

ORDINANCE NO. NS-2260

AN ORDINANCE AMENDING CHAPTER 1.2, CHAPTER 2.1, CHAPTER 3.3, CHAPTER 3.6, AND TABLE 4.1.1600 OF THE BEND DEVELOPMENT CODE

Findings:

- A. The application was submitted in accordance with BDC 4.1.500. Timely and sufficient notice pursuant to Section 4.1.515 of the Development Code was provided.
- B. On December 14, 2015, the Bend Planning Commission held a public hearing to accept testimony on the request. At the conclusion of the hearing, the Planning Commission voted to recommend the proposed text amendments be approved by the City Council as amended.
- C. Notice of the Council's public hearing on January 20, 2016 was mailed to all recognized neighborhood associations on December 22, 2015. A notice of the hearing was also published in the Bend Bulletin on December 27, 2015.
- D. The Bend City Council held a public hearing on January 20, 2016 to accept evidence, receive public testimony and consider the Planning Commission's recommendation. The City Council continued the public hearing to February 3, 2016 and held the written public record open for written comments until 5 p.m. on February 1, 2016.
- E. Council gave planning staff direction on the proposed code, with a majority indicating support for requiring a parking space on site for the ADU in addition to the parking required for the primary dwelling, with the required parking for the ADU and primary dwelling be allowed as tandem parking on a driveway. A majority of Council also indicated support for making all proposed ADUs a Type I permit process, and requiring a design standard for ADUs located on the second floor that are over 800 square feet and amending the definition for "story" and a majority of the Council agreed with allowing an ADU up to 800 square feet, with the proposed FAR requirement of 0.55 along with existing lot coverage requirements.
- F. Council indicated its support of ADU code amendments based on the efficiency measures for the Urban Growth Boundary remand project and the recommendations provided by the Affordable Housing Advisory Committee and the Bend Planning Commission.
- G. On February 3, 2016, the City Council held a continued public hearing, deliberated and voted on the amendments to the Bend Development Code.

H. The City Council finds the text amendments satisfy the criteria for approval contained at Section 4.6.200 of the Bend Development Code.

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

Section 1 The Bend Development Code is amended as depicted in Exhibit A.


Section 2 In addition to the findings set forth above, the City Council adopts the findings in Exhibit B.

First Reading: February 3, 2016

Second reading and adoption by roll call vote: February 17, 2016


Yes: Victor Chudowsky
Sally Russell
Nathan Boddie
Casey Roats
Barb Campbell

No: Jim Clinton, Mayor
Doug Knight



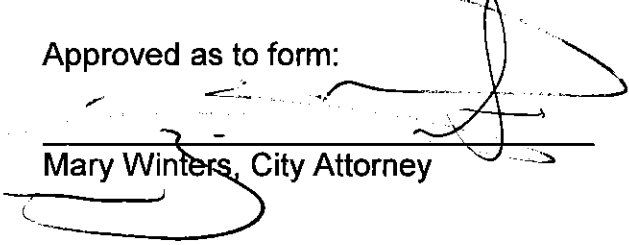
Jim Clinton, Mayor

ATTEST:



Robyn Christie, City of Bend Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT A

Development Code Update

Prepared by:
City of Bend Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~striethrough~~ typeface is proposed to be deleted.

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

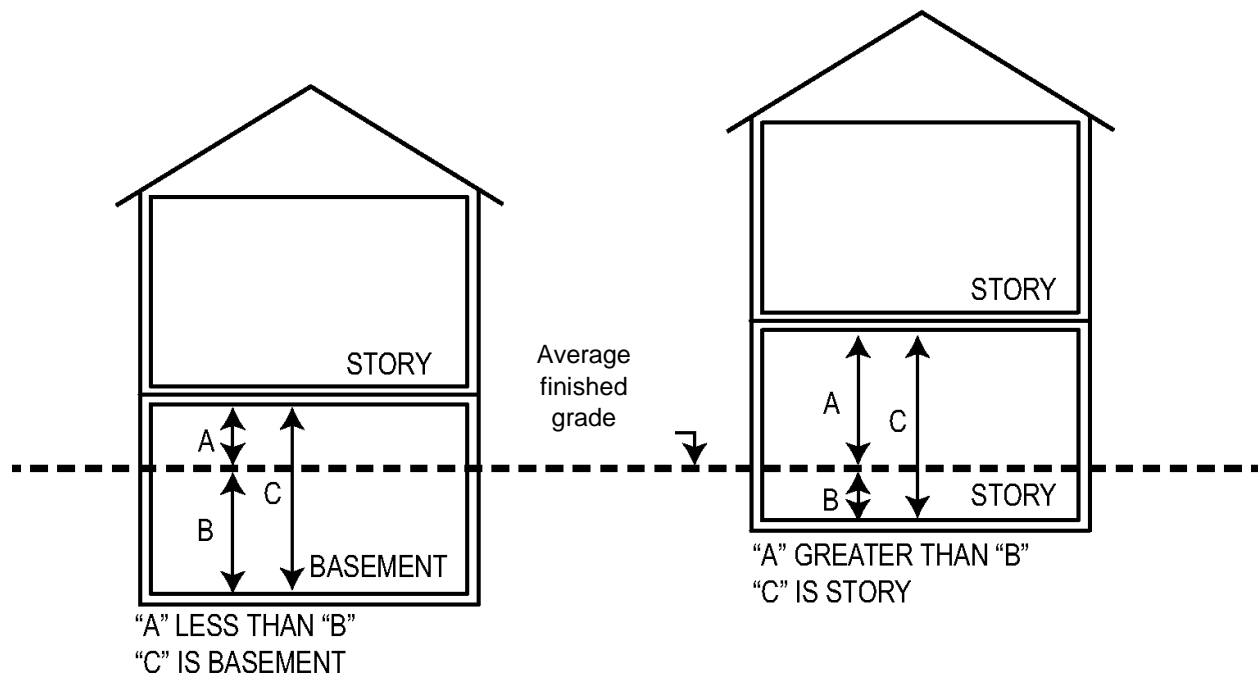
Staff comments are ***bold and italicized***

Chapter 1.2 DEFINITIONS

Accessory dwelling unit means a small, secondary dwelling unit on a lot or parcel with a single-family dwelling unit as a primary use.

Basement means any area of the building having its floor subgrade (Below ground level) on all sides of a building that is wholly or partly below average finished grade when the vertical distance from average finished grade to floor is greater than the vertical distance from average finished grade to ceiling. A basement shall not be counted as a story.

Basement and Story



Floor area means the area included in surrounding walls of a building or portion thereof, exclusive of vent shafts and courts and basements.

Story means that part of a building intended for occupancy located between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the finished ceiling directly above. A basement is not counted as a story. (See illustration for "story" following the definition for "basement" in this Section.)
Occupiable space located above a garage is not considered a second story if the ridge/peak or height of the roof above the garage is equal to or lower than the peak/ridge or height of the primary one-story dwelling unit.

Chapter 2.1 RESIDENTIAL DISTRICTS

2.1.200 Permitted Land Use.

A. Permitted Uses. The land uses listed in Table 2.1.200 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.1.200, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as “similar” to those in Table 2.1.200, 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.

~~C. Existing Uses. Uses and structures lawfully established within a Residential Zone prior to the adoption of this code shall be treated as a permitted use. Expansion or enlargement 25 percent or less of the above-referenced uses or structures that are nonresidential shall be subject to the provisions of BDC Chapter 4.2, Site Plan Review and Design Review. For expansion or enlargement greater than 25 percent, the conditional use criteria, standards and conditions within BDC Chapter 4.4, Conditional Use Permits, shall also apply. Conditions of prior approvals shall continue to apply unless modified in conformance with BDC 4.1.1000, Reconsideration.~~
(Delete this section since it is in Table 2.1.200 and it conflicts with Chapter 5.2 Nonconforming Uses and Developments)

Table 2.1.200 – Permitted Land Uses

Land Use	SR 2 1/2	RL	RS	RM-10	RM	RH	UAR
Residential							
*Accessory dwellings units (ADUs)	P/G	P/G	P/G	P	P	P	P

2.1.300 Building Setbacks.

F. General Setback Exceptions.

1. Where an existing public alley right-of-way is 20 feet or less in width, the setback abutting the alley shall increase to provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.

2.1.400 Building Mass and Scale.

A. Floor Area Ratio. Floor area ratio shall apply to the following:

1. All new single-family residential construction including building additions on lots 6,000 square feet or less in size located in a subdivision platted prior to December 1998;
2. Existing homes on lots subject to a partition or lot line adjustment that will result in a lot size of 6,000 square feet or less;
3. The perimeter lots of all new single-family residential subdivisions that are 6,000 square feet or less in size and are adjacent to a subdivision platted prior to December 1998 where the adjoining lot development has a 0.5 FAR or less.

B. Building construction may not exceed 0.50 FAR (50 percent) of the total lot area. The areas of a building subject to this development standard shall include the following:

1. ~~Areas within the building footprint considered to be habitable space as defined by the Oregon Structural Specialty Code (OSSC).~~ Floor area as defined in Chapter 1.2 Definitions. For garages, see 2.1.400.B.2.
2. ~~Only garages exceeding floor area that exceeds 480 square feet in size on lots or parcels 4,000 square feet or greater and only garages exceeding floor area that exceeds 325 square feet in size for lots or parcels less than 4,000 square feet. The first 480 square feet or 325 square feet, respectively, of the garage are excluded from floor area.~~

C. Exceptions to FAR.

1. Attached single-family townhomes without an accessory dwelling unit.
2. Single family detached dwellings with an accessory dwelling unit and attached single-family townhomes with an accessory dwelling unit. See Section 3.6.200. B Accessory Dwelling Unit (ADU) for FAR.
- 2- 3. Accessory structures less than 10 feet in height and 200 square feet in area.

3. ~~Unenclosed covered porches and decks are excluded from the calculation. (Floor area as defined does not include unenclosed covered porches and decks).~~

4. ~~5. Basement or any area below at-grade living space. This is excluded in the proposed floor area definition).~~

5. ~~4. Lots and Parcels subject to 2.1.300 G Residential Compatibility Standards.~~

2.1.600 Residential Density.

B. Exemptions. The following types of housing are exempt from the density standards in subsection (A) of this section:

1. Residential care homes/facilities.
2. Accessory dwellings units (ADUs).
3. Bed and breakfast inns.
4. Neighborhood commercial uses.
5. Buildings that are listed in the Inventory of Historic Sites within the Bend Area General Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.
6. Manufactured housing development within the RM or RH Zone.
7. Redevelopment within a residential neighborhood ~~with an existing pattern of development.~~ consistent with the adjacent existing pattern of development. (Consistent with language below).
8. Infill development on a vacant platted lot consistent with the adjacent existing pattern of development.

2.1.900 Architectural Design Standards.

A. Purpose. The architectural standards are intended to provide detailed, human-scaled design, while affording flexibility to use a variety of building styles for certain types of residential development.

B. Applicability. This section applies to all of the following types of buildings, ~~and shall be applied during Site Design Review:~~

1. Duplexes and triplexes;
2. ~~Attached single-family townhomes;~~ ***(Townhomes are similar to single-family detached dwellings which do not have to comply with the architectural design standards.)***
3. ~~Accessory dwellings;~~ ***(The standards are designed for larger structures which makes it hard for ADUs to comply with. Single family detached dwellings are not required to comply and they are typically larger. Not requiring them to comply also allows more flexibility and reduces cost.)***
4. 2. Multifamily housing residential;
5. 3. Public and institutional buildings;
6. 4. Neighborhood commercial and mixed-use buildings;
7. 5. All other types of permitted/conditional nonresidential use buildings listed in Table 2.1.200.

Chapter 3.3
VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements.

Table 3.3.300

Required Off-Street Vehicle Parking Spaces

Use	Minimum Requirement
Residential	
Accessory dwelling <u>unit</u>	1 space per unit

3.3.300.C. Parking Location and Shared Parking.

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. 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). Required off-street parking shall not be located within the front yard setbacks- except for single-family dwellings, ADUs, duplexes and triplexes.

2. Off-Street Parking.

a. Commercial or industrial off-street parking which adjoins a Residential Zone shall be effectively screened by a fence and landscaping with a minimum width of 10 feet unless otherwise specified in this code.

- b. Off-street parking shall not be located within the required front yard setbacks, except for single-family dwellings, ADUs, duplexes and triplexes.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential Uses.

B. Accessory Dwelling Unit (ADU). ~~(Attached, Detached or Above Detached Garage).~~ An accessory dwelling unit (ADU) is a small, ~~secondary housing dwelling~~ dwelling unit on a property that contains a single-family lot dwelling unit as the primary use, usually the size of a studio apartment. The ~~additional unit can~~ ADU may be a attached, detached unit, a unit attached to a garage, or within a portion of an existing house dwelling unit. The ~~housing maximum~~ density standards does not apply to ADUs, due to their small size and low occupancy level of the use. The following standards of this section are intended to control the size, scale and number of ~~accessory dwellings~~ ADUs on individual ~~lots properties,~~ so as to promote compatibility with adjacent land uses. ~~Accessory dwellings ADUs shall~~ must comply with ~~all of the following standards in addition to the standards of underlying zone~~ the applicable zoning district:

1. ~~Accessory dwellings located in the SR-2 1/2, RL and RS Zones on lots created prior to December 1998 shall require approval through a Conditional Use Permit.~~ ***(This is a draft Urban Boundary efficiency measure. Compatibility of ADUs, including bulk and scale, will be addressed through floor area ratio.)***
2. ~~International Residential Code (IRC). The structure complies with the International Residential Code.~~
 1. Permitted Accessory Dwelling Unit (ADU). An ADU may only be permitted on lots or parcels with a single-family detached dwelling or a single-family attached townhome.
 3. ~~2.~~ Number of Units. A maximum of one ~~accessory dwelling unit~~ ADU is allowed per lot or parcel.
 4. ~~Floor Area. The maximum floor area of the accessory dwelling shall not exceed 600 square feet. All structures on the lot including the main house, garage, etc., must comply with BDC 2.1.400 regarding floor area ratio.~~

3. ADU Size.

- a. An ADU on a property that is 6,000 square feet or less shall not exceed 600 square feet.
- b. An ADU on a property that is greater than 6,000 square feet shall not exceed 800 square feet.

4. Floor Area Ratio. The FAR as defined in Chapter 1.2 Definitions, shall not exceed 0.55 for all buildings on site, cumulatively.

a. Exemptions to FAR.

- i. Accessory structures less than 10 feet in height and 200 square feet in area.

5. ~~Building Height. The building height of detached accessory dwellings and dwellings over detached garages shall not exceed 25 feet, and in no instance shall the accessory unit be taller than the primary structure. The building height of a detached ADU must not exceed 25 feet, or the building height of the primary dwelling unit, whichever is less. The building height of detached accessory dwellings and dwellings over detached garages shall not exceed 25 feet, and in no instance shall the accessory unit be taller than the primary structure.~~

6. ~~Buffering. Where an accessory dwelling unit faces the living space of a dwelling on an adjoining lot, a visual buffer shall be provided using window design, a sight-obscuring fence and/or vegetation.~~

7. ~~6. Parking. One parking space shall~~ must be provided on site for the ~~accessory dwelling~~ ADU in addition to the parking required for the ~~main~~ primary dwelling. Required parking spaces for the ADU and primary dwelling unit may be provided in tandem on a driveway. A tandem arrangement consists of one car behind the other.

8. ~~Design Review. An accessory dwelling is subject to the standards in BDC 2.1.900, Architectural Design Standards, to provide compatibility and protect the architectural character of older neighborhoods.~~

7. Design Standards. A second story ADU over 600 square feet abutting a SR 2 1/2, RL or RS property must comply with the following:

- a. Exterior doorways and outdoor living areas (e.g., balconies or decks) on the second story and exterior staircases must be setback a minimum of 10 feet from an abutting SR 2 1/2, RL or RS property or they must be oriented towards the interior of the property or an abutting alley.

8. Detached ADUs. A detached ADU must be a minimum of six feet apart from the primary single-family dwelling unit as measured between their building footprints.

9. Process. ADUs are subject to BDC Section 4.2.400 Minimum Development Standards Review.

Chapter 4.1
DEVELOPMENT REVIEW AND PROCEDURES

4.1.1600 Summary of Development Application Types.

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

Table 4.1.1600

Summary of Development Application Types

Development Application	Type I*	Type II*	Type III	Type IV
Site Plan—Mini (ADU, Duplex, Second Dwelling)	X	-	-	-

**EXHIBIT B
FINDINGS OF FACT
DEVELOPMENT CODE UPDATE
AMENDMENT PZ 15-0849**

Procedural Findings

The application was initiated by the city in accordance with BDC 4.1.500. Timely and sufficient notice of the public hearings was provided pursuant to BDC 4.1.515. Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on November 6, 2015 and a revision was sent on December 21, 2015 and following the continued City Council hearing. A notice of the Planning Commission public hearing was published in the Bend Bulletin on November 22, 2015 and sent to the neighborhood associations on November 17, 2015. Staff also emailed the changes to the Development Code Update Committee on November 6, 2015. The Planning Commission held a work session and public hearing on December 14, 2015 and made a recommendation to the City Council. A notice of the City Council public hearing was published in the Bend Bulletin on December 27, 2015 and sent to the neighborhood associations on December 22, 2015. The City Council held a work session on January 6, 2016 and a public hearing on January 20, 2016. The City Council continued the public hearing to February 3, 2016, and conducted the first reading. On February 17, 2016 the Council held a second reading and voted to approve the amendments.

Criteria of Approval

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

Applicable Procedures

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

Findings Regarding Compliance with Applicable Criteria:

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

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 Development Code involve broad public policy rather than 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 proposed amendments are consistent with the applicable State land use law. In particular, they satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, and Goal 10: Housing.

Goal 1, Citizen Involvement, is satisfied through following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing. In addition, on September 28, 2015, the Planning Commission approved an ADU Committee comprised of architects, a neighborhood representative, a UGB residential TAC member, COBA, a representative of the Affordable Housing Advisory Committee and a Planning Commissioner. The committee met on October 6, 2015, October 13, 2015, and October 20, 2015 to discuss and draft the proposed amendments.

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. The Goal is met because the City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan (General Plan) and Development Code 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

proposed amendments will be adopted by the City Council after a public hearing. Multiple opportunities were provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Goal 2 specifically states that minor plan changes such as the amendments for ADUs, 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. According to the draft Bend Housing Needs Analysis (HNA) dated August 14, 2015, Bend's population grew from about 20,000 people in 1990 to 78,000 people in 2013, more than tripling over this period. Over the same period, Bend's housing stock grew from about 9,000 dwelling units to nearly 34,000 dwelling units, also more than tripling. Most new housing development in Bend was single-family detached housing.

As Bend has grown, housing has become less affordable, especially since 2000. Housing sales prices more than doubled between 2000 and 2013, while household income (not adjusted for inflation) increased by 18%. Rental costs also increased in Bend, with the percentage of households paying \$1,000 or more in monthly rent increasing from 9% of households in 2000 to more than 40% of households in 2013.

Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. In addition, according to the HNA, baby boomers and millennials will increase the need for more affordable housing units. The proposed Development Code amendments for ADUs will help provide additional housing stock that is more affordable which meets a public need.

Goal 10, Housing, is to provide for the housing needs of citizens of the state.

FINDING: The phrase "housing needs" refers to the types of needed housing units determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels.

In 2009, the city updated the Bend Area General Plan Chapter 5 in support of the urban growth boundary expansion. The housing data showed that approximately 70% of the housing in Bend consisted of detached single family homes. Unfortunately, very few of these homes are considered to be affordable by definition. The General Plan and the implementing codes currently 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 multi-family 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 multi-family zones to allow smaller homes on lots as small as 2,500 square feet.

In addition, according to the draft Housing Needs Analysis dated August 14, 2015, the forecast concludes that the needed mix of new housing is different from the mix of existing housing stock and the mix of housing produced over the last decade. Demographic trends will result in an increase in demand of small single family dwellings, cottages, accessory dwelling units, townhomes, apartments and condominiums.

The proposed Development Code amendments will encourage the development of ADUs which will help provide affordable housing and meet the needs identified in the draft Housing Needs Analysis.

Below are excerpts from the Goal 10 Guidelines for providing needed housing that are applicable to the proposal.

GUIDELINES

A. PLANNING

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

FINDING: Chapter 5, Housing and Residential Lands describes two main obstacles to achieving broad-based affordable housing. First, the relatively high rent levels make it difficult for persons in the very low income levels to find affordable housing. Second, the dramatic rise in housing costs in the 1990s made it more difficult for first-time home buyers and lower income families to buy a home. To overcome these obstacles the community needs to address the supply of affordable rental housing for low income households, and to provide opportunities for home ownership for low and moderate income families. The proposed amendments will encourage more development of ADUs and therefore provide more affordable rental housing. In addition, homeowners with ADUs benefit from the additional rental income which can go towards a part of their mortgage payment or to help with the upkeep on their homes.

B. IMPLEMENTATION

3. Decisions on housing development proposals should be expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans.

FINDING: The proposed update would eliminate the conditional use permit process for accessory dwelling units proposed on lots located in the SR 2 1/2, RL and RS Zones and created prior to December 1998. ADUS will be reviewed through Minimum Development Standards Review (MDS) to ensure they comply with the requirements of the zoning district and Section 3.6.200.B Accessory Dwelling Units.

Based on the above discussion, the proposed text amendment to the Development Code is consistent with the statewide planning goals and therefore complies with the requirement that the amendment be consistent with state land use planning law.

2. The request is consistent with the applicable Bend Area General Plan goals and policies;

FINDING: The “goals” established in the general 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:

Goal 1: Citizen Involvement.

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

FINDING: The City of Bend created a volunteer citizens group called the Affordable Housing Advisory Committee to explore measures that could have a positive effect on the local housing market and provide incentives for developing affordable housing within the City of Bend.

The Affordable Housing Advisory Committee identified two amendments that would help remove barriers to adding ADUs to existing homes; 1) permit ADUs outright rather than conditionally in SR 2 1/2, RL and RS zones on lots created prior to December 1998; and, 2) increase the allowable size of the ADUs to 800 square feet. At the September 2, 2015 City Council meeting, Council initiated a code amendment for ADUs on the efficiency measures and the recommendations provided by the Affordable Housing Advisory Committee.

On September 28, 2015, the Planning Commission endorsed a committee to work with staff on the update. The committee was comprised architects, a neighborhood representative, a UGB residential TAC member, COBA, a representative of the Affordable Housing Committee and a Planning Commissioner. The committee met on October 6, 2015, October 13, 2105, and October 20, 2015 to discuss and draft the proposed amendments.

A notice of the Planning Commission public hearing was published in the Bend Bulletin on November 22, 2015 and sent to the neighborhood associations on November 17, 2015. Staff also emailed the changes to the Development Code Update Committee on

November 6, 2015. The Planning Commission held a work session and public hearing on December 14, 2015. A notice of the City Council public hearing was published in the Bend Bulletin on December 27, 2015 and sent to the neighborhood associations on December 22, 2015. The City Council held a work session on January 6, 2016 and public hearings in January and February regarding the proposed amendments.

Chapter 5: Housing and Residential Land

The General Plan has a goal to accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space and a sense of community. The General Plan and implementing codes also encourage the market to provide affordable housing by allowing accessory dwellings in new single family subdivisions.

FINDING: The proposed code amendments will allow more affordable housing in older subdivisions by eliminating the conditional use permit. The proposed amendments will encourage infill in existing neighborhoods and allow individual property owners to help increase the housing supply.

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

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

FINDING:

As previously discussed, Bend's population has more than tripled since 1990, the housing prices have more than doubled since 2000 and rental costs have increased with the percentage of households paying \$1,000 or more in monthly rent increasing from 9% of households in 2000 to more than 40% of households in 2013.

In addition, according to the draft Housing Needs Analysis, Bend has a slightly larger share of single-person and two person households than the state average. Bend has a smaller percentage of households with four or more people than the state average. Over the next 20 years, households with one or two persons per household are expected to represent the largest category of households by size.

The proposed amendments will encourage more ADUs to be constructed which will help meet a public need by providing more rental housing and by providing alternative housing for smaller households.

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 Development Code text amendment is adopted by

ordinance, the City Recorder will maintain a record of the amendments and the revised provisions will be included as part of the Bend Development Code 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 Bend Development Code, a functional component of the General Plan, and is an amendment to a land use regulation as noted in OAR 660-012-0060. The proposed amendments are not tied to any one development application and do not affect the functional classification of any street. The proposed amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the proposed text amendments do not cause a "significant effect" under ORS 660-012-0060.

VI. CONCLUSIONS:

Based on the above Findings, the proposed Development Code text amendment meets all applicable criteria for adoption.