



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

June 12, 2007

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment  
DLCD File Number 019-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 27, 2007**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Wendy Robinson, City of Bend

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FORM 2

DEPT OF DLCD NOTICE OF ADOPTION

JUN 08 2007 LAND CONSERVATION AND DEVELOPMENT

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: city of Bend Local File No.: 06-790 (If no number, use none)

Date of Adoption: May 16, 2007 (Must be filled in) Date Mailed: June 6, 2007 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: Nov 14, 2006

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

a redevelopment overlay for existing Manufactured Home Parks to encourage affordable housing by allowing density bonus with flexible development standards

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

very similar

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: city wide Acres Involved: 300 +/-

Specify Density: Previous: New:

Applicable Statewide Planning Goals: 1, 10

Was an Exception Adopted? Yes: No: X

DLCD File No.: 019-06 (15690)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: city of Bend

Local Contact: Wendy Robinson Area Code + Phone Number: 541-388-5598

Address: 710 NW Wall St

City: Bend Zip Code+4: 97708

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. NS-2048**

AN ORDINANCE AMENDING CHAPTER 5 OF THE BEND AREA GENERAL PLAN AND CHAPTER 2.7 OF THE CITY OF BEND ZONING ORDINANCE NS-2016 BY ADDING A MANUFACTURED HOME PARK REDEVELOPMENT.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the Planning Commission's recommendation and record, and has found that there is a public need and benefit for the proposed change.
- Section 2. The City of Bend Zoning Ordinance NS-2016 is amended by adding Section 2.7.900; Manufactured Home Park Redevelopment Overlay as described in Exhibit "A".
- Section 3. The Bend Area General Plan Chapter 5 is amended by adding revised text as described in Exhibit "B".

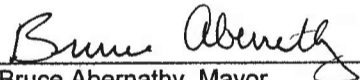
Read for the first time the 2nd day of May, 2007.

Read for the second time the 16th day of May, 2007.

Placed upon its passage the 16th day of May, 2007.

YES: 5                      NO: 1

Authenticated by the Mayor the 16th day of May, 2007.

  
\_\_\_\_\_  
Bruce Abernathy, Mayor

ATTEST:  
  
\_\_\_\_\_  
Patricia Stell, City of Bend Recorder

EXHIBIT "A"

**2.7.900 Manufactured Home Park Redevelopment Overlay**

**Sections:**

- 2.7.910 Purpose and Applicability**
- 2.7.920 Residential Density**
- 2.7.930 Special Development Standards**

**2.7.910 Purpose and Applicability**

**A. Purpose.** Manufactured homes located within Manufactured Home Parks provide a significant amount of the City's affordable housing. When a manufactured home park redevelops, this type of affordable housing stock is lost, leaving the residents of those parks with few options. The purpose of the Manufactured Home Park Redevelopment Overlay is to implement the City ordinance No. NS-2036, by providing incentives to the Park owners to continue the use of the land as a Manufactured Home Park and when redevelopment does occur, by providing a mechanism for capturing a portion of the redevelopment potential as replacement affordable housing. The Manufactured Home Park Redevelopment Overlay creates overlay development standards for increased residential housing and, where appropriate commercial and mixed use development and designated open space within existing Manufactured Home Park boundaries. The overlay development standards will:

- Provide a variety of housing types for a variety of markets;
- Promote pedestrian and other multi-modal transportation options;
- Ensure compatibility of uses within the development and within the surrounding area;
- Create an interconnected system of streets with design standards appropriate to the intensity and type of proposed and adjacent uses.

If City ordinance No. NS-2036 is repealed, invalidated by a court of competent jurisdiction or preempted by State or Federal law, and then this subsection of the Bend Development Code shall automatically be repealed.

**B. Applicability.** The provisions of this overlay shall apply to all existing manufactured home parks at the date of adoption of this overlay. The provisions herein shall satisfy the *Waiver of Relocation Requirements Option, (2) Increased Density Alternative* referred to in the City Ordinance No. NS-2036, when implemented in conjunction with a Development Agreement with the City of Bend as required by City Ordinance No. NS-2036.



## 2.7.920 Residential Density

**A. Residential Density Provisions.** The Oregon State Law allows manufactured home parks to develop at a maximum residential density of 10 units per acre regardless of the underlying zone. This overlay will provide special increased density incentives for existing parks that are redeveloped as described below.

1. Manufactured Home Parks in existence at the date of adoption of this overlay with an occupancy rate of at least 80%, that are developed in accordance with the City ordinance No. NS-2036 and the provisions of the City of Bend Development Code shall be allowed to develop at a residential density consistent with the RM, Urban Medium Density Residential District. The property owner shall mitigate all impacts of such development including but not limited to those impacts related to sewer, water, transportation and compatibility issues.
  - a. Exception to density. Where an existing Manufactured Home Park already has a General Plan Density of Urban Residential Medium Density at the date of adoption of this overlay, the density bonus may be increased to RH, Urban High Density Residential District with the same provisions for redevelopment as described above.

## 2.7.930 Special Development Standards

**A. Permitted Land Uses.** The uses and special standards permitted by the implementation of the Manufactured Home Park Redevelopment Overlay shall supersede the standards of the underlying intended rezone. Where no special development standards are provided by the overlay, the applicable standards of the intended RM or RH rezone or previously approved refinement plan shall apply.

**B. Continued Use as a Manufactured Home Park.** Manufactured homes have reduced impacts on the land because the unit does not require a permanent foundation. However many existing Manufactured Home Parks are not developed at the maximum density. In order for the existing parks to develop at the allowable 10 units per acres park owners may take advantage of the following incentives:

1. The average area of a mobile home site may be 3000 square feet provided all spacing requirements of the Building Code can be met.
2. Park owners that receive displaced residents from redeveloping parks will not be obligated to relocate these displaced units when the park redevelops as required by Ordinance No. NS-2036.
3. Up to 10% of the existing trees may be removed to accommodate new manufactured home placement, provided the trees being removed are not specimen trees. For the purpose of this code, a specimen tree would be a tree of any species which is determined by a certified arborist to be of an exemplary size or variety for the area;

**C. Redeveloping Manufactured Home Parks.** Redeveloping Manufactured Home Park owners that choose to take advantage of the provisions of this overlay shall initiate an "Intent to Rezone" with the City by filing an application for a plan amendment and zone change in conformance with Chapter 4.6 of the Bend Development Code. The application for "Intent to Rezone" shall be accompanied by an application for development, and the applicable fees.

In addition to the approval criteria for development found in Chapter 4.6 of the Bend Development Code, the applicant shall address the following general standards.

1. General Development Standards.
  - a. Meet with the City of Bend Transportation Division to determine if a transit stop is needed with  $\frac{1}{4}$  mile of the subject property along an existing or future transit route. If needed, design and construct the transit stop to City standards. The transit stop shall be accessible from the redevelopment site.
  - b. Passive and/or active open space areas shall be incorporated into the redevelopment plan.
  - c. Where a redeveloping Manufactured Home park adjoins a residential zone, the development along the perimeter of the site within 100 feet of the property

boundary shall be subject to the development standards of the adjoining residential zone including but not limited to lot coverage, building heights and setbacks.

2. **Building Height.** To encourage innovative housing designs, provide more efficient use of land, encourage the preservation of open space and existing trees and to achieve greater allowable densities, an increase in building height not to exceed 10 feet above the height of the zone may be allowed provided the applicant's proposal meets all of the following criteria:

- a. The added height will provide for additional affordable housing units.
- b. The additional building height is needed to preserve existing trees and the added height and total building area proposed is equivalent to the area of significant trees being saved.
- c. The additional building height is buffered from view by existing preserved trees.
- d. The building requesting the added height has a required minimum 1:1 side and/or rear yard setback from an existing adjoining residential use based on the finished building height.

Example: a 40 foot tall building would have a 40 foot minimum side and/or rear yard setback from an existing adjoining residential use.

- e. The proposed building incorporates sustainable Leed Silver Certification construction methods.

3. **Building Setbacks.** To ensure a safe livable environment, the following setbacks shall be observed:

- a. **Front yard:** 6 foot minimum for all portions of the structure, except garages shall be setback a minimum of 18 feet.
- b. **Side and rear yard:** The setbacks of the proposed RM or RH rezone shall apply.

**Exception to side and rear yard setbacks:**

- i. Attached single family townhome development shall have an interior side yard setback of zero (0) feet. End units not fronting on a street corner shall have the sum of the side yards equal to 12 feet. End units fronting on a street corner shall have a minimum setback of 10 feet, except as necessary to comply with the clear vision standards in Table 3.1.400(N) of the Development Code.
- ii. Garages and on site parking shall take access from an alley or rear driveway

4. **Lot Coverage.** As a means of balancing the building mass on the land, the following lot coverage shall be applied based on housing type and / or use.

Standard	Residential Use	Mixed-use / Commercial
Lot Coverage	40%	50%

5. **Standards for Non-residential Development.** Portions of some Manufactured Home Parks may be suitable for non-residential use development that will support the increased overlay density.

- a. **Location Standards.** The following location criteria shall be met to allow a park owner to develop non-residential uses as a secondary use in conjunction with the allowable residential development.
  - i. Non-residential uses shall be subject to the location and size standards for Neighborhood Commercial Uses in Chapter 3.6.300(K).
  - ii. Access can be provided from an existing intersecting local street or a new local street can be developed in conformance with Chapter 3.1.
  - iii. The property is within ¼ mile of an existing or future transit stop.
  - iv. The surrounding property is developed at RS density or greater.

6. **Development Standards for Non-residential Uses.** Non-residential uses shall be subject to the development standards for Neighborhood Commercial Uses in Chapter



3.6.300(K)(6-10).

7. **Non-residential Uses.** The Neighborhood Commercial Uses identified in Table 2.1.200 shall be permitted or conditionally allowed as a component of a Manufactured Home Park Redevelopment. Some of the uses may have special development standards as identified in Chapter 3.6 of the Development Code.

#### EXHIBIT "B"

##### Bend Area General Plan Chapter 5 – Housing and Residential Lands

The following ~~highlighted~~ text is recommended to be added to Chapter 5.

(Pages 5-15 & 5-16)

*To provide for the long-term self-sufficiency of low and moderate income households in Bend the issue of affordable housing must be addressed in a comprehensive manner. The City will provide incentives to the manufactured home park owners to encourage the parks to remain a residential park or incorporate affordable housing into the redevelopment plans as replacement housing. In addition, the city and county must continue to rely on housing groups and the local housing market to assure that affordable housing is available throughout the urban area. The General Plan and implementing codes encourage the market to provide affordable housing by:*

- allowing smaller single family lots which may lower prices and spread development costs out over more dwellings;
- reducing street widths in residential areas;
- allowing accessory dwellings in new single family subdivisions;
- creating more flexible and easier to administer development standards;
- creating a new zoning district that permits attached housing, detached housing and manufactured home parks at a density between the existing standard residential and multifamily residential zones;
- ~~providing special overlay standards for existing Manufactured Home Parks as an incentive to develop affordable housing.~~
- increasing the percentage of multifamily housing in the future housing mix; and
- reducing the minimum lot size in the multifamily zones to allow smaller homes on lots as small as 2,500 square feet.

The following plan policies are proposed to be added to the Bend Area General Plan.

(Pages 5-26 & 5-27)

~~29. The city shall provide special redevelopment standards for manufactured home parks as an incentive to develop affordable housing.~~

~~30. Density bonuses may be considered as an incentive to providing affordable housing.~~