

ORDINANCE NO. NS -2318

AN ORDINANCE AMENDING BEND COMPREHENSIVE PLAN CHAPTER 5, HOUSING AND BEND DEVELOPMENT CODE CHAPTERS 1.2, DEFINITIONS; 2.1, RESIDENTIAL DISTRICTS; 2.7, SPECIAL PLANNED DISTRICTS; 3.1, LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION; 3.6, SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USE; AND 4.2, MINIMUM DEVELOPMENT STANDARDS REVIEW, SITE PLAN REVIEW AND DESIGN REVIEW

Findings:

- A. The application was processed in accordance with Bend Development Code (BDC) 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- B. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on October 15, 2018.
- C. Notice of the November 26, 2018, Planning Commission public hearing was printed in the Bend Bulletin on November 4, 2018, and was mailed to the neighborhood associations on October 29, 2018.
- D. Notice of the December 5, 2018, City Council public hearing was printed in the Bend Bulletin on November 11, 2018, and was mailed to the neighborhood associations on November 6, 2018.
- E. The Planning Commission held a public hearing for the proposed Bend Comprehensive Plan and BDC amendments on November 26, 2018. At the conclusion of the hearing, the Planning Commission voted to recommend the proposed amendments be approved by the City Council.
- F. The City Council held a public hearing on December 5, 2018, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. During the hearing, the Council discussed Floor Area Ratio, garage door and orientation requirements for duplexes and triplexes. The Council supported these requirements for duplexes and triplexes when they are proposed to be located adjacent to existing residential neighborhoods. The Council finds that these requirements would ensure that duplexes and triplexes are capable of integrating into the existing neighborhoods when they are developed as infill or as part of a new development. The Council conducted the first reading including amendments to exempt lots created after January 18, 2019, that are not adjacent to existing RS designated properties from Floor Area Ratio (FAR) and to exempt lots created after January 18, 2019, that are not adjacent to existing residentially designated properties from the garage door and orientation requirements. The Council supported using the term *adjacent* as part of the exemption to ensure that all new lots abutting existing residentially designated properties (RS in the case of FAR) and all new lots that are located directly across a street right-of-way from existing residentially designated properties (RS in the case of FAR) must comply with the applicable FAR, garage door

and orientation requirements. The exempted lots would be internal to the new subdivision and would not present the same compatibility concerns with adjacent properties. The need to create more opportunities to gain the mix of housing anticipated in the Housing Needs Analysis supports the limited exemption from the FAR, garage door, and orientation standards.

G. The City Council found that the amendments as amended satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Comprehensive Plan and Bend Development Code are amended as depicted below in Exhibit A.

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

First Reading: December 5, 2018.

Second reading and adoption by roll call vote: December 19, 2018.

YES: Casey Roats, Mayor
Sally Russell
Bruce Abernethy
Bill Moseley
Nathan Boddie
Justin Livingston
Barb Campbell

NO: none



Casey Roats, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney

Exhibit A
Bend Comprehensive Plan and Development Code Update
December 19, 2018
Prepared by: Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in ~~strikethrough~~-typeface is proposed to be deleted.

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

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

Bend Comprehensive Plan

Chapter 5: Housing

POLICIES

Residential Development

5-59 The City will support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis and the planned residential densities citywide specified in the Bend Comprehensive Plan.

5-60 The City will promote a mix of housing types in areas zoned Standard Density Residential (RS) District through clear and objective standards to assure that development integrates with existing neighborhoods in which it is permitted.

5-61 The City will support zoning standards that encourage residential siting of duplexes and triplexes in the Standard Density Residential (RS) District while maintaining the general overall density citywide consistent with the Bend Comprehensive Plan.

5-62 The City will create minimum lot sizes for duplexes and triplexes in the Standard Density Residential (RS) District that help achieve the mix of housing identified in the adopted Housing Needs Analysis and the planned residential densities citywide as specified in the Bend Comprehensive Plan.

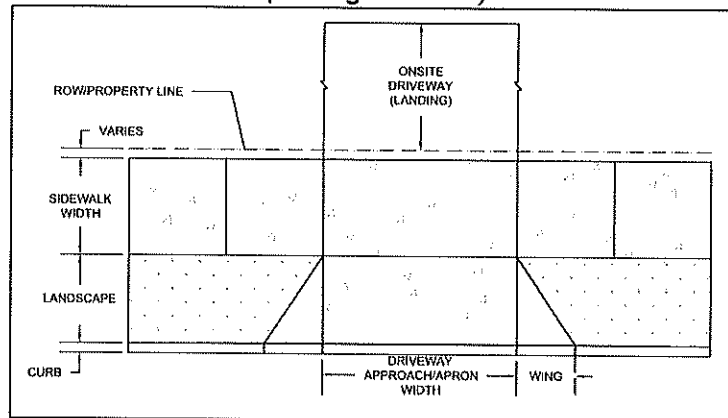
Bend Development Code

Chapter 1.2 DEFINITIONS

Building height means the average maximum vertical height of an enclosed building or structure measured at a minimum of three equidistant points as shown on the following figure along each building elevation from finished grade to the highest point on the building or structure. The "highest point" means peak of roof for a building with a sloping roof or the top of the roof coping for a flat roof. Architectural elements that do not add floor area to an enclosed building or structure, such as parapet walls, chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including minimum screening necessary to conceal mechanical roof equipment including elevator shafts and staircases for rooftop access), and unenclosed decks and porches are not considered part of the height of a building or structure. For property located in the Water Overlay Zone (WOZ), see BDC 2.7.650(E)(4).

Driveway apron/approach means the edge of a driveway where it abuts a public way, usually constructed of concrete.

(Add figure below)



~~**Grade, existing** means the existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of the site.~~

~~**Grade, finished** means the grade measured within two feet from the foundation wall of the building or structure where the elevation of the surface of the ground does not exceed two feet above or below the existing grade. For sloping sites exceeding 12 percent slope, the finished grade shall not exceed four feet above or below the existing grade unless the finished grade has been set through a grading and/or drainage plan approved by the City. The term "finished grade" may also mean existing grade when no terrain alteration is proposed. Fill which is not necessary to achieve positive drainage or slope stabilization, or which is otherwise proposed clearly to raise the finished floor elevation(s) for any other purpose, shall not be considered finished grade.~~

Grade means the vertical location of the ground surface. **Existing grade** means the existing condition of the elevation of the ground surface or the natural grade prior to grading, placement of fill, or the excavation or removal of earth from the site. **Rough grade** means the stage at which the grade substantially conforms, in an unfinished state, to an approved clearing and grading plan. **Finished grade** means the final grade of the site after all clearing and grading has been completed that conforms to an approved clearing and grading plan. (Consistent with Title 16)

Infill, residential means:

1. The development of up to three dwellings on land that is ~~zoned~~ designated for residential use where at least 75 percent of the abutting properties have a structure but not counting any abutting property that is large enough that it can be divided into four or more lots or is currently developed with multifamily residential.
2. A situation in which a single-family dwelling is removed to make way for up to three new dwellings (e.g., a single-family dwelling, duplex, or triplex).
3. "Residential infill" does not apply to land that is large enough that it can be divided into four or more lots consistent with the minimum lot size of the zoning district.

Refinement Plan means a more detailed plan than a Comprehensive Plan and applies to a specific geographic area. Refinement Plans are located in BDC Chapter BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

Special planned districts means detailed plans such as ~~master plans, master planned developments, overlay districts and refinement plans.~~ Special planned districts are located in BDC Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

~~**Timeshare unit** means (1) a dwelling unit, mobile home, lot or parcel whose ownership is divided into periods of time under any arrangement, plan, scheme, or device, whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or otherwise, where a purchaser, in exchange for consideration, receives a right to use the dwelling unit, lot, or parcel for a period of time less than a full year during any given year, but not necessarily for consecutive years, which extends for a period of more than three years; or (2) a dwelling unit, mobile home, lot or parcel created into interests sold under an agreement to be subsequently divided or created into interests for the purpose of sale or lease or other similar arrangement as set out in subsection (1) of this definition, whether immediate or future, into 11 or more undivided interests or 11 or more other interests, or any other similar arrangement of interests in the dwelling unit, lot or parcel. (City does not regulate timeshare units)~~

Transportation Mitigation Plan means an adopted plan for an area in the City that contains alternate transportation designs and functionality standards. A Transportation Mitigation Plan is typically adopted into this code as part of an Special Area Plan or Master Plan Development.

Title 2

LAND USE DISTRICTS

Chapters:

2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans

Chapter 2.1

RESIDENTIAL DISTRICTS

2.1.500 Lot Area and Dimensions.

Lot areas and lot dimension standards for residential uses are listed in Table 2.1.500. For other residential uses listed in Table 2.1.200, the lot area and dimensions are subject to the type of residential structure being occupied. Lot development must be in conformance with BDC 2.1.600, Residential Density.

Table 2.1.500

Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Two- and Three-Family Housing (duplex/triplex) See BDC 3.6.200.H	RS	Minimum area – duplex: 8,000 <u>6,000</u> sq. ft. Minimum area – triplex: 10,000 <u>9,000</u> sq. ft.	Minimum width: 40 ft. at front property line Minimum lot depth: 50 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min at the front property line. Flag lot or parcel minimum width: 20 ft. min. at front property line. See BDC 4.3.700 Infill Development Options. Mid-block Infill, see BDC 4.3.700 Infill Development Options. Corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone.
	RM-10	Minimum area – duplex: 7,000 <u>6,000</u> sq. ft. Minimum area – triplex: 9,000 sq. ft.		

2.1.600 Residential Density.

A. Residential Density Standard. The following density standards apply to all new development in all of the Residential Districts, except as specified in subsection (B) of this section. The density standards shown in Table 2.1.600 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Bend Comprehensive Plan.

1. The density standards may be averaged over more than one development phase (i.e., as in a subdivision or Master Planned Development). For new subdivision applications, the gross density must not exceed the maximum units per acre for the respective zoning district.

Table 2.1.600 Residential Densities

Residential Zone	Density Range
Urban Area Reserve (UAR10)	1 unit/10 gross acres
Suburban Low Density Residential (SR 2 1/2)	1 unit/2.5 gross acres <i>(There isn't any SR 2 ½ in the city)</i>
Low Density Residential (RL)	1.1 – 4.0 units/gross acre
Standard Density Residential (RS)	4.0 – 7.3 units/gross acre
Medium Density Residential (RM-10)	6.0 – 10.0 units/gross acre
Medium Density Residential (RM)	7.3 – 21.7 units/gross acre
High Density Residential (RH)	21.7 – 43 units/gross acre

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

1. Residential care homes/facilities.
2. Accessory dwelling units (ADUs).
3. Bed and breakfast inns.
4. Nonresidential uses, including neighborhood commercial uses, public and institutional uses, and miscellaneous uses that do not include a dwelling unit.
5. Buildings that are listed in the Inventory of Historic Sites within the Bend Area Comprehensive Plan Exhibit "A" or buildings designated on the Historic National Landmarks Register.
6. Manufactured home parks within the RS Zone are exempt from the maximum density standards of the zone; provided, that the standards of BDC 3.6.200(G) are met.

7. Replacement, renovation, or expansion of existing dwelling unit(s) in any zone provided the number of dwelling units does not change.
8. Development on a vacant lot or parcel consistent with an approved land division, except tracts identified for future phases.
9. Residential infill, as defined in BDC Chapter 1.2, is exempt from minimum, ~~but not maximum,~~ density standards.
10. Partitions on properties that are large enough to be divided into four or more lots are exempt from minimum density standards; provided, that the size of the resulting parcels and siting of dwellings allow future development on these parcels at minimum densities.
11. Duplexes and triplexes are exempt from the maximum density standards in the areas designated RS in the Bend Comprehensive Plan Map, except when lots are created as part of a new subdivision application.

2.1.900 Architectural Design Standards.

- A. Purpose. The architectural standards are intended to provide detailed, human-scale 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:
 - ~~1. Duplexes and triplexes; (*Consistent with Comprehensive Plan Policy 9-8, The city values design review for all development in the community with the exception of single-family houses, duplexes and triplexes.*)~~
 1. 2-Multifamily residential;
 2. 3-Public and institutional buildings in Residential Zones;
 3. 4-Neighborhood commercial;
 4. 5-Mixed-use buildings in Residential Zones; and
 5. 6-All other types of permitted/conditional nonresidential use buildings listed in Table 2.1.200 when built in a Residential Zone.

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

2.7.100 Special Planned Districts, Refinement Plans, Area Plans and Master Plans.

Special pPlanned dDistricts, Refinement Plans, Area Plans and Master Plans describe in more detail the type of development planned for a specific area than is typically found in a Comprehensive Plan, zone map, or public facilities plan. A Special pPlanned dDistrict, Refinement Plan or Area Plan may be initiated by the City Council at its own initiative in compliance with BDC Chapter 4.1, Development Review and Procedures, and BDC Chapter 4.6, Land Use District Map and Text Amendments and the Area Plan policies contained in Chapter 11 of the Comprehensive Plan (Type IV process), or at the request of property owners in compliance with BDC Chapter 4.5, Master Planning and Development Alternatives, and BDC Chapter 4.6, Land Use District Map and Text Amendments (Type III process).

Chapter 3.1

LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.400 Vehicular Access Management

H. Driveway Widths. Driveway openings (or curb cuts) ~~shall~~must be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet minimum width for each travel lane). When obtaining access to off-street parking areas backing onto a public street ~~shall is not be~~ permitted except for single-family, duplex or triplex dwellings backing onto a local street or when backing into an alley for all uses if adequate backing distance is provided. The following standards provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single-family ~~detached dwelling units, two-family, and three-family residential uses~~ shall must have a minimum driveway opening width of 10 feet, and a maximum width of 24 feet. Wider driveways may be necessary to accommodate approved paved recreational vehicle pads; however, the driveway opening or connection to the street ~~shall cannot~~ be wider than 24 feet. For townhomes, see BDC 3.6.200(D).

Single-Family Attached Townhomes and for duplexes and triplexes, see BDC 3.6.200 (H), Duplex and Triplex Development.

2. Multifamily developments shall must have a minimum driveway opening width of 20 feet, and a maximum width of 30 feet. The dimension may exceed 30 feet if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
3. Other Uses. Access widths for all other uses shall must be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall must conform to the parking area standards in BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 35 feet.
4. Driveway Aprons. Driveway aprons shall must be installed between the street and the private drive. Driveway apron design and location shall must conform to City of Bend Standards and Specifications and the City's adopted accessibility standards for sidewalks and walkways.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential Uses.

- D. Single-Family Attached Townhomes. Single-family attached housing (townhome units on individual lots) must comply with the standards in subsections (D)(1) through (4) of this section. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

3. Street Access Developments. Townhomes receiving access directly from a public or private street must comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management:

- a. Garage Door. The maximum allowable apron and driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage door width per unit facing the street is 50 percent of the total building width.
- b. ~~Two adjacent garages must share one driveway when individual driveways would otherwise be separated by less than 20 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.~~
- b. Driveway Approaches. Townhomes may have a maximum of one driveway approach and must comply with the following:
 - i. Townhomes with frontages on streets of different classifications must access the street with the lowest classification.
 - ii. The total width of shared driveway approaches must not exceed 32 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
 - iii. Driveway approaches on local streets may be separated in compliance with the following:
 - (A) Approaches must be separated by a minimum of seven feet; and
 - (B) Approaches must not exceed 16 feet in width.
 - iv. Clear vision standards do not apply between driveway approaches for townhomes on local streets. All other standards in BDC 3.1.500, Clear Vision Areas apply.
 - v. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3).

H. Duplex and Triplex Development. Duplex and triplex development shall ~~shall~~ must comply with the following standards. The standards are intended to control development scale, and minimize impacts associated with design compatibility.

1. ~~The side setbacks shall be as required in BDC 2.1.300, Building Setbacks, for the appropriate zoning district.~~ ***(Required in BDC Chapter 2.1, Residential Districts)***

~~2. Front and rear setbacks shall be as required in BDC 2.1.300, Building Setbacks, for the appropriate zoning district. (Required in BDC Chapter 2.1, Residential Districts)~~

~~1. 3. There shall must be a minimum of 15 percent of the site landscaped in conformance with BDC Chapter 3.2, Landscaping, Street Trees, Fences and Walls. Existing natural landscaping can count as part of the landscape requirement if protected and preserved during construction.~~

~~2. 4. Street trees shall must be planted in conformance with BDC 3.2.400, Street Trees.~~

~~3. 5. The applicant shall must provide usable open space or an exterior patio, balcony or deck consistent with the following:~~

Dwelling Units	Usable Open Space	Exterior Patio, <u>Balcony</u> or Deck
1 and 2 bedroom units	200 square feet per unit	100 square feet per unit
3 bedroom units or larger	300 square feet per unit	150 square feet per unit

~~a. All usable open space areas that are comprised of lawn shall must be irrigated with an underground irrigation system.~~

~~b. An exterior patio, balcony or deck to meet the requirements of this subsection will not be counted as part of the landscape requirement.~~

~~4. Each unit must provide a minimum of 60 square feet of enclosed storage area with a minimum interior height of seven feet for outdoor equipment, lawn chairs, barbecues, bicycles, etc. The storage area must be accessible from the exterior of the dwelling unit, have a minimum interior height of seven feet, and be no less than two feet in length in any direction. The storage area may be split into two areas as long as no area is less than 20 square feet and no dimension is less than two feet, except the height which is a minimum of seven feet. The storage area may be located in a garage; provided, that it does not interfere with required vehicle parking (nine feet by 20 feet). Storage must not be located within the setbacks.~~

~~5. 7. Each unit shall must provide an enclosure area for trash and recycling. This area is in addition to subsection 3.6.200(H)(4).~~

6. 8--Detached dwelling units shall ~~must~~ be a minimum of six feet apart as measured between their building footprints.
7. Floor Area Ratio. In the RS District, the FAR as defined in BDC Chapter 1.2, Definitions, must not exceed 0.60 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.
 - ii. Duplexes or triplexes created by remodeling an existing single-family detached dwelling without expanding the existing floor area.
 - iii. Lots created after January 18, 2019, that are not adjacent to existing RS designated properties.
(Added by the City Council on December 5, 2018)
8. Driveway Approach. Duplexes may have a maximum of two driveway approaches and a triplex may have a maximum of three driveway approaches in compliance with the following:
- a. The total width of all driveway approaches must not exceed 32 feet per frontage. For lots or parcels with more than one frontage, see subsection (H)(8)(c).
 - b. Driveway approaches may be separated when located on a local street. If approaches are separated, they must be separated by a minimum of seven feet.
 - c. In addition, lots or parcels with more than one frontage must comply with the following:
 - i. Lots or parcels must access the street with the lowest classification.
 - ii. Lots or parcels with frontages only on collectors and/or arterial streets may have one driveway approach. The City Engineer will determine which frontage may have one driveway approach when lots or parcels only have frontages on collector streets or only on arterial streets.
 - iii. Lots or parcels with frontages only on local streets must comply with the following:
 - (A) Duplexes may have two driveway approaches not exceeding 32 feet in total width on one frontage or one maximum 16 foot wide driveway approach per frontage.
 - (B) Triplexes may have three driveway approaches not exceeding 32 feet in total width on one frontage or two driveway approaches not exceeding 32 feet in total width on one frontage and one maximum 16 foot wide driveway approach on one other frontage.
 - d. Clear vision standards do not apply between driveway approaches for duplexes and triplexes on local streets. All other standards in BDC 3.1.500, Clear Vision Areas apply.

- e. For lots or parcels abutting an alley, access may be required to be taken from the alley in accordance with BDC 3.1.400(F)(3).

9. Garage Door Standards.

- a. The maximum combined garage door width facing the street is 50 percent of the total building width.
- b. In addition to complying with the front setbacks for the respective zoning districts, the front of the garage or carport can be no closer to the front lot line than the longest street-facing wall of the dwelling unit that encloses livable space, except that:
 - i. If there is a covered front porch, the garage or carport can extend up to five feet in front of the enclosed livable space, but no further than the front of the porch.
 - ii. A garage or carport may extend up to ten feet in front of the enclosed livable space if there is enclosed livable space or a covered balcony above at least a portion of the garage or carport.
- c. Exemptions to Garage Door Standards.
 - i. Existing garages legally constructed prior to January 18, 2019. *(Date this will go into effect)*
 - ii. When the side or rear wall of the garage faces the street provided the standards of BDC 2.1.300(F)(6)(b)(ii) are met.
 - iii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties. *(Added by the City Council on December 5, 2018)*

10. Orientation Standards.

- a. At least one front door entrance to a dwelling unit must orientate to an abutting street or open to a porch covered by either a roof or living space. A covered walkway or breezeway is not a porch. If the main entrance is from a covered porch, the covered porch must:
 - i. Meet a minimum area of 20 square feet;
 - ii. Meet a minimum depth of 4 feet; and
 - iii. Have an entry that faces a street.

For properties with more than one frontage, the applicant may choose which frontage to meet this standard. *(Only require one entrance to face street. Corner lots may not be feasible to have doors face each street due to topography.)*

- b. Exemptions to Orientation Standards.

- i. Duplexes or triplexes created by remodeling an existing single-family detached dwelling without expanding the existing floor area.
- ii. Lots created after January 18, 2019, that are not adjacent to existing residentially designated properties. (Added by the City Council on December 5, 2018)

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-Family Detached Dwellings, Single-Family Attached Townhomes, Accessory Dwelling Units and Duplex Dwellings.
 1. Applicability. This section applies to the construction of a new single-family detached dwelling, single-family attached townhome, accessory dwelling unit or duplex dwelling. Dwellings are also considered new if new construction is equal to or greater than 50 percent of the square footage of the existing dwelling (including partial to full demolition replaced with new square footage).
 2. Exemptions. The following are not subject to this section:
 - a. Single-family detached dwellings that have existing full utility and full street frontage infrastructure are exempt.
 - b. Single-family attached dwellings that have existing full utility and full street frontage infrastructure, and have vehicular access from an alley.

**EXHIBIT B
FINDINGS OF FACT
BEND COMPREHENSIVE PLAN AND
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 18-0825**

Procedural Findings

Notice of the proposed amendments was provided to the Department of Land Conservation and Development (DLCD) on October 15, 2018. A notice of the November 26, 2018, Planning Commission public hearing was printed in the Bend Bulletin on November 4, 2018, and was mailed to the neighborhood associations on October 29, 2018. A notice of the December 5, 2018, City Council public hearing was printed in the Bend Bulletin on November 11, 2018, and was mailed to the neighborhood associations on November 6, 2018.

On September 20, 2017, the AHAC presented their recommendations to the City Council which included allowing duplexes on 4,000 square foot lots, triplexes on 5,000 square foot lots and fourplexes on 6,000 square foot lots in the RS District. The Council was interested in the Planning Commission's further review on this topic. On November 13, 2017, the AHAC presented their recommendations to the Planning Commission. The Commission asked staff to research how other communities that allow duplexes, triplexes and fourplexes in zoning districts similar to the RS District address compatibility, locational requirements (arterial or collector streets, corner lots, proximity to a transit route, etc.) and parking requirements. The Commission was also interested in looking at the Opportunity Areas as being suitable locations for duplexes, triplexes and fourplexes on smaller lots.

The Planning Commission held a work session on April 23, 2018, to review potential options for duplexes, triplexes and fourplexes in the RS District. The Commission asked staff to provide the pros and cons for moving forward with each option. On June 11, 2018, the Commission reviewed a matrix for each of the potential options that addressed the possible pros and cons for the following topics:

- Increases deed restricted affordable housing supply
- Permitted use in the RS District
- Consistency with RS density (4-7.3 units per acre)
- Consistency with the Bend Comprehensive Plan
- Potential staff work load

After reviewing the matrix, several of the Commissioners supported reconciling the existing lot sizes for duplexes (8,000 square feet) and triplexes (10,000 square feet) in the RS District to density requirements to allow builders to utilize the current lot sizes rather than the density. The Council held a work session on July 18, 2018, and reviewed the recommendation and directed staff to look at duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots. The City Attorney's office prepared a

memo assessing the possibility of allowing duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots for Councils review. On August 15, 2018, the Council discussed the characteristics of the RS District identified in Comprehensive Plan Table 5.1, Residential Plan Districts which states that the RS District is intended to provide for residential uses, with a mix of single family detached homes and other housing types at a scale compatible with single family homes. The Council discussed using concentration limits to address compatibility; however, imposing such limits has practical challenges because the City has very limited data on where duplexes and triplexes are located in the older parts of town which makes this approach difficult to administer.

On September 19, 2018, Council directed staff to work with the Commission on amendments to the Bend Comprehensive Plan and Bend Development Code to allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots in the RS District and to exempt them from density standards. Also, instead of concentration limits, the amendments propose clear and objective regulations (Floor Area Ratio, garage placement standards and front door orientation standards) to ensure duplexes and triplexes develop at a scale capable of integrating with single family homes.

The Planning Commission held a work session on October 22, 2018 and staff presented the amendments to the Affordable Housing Advisory Committee on November 14, 2018. Staff emailed the proposed amendments to the Bend Development Code Update Group on November 6, 2018, for their review and feedback. On November 26, 2018, the Planning Commission held a public hearing and recommended approval of the amendments.

The City Council held a public hearing on December 5, 2018, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. During the hearing, the Council discussed Floor Area Ratio, garage door and orientation requirements for duplexes and triplexes. The Council supported these requirements for duplexes and triplexes when they are proposed to be located adjacent to existing residential neighborhoods. The Council finds that these requirements would ensure that duplexes and triplexes are capable of integrating into the existing neighborhoods when they are developed as infill or as part of a new development. The Council conducted the first reading including an amendment to exempt lots created after January 18, 2019, that are not adjacent to existing RS designated properties from Floor Area Ratio (FAR) and to exempt lots created after January 18, 2019, that are not adjacent to existing residentially designated properties from the garage door and orientation requirements. On December 19, 2018, the Council held a second reading and voted for adoption of the amendments.

Criteria of Approval

(1) The Bend Comprehensive 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 APMENTMENTS**

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, and Goal 10: Housing.

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: Bend 2030 and the Bend Collaborative Housing Workgroup developed 12 recommendations for spurring the development of middle market housing in Bend. One of the recommendations was to allow fourplexes in the RS District. On May 17, 2017, Bend 2030 presented the 12 recommendations to the City Council. On July 19, 2017, the Council directed the Affordable Housing Advisory Committee (AHAC) to evaluate, develop and prioritize the recommendations from Bend 2030.

On September 20, 2017, the AHAC presented their recommendations to the City Council which included allowing duplexes on 4,000 square foot lots, triplexes on 5,000 square foot lots and fourplexes on 6,000 square foot lots in the RS District. The Council was interested in the Planning Commission's further review on this topic. On November 13, 2017, the AHAC presented their recommendations to the Planning Commission. The Commission asked staff to research how other communities that allow duplexes, triplexes and fourplexes in zoning districts similar to the RS District address compatibility, locational requirements (arterial or collector streets, corner lots, proximity to a transit route, etc.) and parking requirements. The Commission was also interested in looking at the Opportunity Areas as being suitable locations for duplexes, triplexes and fourplexes on smaller lots.

The Planning Commission held a work session on April 23, 2018, to review potential options for duplexes, triplexes and fourplexes in the RS District. The Commission asked staff to provide the pros and cons for moving forward with each option. On June 11, 2018, the Commission reviewed a matrix for each of the potential options that addressed the possible pros and cons for the following topics:

- Increases deed restricted affordable housing supply
- Permitted use in the RS District
- Consistency with RS density (4-7.3 units per acre)
- Consistency with the Bend Comprehensive Plan
- Potential staff work load

After reviewing the matrix, several of the Commissioners supported reconciling the existing lot sizes for duplexes (8,000 square feet) and triplexes (10,000 square feet) in the RS District to density requirements to allow builders to utilize the current lot sizes rather than the density. The Council held a work session on July 18, 2018, and reviewed the recommendation and directed staff to look at duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots. The City Attorney's office prepared a memo assessing the possibility of allowing duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots for Councils review. On August 15, 2018, the Council discussed the characteristics of the RS District identified in Comprehensive Plan Table 5.1, Residential Plan Districts which states that the RS District is intended to

provide for residential uses, with a mix of single family detached homes and other housing types at a scale compatible with single family homes. The Council discussed using concentration limits to address compatibly; however, imposing such limits has practical challenges because the City has very limited data on where duplexes and triplexes are located in the older parts of town which makes this approach difficult to administer.

On September 19, 2018, Council directed staff to work with the Commission on amendments to the Bend Comprehensive Plan and Bend Development Code to allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots in the RS District and to exempt them from density standards. Also, instead of concentration limits, the amendments propose clear and objective regulations (Floor Area Ratio, garage placement standards and front door orientation standards) to ensure duplexes and triplexes develop at a scale capable of integrating with single family homes.

The Planning Commission held a work session on October 22, 2018 and staff presented the amendments to the Affordable Housing Advisory Committee on November 14, 2018. Staff emailed the proposed amendments to the Bend Development Code Update Group on November 7, 2018, for their review and feedback. On November 26, 2018, the Planning Commission held a public hearing.

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 Comprehensive Plan policies and 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 citizens 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. According to the Bend Housing Needs Analysis acknowledged in December 2016 with the Urban Growth Boundary (UGB) expansion, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need less costly housing or may choose to downsize their housing, resulting in 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.

As part of the adopted UGB expansion and related BDC amendments, duplexes and triplexes became permitted uses rather than conditional; however, since the development site generally needs to be 11,934 square feet for a duplex and 17,901 square feet for a triplex in order to comply with the RS density requirement of 4-7.3 units per acre, duplexes and triplexes in the RS are limited to a small number of lots. The amendments are needed to help increase the number of duplexes and triplexes that are built in Bend which would help meet Bend's housing needs. Therefore, the amendments are justified and needed, and compliance with Goal 2 is maintained.

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. Goal 9 is not applicable because these amendments do not affect any regulation that implements Goal 9 and the City's acknowledged regulations implementing Goal 9 remain in effect with no change in applicability.

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

FINDING: According to the Bend Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring nearly 16,700 new dwelling units. Bend's housing needs are changing and key demographic changes are occurring in Bend and across the nation. Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-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 following amendments to Comprehensive Plan Chapter 5, Housing will help achieve RS density projections citywide and create more opportunities to gain the mix of housing anticipated in the Housing Needs Analysis.

Residential Development Policies

5-59 The City will support residential infill development to help achieve the mix of housing indicated in the adopted Housing Needs Analysis and the planned residential densities citywide specified in the Bend Comprehensive Plan.

5-60 The City will promote a mix of housing types in areas zoned Standard Density Residential (RS) District through clear and objective standards to assure that development integrates with existing neighborhoods in which it is permitted.

5-61 The City will support zoning standards that encourage residential siting of duplexes and triplexes in the Standard Density Residential (RS) District while maintaining the general overall density citywide consistent with the Bend Comprehensive Plan.

5-62 The City will create minimum lot sizes for duplexes and triplexes in the Standard Density Residential (RS) District that help achieve the mix of housing indicated in the adopted Housing Needs Analysis and the planned residential densities citywide as specified in the Bend Comprehensive Plan.

To implement the above policies, the BDC amendments will allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots in the RS District. Duplexes and triplexes on these smaller lots will exceed the maximum density of 7.3 units per acre when they are calculated on a lot by lot basis. However, when density is looked at on a larger city-wide scale and includes uses such as golf courses, parks, schools, rights of way and large-lot platted residential areas, the overall calculation results in

approximately 3 units per acre city wide which is well under the minimum RS density standards of 4 units per acre and much less than the maximum RS density of 7.3 units per acre. Therefore, the proposed amendments include allowing development of duplexes and triplexes on 6,000 and 9,000 square foot lots respectively in existing platted subdivisions without calculating density on a lot-by-lot basis in the RS District. The proposed amendments will allow new development to move closer to achieving the minimum density of the RS District citywide. Density in new subdivisions will continue to be averaged and reviewed by staff during the land use process to ensure that even with the smaller lot sizes, density will not exceed 7.3 DU/Acre.

According to the Bend Comprehensive Plan Table 5.1, Residential Plan Districts, one of the characteristics of the RS District is to provide for residential uses, with a mix of single family detached homes and other housing types at a scale compatible with single family homes. To address compatibility, the amendments include a Floor Area Ratio (FAR) of 0.60 in the RS District, which is used for ADUs and accessory structures in residential districts today. In addition, to help minimize large areas of garage doors facing the street and to ensure that garage doors do not dominate the frontage, the amendments include clear and objective standards for the placement and appearance of garages and orientation standards for front door entrances. During the public hearing on December 5, 2018, the Council discussed the amendments and conducted the first reading including amendments to exempt lots created after January 18, 2019, that are not adjacent to existing RS designated properties from Floor Area Ratio (FAR) and to exempt lots created after January 18, 2019, that are not adjacent to existing residentially designated properties from the garage door and orientation requirements since these newly created lots would be internal to a new subdivision and therefore would have less impacts, if any, on existing neighborhoods.

The amendments also propose to remove duplexes and triplexes from BDC 2.1.900, Architectural Design Standards and exempt townhomes from Minimum Development Standards (MDS) Review if they have existing full utility and full street frontage infrastructure, and have vehicular access from an alley. Also part of this code update, the driveway approach standards for duplexes, triplexes and townhomes are being amended to allow more usable onsite parking and maneuvering.

The BDC amendments will encourage the development of more duplexes, triplexes and townhomes and help meet the needs identified in the Housing Needs Analysis.

Therefore, compliance with Goal 10 is maintained.

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 measurable impacts on the amount of traffic on the existing transportation system; therefore the amendments do not cause a "significant effect" under ORS 660-012-0060. Therefore, compliance with Goal 12 is maintained.

Goal 13, Energy Conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability

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 code 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.
- **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 allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots in the RS District. Duplexes and triplexes on these smaller lots will exceed the maximum density of 7.3 units per acre when they are calculated on a lot by lot basis. However, when density is looked at on a larger city-wide scale and includes uses such as golf courses, parks, schools, rights of way and large-lot platted residential areas, the overall calculation results in approximately 3 units per acre city wide which is well under the minimum RS density standards of 4 units per acre and much less than the maximum RS density of 7.3 units per acre. Therefore, the proposed amendments include allowing development of duplexes and triplexes on 6,000 and 9,000 square foot lots respectively in existing platted subdivisions without calculating density on a lot-by-lot basis in the RS District. The proposed amendments will allow new development to move closer to achieving the minimum density of the RS District citywide. Density in new subdivisions will continue to be averaged and reviewed by staff during the land use process to ensure that even with the smaller lot sizes, density will not exceed 7.3 DU/Acre.

To integrate duplexes and triplexes on smaller lots into existing neighborhoods, the amendments include a Floor Area Ratio (FAR) of 0.60 in the RS District, which is the same ratio used for ADUs and accessory structures in residential districts today. To help minimize large areas of garage doors facing the street and to ensure that garage doors do not dominate the frontage, the amendments include clear and objective standards for the placement and appearance of garages and orientation standards for front door entrances for all residential districts. During the City Council hearing on December 5, 2018, the Council discussed the proposed code changes and conducted the first reading including amendments to exempt lots created after January 18, 2019, that are not adjacent to existing RS designated properties from Floor Area Ratio (FAR) and to exempt lots created after January 18, 2019, that are not adjacent to existing residentially designated properties from the garage door and orientation requirements. On December 19, 2018, the Council held a second reading and voted to adopt the amended ordinance, Comprehensive Plan and Development Code changes.

The code update, including the amendments above, implements the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

Policies

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: Bend 2030 and the Bend Collaborative Housing Workgroup developed 12 recommendations for spurring the development of middle market housing in Bend. One of the recommendations was to allow fourplexes in the RS District. On May 17, 2017, Bend 2030 presented the 12 recommendations to the City Council. On July 19, 2017, the Council directed the Affordable Housing Advisory Committee (AHAC) to evaluate, develop and prioritize the recommendations from Bend 2030.

On September 20, 2017, the AHAC presented their recommendations to the City Council which included allowing duplexes on 4,000 square foot lots, triplexes on 5,000 square foot lots and fourplexes on 6,000 square foot lots in the RS District. The Council was interested in the Planning Commission's further review on this topic. On November 13, 2017, the AHAC presented their recommendations to the Planning Commission. The Commission asked staff to research how other communities that allow duplexes, triplexes and fourplexes in zoning districts similar to the RS District address compatibility, locational requirements (arterial or collector streets, corner lots, proximity to a transit route, etc.) and parking requirements. The Commission was also interested in looking at the Opportunity Areas as being suitable locations for duplexes, triplexes and fourplexes on smaller lots.

The Planning Commission held a work session on April 23, 2018, to review potential options for duplexes, triplexes and fourplexes in the RS District. The Commission asked staff to provide the pros and cons for moving forward with each option. On June 11, 2018, the Commission reviewed a matrix for each of the potential options that addressed the possible pros and cons for the following topics:

- Increases deed restricted affordable housing supply
- Permitted use in the RS District
- Consistency with RS density (4-7.3 units per acre)
- Consistency with the Bend Comprehensive Plan
- Potential staff work load

After reviewing the matrix, several of the Commissioners supported reconciling the existing lot sizes for duplexes (8,000 square feet) and triplexes (10,000 square feet) in the RS District to density requirements to allow builders to utilize the current lot sizes

rather than the density. The Council held a work session on July 18, 2018, and reviewed the recommendation and directed staff to look at duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots. The City Attorney's office prepared a memo assessing the possibility of allowing duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots for Councils review. On August 15, 2018, the Council discussed the characteristics of the RS District identified in Comprehensive Plan Table 5.1, Residential Plan Districts which states that the RS District is intended to provide for residential uses, with a mix of single family detached homes and other housing types at a scale compatible with single family homes. The Council discussed using concentration limits to address compatibility; however, imposing such limits has practical challenges because the City has very limited data on where duplexes and triplexes are located in the older parts of town which makes this approach difficult to administer.

On September 19, 2018, Council directed staff to work with the Commission on amendments to the Bend Comprehensive Plan and Bend Development Code to allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots in the RS District and to exempt them from density standards. Also, instead of concentration limits, the amendments propose clear and objective regulations (Floor Area Ratio, garage placement standards and front door orientation standards) to ensure duplexes and triplexes develop at a scale capable of integrating with single family homes.

The Planning Commission held a work session on October 22, 2018 and staff presented the amendments to the Affordable Housing Advisory Committee on November 14, 2018. Staff emailed the proposed amendments to the Bend Development Code Update Group on November 6, 2018, for their review and feedback.

The City Council held a public hearing on December 5, 2018, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. During the hearing, the Council discussed Floor Area Ratio, garage door and orientation requirements for duplexes and triplexes. The Council supported these requirements for duplexes and triplexes when they are proposed to be located adjacent to existing residential neighborhoods. The Council finds that these requirements would ensure that duplexes and triplexes are capable of integrating into the existing neighborhoods when they are developed as infill or as part of a new development. The Council conducted the first reading including amendments to exempt lots created after January 18, 2019, that are not adjacent to existing RS designated properties from Floor Area Ratio (FAR) and to exempt lots created after January 18, 2019, that are not adjacent to existing residentially designated properties from the garage door and orientation requirements. On December 19, 2018, the Council held a second reading and voted for adoption of the amended ordinance.

A notice of the November 26, 2018, Planning Commission public hearing was printed in the Bend Bulletin on November 4, 2018, and was mailed to the neighborhood associations

on October 29, 2018. On November 26, 2018, the Planning Commission held a public hearing and recommended approval.

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 allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots in the RS District. These amendments will help contribute to more duplexes, triplexes and townhomes being built. Removing duplexes and triplexes from BDC 2.1.900, Architectural Design Standards and exempting townhomes from MDS Review if they have existing full utility and full street frontage infrastructure, and have vehicular access from an alley provide more flexibility. Creating clear and objective garage and orientation standards for duplexes and triplexes in all residential districts will help integrate them into existing neighborhoods.

Policies

Housing Mix, Density, and Affordability

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

FINDING: The amendments allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots. Duplexes and triplexes on these smaller lots will exceed the maximum density of 7.3 units per acre when they are calculated on a lot by lot basis. However, when density is looked at on a larger city-wide scale and includes uses such as golf courses, parks, schools, rights of way and large-lot platted residential areas, the overall calculation results in approximately 3 units per acre city wide which is well under the minimum RS density standards of 4 units per acre and much less than the maximum RS density of 7.3 units per acre. The proposed amendments will allow new development to move closer to achieving the minimum density of the RS District citywide.

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, consistent with the density ranges and housing types allowed in the zones. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density".

FINDING: The amendments remove duplexes & triplexes from BDC 2.1.900, Architectural Design Standards and exempt townhomes from MDS Review if they have existing full utility & full street frontage infrastructure, & have vehicular access from an alley. Also part of this code update, the driveway approach standards for duplexes, triplexes and townhomes are being amended to allow more usable onsite parking and maneuvering.

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

FINDING: The amendments allow duplexes on 6,000 square foot lots and triplexes on 9,000 square foot lots without calculating density on a lot by lot basis. To integrate duplexes and triplexes on smaller lots into existing neighborhoods, the amendments include a Floor Area Ratio (FAR) of 0.60 in the RS District, which is used for ADUs and accessory structures in residential districts today. In addition, to help minimize large areas of garage doors facing the street and to ensure that garage doors do not dominate the frontage, the amendments include clear and objective standards for the placement and appearance of garages and orientation standards for front door entrances.

The City Council held a public hearing on December 5, 2018, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. During the hearing, the Council discussed Floor Area Ratio, garage door and orientation requirements for duplexes and triplexes. The Council supported these requirements for duplexes and triplexes when they are proposed to be located adjacent to existing residential neighborhoods. The Council finds that these requirements would ensure that duplexes and triplexes are capable of integrating into the existing neighborhoods when they are developed as infill or as part of a new development. The Council conducted the first reading including amendments to exempt lots created after January 18, 2019, that are not adjacent to existing RS designated properties from Floor Area Ratio (FAR) and to exempt lots created after January 18, 2019, that are not adjacent to existing residentially designated properties from the garage door and orientation requirements. The Council supported using the term *adjacent* as part of the exemption to ensure that all new lots abutting existing residentially designated properties (RS in the case of FAR) and all new lots that are located directly across a street right-of-way from existing residentially designated properties (RS in the case of FAR) must comply with the

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applicable FAR, garage door and orientation requirements. The exempted lots would be internal to the new subdivision and would not present the same compatibility concerns with adjacent properties. To the extent that there are impacts, they are outweighed by the need to create more opportunities to gain the mix of housing anticipated in the Housing Needs Analysis. On December 19, 2018, the Council held a second reading and voted for adoption of the amended ordinance.

In addition to the existing policies, the following amendments to Comprehensive Plan Chapter 5, Housing will help achieve RS density projections citywide and create more opportunities to gain the mix of housing anticipated in the Housing Needs Analysis.

Residential Development

5-59 *The City will support residential infill development to help achieve the mix of housing indicated in the adopted Housing Needs Analysis and the planned residential densities citywide specified in the Bend Comprehensive Plan.*

5-60 *The City will promote a mix of housing types in areas zoned Standard Density Residential (RS) District through clear and objective standards to assure that development integrates with existing neighborhoods in which it is permitted.*

5-61 *The City will support zoning standards that encourage residential siting of duplexes and triplexes in the Standard Density Residential (RS) District while maintaining the general overall density citywide consistent with the Bend Comprehensive Plan.*

5-62 *The City will create minimum lot sizes for duplexes and triplexes in the Standard Density Residential (RS) District that help achieve the mix of housing indicated in the adopted Housing Needs Analysis and the planned residential densities citywide as specified in the Bend Comprehensive Plan.*

Therefore, the amendments satisfy Chapter 5 since they will help foster more development of needed housing and will help achieve RS density projections citywide.

Chapter 9: Community Appearance

Policies

9-8 The city values design review for all development in the community with the exception of single-family houses, duplexes and tri-plexes.

FINDING: The amendments will remove duplexes & triplexes from BDC 2.1.900, Architectural Design Standards.

Therefore, the amendments satisfy Chapter 9.

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: The amendments for duplexes, triplexes, and townhomes will help contribute to more units being built which would provide identified needed housing. The amendments will allow new development to move closer to achieving the minimum density of the RS District citywide. There is a public need and benefit for the amendments since they will increase development of needed housing identified in the Housing Needs Analysis and help achieve RS density projections citywide.

Therefore, the amendments to the Bend Comprehensive Plan and BDC 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 Bend Comprehensive Plan and 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 Bend Comprehensive Plan and 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 Bend Comprehensive Plan, and Bend Development Code 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 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 proposed Bend Comprehensive Plan and BDC amendments meet all applicable criteria for adoption.

