

Chapter 2.8
URBANIZABLE AREA DISTRICT (UA)

Sections:

- 2.8.100 Purpose and Applicability.
- 2.8.200 Permitted Land Use.
- 2.8.300 Lot Area and Dimensions.
- 2.8.400 Additional Provisions.

2.8.100 Purpose and Applicability.

A. Purpose. The Urbanizable Area (UA) District is intended to preserve large areas of undeveloped or rural land for future urban development prior to annexation. The UA District promotes the livability, stability, safety and improvement of the City of Bend by allowing orderly development consistent with the Bend Comprehensive Plan.

B. Applicability. The provisions of the UA District apply to all land inside the Urban Growth Boundary but outside the City limits, except for the land withdrawn from the City of Bend by the County by City Resolution 2459.

The UA District will automatically be removed upon annexation to the City and the zoning that implements the Bend Comprehensive Plan designation for the property will apply.

C. Area and Master Planning. The City has the authority to process area plans under BDC Chapters 4.1, Development Review and Procedures, and 4.6, Land Use District Map and Text Amendments (Type IV process) and master plans under BDC Chapters 4.5, Master Planning and Development Alternatives and 4.6, Land Use District Map and Text Amendments (Type III process) in the UA District prior to annexation. However, development of the property with the uses authorized by the area or master plan may only occur after annexation. [Ord. NS-2293, 2017]

2.8.200 Permitted Land Use.

A. Permitted Uses. The land uses listed in Table 2.8.200 are permitted in the UA District when allowed in the zoning district that implements the underlying Bend Comprehensive Plan designation, except as otherwise specified in this section, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.8.200, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as “similar” to those in Table 2.8.200 may be permitted.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in BDC 4.1.1400, Declaratory Ruling, or as part of a development application.

Table 2.8.200 – Permitted Land Uses

Land Use	UA District
Residential	
Single-family detached dwelling	P
*Accessory dwelling units (ADUs)	P
*Manufactured homes on individual lots	P
Residential care home (5 or fewer residents)	P
Adult day care	P
Family childcare home (16 or fewer children)	P

Table 2.8.200 – Permitted Land Uses

Land Use	UA District
*Home occupation (Type I/Type II)	P/C
*Public and Institutional	
*Utilities (above ground)	C
*Miscellaneous Uses	
*Bed and breakfast inn	C
** Farm use	P
Farm stand	P
** Agricultural building or equine facility	P
** Forest use in compliance with an approved Forest Management Plan	P See BDC 2.8.400(D)
*Plant nursery	C
*Small hydroelectric facility	P
Wireless and broadcast communication facilities	See BDC Chapter 3.7
**Expansion, alteration or replacement of a lawfully permitted building and use as of July 21, 2017	P/C See BDC 2.8.400(C)
*Temporary Uses	See BDC 3.6.400
(*)(**)Accessory uses and structures for uses in BDC Table 2.8.200 and (*)(**) accessory uses and structures for existing lawfully permitted buildings and uses as of July 21, 2017	P

Key to Permitted Uses

P = Permitted, subject to BDC Chapter 4.1, Development Review and Procedures

N = Not Permitted

C = Conditional Use, subject to permit standards in BDC Chapter 4.4, Conditional Use Permits

* Subject to special standards as described BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

** Use is permitted regardless of the underlying zoning district that implements the Bend Comprehensive Plan designation until annexed into the City of Bend.
[Ord. NS-2293, 2017]

2.8.300 Lot Area and Dimensions.

Lot area and lot dimension standards are listed in Table 2.8.300.

Table 2.8.300 – Lot Area and Dimensions

Standard	UA District
Minimum Lot Size	20 acres

Standard	UA District
Maximum Lot Coverage	15% on lots 1 acre or larger
	35% for lots less than 1 acre
Minimum Front Setback	20 feet
Minimum Side Setback	10 feet
Minimum Rear Setback	20 feet
Maximum Building Height	Maximum height permitted in the zoning district that implements the underlying Bend Comprehensive Plan designation

[Ord. NS-2293, 2017]

2.8.400 Additional Provisions.

A. Detached single-family dwellings, accessory buildings and accessory dwelling units must be sited to allow the future division and/or more intensive use of the property. Additional development restrictions that limit the location of buildings and on-site sewage disposal facilities may be applied where necessary to reserve land for future urban development.

B. Frontage improvements must be built to City standards and specifications when required under BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

C. An expansion or enlargement of 50 percent or less of a lawfully permitted building and/or use as of July 21, 2017, must comply with BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. For an expansion or enlargement greater than 50 percent, the conditional use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permits, also apply.

D. Significant Tree Standards.

1. The following significant tree standards are applicable to properties without an approved City of Bend development application, including single-family residential lots or parcels greater than one acre in size:

a. All deciduous trees measuring six inches or greater and coniferous trees measuring 10 inches 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 (D)(3) of this section.

b. Grading, operation of vehicles and heavy equipment, and storage of supplies and construction materials are prohibited within the significant trees area, except as approved in writing by the City for installation of utilities or streets. Such approval shall only be granted after the City concludes in writing that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with BDC 1.3.300(C), Mitigation for the Removal of Vegetation. The written approval shall include the specific facts that support the conclusion.

2. Properties with an approved City of Bend development application are not subject to the standards of subsection (D)(1) of this section; however, trees shall be preserved as specified in the development approval and in compliance with BDC 3.2.200, Landscape Conservation.

3. Exemptions. The mitigation standards in BDC 1.3.300(C) do not apply in the following situations:

a. Dead, Diseased, and/or Hazardous Trees. Significant trees that are dead or diseased, or pose a hazard to personal safety, property or the health of other trees, may be removed if the Planning Director approves a report and recommendation from a certified arborist or other qualified professional. Prior to tree removal, the applicant must provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection (D)(3)(b) of this section.

- b. Emergencies. Significant trees may be removed in the event of an emergency without development approval pursuant to BDC Title 4, when the trees pose an immediate threat to life or safety, as determined by the Planning Director or designee based on a certified arborist's report submitted to the City.
- E. Prior to tentative approval of any land division, the general location of streets and water and sewer lines must be illustrated on abutting vacant land and developable land. This illustration is not binding on the abutting properties.
- F. Deschutes County is responsible for permits and inspections for on-site sewage treatment and dispersal systems for properties in the UA District.
- G. Sign District 5 in BC Chapter 9.50, Signs, applies to all properties in the UA District until they are annexed into the City of Bend.
- H. Deschutes County is considered an affected party and will be notified of all quasi-judicial and legislative development applications. [Ord. NS-2293, 2017]