

ORDINANCE NO. NS - 2487

AN ORDINANCE AMENDING BEND COMPREHENSIVE PLAN CHAPTER 5, HOUSING AND CHAPTER 11, GROWTH MANAGEMENT AND BEND DEVELOPMENT CODE (BDC) CHAPTERS 1.2, DEFINITIONS, 2.1, RESIDENTIAL DISTRICTS (UAR, RL, RS, RM-10, RM RH), 2.7, SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS, 3.1, LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION, 3.6, SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES, AND 4.3, LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS AND MINOR AMENDMENTS THROUGHOUT THE BDC

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 August 31, 2023.
- C. Notice of the October 9, 2023, Planning Commission public hearing was printed in the Bend Bulletin on September 17, 2023, and mailed and emailed to the Neighborhood Districts on September 18, 2023. A notice of the November 1, 2023, City Council public hearing was printed in the Bend Bulletin on October 8, 2023, and mailed and emailed to the Neighborhood Districts on October 4, 2023.
- D. On September 25, 2023, the Planning Commission, along with a member from the City's Affordable Housing Advisory Committee (AHAC), held a joint work session and discussed the amendments.
- E. On October 9, 2023, the Planning Commission held a public hearing on Project Number PLTEXT20230479, and deliberated on the matter. The Planning Commission voted to recommend that the City Council approve the proposed text amendments as amended in Exhibit A.
- F. The City Council held a public hearing on November 1, 2023, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. The City Council found that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and voted to approve the text amendments to the Bend Comprehensive Plan and 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 in attachment Exhibit A.

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

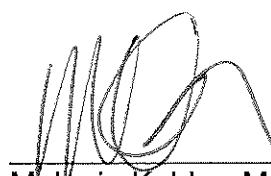
First Reading: November 1, 2023

Second reading and adoption by roll call vote: November 15, 2023

YES: Mayor Melanie Kebler

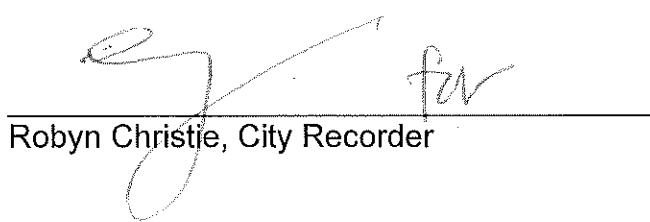
NO: none

Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Mike Riley
Councilor Megan Norris



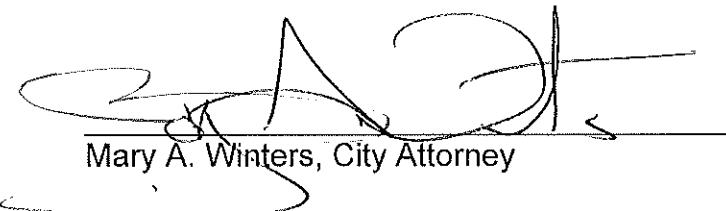
Melanie Kebler, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters, City Attorney

EXHIBIT A

DRAFT
Development Code Update
November 1, 2023
Prepared by:
City of Bend Planning Division

File #: PLTEXT20230479

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

Residential Plan Districts

Table 5-1. Residential Plan Districts

(Other Plan Designations in Table 5-1 remain unchanged)

Plan Designation	Characteristics	Implementing Zone(s)*	Density Range (dwellings per gross acre)**

Urban High Density	The Urban High Density designation is intended to provide land for primarily high density multi-unit residential, with opportunities for neighborhood commercial uses. It also provides opportunities for supporting public and institutional uses on a case-by-case basis. It is generally suitable for locations in proximity to downtown, commercial areas and/or transit corridors.	Residential High Density (RH)	Min: 21.7 Max: 43.0 <u>No Maximum</u>
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*Inside the Bend UGB, the Urban Area Reserve (UAR-10) and Suburban Residential (SR-2½) zoning districts are holding zones to preserve land for future urban development consistent with underlying urban plan designations. They are intended to provide limited opportunities for housing and limited other rural uses that will not interfere with future development of urban uses. Inside the Bend UGB, the SR-2½ district is intended for use only for areas with existing rural development patterns, and is generally not appropriate for large tracts of vacant land.

**See Bend Development Code for methodology to calculate minimum and maximum densities.

Chapter 11

Growth Management

Table 11-1. Residential Master Plan Minimum Density and Housing Mix

(Other Residential Districts in Table 11-1 remain unchanged)

Residential District	Implementing Zone(s)	General Density Range*	Master Plan Minimum Density*	Master Plan Minimum Housing Mix **
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Urban High Density	Residential High Density (RH)	Min: 21.7 Max: 43.0 <u>No Maximum</u>	21.7	90%
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*Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to calculate minimum and maximum densities and for exemptions to the general density ranges.

**Housing mix is expressed as the minimum percent of units that must be townhomes, cottage developments, duplexes/triplexes/quadplexes and/or multi-units. See Bend Development Code for definitions of housing types.

Bend Development Code

Chapter 1.2

DEFINITIONS

Single room occupancy means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant(s) but require that the occupant(s) share sanitary or food preparation facilities with other units in the occupancy. See BDC 3.6.200.O, Single Room Occupancy.

BDC Chapter 2.1

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

2.1.100 Purpose, Applicability and Location.

A. *Purpose.* Residential Districts are intended to promote the livability, stability, safety and improvement of the City of Bend's neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale which reflects the neighborhood character.
)
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.

B. *Applicability.* This chapter applies to all development in the Urban Area Reserve District (UAR), Low Density Residential District (RL), Standard Density Residential District (RS), Medium-10 Density Residential District (RM-10), Medium Density Residential District (RM), and High Density Residential District (RH). These districts are identified on the City's official Zoning Map. Properties designated within each district that contain additional standards must comply with the provisions of the applicable district, except as may be modified by this section. Properties within a designated Historic District must comply with the provisions of BC Chapter 10.20.

Table 2.1.100. Zone District Characteristics

(Other Zone District Characteristics in Table 2.1.100 remain unchanged)

High Density Residential (RH)	The High Density Residential District is intended to provide land for primarily high density multi-unit residential in locations close to shopping and services, transportation and public open space and to provide a transitional use area between other Residential Districts and other less restrictive areas. The <u>minimum</u> density range of the district is 21.7 to 43.0 units per gross acre and there is no <u>maximum</u> density, and must provide a transitional use area between other Residential Districts and other less restrictive areas.
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2.1.200 Permitted and Conditional Uses.

Table 2.1.200 – Permitted and Conditional Uses

(Other uses in Table 2.1.200 remain unchanged)

Land Use	RL	RS	RM-10	RM	RH	UAR
Residential						
<u>*Single room occupancies.</u>	P	P	P	P	P	N

2.1.300 Setbacks.

C. Front Setbacks.

1. *RL and UAR Districts.* The minimum front setback is 20 feet.

- a. *Exception.* On corner or through lots with two multiple frontages within a platted land division, the 20-foot front setback must be applied to one of the frontages, and the other frontages one-front setback may be 10 feet; provided, that a garage and/or carport with a street access is set back a minimum of 20 feet.

D. Rear Setbacks.

1. *RL and UAR Districts.* The minimum rear setback is 20 feet.

Exception. In the RL Zone on corner lots within a platted subdivision, the minimum rear setback is 10 feet.

2. *RS, RM-10, RM and RH Districts.* The minimum rear setback is five feet. When multi-unit residential or nonresidential uses abut a single-unit detached dwelling in the RS District, the rear setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.

E. *Side Setbacks.*

1. *RL and UAR Districts.* The minimum side setback is 10 feet.
2. *RS, RM-10, RM and RH Districts.* The minimum side setback is five feet. When multi-unit residential or nonresidential uses abut a single-unit detached dwelling in the RS District, the side setback abutting the RS District must increase one-half foot for each foot by which the building height exceeds 20 feet.

Exception: Development in conformance with the provisions of BDC Chapter 3.8, Development Alternatives.

Table 2.1.300 – Typical Residential District Setbacks

	Front	Rear	Side
UAR	10 ft./20 ft.	20 ft.	10 ft.
RL	10 ft./20 ft.	10 ft./20 ft.	10 ft.
RS	10 ft., except garages and/or carports must be set back 20 ft.	5 ft. [*]	5 ft. [*]
RM-10, RM and RH	10 ft., except garages and/or carports must be set back 20 ft.	5 ft. [*]	5 ft. [*]

*When multi-unit residential, single room occupancies with more than six units or nonresidential uses abut one or more dwelling units in the RL or RS District, the setback abutting the RL or RS District must increase one-

half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

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. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Table 2.1.500. Lot Areas and Dimensions in the Residential Districts by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	Exceptions
Single-Unit Detached Dwelling; Manufactured Homes on Lots (See BDC 3.6.200(E); Residential Care Homes and Facilities (See BDC 3.6.200(J))	UAR	10 acres	Width: 300 ft. min. average lot width with a min. street frontage of 150 ft.	No exceptions permitted
	RL	10,000 sq. ft.	Width: 50 ft. at front property line Depth: 100 ft.	Bulb of a cul-de-sac minimum width: 30 ft. min. at the front property line except for townhomes and flag lots
	RS	4,000 sq. ft.	Width: 40 ft. at front property line Depth: 50 ft.	Except for townhomes, corner lots or parcels must be at least five feet more in width than the minimum lot width required in the zone
	RM-10			
	RM	2,500 sq. ft.	Width: 30 ft. at the front property line Depth: 50 ft.	Lots or parcels existing prior to November 5, 2021, that are less than 2,500 square feet in the
	RH	Not applicable	Not applicable	

<p>Duplex, Triplex, and Quadplex. See BDC 3.6.200(H)</p>	UAR	Not applicable	Not applicable	<p>RH Zone may have a triplex or a quadplex</p> <p>Development alternatives: see BDC Chapter 3.8</p>
	RL	Duplex: 10,000 sq. ft. Triplex: 10,000 sq. ft. Quadplex: 10,000 sq. ft.	Width: 50 ft. at front property line Depth: 100 ft.	
	RS	Duplex: 4,000 sq. ft.	Width: 40 ft. at front property line	
	RM-10	Triplex: 4,000 sq. ft. Quadplex: 4,000 sq. ft.	Depth: 50 ft.	
	RM	Duplex: 2,500 sq. ft. Triplex: 4,000 sq. ft. Quadplex: 4,000 sq. ft.	Width: 30 ft. at the front property line Depth: 50 ft.	
	RH	Duplex: 1,250 sq. ft. Triplex: 2,500 sq. ft. Quadplex: 2,500 sq. ft.		
	UAR	Not applicable	Not applicable	
	RL	10,000 sq. ft.	Width: 50 ft. at front property line Depth: 100 ft.	
	RS	4,000 sq. ft.	Width: 40 ft. at front property line	
	RM-10		Depth: 50 ft.	

	RM	4,000 sq. ft.	Width: 30 ft. at the front property line	
	RH	2,500 sq. ft.	Depth: 50 ft.	
Townhomes	UAR	Not applicable	Not applicable	
See BDC 3.6.200(D)	RL, RS, RM- 10, RM	Average minimum lot or parcel size: 1,500 sq. ft. for each unit	Width: 20 ft. at front property Depth: 50 ft.	
	RH	Average minimum lot or parcel size: 1,200 sq. ft. for each unit		
Multi-Unit Dwelling (more than 4 units)	UAR	Not applicable	Not applicable	
	RL ¹ , RS ¹ , RM-10	4,000 sq. ft. for each unit	Width: 30 ft. at front property line Depth: 50 ft.	
	RM, RH	None		

*When permitted as part of a master plan subject to BDC Chapter 4.5, Master Plans.

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).

Table 2.1.600. Residential Densities

Residential Zone	<u>Minimum Density Range</u>	<u>Maximum Density</u>
Urban Area Reserve (UAR10)	1 unit/10 gross acres	<u>1 unit/10 gross acres</u>
Low Density Residential (RL)	1.1 — 4.0-units/gross acre	<u>4.0 units/gross acre</u>
Standard Density Residential (RS)	4.0 — 7.3-units/gross acre	<u>7.3 units/gross acre</u>
Medium Density Residential (RM-10)	6.0 — 10.0-units/gross acre	<u>10.0 units/gross acre</u>
Medium Density Residential (RM)	7.3 — 21.7 units/gross acre	<u>21.7 units/gross acre</u>
High Density Residential (RH)	21.7 — 43-units/gross acre	<u>No maximum</u>

2.1.700 Maximum Lot Coverage and Floor Area Ratio.

A. *Maximum Lot Coverage and Floor Area Ratio.* The following maximum lot coverage and floor area ratio standards apply:

Table 2.1.700. Residential Lot Coverage

Residential Zone	Lot Coverage	FAR
Low Density Residential (RL)	35%	None
Standard Density Residential (RS), and Medium-10 Density Residential (RM-10)	50% for lots or parcels with single-story dwelling unit(s) and single-story accessory structures <u>and single-story single room occupancies.</u> 45% for all other lots or parcels.	1.1 for three-story residential uses and accessory structures. None for all other uses.

Medium Density Residential (RM)	<p>50% for lots or parcels with single-story single-unit detached dwelling unit(s) and single-story accessory structures.</p> <p>45% for all other lots or parcels with single-unit detached dwellings and accessory structures and nonresidential uses.</p> <p>60% for lots or parcels with townhomes, duplexes, triplexes, quadplexes, <u>single room occupancies</u> and multi-unit and accessory structures.</p>	None
High Density Residential (RH)	None	None

2.1.900 Architectural Design Standards.

B. *Applicability.* This section applies to all of the following types of buildings:

1. Multi-unit residential;
2. Single room occupancy with more than six units;
2. 3. Public and institutional buildings in Residential Zones;
3. 4. All other types of permitted/conditional nonresidential use buildings listed in Table 2.1.200 when built in a Residential Zone.
 - a. *Exemption.* Neighborhood commercial uses listed in Table 2.1.200.

C. *Standards.* All buildings that are subject to this section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

2. *Building Orientation.* All building elevations adjacent to a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 40 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, shall meet this standard. **Percent of elevation** is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Building Design and Orientation Standards.

- a. *Design Standards.* All building elevations must provide doors, porches, balconies, terraces and/or windows for a minimum of 30 percent of each full and partial building story. A minimum of 40 percent is required for street-facing elevations located within 50 feet of a front lot line. **Percent of elevation** is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows.

Exceptions:

- a. *b. Orientation Standards.* A multi-unit building may have its A minimum of one building must have an entrance facing the street or be oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in BDC Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
- b. A multi-unit building may be oriented to a common use courtyard.

2.1.950 Design Standards (Triplex, Quadplex, and Townhome, and Single Room Occupancy).

- A. *Applicability.* This section's architectural design standards applies apply to all of the following types of buildings:

1. Triplex.
2. Quadplex.
3. Townhome.

4. Single room occupancy with six or fewer units.

For purposes of this section, a "street" also means a tract for mid-block developments and T-courts.

C. Front Door Orientation Standards. See BDC 2.1.1100.E, Front Door Orientation Standards.

The following front door orientation standards are required for lots and parcels with frontage onto a street.

For triplexes and quadplexes, these standards are only required to be met for one of the dwelling units.

The entrance must either:

1. Face the street;
2. Be at an angle of up to 45 degrees from the street;
3. Face a common open space that abuts the street and be abutted by dwellings on at least two sides; or
4. Open onto a porch. The porch must be at least 20 square feet in area and have at least one entrance facing the street or have a roof. A covered walkway or breezeway is not a porch.

5. Exemptions to Orientation Standards.

- a. Triplexes, quadplexes and townhomes created by a conversion of an existing dwelling unit.
- b. Dwelling units located on the flag portion of a flag lot.

(Relocated to BDC 2.1.1100 so that is applies to single-unit detached and duplexes too.)

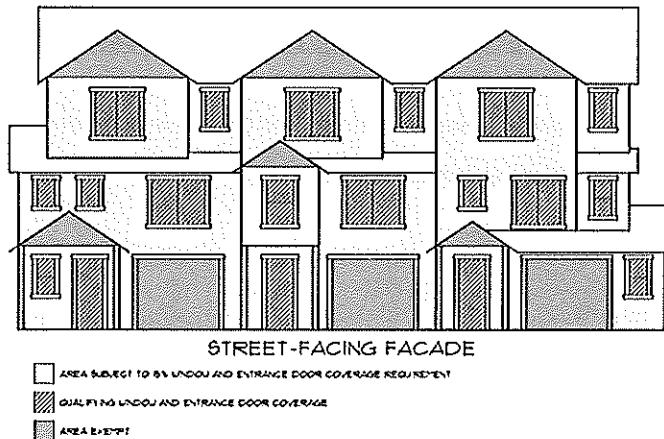
D. Windows and Doors. A minimum of 15 percent of the area of all street facing facades must include windows and/or doors. Gabled areas and garage doors (in blue) and roofs (in white) are not included in the base wall calculation when determining the minimum 15 percent calculation for windows/door areas.

1. Exemptions to the Windows and Doors Standards.

- a. Facades separated from the street front lot property line by a dwelling unit are exempt from meeting this standard.

b. Triplexes, quadplexes, and townhomes and single room occupancies created by a conversion of an existing dwelling unit.

Figure 2.1.950.D.



2.1.1000 Multi-Unit Residential Districts (RM, RH).

A. *Purpose/Intent Statement.* The Medium and High Density Residential Districts are intended to provide land for a mix of attached middle housing, and multi-unit dwellings and single room occupancies in locations that are convenient to service commercial uses and future transit opportunities.

B. *Development Standards for Multi-Unit Developments in the RM and RH Districts.* In addition to the site development standards in BDC Chapter 4.2, the following standards apply to multi-unit developments of five units or more and single room occupancies with more than six units, unless otherwise stated:

1. *Common Open Space (20 units or more).* In addition to the required setback yards, a minimum of 10 percent of the site area must be designated and permanently reserved as usable common open space in all large-scale (20 units or more) multiple-unit and single room occupancy developments with 20 units or more, unless a credit in subsection (B)(1)(a) of this section is approved. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Bend Comprehensive Plan may be counted toward meeting the common open space requirements.

2. *Private Open Space.* Private open space areas are required for ground-floor and upper-floor ~~housing~~ units through compliance with all of the following standards:
 - a. Ground-floor ~~housing~~ units must have patios or decks at least four feet deep and measuring at least 48 square feet. **Ground-floor housing** means the ~~housing~~ unit's entrance (front or rear) is within five feet of the finished ground elevation, after grading and landscaping;
 - b. A minimum of 50 percent of all upper-floor ~~housing~~ units must have balconies or porches at least four feet deep and measuring at least 48 square feet. **Upper-floor housing** means ~~housing~~ units that are more than five feet above the finished grade, after grading and landscaping; and
 - c. Ground-floor private open space areas must not be located within 12 feet of trash receptacles.
3. *Trash Receptacles.* Trash receptacles must not be located within setbacks for property lines shared with single-unit detached and attached dwellings and must be screened on at least three sides with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be located for easy access by trash pick-up vehicles.

C. *Housing Mix Standards in the RM District.* In order to ensure a mix of housing types that meets the City's overall housing needs, in addition to minimum and maximum density standards in BDC 2.1.600, at least 50 percent of the total housing units in residential developments on any property or combination of properties between three acres and 20 acres in the RM District must be middle housing, single room occupancy and/or multi-unit dwellings. The standards of BDC 4.2.500(E) apply to properties of 20 acres in size and greater.

2.1.1100 Other Design Standards.

E. Front Door Orientation Standards.

1. *Applicability.* This section applies to the following types of buildings:

- a. Single-unit dwellings

- b. Duplex.
 - c. Triplex.
 - d. Quadplex.
 - e. Townhome.
 - f. Single Room Occupancy with six or fewer units. (Amended by the Planning Commission on October 9, 2023)
- 2. Standards. The following front door orientation standards are required for lots and parcels with frontage onto a street. For purposes of this section, a "street" also means a tract for mid-block developments and T-courts. For duplexes, triplexes and quadplexes, this standard is only required to be met for one of the dwelling units. For townhome units, this standard only applies to the interior units. For single room occupancies, this standard is only required to be met for one entrance. The front door entrance must either:
 - a. Face the street;
 - b. Be at an angle of up to 45 degrees from the street;
 - c. Face a common open space that abuts the street and is abutted by dwellings on at least two sides; or
 - d. Open onto a porch. The porch must be at least 20 square feet in area and have at least one entrance facing the street or have a roof. A covered walkway or breezeway is not a porch.

(Amended by the Planning Commission on October 9, 2023)

3. Exemptions to Orientation Standards.

- a. Duplexes, triplexes, quadplexes, townhomes and single room occupancy created by a conversion of an existing dwelling unit.
- b. Dwelling units located on the flag portion of a flag lot.

Chapter 2.7

Special Planned Districts, Refinements Plans, Area Plans and Master Plans.

Article III. Dean Swift Refinement Plan Development Standards.

B. *Use Standards.* The special standards of the Dean Swift Refinement Plan area supersede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone apply.

1. *Modified RM Residential Overlay.*

a. Sub-area "A" is located along the north side of Carl and Don Streets and south of the Highway 20 Commercial District. Sub-area "A" does not extend to Purcell Boulevard. The purpose of this area is to provide a transition between the commercial development to the north along Highway 20 and the residential neighborhood. The development characteristics of sub-area "A" are as follows:

• Lot coverage is 50 percent except townhomes, duplexes, triplexes, quadplexes, single room occupancies and multi-units is 60 percent.

J. *Design Standards.* The design standards are intended to provide detailed human-scale design to preserve the quaint character of the neighborhood while allowing flexibility to develop a variety of building types.

All single-unit detached dwellings, duplexes, triplexes, quadplexes, single room occupancies, cottage cluster developments, townhomes, multiple-units, shelters, and mixed-use and commercial buildings must comply with all of the following standards. The illustrations provided are intended to show how to comply, not restrict building types. Other building types and designs can be used to comply so long as they are consistent with the design standards.

Article IV. Medical District Overlay Zone

2.7.530 Development Standards.

B. *Lot Requirements.* The following lot requirements must be observed:

1. *Lot Width.* For single-unit dwellings, duplexes, triplexes, quadplexes, single room occupancies and multiple-unit the lot must be a minimum width of 30 feet. This lot width may be reduced to 20 feet for lots in an approved townhome land division.

For any other use there is no minimum lot width.

3. *Side and Rear Setback.* The minimum rear and side setback is five feet.

Exceptions. When a multi-unit residential, single room occupancy with more than six units or nonresidential use abuts a lot or parcel with a single-unit detached dwelling or a middle housing dwelling unit located outside of the Medical District Overlay Zone, the setback abutting the single-unit detached dwelling or middle housing dwelling unit must increase one-half foot for each foot by which the building height exceeds 15 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

4. *Lot Coverage.* The following maximum lot coverage standards apply to all development within the MDOZ:

Lot Coverage

Zone	Maximum Lot Coverage
Medium Density Residential (RM)	50% for lots or parcels with single-unit detached dwelling unit(s). 60% for lots or parcels with townhomes, duplexes, triplexes, quadplexes, <u>single room occupancies</u> and multi-unit. For any other use there is no maximum lot coverage.

High Density Residential (RH)	None
Convenience Commercial (CC) District	None

2.7.550 Architectural Design Standards.

B. Building Height Transition.

1. This standard applies to new and vertically expanded buildings on property located in the Medical District Overlay Zone within 100 feet of the boundary of the overlay zone and new or vertically expanded buildings adjacent to properties developed with single-story residential uses within the Medical District Overlay Zone, except that this standard shall not apply to new or vertically expanded single-unit detached dwellings and duplexes. (*Consistent with HB 2001*)

Article VII. Murphy Crossing Refinement Plan.

/

2.7.820 Districts.

- D. *Special Development Standards.* In addition to the development standards outlined in the City's Development Code, the following standards apply:

Table 2.7.820.D.

Standard	RS Single-Unit	RM Multi-Unit	ME Mixed-Use	CG General Commercial
Density	4 – 7.3 units/gross acre	7.3 – 21.7 units/gross acre		NA
Setbacks:				
• Front	Min. of 6 ft. for home, 20 ft. for garage	Min. of 6 ft. for home, 20 ft. for garage. Building entrances shall be oriented to the street front. Max. setback shall be 10 ft.	Min. of 5 ft. Max. setback shall be 10 ft. Except forecourt frontage may be 20 ft.	Min. of 5 ft. Max. setback shall be 10 ft. Except forecourt frontage may be 20 ft.
• Side	Min. of 5 ft. for 1 side and the sum of 2 side yards shall be 12 ft.	Min. of 5 ft.	No minimum required, except when abutting an "R" zone see BDC 2.2.500(E) <u>2.2.400(A)(6)</u>	No minimum required, except when abutting an "R" zone see BDC 2.2.500(E) <u>2.2.400(A)(6)</u>
• Rear	Min. 15 ft.	Min. 10 ft.	No minimum required, except when abutting an "R" zone see BDC 2.2.500(E) <u>2.2.400(A)(6)</u>	No minimum required, except when abutting an "R" zone see BDC 2.2.500(E) <u>2.2.400(A)(6)</u>
Lot coverage	35%	40%	50%	NA
Building height	35 ft.	30 ft./2 stories for buildings fronting on Murphy Road and the local north/south street	45 ft./3 stories	

		<p>bordering the park. 40 ft./3-story buildings are permitted elsewhere.</p> <p>*See Exceptions below</p>			
Lot access	Where new RS lots abut existing RL development, access shall be from the street. All other lots shall access from an alley.	All vehicular access shall be from an alley/private drive or internal parking lot.			
Parking standards	As required by <u>See BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking</u> , except for the large box retail uses located in the north 400 ft. of the CG Zone, those uses may provide a maximum of 6 parking spaces per 1,000 gross sq. ft. of building area.				
Frontage types	Not regulated	<ul style="list-style-type: none"> • Front Yard and Porch • Stoop 	<ul style="list-style-type: none"> • Stoop • Forecourt • Storefront 	<ul style="list-style-type: none"> • Forecourt • Storefront • Gallery 	
Min. building frontage	Not regulated	50%	80%	65%	
Special landscape setback	1.	Development along the east side of the north/south local street bordering the park between Murphy Road and the southern frontage road alignment shall provide an additional 10-foot landscaped pedestrian easement. The easement shall be combined with the street right-of-way to provide a pleasant pedestrian trail system the length of the Murphy Crossing project area that will easily connect to existing and planned trails, parks and open space. The pedestrian trail replaces the required sidewalk along that street frontage.			

	2.	Development along both sides of the frontage road between Murphy Road and the Parkway off-ramp/roundabout shall provide an additional 4 ft. of sidewalk adjacent to the public sidewalk.
Architectural design		As required by BDC 2.1.900 and 2.2.800

Article IX. Farmington Reserve Master Planned Development

2.7.970 Development Standards.

B. *Building Height.* Building height requirements are based on use as follows:

1. Multi-units, single room occupancies and quadplexes: 45 feet.
2. All other residential uses: 35 feet.

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

2.7.1004 Permitted and Conditional Uses.

Table 2.7.1004.A – Permitted and Conditional Uses

(Other uses in Table 2.7.1004.A remain unchanged)

Land Use	Core Campus Area	Campus Village Area
Residential Uses		
<u>Single room occupancy. See BDC 3.6.200.O. Single Room Occupancies, except they are not subject to a maximum number of units.</u>	P*	P

*Use shall must primarily serve College students, faculty, staff, and/or employees or the intended use is associated with College activities and/or programs, or the use is accessory to a permitted use.

Article XII. Stone Creek Master Planned Development

2.7.3040 Development Standards.

A. Setbacks Standards.

Table 2.7.3040 – Setbacks

(Other standards in Table 2.7.3040 remain unchanged)

Use	Front	Side	Rear
Single-Unit Detached, <u>Duplex/Triplex/Quadplex</u>	10 feet, except garages must be 20 feet	5 feet	5 feet
<u>Multi-Unit and Single Room Occupancy</u>			
Duplex/Triplex/Quadplex	10 feet, except garages must be 20 feet	5 feet	5 feet
Multi-Unit	10 feet, except garages must be 20 feet	5 feet	5 feet

C. *Building Mass and Scale.* There is no minimum or maximum floor area ratio requirement. All single-unit dwellings, townhomes, duplexes, triplexes and quadplexes have a maximum lot coverage of 60 percent. Multi-unit dwellings, commercial and public uses have no maximum lot coverage. Single room occupancies with six or fewer units have a maximum lot coverage of 60 percent and there is no maximum lot coverage for single room occupancies with more than six units.

D. *Lot Area and Dimensions.*

1. Single-unit detached, duplexes, triplexes, quadplexes, single room occupancies and townhomes must meet the lot area and dimension requirements for the RM zone contained in Table 2.1.500.
2. The minimum lot area is 5,500 square feet for triplex and quadplex. Triplex and quadplex units must have a minimum lot width of 30 feet and a minimum lot depth of 80 feet.
3. Two detached dwelling units are allowed on lots greater than 6,000 square feet.
4. 2. There are no minimum lot area, width, or depth requirements for the Multi-Unit Residential District, Commercial District, or School, Park or Rec Center sites.

2.7.3050 Single-Unit District.

Development within the Single-Unit District is limited to detached or attached (townhome) single-unit dwellings, duplexes, triplexes, and quadplexes ~~with no more than four dwelling units on a single lot, single room occupancies with six or fewer units and shelters.~~

2.7.3055 Multi-Unit District.

- A. Multi-unit dwellings may be located on platted lots, as zero lot line products, or as units in a condominium or apartment development with shared use of common facilities such as driveways, parking areas, sidewalks, entryways, pedestrian access corridors, open space and lawn areas. Multi-unit dwellings need not have frontage on a public road so long as permanent legal access established through a nonrevocable easement, with provisions for maintenance, is provided to each dwelling unit.
- B. Shelters are a permitted use. See BDC 3.6.600, Shelters.
- C. Single room occupancies are a permitted use. See BDC 3.6.200.O, Single Room Occupancy.

2.7.3070 Housing Mix and Density.

The Stone Creek Master Planned area includes 87.7 acres of total land area. The north 48 acres are zoned RM. The RM zoned area was developed with Silver Rail Elementary School and the neighborhood park, leaving 30 developable acres of RM zoned land. The south half of the plan area is 39.5 acres, of which 1.65 acres are zoned CC and 0.65 were added to the neighborhood park, leaving 37.2 acres of developable RS land. The density averaged over the master plan development area results in a minimum of 555 dwelling units.

The master plan area provides for a mix of housing types ~~as two-, three- and four-unit housing as allowed in the Single-Family Unit District Zone, in compliance with BDC 2.7.3040(D), and incorporates townhomes, single room occupancies and/or multi-unit residential housing units in the Multi-Unit District and Commercial District.~~

Article XIX. Discovery West Master Planned Development

2.7.3740 Review Procedures.

D. Shelters are subject to BDC 3.6.600, Shelters and single room occupancies are subject to BDC 3.6.200.O, Single Room Occupancy.

2.7.3750 Large Lot Residential District.

A. Permitted Uses.

10. Single room occupancy. See BDC 3.6.200.O, Single Room Occupancy.

2.7.3760 Standard Lot Residential District.

A. Permitted Uses.

10. Single room occupancy. See BDC 3.6.200.O, Single Room Occupancy.

2.7.3770 Residential Mixed-Use District.

C. Height Standards. The following height standards apply in the Residential Mixed-Use District:

Table 2.7.3770 Height Standards in the Residential Mixed-Use District

Use	Building Height
Single-unit detached	35 feet

Townhome, duplex, triplex	35 feet
Multi-unit housing, live-work townhome and quadplex	45 feet
Cluster housing – Cottage	25 feet
Cluster housing – Mews	35 feet
<u>Single Room Occupancy</u>	
<u>Six or fewer units</u>	<u>35 feet</u>
<u>More than six units</u>	<u>45 feet</u>

Article XXI. Petrosa Master Planned Development

2.7.3940 Review Procedures.

The following review procedures are applicable to uses and structures within the Petrosa Master Planned Development:

C. Shelters are subject to BDC 3.6.600. Shelters and single room occupancies are subject to BDC 3.6.200.O. Single Room Occupancy.

2.7.3950 Residential Zoning Districts.

A. **Permitted Uses.** The land uses listed in Table 2.7.3950 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.3950, land uses that

are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 2.7.3950 may be permitted.

Table 2.7.3950 – Permitted and Conditional Uses

(Other uses in Table 2.7.3950 remain unchanged)

Land Use	RS	RM	RH
Residential			
<u>*Single room occupancy</u>	P	P	P

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

**Subject to BDC 3.8.500.

***Schools are permitted in the RS, RM, and RH Districts, subject to the provisions of BDC 2.6.300, Development Standards.

B. Setbacks.

	Primary Front	Secondary Front	Rear*	Side
RS, RM, and RH	10 ft.*	8 ft.*	5 ft.**/***	4 ft.**, except 8 ft. when side abuts an alley

* Garages and/or carports must maintain a minimum front setback of 20 feet.

** When multi-unit buildings containing five or more units, single room occupancies with more than six units or nonresidential uses abut a detached single-unit dwelling or duplex on land designated RS, any side or rear setback abutting the RS land must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

*** Garages and/or carports that access an alley must have a driveway with a minimum length of 18 feet.

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area and dimensions are subject to the type of residential structure being occupied. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

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

(Other standards in Table remain unchanged)

Residential Use	Zone	Lot Area	Lot Width/Depth
Single-Unit Detached Dwellings	RS	Minimum area: 2,800 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 76 <u>50</u> ft.
	RM	Minimum area: 2,500 sq. ft.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.
	RH	Not applicable	Not applicable
Single Room Occupancy	RS	Minimum area: 10,000 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 50 ft.
	RM	None	Minimum width: 30 ft. at the front property line
	RH	None	Minimum lot depth: 50 ft.

E. Residential Density. The Petrosa Master Planned Development implements the BCP by ensuring capacity for a minimum of 1,100 housing units within the Northeast Edge Expansion Area and including at least 110 single-unit attached housing units and at least 440 multi-unit and duplex/triplex housing units within the Master Plan boundary itself. Therefore, minimum and maximum densities for each zone do not apply except single room occupancies are subject to BDC 3.6.200.O, Single Room Occupancy.

F. Maximum Lot Coverage. The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Residential Lot Coverage

Residential Zone	Lot Coverage
Standard Density Residential (RS)	50% for lots with 2+ story homes <u>and 2+ story single room occupancies</u> 55% for lots with single-story homes <u>and single-story single room occupancies</u>
Medium Density Residential (RM)	50% for lots with 2+ story homes 55% for lots with single-story homes 60% for lots with townhomes, duplexes, triplexes, quadplexes, <u>single room occupancies</u> and multi-unit
High Density Residential (RH)	None

Article XXII. Treeline Master Planned Development.

2.7.4040 Review Procedures.

The following review procedures are applicable to uses and structures within the Treeline Master Planned Development:

- A. Single-unit detached dwellings, townhomes, accessory dwelling units, and duplexes are subject to BDC 4.2.400, Minimum Development Standards Review. A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400(A)(3), Approval Criteria, is required and will be verified through the building permit process. [
- B. Shelters are subject to BDC 3.6.600, Shelters and single room occupancies are subject to BDC 3.6.200.O, Single Room Occupancy.**

2.7.4050. Residential Zoning Districts

A. Permitted Uses. The land uses listed in Table 2.7.3950 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.3950, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 2.7.3950 may be permitted.

Table 2.7.4050 – Permitted and Conditional Uses

(Other uses in Table 2.7.4050 remain unchanged)

Land Use	RL	SLO
<u>*Single Room Occupancy</u>	<u>N</u>	<u>P</u>

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

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table:

Lot Areas and Dimensions by Housing Type and Zone/Overlay

(Other standards in the Table remain unchanged)

Residential Use	Zone/ Overlay	Lot Area	Lot Width/Depth
Single-Unit Detached Dwellings, and-Duplexes <u>and Single Room</u> <u>Occupancy</u>	RL	Minimum area: 10,000 sq. ft.	Minimum lot width: 100 ft. Minimum lot depth: 100 ft.
	SLO	Minimum area: 4,000 sq. ft.	Minimum width: 40 ft. at front property line

			Minimum lot depth: 75 ft.
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F. Maximum Lot Coverage. The following maximum lot coverage standards apply to all development within the residential districts as follows:

Residential Lot Coverage

Zone/Overlay	Maximum Lot Coverage
Low Density Residential (RL)	35%
Standard Lot Overlay (SLO)	45% for lots with two-story homes <u>and two-story single room occupancies</u> 50% for lots with single-story homes and single-story accessory structures <u>and single story single room occupancies</u>

Article XXIII. Easton Master Planned Development

2.7.4140 Review Procedures.

The following review procedures are applicable to single-unit dwellings, duplexes, triplexes, and quadplexes within the Easton Master Planned Development:

A. Single-unit dwellings, accessory dwelling units, townhomes, duplexes, triplexes, and quadplexes are subject to BDC 4.2.400, Minimum Development Standards Review. BDC3.6.200(H), Duplex, Triplex and Quadplex Development, BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply. A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400, Approval Criteria, is required and will be verified through the building permit process.

B. Shelters are subject to BDC 3.6.600, Shelters and single room occupancies are subject to BDC 3.6.200.O, Single Room Occupancy.

B. C. All other uses are subject to BDC 4.2.500, Site Plan Review, BDC 2.1.900, Architectural Design Standards, BDC 2.2.600, Commercial Design Review, and BDC 4.2.600, Design Review, do not apply.

2.7.4150 Residential Zoning Districts.

A. **Permitted Uses.** The land uses listed in Table 2.7.4150 are permitted in the Residential Districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.7.3950, land uses that are incidental and subordinate to a permitted use, and land uses that are approved as "similar" to those in Table 2.7.3950 may be permitted.

Table 2.7.4150 – Permitted and Conditional Uses

(Other uses in Table 2.7.4150 remain unchanged)

Land Use	RS	RM	MHO
Residential			
<u>*Single Room Occupancy</u>	P	P	P

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

**Schools are permitted in the RS District, subject to the provisions of BDC 2.6.300, Development Standards.

B. Setbacks.

	Primary Front	Secondary Front	Rear	Side
RS, RM	10 ft.*	8 ft.*	5 ft.**/**	4 ft., except

				8 ft. when side abuts an alley***
MHO	10 ft.*	8 ft.*	5 ft.	4 ft., except 8 ft. when side abuts an alley

*Garages and/or carports must maintain a minimum front setback of 20 feet.

**Garages and/or carports that access an alley must have a driveway with a minimum length of 18 feet.

***When multi-unit buildings containing five or more units, single room occupancies with more than six units or nonresidential uses abut a detached single-unit dwelling or duplex on land designated RS, any side or rear setback abutting the RS land must increase one-half foot for each foot by which the building height exceeds 20 feet. Where a fractional number results, the number may be rounded down to the nearest whole number.

D. **Lot Area and Dimensions.** Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area and dimensions are subject to the type of residential structure being occupied. Lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Lot Areas and Dimensions in Easton by Housing Type and Zone

(Other standards in table remain unchanged)

Residential Use	Zone	Minimum Lot Area	Lot Width/Depth
Single-Unit Detached Dwellings	RS	2,700 sq. ft.	Minimum width: 30 ft. at front property line Minimum lot depth: 75 <u>50</u> ft.
	RM	2,500 sq. ft.	Minimum width: 30 ft. at the front property line Minimum lot depth: 50 ft.

	MHO	Not applicable	Not applicable
<u>Single Room Occupancy</u>	<u>RS</u>	<u>7,000 sq. ft.</u>	<u>Minimum width: 40 ft. at front property line</u> <u>Minimum lot depth: 50 ft.</u>
	<u>RM</u>	<u>None</u>	<u>Minimum width: 30 ft. at the front property line</u>
	<u>MHO</u>	<u>None</u>	<u>Minimum lot depth: 50 ft.</u>

F. *Maximum Lot Coverage.* The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Residential Lot Coverage

Residential Zone	Lot Coverage
Standard Density Residential (RS)	50% for lots with 2+ story dwelling units 55% for lots with single-story dwelling units and single-story accessory structures
Medium Density Residential (RM)	60% for lots with townhomes, duplexes, triplexes, quadplexes, <u>single room occupancies</u> and multi-unit
Middle Housing Overlay (MHO)	None

Article XXIV. Stevens Ranch Master Planned Development

2.7.4240 Review Procedures for Residential Dwellings.

Single-unit detached dwellings, townhomes, duplexes, triplexes and quadplexes are subject to BDC 4.2.400, Minimum Development Standards Review. BDC 4.2.500, Site Plan Review, and BDC 4.2.600, Design Review, do not apply. Uses that meet standards of BDC 4.2.400(A)(3) are exempt from BDC 4.2.400, Minimum Development Standards Review. Single room occupancies are subject to BDC 3.6.200.O, Single Room Occupancy.

2.7.4250 Residential

A. Permitted Uses. The land uses listed in Table 2.7.4250.A are permitted in the Residential Districts within the Stevens Ranch Master Planned Development area in lieu of those listed in BDC Chapter 2.1 and are subject to the provisions of this chapter. The land uses identified with a "C" in Table 2.7.4250.A require conditional use permit approval prior to development, in accordance with BDC Chapter 4.4, Conditional Use Permits. Allowed uses also include land uses that are incidental and subordinate to a permitted use, and land uses that are approved as similar to those in Table 2.7.4250.A.

Table 2.7.4250.A – Permitted and Conditional Uses

(Other uses in Table 2.7.4250.A remain unchanged)

Land Use	RS	RM	RH
Residential Uses			
* Single Room Occupancy	P	P	P

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area and dimensions are subject to the type

of structure being occupied. For lot area and dimensions exceptions for affordable housing, see BDC 3.6.200 (C).

Table 2.7.4250.D – Lot Areas and Dimensions in the Stevens Ranch Residential Districts by Housing Type and Zone

(Other standards in Table 2.7.4250.D remain unchanged)

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth	
Duplexes, Triples, Quadplexes	RS	2,800 sq. ft. (duplex)	Width: 40 ft. at front property line Depth: 50 ft.	
		4,000 sq. ft. (triplex)		
		4,000 sq. ft. (quadplex)		
Single Room Occupancy	RM	None	Width: 30 ft. at front property line Depth: 50 ft.	
		<i>(Cells need merged)</i>		
		<i>(Cells need merged)</i>		
	RS	4,000 sq. ft.	Width: 40 ft. at front property line Depth: 50 ft.	
	RM	None	Width 30 ft. at front property line Depth: 50 ft.	
		None		

F. Maximum Lot Coverage. The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Table 2.7.4250.F – Residential Lot Coverage

Standard Density Residential (RS)	60% for all single-unit detached, duplex, triplex, and quadplex, and single room occupancy. No maximum for townhomes.
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Medium Density Residential (RM)	60% for all single-unit detached, duplex, triplex, and quadplex, <u>and single room occupancy with six or fewer units</u> . No maximum for townhomes, <u>single room occupancy with more than six units</u> or multi-unit.
High Density Residential (RH)	None

Article XXV. Talline Master Planned Development

2.7.4440 Review Procedures.

D. Shelters are subject to BDC 3.6.600, Shelters and single room occupancies are subject to BDC 3.6.200.O, Single Room Occupancy.

Article XXVII. Parkside Place Master Planned Development

2.7.4640 Residential Standards.

D. Lot Area and Dimensions. Lot areas and lot dimension standards for residential uses are listed in the following table. For other uses permitted in each zone, the lot area and dimensions are subject to the type of structure being occupied. For lot area and dimensions exceptions for affordable housing, see BDC 3.6.200(C).

Table 2.7.4640.D. Lot Areas and Dimensions in the Parkside Place Master Plan by Housing Type and Zone

Residential Use	Zone	Minimum Lot Area	Minimum Lot Width/Depth
Single-Unit Detached Dwellings	RS	2,700 sq. ft.	Width: 30 ft. at front property line Depth: 50 ft.
<u>Single Room Occupancy with six or fewer units</u>	RM	2,100 sq. ft.	Width 20 ft. at front property line Depth: 50 ft.
	RH	Not applicable	Not applicable
Townhomes	RS	Average minimum lot or parcel size: 1,500 sq. ft. for each unit	Width: 20 ft. at front property line for interior townhome lots Depth: 50 ft.
	RM	Average minimum lot or parcel size: 1,200 sq. ft. for each unit	
	RH	None	
Multi-Unit Dwellings (5+ units)	RM, RH		Width: 30 ft. at front property line Depth 50 ft.
<u>Single Room Occupancy with more than six units</u>			

F. **Maximum Lot Coverage.** The following maximum lot coverage standards apply to all development within the Residential Districts as follows:

Table 2.7.4640.F. Residential Lot Coverage

Zone	Maximum Lot Coverage

Standard Density Residential (RS) and Medium Density Residential (RM)	60% for all single-unit detached, duplex, triplex, and quadplex, <u>and single room occupancy with six or fewer units</u> . No maximum for townhomes, <u>single room occupancy with more than six units</u> or multi-unit.
High Density Residential (RH)	None

Chapter 3.1

LOT, PARCEL AND BLOCK DESIGN, ACCESS AND CIRCULATION

3.1.400 Vehicular Access Management.

F. Access Management Requirements. Access to the street and alley system must meet the following standards:

3. Alley Access.

c. Mixed-Use, Single Room Occupancy and Multi-Unit Developments.

- i. *Clear and Objective Track.* For lots or parcels abutting an alley, access must be taken from the alley.
- ii. *Discretionary Track.* If the applicant states in the written narrative they are electing to use a Type II discretionary track, then the applicant may request that the Review Authority make a determination if the alley is impractical due to physical or topographical constraints, natural features or that the alley does not provide adequate or sufficient access to the proposed development and access to the higher classification roadway will be safe.

J. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13 feet six inches for their entire length and width. *(Repealed with ORD XXX, Building and fire codes will regulate this.)*

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential uses.

O. Single Room Occupancy. Single room occupancies must comply with the following standards in addition to the standards of the applicable zoning district:

1. Single room occupancies are permitted as follows:
 - a. In the RL zone with a maximum of six units on each lot or parcel.
 - b. In the RS, RM and RH zone with the maximum number of units consistent with the density standards of the corresponding zoning district.
2. Review Procedure.
 - a. Six or fewer units: Minimum Development Standards Review, see BDC 4.2.400 Minimum Development Standards Review. A Minimum Development Standards Review application is not required; however, compliance with BDC 4.2.400(A)(3), Approval Criteria, is required and will be verified through the building permit process.
 - b. More than six units: Site Plan Review, see BDC 4.2.500 Site Plan Review.
3. Single room occupancies must include a minimum of four attached units that are independently rented and lockable.
4. Each unit must provide living and sleeping space for the exclusive use of an occupant.
5. Occupants must share sanitary or food preparation facilities with the other units in the occupancy. The developer may provide both facilities as shared facilities; however, when one of the facilities isn't shared, it must be provided in each unit for the exclusive use of the occupant.
6. The parking maximum is one and one-half parking spaces per unit.

7. Bicycle Parking.
 - a. Six or fewer units. None
 - b. More than six units. 1 covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the single room occupancy has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered under an eave, overhang, an independent structure, or similar cover.
8. Single room occupancies with more than six units must provide a minimum 15 percent landscaping.
See BDC 3.2.300, New Landscaping.
9. The use of a unit as a short-term rental is prohibited.

Chapter 4.3

LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

4.3.300 Tentative Plan.

- B. *Informational Requirements.* A tentative plan must be prepared by a professional land surveyor, a registered professional engineer or a registered landscape architect and contain the information listed below. Some information may be omitted from the tentative plan if it is provided in accompanying materials. No tentative plan will be considered complete unless all the required information is provided.

3. Information Concerning Proposed Subdivision, Partition or Replat.

- m. Proposed tracts and/or easements for locating, accessing, replacing, and servicing all utilities, which must include provisions that commit the owners or owners' designee to maintain (1) all

elements of the tract or easement, and (2) any privately-owned utility facilities within the tract or easement.

4.3.400 Final Plat.

E. Supplemental Information with the Final Plat. The following data, if applicable, shall accompany the final plat.

8. *Condominium Plats.* Any final plat for a condominium shall be accompanied by a copy of the condominium declaration. *(In compliance with HB 3395)*

4.3.700 Expedited and Middle Housing Land Division

A. Applicability.

D. Approval Criteria for an Expedited and Middle Housing Land Division.

2. *Middle Housing Land Division Approval Criteria.* The applicant for a middle housing land division must demonstrate that the application meets all of the following criteria:

d. The preliminary plat includes easements or tracts necessary for each dwelling unit for:

i. Locating, accessing, replacing, and servicing all utilities, a minimum of five feet in width. *Easements across property lines must be avoided if utilities to the lot frontage can be obtained from existing mains or installation of new mains;*

- ii. Pedestrian access easement a minimum width of four feet from each dwelling unit to a private or public street and to any required common area;
- iii. Any common use areas or shared building elements;
- iv. Any driveways or parking; and
- v. Any common area.

- f. ~~Where a resulting lot or parcel abuts a street that does not meet City standards, street frontage improvements will be constructed in conformance with the City's Standards and Specifications and, if necessary, additional right-of-way will be dedicated to the public without reservation or restriction.~~
- f. Where a resulting lot or parcel abuts a street that does not meet City standards, street frontage improvements must be constructed in conformance with BDC 3.4.200 F, Minimum Rights-of-Way and Street Sections.
- g. If the original lot or parcel did not previously provide the dedication needed to meet current standards, additional right-of-way in compliance with BDC 3.4.200 Table A, Right-of-Way Widths for Dedicated Public Roadways must be dedicated to the City free and clear of all existing liens and encumbrances.
- g. h. The type of middle housing developed on the parent site is not altered by a middle housing land division.

F. *Final Plat Requirements for Expedited and Middle Housing Land Divisions.*

2. *Middle Housing Land Division Final Plat.*

b. A final plat will not be approved until building permits are issued and framing inspections for each dwelling units on each lot or parcel are passed.

f. The applicant must record with the County Recorder approved tracts and/or easements for locating, accessing, replacing, and servicing all utilities, which must include provisions that commit the owners or owners' designee to maintain (1) all elements of the tract or easement, and (2) any privately-owned utility facilities within the tract or easement. The tracts or easements containing the maintenance provisions must be submitted to the County with the final plat.

g. The tentative approval of a middle housing land division is void if a final subdivision or partition plat is not recorded within three years of the tentative approval.

EXHIBIT B
FINDINGS OF FACT
BEND COMPREHENSIVE PLAN AND BEND
DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PLTEXT20230479

I. PROCEDURAL FINDINGS:

(1) PUBLIC NOTICE AND COMMENTS.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on August 31, 2023. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group, and to the Neighborhood Districts Land Use Chairs on August 31, 2023. A notice of the October 9, 2023, Planning Commission public hearing was printed in the Bend Bulletin on September 17, 2023, and mailed and emailed to the Neighborhood District Land Use Chairs on September 18, 2023. A notice of the November 1, 2023, City Council public hearing was printed in the Bend Bulletin on October 8, 2023, and mailed and emailed to the Neighborhood Districts Land Use Chairs on October 4, 2023. Public comments can be viewed in the Online Permit Center Portal on the City of Bend website by opening the portal and selecting the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20230479 in the search bar to find the project.

(2) PROPOSAL: The City of Bend is proposing a package of amendments to the Bend Comprehensive Plan and Bend Development Code (BDC) to facilitate housing development. The primary purpose of the proposed amendments is to remove the maximum density in the High Density Residential (RH) District, add single room occupancies (SRO) as a permitted use in the residential districts in compliance with HB 3395, and to update certain middle housing land division requirements and criteria. There are also minor changes throughout the BDC for consistency and clarity.

The amendments are to Bend Comprehensive Plan Chapter 5, Housing and Chapter 11, Growth Management and to Bend Development Code (BDC) Chapters 1.2, Definitions, 2.1, Residential Districts (UAR, RL, RS, RM-10, RM RH), 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.6, Special Standards and Regulations for Certain Uses, and 4.3, Land Divisions and Property Line Adjustments and minor amendments throughout the BDC for consistency and clarity. The recommended amendments are attached as Exhibit A.

II. 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

III. APPLICABLE PROCEDURES:

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

IV. 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 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, calls for the opportunity for citizens to be involved in all phases of the planning process and is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

FINDING: Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on August 31, 2023. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Districts Land Use Chairs on August 31, 2023.

The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners and engineers, staff from Central Oregon Builders Association (COBA), Oregon LandWatch and Bend Park and Recreation District and the Land Use Chairs of Bend Neighborhood Districts.

On September 25, 2023, the Planning Commission, along with a member from the City's Affordable Housing Advisory Committee (AHAC), held a joint work session and discussed the amendments.

A notice of the October 9, 2023, Planning Commission public hearing was printed in the Bend Bulletin on September 17, 2023, and mailed and emailed to the Neighborhood District Land Use Chairs on September 18, 2023. A notice of the November 1, 2023, City Council public hearing was printed in the Bend Bulletin on October 8, 2023, and mailed and emailed to the Neighborhood Districts Land Use Chairs on October 4, 2023. On October 9, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council.

Therefore, Goal 1 has been met.

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

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

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

The proposed amendments support Council's goal of "Affordable Housing and Sustainable Development" and strategy to "optimize housing continuum." The strategy includes an action to "Explore revenue and code/policy options to increase affordable and middle-income housing". The proposed amendments remove regulatory barriers to the development of multi-unit dwellings and middle housing land divisions and create a new housing opportunity called single room occupancy.

The proposed amendments remove the maximum density of 43 units per gross acre in the RH District. Rather than regulate the maximum number of units in this district, current standards including setbacks, height and lot coverage will control the scale of the development and the number of units. Removing the maximum density in the RH District may facilitate the development of more affordable and middle-income housing units, as some

developers may choose to maximize the number of units that can fit on a site while meeting other development standards. In addition, according to City Housing Department staff the increasing cost of construction since 2019 have made projects unable to pencil without additional density. While state law has aimed to make housing development easier, those changes have not overcome construction cost escalation, so developments that were viable a few years ago now need more density to overcome the cost increases.

The Oregon Legislature passed HB 3395 in the 2023 long session which requires cities to allow single room occupancies with up to six units on each lot zoned for single-unit detached dwellings and, if the lot allows the development of five or more units, then the SRO development is allowed the number of units consistent with the underlying density standards. A single room occupancy is a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant(s) but require that the occupant(s) share sanitary or food preparation facilities with other units in the occupancy. The proposed amendments add single room occupancies as a permitted use in the residential districts and master plans and add development standards to BDC Chapter 3.6, Special Standards and Regulation for Certain Uses. The provisions in HB 3395 for single room occupancies take effect on January 1, 2024.

SB 458 was passed by the Oregon Legislature in 2021 and it went into effect July 1, 2022. The bill was a follow-up to HB 2001 which allowed middle housing on lots zoned for single-unit detached dwellings in many cities throughout the state. SB 458 required cities to allow middle housing developments to be divided into individual lots for homeownership opportunities. For example, a triplex could be built on a lot and then split into three smaller parcels, each containing one dwelling unit, through the middle housing land division procedure.

Since the amendments to the BDC implementing SB 458 went into effect, there have only been a handful of applications approved for a middle housing land division. Based on feedback from staff and our development and housing community, the proposed amendments to the approval criteria and final plat requirements are needed to remove barriers and encourage this type of land division.

Therefore, the amendments are justified and needed, and compliance with Goal 2 is met.

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

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

Goal 7, Areas Subject to Natural Hazards, is not applicable because the City's

acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

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

Goal 9, Economic Development, is implemented through Oregon Administrative Rule (OAR) Division 9, which is intended to ensure that each jurisdiction maintain an adequate land supply for economic development and employment growth. This goal is not applicable as the amendments have no effect on economic development and economic growth.

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

FINDING: According to the 2016 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.

In addition, Council has a goal of "Affordable Housing and Sustainable Development" and a strategy to "optimize housing continuum." The strategy includes an action to "Explore revenue and code/policy options to increase affordable and middle-income housing."

The amendments add single room occupancies as another housing type, which implements Council's goal and strategy to provide options to increase affordable and middle-income housing. Typically, a single room occupancy unit consists of a one-room living space independently rented and lockable and provides living and sleeping space for the exclusive use of an occupant(s) while the occupant(s) share sanitary or food preparation facilities with other units in the occupancy.

The amendments also remove barriers for middle housing land divisions by not requiring the middle housing units to pass a framing inspection prior to recording a final plat. This will expedite the platting process and help encourage more middle housing developments to be divided into individual lots for homeownership opportunities.

The amendments also remove the maximum density of 43 units per gross acre in the RH District. This will allow developers to build more units in the highest density residential zone district and increase the overall housing supply.

The proposed amendments implement Council's goal and provide opportunities to build needed housing that was identified in the Bend Housing Needs Analysis acknowledged in the December 2016 Urban Growth Boundary Expansion and they support the changing demographics and lifestyles of Bend's current and future residents.

Therefore, compliance with Goal 10 has been met.

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

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

Therefore, compliance with Goal 12 has been met.

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 are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

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

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

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

Chapter 1: Plan Management and Citizen Involvement

Goals:

- **Create Housing Options and Affordability** Bend residents have access to a variety of high quality housing options, including housing affordable to people with a range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.

FINDING: The amendments support Council’s goal of “Affordable Housing and Sustainable Development” and strategy to “optimize housing continuum.” The strategy includes an action to “Explore revenue and code/policy options to increase affordable and middle-income housing.” The amendments remove regulatory barriers to the development of multi-unit dwellings and middle housing and create a new housing opportunity called single room occupancy. The amendments are the latest effort to implement the Council’s goal and the Comprehensive Plan Goals.

- **Ensure Quality Design and Attractive Development** Ensure that the “built environment” is as attractive as feasible.

FINDING: Single room occupancies with more than six units must comply with BDC 2.1.900, Architectural Design Standards and single room occupancies with six or fewer units must comply with BDC 2.1.950, Design Standards. In addition, the front door orientation standards are being amended to apply to single-unit dwellings, duplexes and single-room occupancies to ensure the front doors are not orientated towards an alley.

During the Planning Commission public hearing on October 9, 2023, the Commission discussed applying the front door orientation standards only to the interior units of townhomes since end units may front onto common areas, shared driveways or other similar areas. The Commission recommended approval of the following additional amendment (in bold) to BDC 2.1.1100(E)(2) to the City Council:

(2) Standards. The following front door orientation standards are required for lots and parcels with frontage onto a street. For purposes of this section, a “street” also means a tract for mid-block developments and T-courts. For duplexes, triplexes and quadplexes, this standard is only required to be met for one of the dwelling units. **For townhome units, this standard only applies to the interior units.** For single room occupancies, this standard is only required to be met for one entrance. The front door entrance must either:

- a. Face the street;
- b. Be at an angle of up to 45 degrees from the street;
- c. Face a common open space that abuts the street and is abutted by dwellings on at least two sides; or
- d. Open onto a porch. The porch must be at least 20 square feet in area and have at least one entrance facing the street or have a roof. A covered walkway or breezeway is not a porch.

These amendments ensure the built environment is as attractive as feasible while balancing the requirement to apply only clear and objective standards to housing development.

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

FINDING: Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group, and to the Neighborhood Districts Land Use Chairs on August 31, 2023. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners and engineers, staff from COBA, Oregon LandWatch and Bend Park and Recreation District and the Land Use Chairs of Neighborhood Districts. A notice of the October 9, 2023, Planning Commission public hearing was printed in the Bend Bulletin on September 17, 2023, and mailed and emailed to the Neighborhood District Land Use Chairs on September 18, 2023. A notice of the November 1, 2023, City Council public hearing was printed in the Bend Bulletin on October 8, 2023, and mailed and emailed to the Neighborhood Districts Land Use Chairs on October 4, 2023.

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

FINDING: The amendments implement the Comprehensive Plan through effective, clear and consistent language that reflects the intent of the vision.

Policies

Development within the Urban Growth Boundary

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

FINDING: The Oregon Legislature passed HB 3395 in the 2023 long session which requires cities to allow single room occupancies (SROs) with up to six units on each lot zoned for single-unit detached dwellings and, if the lot allows the development of five or more units, then the SRO development is allowed the number of units consistent with the underlying density standards. Although the RH District does not permit single-unit detached dwellings, the amendments will permit SROs since this District is intended to provide land primarily for high-density multi-unit residential in locations close to shopping and services, transportation

and public open space. When single room occupancies are developed in places that are close to jobs and shopping, they can produce shorter vehicle trips and more walking and transit trips.

Citizen Involvement

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

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

FINDING for 1-15 and 1-16: Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on August 31, 2023. Staff emailed the proposed amendments to the people who have expressed an interest in the amendments, to the Bend Development Code Update Group and to the Neighborhood Districts Land Use Chairs on August 31, 2023. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners and engineers, staff from COBA, Oregon LandWatch and Bend Park and Recreation District, and the Land Use Chairs of Neighborhood Districts.

On September 25, 2023, the Planning Commission, along with a member from the Affordable Housing Advisory Committee (AHAC), held a joint work session and discussed the amendments.

A notice of the October 9, 2023, Planning Commission public hearing was printed in the Bend Bulletin on September 17, 2023, and mailed and emailed to the Neighborhood Districts on September 18, 2023. A notice of the November 1, 2023, City Council public hearing was printed in the Bend Bulletin on October 8, 2023, and mailed and emailed to the Neighborhood Districts Land Use Chairs on October 4, 2023. On October 9, 2023, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council.

Therefore, compliance with Chapter 1 has been met.

Chapter 5: Housing and Residential Lands

The amendments to Table 5-1, Residential Plan Districts are needed to remove the maximum density in the RH Plan Designation and Zoning Districts. This will allow more units to be built and increase the overall housing supply.

Residential Plan Districts

Table 5-1. Residential Plan Districts

(Other Plan Designations in Table 5-1 remain unchanged)

Plan Designation	Characteristics	Implementing Zone(s)*	Density Range (dwellings per gross acre)**
Urban High Density	The Urban High Density designation is intended to provide land for primarily high density multi-unit residential, with opportunities for neighborhood commercial uses. It also provides opportunities for supporting public and institutional uses on a case-by-case basis. It is generally suitable for locations in proximity to downtown, commercial areas and/or transit corridors.	Residential High Density (RH)	Min: 21.7 <u>Max: 43.0 No Maximum</u>

*Inside the Bend UGB, the Urban Area Reserve (UAR-10) and Suburban Residential (SR-2½) zoning districts are holding zones to preserve land for future urban development consistent with underlying urban plan designations. They are intended to provide limited opportunities for housing and limited other rural uses that will not interfere with future development of urban uses. Inside the Bend UGB, the SR-2½ district is intended for use only for areas with existing rural development patterns, and is generally not appropriate for large tracts of vacant land.

**See Bend Development Code for methodology to calculate minimum and maximum densities.

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 proposed amendments create single room occupancies, remove regulatory barriers to middle housing land divisions and remove the maximum density in the RH District. These amendments support a variety of living styles, accommodate different housing needs and promote flexibility in development standards for more efficient use of residential lands.

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: According to Bend's Housing Needs Analysis, Bend is planning for growth of about 38,500 people between 2008 and 2028, requiring 16,700 new dwelling units. Bend's housing needs are changing, based on the following key demographic changes occurring in Bend and across the nation:

- Growth in Baby Boomers (Age in 2014: 48 to 67 years old; Age in 2028: 62 to 81 years old). The number of people over age 65 years old is projected to grow by more than 37,000 over the planning period. Given that Bend's population accounts for about half of the County's population, about half of this growth will be in Bend. Households with a householder over the age of 65 typically have lower income than younger households. Those without accumulated wealth (e.g., housing equity or investments) may choose lower-cost multi-unit housing. Some Baby Boomers may choose to downsize their housing, resulting in greater demand for small single-unit detached dwellings, cottages, accessory dwelling units, townhomes, apartments, and condominiums.
- Growth in Millennials (Age in 2014: 17 to 30 years old; Age in 2028: 31 to 44 years old). The number of Millennials is expected to grow by about 14,000 in Deschutes County over the planning period. Given that Bend's population accounts for about half of the County's population, about half of this growth will be in Bend. Younger Millennials typically have lower income and may have higher debt. Growth in Millennial households will increase the need for affordable housing for renters and homeowners such as: small single-unit detached dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.
- Growth in Hispanic and Latino population. The Hispanic and Latino population more than doubled between 2000 and 2013, growing by nearly 6,000 people. The Hispanic and Latino population is expected to continue to grow throughout the State, including in Bend, through 2028. To the extent that in-migrating Hispanic and Latino households have lower than average income, then in-migration of ethnic groups will increase demand for housing affordable to low- and moderate-income households relative to demand for other types of housing. Growth in Hispanic and Latino households will increase the need for affordable housing for renters and homeowners such as: single-unit detached dwellings (both smaller and larger sized dwellings), duplexes, larger townhomes, garden apartments, and apartments. Ownership opportunities for Hispanic and Latino households will focus on moderate-cost ownership opportunities, such as single-unit detached dwellings on a small lot or in a more suburban location, duplexes, and townhomes.

The amendments will help implement a mix of housing indicated in the adopted Housing Needs Analysis by allowing another option for smaller units through the creation of single room occupancies. Single room occupancy means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant(s) but require that the occupant(s) share sanitary or food preparation facilities with other units in the occupancy. The amendments also

support homeownership of middle housing units by removing barriers in the criteria and final plat requirements for middle housing land divisions.

The proposed amendments support higher density developments by removing the maximum density of 43 units per gross acre in the High Density Residential (RH) District. Rather than regulate the maximum number of units in this district, standards including setbacks, height and lot coverage will control the scale and density of development. Removing the maximum density in the RH District may facilitate the development of more housing units identified in the Bend Housing Needs Analysis as some developers may choose to maximize the number of units that can fit on a site while meeting other development standards.

5-5 The main purpose of maximum densities shown on the Plan Map is to maintain proper relationships between proposed public facilities and services and population distribution. One purpose of minimum densities is to assure efficiency of land use, particularly for larger sites. Another is to encourage development of housing in locations and at densities that support healthy, accessible, and affordable housing choices.

FINDING: As used in the BDC, density means a measurement of the number of dwelling units in relationship to a specified amount of land. Although the City of Bend uses individual dwelling units as a measurement, it doesn't measure the size of the units. An apartment building may be comprised of all one-bedroom units, or it may have all three-bedroom units, but the overall structure can result in similar levels of FAR (Floor area ratio means a measurement of building density calculated by dividing the gross enclosed floor area of a building measured to the inside of the external walls by the land area of the development.) Based on this, the amendments are removing the maximum density in the RH District and will allow the development standards including lot coverage, setbacks and height to regulate the size and density of the building.

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density".

FINDING: The summary of key findings about housing affordability in the Housing Needs Analysis states that the decreases in housing affordability for homeowners shows an increased need for less costly smaller single-unit detached housing, both smaller lots and smaller units, such as cottages or cluster housing, and for townhouses. Demand for owner-occupied multi-unit housing, such as garden apartments or urban condominiums, may increase, especially in walkable areas with access to services. These types of more affordable owner-occupied units are the types likely to be preferred by some downsizing baby Boomers and Millennials, especially as first houses for Millennials.

In addition, according to the Housing Needs Analysis, some baby boomers may choose to downsize their housing, resulting in greater demand for small single-unit detached 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-unit detached dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

The BDC middle housing land division process allows the creation of multiple lots or parcels from a single parent site on which middle housing is developed or proposed, which results in each of the units being located on its own individual lot or parcel. Under the current code, a framing inspection must be completed for each unit prior to recording the final plat for a middle housing land division. This has created challenges with financing because lenders are not willing to finance construction until the land division is complete, and the newly created properties are legal lots of record.

The amendments will no longer require a framing inspection to be completed for each dwelling unit prior to recording the final plat and instead only require that building permits be issued for the units before the lots can be created. This will encourage more applicants to pursue a middle housing land division. Given the potential for smaller lot or parcel sizes to be created through a middle housing land division and potentially smaller units to be developed as part of a middle housing land division, a single unit of middle housing on a middle housing lot or parcel is likely to sell at a lower price point than a traditional single detached dwelling unit.

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

FINDING: The amendments remove the maximum density in the RH District and will allow lot coverage, setbacks and height to regulate the density and the scale of the development.

The amendments will permit single room occupancies in all residential zoning districts subject to the following allowable densities:

- In the RL zone a maximum of six units on each lot or parcel.
- In the RS, RM and RH zone a maximum number of units consistent with the density standards of the corresponding zoning district.

The amendments to the approval criteria and final plat requirements of a middle housing land division remove regulatory barriers to encourage this type of land division which supports home ownership opportunities.

The following additional amendments provide flexibility to support a mix of housing types and densities:

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

- Update lot depth for single-unit dwellings in the Petrosa and Easton Master Plans for consistency with lot depth requirements citywide.

Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation

- Delete vertical clearance requirements. This BDC standard is hindering development of denser residential and mixed-use projects with structured parking garages and can otherwise be addressed by applicable Building and Fire Codes.

Transportation Connectivity

5-38 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to the highest concentrations of population.

FINDING: The RH Districts are primarily located near schools, commercial services, and employment opportunities. The amendments to remove the maximum density in the RH District will allow developers to maximize the number of units in these areas and allow lot coverage, setbacks and height to regulate the density and the scale of the development.

Residential Development

5-55 The City will support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis.

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.

These amendments support residential infill by removing barriers to the criteria and final plat requirements for a middle housing land division. Allowing middle housing to be divided into smaller individual lots and parcels will provide more housing choices and may result in housing that is more affordable than typical single unit detached dwelling unit developments. In addition, deleting the vertical clearance requirements supports denser infill development since this standard is hindering development projects with structured parking garages. The amendments also remove the maximum density in the RH District and create single room occupancies. Therefore, the amendments support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis.

5-56 The City will promote a mix of housing types in areas zoned residential through clear and objective standards and in compliance with HB 2001.

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

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

The City implemented HB 2001 with the adoption of Ordinance No. NS- 2423 which approved amendments to the BDC to allow duplexes, triplexes, quadplexes, townhomes and cottage clusters in all residential zoning districts with reduced lots sizes and no maximum density requirements. SB 458 was a follow-up to HB 2001 and required cities to allow an expedited land division for any HB 2001 middle housing type built in accordance with ORS 197.758. The City implemented SB 458 in July 2022 with Ordinance No. 2445, which created BDC 4.3.700, Expedited and Middle Housing Land Division. Since then, there have only been a handful of applications approved for a middle housing land division. Based on feedback from staff and our development and housing community, the proposed amendments to the approval criteria and final plat requirements are needed to remove regulatory barriers and encourage this type of land division for middle housing. The amendments are clear and objective and continue to promote a mix of housing types in all residential zoning districts in compliance with HB 2001.

Shelters and Transitional Housing

5-57 The City will support removing barriers for the development of shelters and other types of supportive and transitional housing for people who lack housing in all plan designations, except Industrial General (IG).

Population estimates anticipate an additional 20,000 people moving to Bend by the year 2030¹. Bend, like many communities in the western United States, is becoming an unaffordable place to live for many people. While Bend has one of the leading Affordable Housing Programs in the state of Oregon, local wages, a tourism-based economy, and rising housing prices have left many people behind and struggling to find housing.

The Oregon Legislature passed HB 3395 in the 2023 long session which requires cities to allow single room occupancies with up to six units on each lot zoned for single-unit detached dwellings and, if the lot allows the development of five or more units, then the SRO development is allowed the number of units consistent with the underlying density standards. A single room occupancy is a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant(s) but require that the occupant(s) share sanitary or food preparation facilities with other units in the occupancy. Single room occupancy units can offer another option for transitional housing, consistent with this policy. The proposed amendments add single room occupancies as a permitted use in the residential districts and master plans and add development standards to BDC Chapter 3.6, Special Standards and Regulation for Certain Uses. The provisions in HB 3395 for single room occupancies take effect on January 1, 2024.

The amendments to remove the maximum density in the High Density Residential (RH) District, add single room occupancies as a permitted use in the residential districts in compliance with

¹ Portland State University Center Population Research Center
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HB 3395, and to update certain middle housing land division requirements and criteria, and the amendments for clarity and consistency satisfy Chapter 5 since they will help keep our neighborhoods livable by offering a variety of living styles and choices, provide housing options that accommodate varied housing needs of citizens and promote flexibility in development standards to balance the need for more efficient use of residential land. Therefore, the amendments satisfy Chapter 5, Housing.

Chapter 8: Public Facilities and Services

Goals:

- To have public and private utility systems provide adequate levels of service to the public at reasonable cost;

Policies

Sewer Collection Facilities

8-1 All new development within the City Limits should be connected to City sewer.

Water Facilities and Systems

8-18 Within the urban planning area, public and private water systems shall be consistent with City Standards and Specifications for construction and service capabilities.

FINDING: An application for a single room occupancy with six or fewer units must comply with the following criteria in BDC 4.2.400. Minimum Development Standards Review:

Where available, public water and sewer mains must be extended through the length of the property frontage with services provided to the dwelling unit(s).

An application for a single room occupancy development with more than six units must demonstrate that the application meets the following criteria as required by BDC 4.2.500.D, Site Plan Review Approval Criteria:

All required public facilities have adequate capacity, as determined by the City, to serve the proposed use.

Proposed amendments to clarify middle housing land division approval criteria and final plat requirements will more closely align BDC 4.3.700 with SB 458 while still ensuring that sewer and water service connections can be located, accessed, replaced and serviced. The utilities must be placed within a tract or easement and include a provision that the owners maintain all elements of the easement(s) and any privately-owned utility facilities within the easement(s).

Storm Drainage Facilities and Systems

8-24 Due to the lack of a defined drainage pattern for most of the urban area, development shall, to the extent practicable, contain and treat storm drainage on-site. In instances where containing storm drainage on-site would not be safe or practicable, the developer shall enter into a formal and recorded arrangement with the City or a private party to adequately address the storm drainage off site such as a regional control.

FINDING: Single room occupancy developments must comply with BDC 3.5.600, On-Site Drainage, which requires on-site surface water drainage, including roof drainage, to be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property. Any proposed storm drainage public facilities must also comply with BDC 3.4.500, Storm Drainage Improvements. Construction of public improvements cannot commence until the City Engineer has approved all plans in conformance with the City of Bend Standards and Specifications.

Therefore, the amendments satisfy Chapter 8, Public Facilities and Services.

Chapter 9: Community Appearance

Goal

The purpose of including a community appearance section and policies in the Comprehensive Plan is to provide direction to significantly improve the appearance of the entire community, and especially in those high visibility areas along the commercial corridors. The community appearance section of this Plan has therefore been prepared in conformance with the following general goals:

- To make a concerted effort to improve the appearance of the community, particularly in the commercial, industrial and multi-unit areas;

Policy

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

FINDING: The amendments ensure design standards for single room occupancies by requiring single room occupancies with more than six units to comply with BDC 2.1.900, Architectural Design Standards and by requiring single room occupancies with six or fewer units to comply with BDC 2.1.950, Design Standards.

Therefore, the amendments satisfy Chapter 9, Community Appearance.

Chapter 11: Growth Management

Policy

11-51 Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.

The amendments to Table 11-1, Residential Master Plan Minimum Density and Housing Mix are needed to remove the maximum density in the RH Plan Designation and Zoning Districts. This will allow more units to be built while still complying with other existing development standards and increase the overall housing supply.

Table 11-1. Residential Master Plan Minimum Density and Housing Mix

(Other Residential Districts in Table 11-1 remain unchanged)

Residential District	Implementing Zone(s)	General Density Range*	Master Plan Minimum Density*	Master Plan Minimum Housing Mix **
Urban High Density	Residential High Density (RH)	Min: 21.7 Max: 43.0 No Maximum	21.7	90%

*Density is expressed as dwellings per gross acre. See Bend Development Code for methodology to calculate minimum and maximum densities and for exemptions to the general density ranges.

**Housing mix is expressed as the minimum percent of units that must be townhomes, cottage developments, duplexes/triplexes/quadplexes and/or multi-units. See Bend Development Code for definitions of housing types.

The reduction in minimum lot depth in the Easton and Petrosa Master Plans and adding single room occupancies as an allowed use in all applicable master plans will help facilitate a variety of housing types. No changes are proposed to the required mix of housing types within master plans and will provide the opportunity to achieve higher overall density than currently allowed in master plans. Therefore, the amendments satisfy Chapter 11, Growth Management.

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 remove the maximum density in the RH District, add single room Housing Code Update
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occupancies as a permitted use in the residential districts in compliance with HB 3395, and update certain middle housing land division requirements and criteria and include minor changes throughout the BDC for consistency and clarity. The amendments help meet the needs identified in the Housing Needs Analysis and provide a public need and benefit since they facilitate development of more affordable and middle-income housing units, support smaller housing units and provide more opportunities for home ownership in the City of Bend. Therefore, the amendments to the 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 BDC which is a functional component of the Bend Comprehensive Plan and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations that result in the generation of additional vehicle trips; therefore, the amendments will have no immediately measurable impacts on the amount of traffic on the existing transportation system. Because of this, the text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

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

