following guiding principle:

*Reduce regulatory barriers for housing development with an emphasis on incentivizing rent and price restricted affordable housing, middle income housing, and housing that serves vulnerable community members.*

The proposed amendments implement the CFEC parking reform requirements and remove barriers to the development of housing by eliminating parking minimums for all types of housing which help implement the 2021-23 Council goal.

Therefore, compliance with Goal 10 has been met.

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

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

The amendments repeal all parking mandates in compliance with OAR 660-012-420 and also include the following amendments in compliance with OAR 660-012-0410:

- 1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.**

- 2. New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.**
- 3. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.**

The City will be working on amendments to implement OAR 660-012-405 and -415 following this update. Since the amendments eliminate parking minimums, the City is exempt from OAR 660-012-0425 through 660-012-0450.

The elimination of parking minimums is intended to help reduce reliance on the single-occupancy automobile and encourage transit use, consistent with the goals/requirements of the OARs to reduce vehicle miles traveled. Therefore, compliance with Goal 12 has been met.

**Goal 13, Energy Conservation**, requires land and uses developed on the land to be managed and controlled so as to maximize the conservation of forms of energy, based upon sound economic principles.

The FY 2021-23 Council Goal Framework plan includes the following Environmental and Climate Goal, guiding principles and action item:

***Goal: Improve quality of life for more people in Bend by increasing equitable access to clear air, water and to a healthy environment. Implement solutions that fulfill the City's commitment to being good stewards of our natural environment, decreasing carbon emissions and mitigating the effects of climate change.***

#### ***Guiding Principles***

- Plan for electric vehicles community-wide***
- Prioritize equity actions in the Community Climate Action Plan***
- Explore opportunities for programs that reduce greenhouse gas emissions***

#### ***ACTION ITEMS***

- Develop a workplan for the state's Climate Friendly and Equitable Cities requirements***

In addition, the Bend Community Climate Action Plan includes a strategy to support the transition to electric vehicles (EVs) with an EV Readiness Plan and includes an implementation plan to “Develop a plan that anticipates EV growth, determines necessary charging infrastructure to accommodate this growth, and defines mechanisms to encourage the expansion of public and private charging infrastructure. Update code, standards, and specifications to achieve necessary infrastructure.”

The amendments comply with Council’s Environmental and Climate goal, guiding principles and action items as well as the Bend Community Climate Action Plan since the amendments include the following in compliance with OAR 660-012-0410:

- 1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.**
- 2. New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.**
- 3. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.**

Therefore, compliance with Goal 13 has been met.

**Goal 14, Urbanization**, requires the City to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The management of the City’s land use inventories is unaffected by these amendments and therefore, the City’s long-standing acknowledgment of compliance with Goal 14 is maintained.



**Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the BDC amendments.**

Based on the above discussion, the amendments to the BDC are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

Because the amendments are limited in scope, there are no other Administrative Rules applicable to this amendment. Likewise, there are no other applicable Oregon Revised Statutes that are criteria applicable to these amendments (Note, consistency with the Transportation Planning Rule (TPR) is discussed further in this document).

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

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

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

**Goals:**

- **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:** Parking requirements increase the cost of developing housing by increasing the land area required unless the development incurs the added expense of structured parking. The amendments will help reduce development costs, potentially free up land for additional units and help reduce cost of housing for residents.

- **Promote Public and Civic Involvement.** Encourage involvement by all citizens, corporate and individual, to keep the city vital and the Plan an “evolving vision”.

**FINDING:** Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. The Bend Development Code Update Group includes community members

comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC.

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

**FINDING:** The amendments implement the Comprehensive Plan's goals and policies in Chapter 1, Plan Management and Citizen Involvement, Chapter 5, Housing, Chapter 6, Economy, and Chapter 7, Transportation and the amendments are effective, clear and consistent.

## **Policies**

### *Development within the Urban Growth Boundary*

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

**FINDING:** The amendments will encourage more compact development since parking will not be required on-site, and development can occur on smaller sites, or the vertical development can take up more space on a site of any size. More compact development in places that are close to jobs and shopping can produce shorter vehicle trips and more walking and transit trips.

### *Citizen Involvement*

**1-15.** The city shall continue to use advisory committees in their planning process, members of which are selected by an open process, and who are widely representative of the community.

**1-16.** The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.

**FINDING for 1-15 and 1-16:** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on October 21, 2022. A notice of the November 28, 2022, Planning Commission public hearing was printed in the Bend Bulletin on November 6, 2022, and mailed and emailed to the Neighborhood Associations on November 4, 2022. Staff emailed the proposed

amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on November 18, 2022. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC.

On November 28, 2022, the Planning Commission held a hybrid public hearing and recommended approval of the amendments to the City Council.

Therefore, compliance with Chapter 1 has been met.

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

### **Goals:**

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.
- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.
- 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 eliminate parking minimums for all uses; however, developers can still provide parking which provides parking options for future tenants and/or homeowners. Parking maximums that apply to multi-unit developments and mixed-use developments can help keep neighborhoods walkable, by avoiding overly large parking areas. Eliminating parking minimums can help reduce housing cost, as described above.

### **Policies**

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

**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:** Removing minimum parking requirements will allow developers to build more needed housing units on smaller sites which increases housing opportunities. In addition, providing less parking can lower development costs which contributes to more affordable housing.

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

**FINDING:** The summary of key findings about housing affordability in the Housing Needs Analysis states that reduced housing affordability for homeowners shows an increased need for less costly smaller single-family detached housing, both smaller lots and smaller units, such as cottages or cluster housing, and for townhouses. Demand for owner-occupied multifamily housing, such as garden apartments or urban condominiums, may increase, especially in walkable areas with access to services.

In addition, according to the Housing Needs Analysis, in the City may see greater demand for small single-family 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-family dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The BDC allows duplexes, triplexes, quadplexes, townhomes and cottage clusters (middle housing) in all residential districts with reduced lot sizes and no maximum density requirements in compliance with HB 2001. Eliminating off-street parking requirements could lower development and housing costs and result in additional land being available for the development of more middle housing. Housing will be able to be built on a denser scale with less or no parking. Therefore, the amendments support Policy 5-8.

**5-17** The City will monitor parking needs for residential uses and set parking requirements to the lowest standards that will meet the community's needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage a more walkable development pattern.

**FINDING:** The Department of Land Conservation and Development released a report on Parking and Middle Housing dated March 30, 2020, that summarizes research regarding minimum parking requirements. This report was considered during the HB 2001 administrative rulemaking as to what constitutes unreasonable cost or delay in relationship to minimum parking requirements.

According to the report, minimum parking requirements increase the cost of housing and development both directly and indirectly. Nationwide, the cost of garage parking to renter households is approximately \$1,700 per year, or an additional 17% of a housing unit's rent. <sup>2</sup> One parking space per unit increases costs by approximately 12.5%, and two parking spaces can increase costs by up to 25%. This effect is more pronounced for lower priced housing. Additionally, increase surface parking reduces the maximum potential development density (units per acre) for any given project. This effect is proportionally greatest for smaller units. <sup>3</sup>

The BDC does not require parking for duplexes and triplexes in compliance with HB 2001 and the amendments will repeal parking minimums for all other residential uses in compliance with OAR 660-012-0420. The amendments will reduce the land needed for parking which helps reduce the cost of the development and encourages a more walkable development pattern.

### **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 will require a designated location or spaces for electrical service for electric vehicle charging, if not actual service, and a conduit system from that location to the parking spaces in compliance with the following:

- 1. Applications submitted after March 31, 2023, for new multi-unit developments or new mixed-use developments consisting of privately owned commercial space and five or more dwelling units must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 40 percent of all vehicle parking spaces on a site containing the dwelling units. Townhomes are not included for purposes of determining the applicability of this regulation.**
- 2. New commercial buildings under private ownership must provide sufficient electrical service capacity, as defined in ORS 455.417, at no less than 20 percent of all vehicle parking spaces on the site.**

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<sup>2</sup> Gabbe, C.J., & Pierce, G. (2017). Hidden costs and deadweight losses: Bundled parking and residential rents in the metropolitan United States. *Housing Policy Debate*, 27(2), 217-229

<sup>3</sup> Litman, T. (2019). Parking Requirement Impacts on Housing Affordability. *Victoria Transport Policy Institute*.

**3. Fractional numbers derived from a calculation of the vehicle parking spaces must be rounded up to the nearest whole number.**

The conduit system must be able to support wiring for the installation of Level 2 or above electric vehicle charging stations. Therefore, the amendments will require facilities for services that contribute to a safe, healthful, convenient urban living.

**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 Oregon State Legislature passed House Bill (HB) 2001 in 2019 which requires cities over 25,000 population to allow the development of "middle housing", such as:

- Duplexes "on each lot or parcel zoned for residential use that allow for the development of detached single family dwellings", and
- Triplexes, quadplexes, cottage clusters, and townhomes "in areas zoned for residential use that allow for the development of detached single family dwellings".

The City implemented HB 2001 with the adoption of Ordinance No. NS- 2423 which approved amendments to the BDC to allow duplexes, triplexes, quadplexes, townhomes and cottage clusters in all residential zoning districts with reduced lots sizes and parking requirements and no maximum density requirements. As part of the HB 2001 amendments, parking minimums were eliminated for duplexes, triplexes and cottage cluster developments.

The proposed amendments are in compliance with OAR 660-012-0420 and will eliminate parking for quadplexes, cottage housing developments and townhomes as well as single-unit detached dwellings, multi-unit developments and mixed-use. The amendments are clear and objective and continue to promote a mix of housing types in all residential zoning districts.

The amendments to eliminate parking minimums are consistent with Chapter 5 since they will help keep our neighborhoods livable by offering a variety of housing choices with or without parking and they promote flexibility in development standards to balance the need for more efficient use of residential land. Therefore, the amendments satisfy Chapter 5, Housing.

## **Chapter 6: Economy**

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

- Encourage more small neighborhood commercial developments and convenience commercial centers to reduce the number and length of single occupancy vehicle (SOV) trips.

**FINDING:** The amendments will help ensure an adequate supply of land zoned for mixed-use, industrial and commercial developments by reducing the amount of required parking that consumes developable land and also by allowing underutilized parking lots to redevelop into more productive uses.

In addition, eliminating parking requirements will allow small commercial developments, including neighborhood commercial sites, to more easily develop in neighborhoods. Neighborhood commercial sites provide convenient shopping intended to serve the immediate neighborhood, and therefore will contribute to reduced number and length of single occupancy vehicle trips.

### ***Industrial Development***

#### **Policies**

**6-15** The City supports the redevelopment of brownfield sites to make efficient use of existing economic lands and improve the quality of the City's land and water resources.

**FINDING:** The amendments to eliminate parking minimums supports the redevelopment of brownfield sites by allowing redevelopment of land more efficiently.

### ***Mixed Use Development***

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

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

**FINDING:** Eliminating parking mandates allows more flexibility in the design of mixed-use developments. Less area contributed to parking could lend to denser mixed-use development that fosters pedestrian and bicycle access.

**6-26** The City will encourage vertical mixed use development in commercial and mixed use zones, especially where those occur within the Central Core, Opportunity Areas and along transit corridors.

**FINDING:** Whether in surface lots, below-ground lots, or in parking structures, parking is expensive to build and maintain, and consumes significant amounts of land. Required parking minimums for mixed-use developments, especially in downtowns and transit corridors, where land is more expensive, drive-up construction costs, increase market-rate rents, and decrease the amount of housing produced. The amendments to eliminate parking minimums will encourage more mixed-use developments due to reduced development cost.

### ***Commercial Development***

**6-29** The City will encourage development and redevelopment in commercial corridors that is transit-supportive and offers safe and convenient access and connections for all transportation modes.

**FINDING:** Parking minimums can force inefficient land development, making it difficult to design areas where it is easy for people to walk and use public transit to get around. The amendments to eliminate parking minimums will help encourage the development and redevelopment of commercial corridors that can be transit supportive and offer safer and convenient access and connections for all transportation modes.

**6-31** The City shall strive to retain and enhance desirable existing commercial areas and encourage property owners' efforts to rehabilitate or redevelop older commercial areas.

**FINDING:** There are many costs associated with developing parking areas for mixed-use developments. Small businesses often find themselves unable to afford real estate to meet the minimum parking requirements. This can be a challenge and may cause businesses to give up on projects altogether. A reduction of parking minimums can provide more flexibility to business owners and encourage more business growth and redevelopment in older commercial areas.

**6-33** All commercial developments shall be subject to development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.



**FINDING:** Although parking minimums will be eliminated, any provided parking areas will still have to comply with applicable standards in the BDC include Chapters 3.2, Landscaping, Street Trees, Fences and Walls and 3.3, Vehicle Parking, Loading and Bicycle Parking.

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

**FINDING:** The amendments could encourage the development of neighborhood commercial centers since these developments will not be required to provide on-site parking. Since neighborhood commercial sites are intended to provide shopping and services to the immediate neighborhood, they reduce the number of vehicular trips and subsequently the need for parking and encourage walkability.

**6-37** The City shall continue the revitalization process in the Central Business District through rehabilitation or redevelopment of existing areas.

**FINDING:** The amendments support the revitalization and redevelopment in the Central Business District by eliminating parking requirements and allowing existing parking areas to be redeveloped into more productive uses that contribute to the Central Business District.

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

**FINDING:** The amendments repeal all minimum parking requirements for commercial uses; however, a business can still provide on-site parking to meet their needs to the maximum allowed under the code. The amendments are in compliance with OAR 660-012-0400 et seq., relating to implementing the parking mandate reform requirements from the CFEC rules adopted by the Land Conservation and Development Commission on July 21, 2022.

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

**FINDING:** Excessive off-street surface parking undermines pedestrian-oriented development while on-street parking supports businesses and provides a layer of safety to pedestrians. Rather than building off-street parking at additional cost, on-street spaces are public, easily accessed, and conveniently located. Therefore, the parking amendments will help reduce the land utilized for parking and encourage a more walkable development pattern.

Therefore, the amendments satisfy Chapter 6, Economy.

## **Chapter 7: Transportation Systems**

### ***Parking***

**7-42** The City will monitor and update parking requirements to allow for adjustments based on changes in behavior and parking demand over time.

**FINDING:** The amendments repeal parking minimums citywide; however, parking can still be provided on-site to meet parking demand.

Therefore, the amendments satisfy Chapter 7, Transportation.

Based on the findings stated above, staff concludes that the amendments are consistent with the applicable Bend Comprehensive Plan Goals and Policies.

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

**FINDING:** Excess parking has a significant negative impact on housing costs, business costs, the feasibility of housing development and business redevelopment, walkability, air and water pollution, climate pollution, and general community character. Parking mandates force people who don't own or use cars to pay indirectly for other people's parking. The amendments repeal all parking minimums and allow parking to be developed based on needs of the use. This will reduce excess parking and the negative impacts associated with it which is a public benefit.

In addition, over time, parking minimums have limited the way communities and cities can use their land and space in a functional way. Parking minimums allocate unnecessary space to parking areas where it may not be needed and prevent cities from using this space in a more useful way, whether it's more sidewalk and curbside space or retail frontage. In neighborhoods, building parking is expensive and this cost is often passed on to home buyers and business owners. Eliminating parking minimums can improve home and real estate affordability. Therefore, the amendments to eliminate parking minimums provide a benefit and meet this criterion.

### **4.6.500 Record of Amendments.**

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

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

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

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

**FINDING:** The new 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.

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

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

#### **VI. RECOMMENDATION:**

The Planning Commission recommends approval of the BDC update to the City Council.

# Task Summaries

## Parking A

### Reduced Mandates – OAR 660-012-0430 and 660-012-0440

*Effective date December 31, 2022 per OAR 660-012-0012(5)(e)– applies to development applications submitted after that date; either directly apply state administrative rules or amend local development standards*

- Reduced mandates for specific developments – cannot mandate more than 1 space/unit for residential developments with more than 1 unit
- No mandates for small units, affordable units, childcare, facilities for people with disabilities, shelters
- Reform near transit - no parking mandates allowed within  $\frac{3}{4}$  mile of light or heavy rail stations or  $\frac{1}{2}$  mile of frequent transit corridors

## Parking B

### Parking Regulation Improvement - 660-012-0405

*By June 30, 2023 per OAR 660-012-0012(4)(f) - amend development standards*

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underutilized parking for other uses
- Allow and facilitate shared parking
- Parking lots more than  $\frac{1}{4}$  acre in size must install 50% tree canopy OR solar panels; requires street trees and street-like facilities along driveways
- Adopt parking maximums in locations such as downtowns, regional or community center, and transit-oriented developments.

### Parking Maximums and Evaluation in More Populous Cities – 660-012-0415

*By June 30, 2023 per OAR 660-012-0012(4)(f)*

- Cities >25,000 population in metro or >100,000 outside set certain parking maximums in specified areas
- Cities >200,000 population also:
  - Study use of on-street timed parking in CFA and transit areas (660-012-0435 & 0440)
  - Implement parking management before authorizing new 100+ stall parking garages
  - Implement TDM management strategies before authorizing new 300+ stall garages
  - adopt design requirements so ground floor of parking garage convertible to other uses

## Parking Mandate Reform

Effective date March 31, 2023 per OAR 660-012-0012(4)(f)

Option 1 660-012-0420	Options 2 and 3 660-012-0425 through 0450	
Repeal all parking mandates within the jurisdiction	Reduce parking burdens – adopt eight land use regulations related to reduced mandates based on factors such as shared parking, solar panels, parking space accessibility, on-street parking; unbundling of parking from rent for multifamily units near transit (660-012-0425)	
	Cities pop. 100,000+ adopt on-street parking prices for 5/10% of total on-street parking supply by September 30, 2023/2025 (660-012-0450; effective dates per OAR 660-012-0012(4)(g))	
	<p align="center"><b>Parking Management Alternative Approaches</b>  <i>Choose ONE of the following (Option 2 -or- 3).</i></p> <p align="center"><i>Policies to take effect no later than June 30, 2023  (effective date per OAR 660-012-0012(4)(f))</i></p>	
no additional action needed	<p align="center"><b>Option 2</b>  660-012-0445(1)(a) -  <i>Adopt at least 3 of 5 policies below</i></p>	<p align="center"><b>Option 3</b>  660-012-0445(1)(b) - <i>Adopt regulations minimizing or exempting required parking for 15 development types (summarized below)</i></p>
	<ol style="list-style-type: none"> <li>1. Unbundle parking for residential units</li> <li>2. Unbundle leased commercial parking</li> <li>3. Flexible commute benefit for businesses with more than 50 employees</li> <li>4. Tax on parking lot revenue</li> <li>5. No more than ½ space/unit mandated for multifamily development</li> </ol>	<p>No mandates for a variety of specific uses, small sites, vacant buildings, studio/one bedrooms, historic properties, LEED or Oregon Reach Code developments, etc.</p> <p>No additional parking for redevelopments/additions. Adopt parking maximums.</p> <p>No parking mandates within ½ mile walking distance of Climate-Friendly Areas.</p> <p>Designate district to manage on-street residential parking.</p>