

## ORDINANCE NO. NS-2532

### AN ORDINANCE OF THE CITY COUNCIL AMENDING THE BEND DEVELOPMENT CODE (BDC) CHAPTERS 1.2, DEFINITIONS, 2.1, RESIDENTIAL DISTRICTS, 3.6, SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES, AND 3.8, DEVELOPMENT ALTERNATIVES

#### Recitals

- A. On June 20, 2023, City staff held a workshop to identify barriers to housing production. Attendees included developers, employers, small lot and infill property owners, architects, home loan officers, representation from Central Oregon Builders Association (COBA), a representative from the Affordable Housing Advisory Committee (AHAC) and the City of Bend Building Official.
- B. One of the recommendations from the workshop was to allow multiple accessory dwelling units (ADUs) on a lot or a second “Junior ADU” when converting existing square footage of a dwelling unit into a separate dwelling space. The attendees also recommended removing restrictions that prevent second kitchens from being added within a dwelling unit.
- C. The purpose of these recommendations is to provide additional options for homeowners and families for their accessory housing needs, which often including supporting intergenerational and caretaker living.
- D. On October 24, 2023, the City Council received an email from a local developer with a proposal to allow “detached townhomes” to construct and finance the townhome lots individually. The developer also recommended an option for building a row-house style development with minimal side setbacks.
- E. After much staff research and meetings to vet the suggested ideas for practical use and to align with related code standards, the City Council reviewed the recommendations at a work session on November 6, 2024, and requested staff develop draft BDC amendments for consideration.
- F. The amendments together propose to facilitate housing by allowing a second kitchen in a dwelling unit and up to two accessory dwelling units (ADUs) on a lot or parcel, and to create a new housing option called “rowhouses” in the RL, RS, RM and RM-10 Districts (the “Proposed Amendments”). The Proposed Amendments also include minor changes to BDC Chapter 3.8, Development Alternatives.
- G. The application was processed in accordance with Bend Development Code (BDC) 4.1.500, Type IV Legislative Procedures. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.

- H. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development (DLCD) on March 21, 2025.
- I. A notice of the April 28, 2025, Planning Commission public hearing was printed in the Bend Bulletin on April 6, 2025, and mailed and emailed to the Neighborhood Districts on April 3, 2025. A notice of the June 4, 2025, City Council public hearing was printed in the Bend Bulletin on May 11, 2025, and mailed and emailed to the Neighborhood Districts on May 13, 2025.
- J. On April 28, 2025, the Planning Commission held a public hearing on this package of amendments (Project Number PLTEXT20250128) and deliberated on the matter. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A as amended.
- K. The City Council held a public hearing on June 4, 2025, to accept evidence, receive public testimony, and consider the Planning Commission's recommendations. 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 Development Code.
- L. The Proposed Amendments support the 2023-2025 Bend City Council Affordable Housing and Sustainable Development goal which includes a strategy to "optimize housing continuum". This strategy is supported by an action to explore revenue and code/policy options to increase affordable and middle-income housing.
- M. In addition, the Proposed Amendments support the 2025-2027 City Council housing goal to "Develop and implement strategies to meet community housing needs, reduce homelessness, and create complete, walkable neighborhoods through data-driven policies, reliable funding, and innovative development codes." The goal includes a strategy to "accelerate complete neighborhoods" with an action to "Promote more affordable home ownership and rental opportunities that recognize the diversity of housing types and sizes needed to support a growing and changing community."

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

- Section 1.** The Bend Development Code is amended as depicted in attachment A.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates by reference the findings attached in Exhibit B.
- Section 4.** If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid

provision or application.

**Section 5.** All other provisions of the Development Code remain unchanged by this ordinance and remain in effect.

First Reading Date: June 4, 2025

Second Reading and adoption by roll call vote: June 18, 2025

YES: Kebler, Franzosa, Méndez, Norris, Perkins, Platt, Riley

NO:



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Melanie Kebler, Mayor

ATTEST:



Ashley Bortje, City Recorder's Office

Approved as to form:



Ian Leitheiser, City Attorney

## Exhibit A

**DRAFT**  
**Bend Development Code Update**  
**April 28, 2025**  
Prepared by:  
City of Bend Planning Division

File #: PLTEXT20250128

**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 DEVELOPMENT CODE

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Rename 3.6.200(D), Townhomes to 3.6.200(D), Townhomes and Rowhouses

### Chapter 1.2

#### DEFINITIONS

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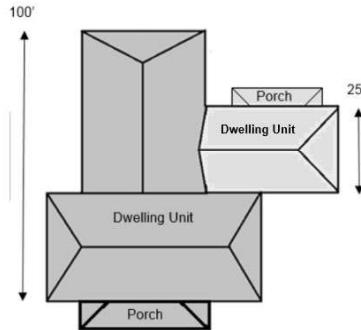
**Accessory dwelling unit** means a small, ~~secondary~~ dwelling unit on a lot or parcel with a single-unit dwelling as a primary use. See BDC 3.6.200(B), Accessory Dwelling Unit (ADU).

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**Attached** is used in the BDC with different meanings. For accessory dwelling units, duplexes, triplexes and quadplexes “attached dwelling unit” means dwelling units attached by one of the following options ~~as shown in the following figure. The A~~ shared or attached wall must be the wall of an enclosed interior space of a dwelling unit and may include the walls of attached garages, ~~and does but~~ cannot include porches, patios, decks or stoops.

1. A dwelling unit must share a common wall for at least 25 percent of the length of another dwelling unit as shown in the following figure; or
2. The entire length of one elevation of a dwelling unit must be attached to another dwelling unit as shown in the following figure; or

3. A dwelling unit is considered attached if it is constructed above or below another dwelling unit or garage, such that it shares a ceiling or floor with the other unit. Where a garage is attached to a dwelling unit, another dwelling unit may be constructed above or below the dwelling unit or attached garage.



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**Dwelling, townhome** means single-unit dwellings on their own lots or parcels, sharing a common side wall at the property line. *(Included for reference only. No changes are proposed to the definition.)*

**Dwelling unit** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking (~~limited to one kitchen only~~) and sanitation (full bathroom). *(Delete to be consistent with proposed amendments to allow a second kitchen in BDC 2.1.1100(F), Secondary Kitchen.)*

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**Kitchen** means any area designed or used for preparation or cooking of food, and including any of the following: a sink larger than 18 inches by 18 inches; a 220-volt electrical outlet; a gas or propane service line; a dishwashing machine; a range hood, exhaust vent, or similar equipment; or a stove, range, or oven. *(Included for reference only. No changes are proposed to the definition.)*

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**Rowhouse** means a single-unit detached dwelling unit on its own lot or parcel. A Rowhouse is a type of single-unit detached dwelling that meets the criteria in BDC 3.6.200(D)(1)(b).

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**Zero lot line development** means a development with detached dwelling units which are constructed with a zero side-setback on one side. See BDC 3.8.700, Zero Lot Line Developments.

**Zero lot line subdivision or partition** means a type of residential subdivision or partition with no setback between dwelling units and providing for individual ownership of each lot. (*Term is not used in the BDC.*)

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## Chapter 2.1

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

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#### 2.1.1100 Other Design Standards.

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**F. Secondary Kitchen** The following provides regulations for a second kitchen within a dwelling unit without creating a new dwelling unit:

1. The second kitchen may be in a portion of a dwelling unit only if internal access between the second kitchen and the main dwelling unit's livable space is maintained within the main dwelling unit.
2. The second kitchen cannot be in a detached structure.
3. The second kitchen must comply with current building code requirements.
4. A second kitchen may only be installed within a dwelling unit if the property owner signs and records a use compliance covenant, in a form approved by the City, acknowledging that the structure will remain a single-unit dwelling and that the second kitchen is not part of an additional dwelling unit without obtaining a building permit for the creation of the additional dwelling unit.

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## Chapter 3.6

### SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

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### **3.6.200 Residential Uses.**

This section supplements the standards contained in BDC Title 2 and provides standards for the following land uses in order to control the size, scale and compatibility of those uses within the applicable zone.

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**B. Accessory Dwelling Unit (ADU).** An accessory dwelling unit (ADU) is a small dwelling unit on a property that contains a single-unit dwelling unit as the primary use. ~~The ADU may be attached, detached, or within a portion of an existing dwelling unit. The standards of this section are intended to control the size, scale and number of ADUs on individual properties to promote compatibility with abutting land uses.~~ ADUs must comply with the following standards in addition to the standards of the applicable zoning district:

1. **Permitted ADU.** ~~An ADUs~~ may only be permitted on a lot or parcel with a ~~single-unit detached dwelling, a townhome, or a manufactured home~~ single-unit dwelling.

- a. **Exception.**

- i. ~~ADUs are not permitted on a lot or parcel created by a middle housing land division.~~

- ii. ~~ADUs are not permitted in a cottage development.~~

2. **Number of ADUs.**

- a. A maximum of ~~one~~ two ADUs is ~~are~~ allowed per lot or parcel. ~~in compliance with the following:~~

- i. ~~When one ADU is provided, the unit may be attached or detached to the primary dwelling unit.~~

- ii. ~~When two ADUs are provided, at least one ADU must be attached to the primary dwelling unit.~~

- b. Exception. Small dwelling unit developments are limited to one ADU per lot or parcel in compliance with BDC 3.8.300, Small Dwelling Unit Development.

*(Amended by the Planning Commission on April 28, 2025)*

3. **ADU Floor Area.**

- a. The maximum floor area is 800 square feet. A single ADU on a lot or parcel is limited to a maximum floor area of 800 square feet and a second ADU on a lot or parcel is limited to a maximum floor area of 500 square feet.
- b. For purposes of measuring the ADU size in this subsection, "floor area" means the area measured in feet included inside the exterior surrounding walls of horizontal space intended to be a floored surface contained within the building or portion thereof, including slab-on-grade and exclusive of vent shafts and courts. When calculating floor area stairs are counted once unless the area under the stairs is part of the ADU floor plan, in which case the stairs are counted twice. Portions of the floor area with a sloped ceiling measuring less than five feet from the finished floor to the finished ceiling are not considered as contributing to the floor area.
- c. For an ADU that is part of a small dwelling unit development, see BDC 3.8.300, Small Dwelling Unit Development for maximum floor area.

e.d. Exception to ADU Size.

- i. Accessory structures attached to an ADU do not count towards the maximum floor area if they are not accessible from the interior of the ADU or if the accessory structure provides at least one allocated parking space for the ADU.

4. **Parking**. None. **Sewer Analysis**. If the addition of a second ADU on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone, that ADU is not permitted if the sanitary sewer main capacity with the development of the second ADU (i) is at or over 80-percent full during dry weather conditions, (ii) results in less than 2 feet of free board in a manhole during wet weather, or (iii) results in a sewer force main with a velocity exceeding 10 feet per second during wet weather flow.
5. **Detached ADUs**. A detached ADU must be a minimum of six feet apart from the primary single-unit dwelling other dwelling units on the same lot or parcel as measured between their building footprints, unless exempted below.

- a. **Exemption**. Does not apply when the primary single-unit each dwelling unit's structure was legally constructed prior to April 1, 2016, and the ADU is proposed to be located in a detached structure legally constructed prior to April 1, 2016, or within an existing footprint of an existing detached structure legally constructed prior to April 1, 2016.

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**D. Townhomes and Rowhouses. Single-unit attached housing (townhome units on individual lots)**

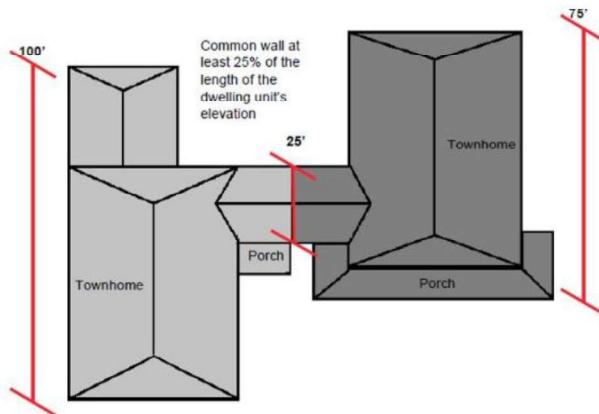
Townhomes and rowhouses must comply with the standards in subsections (D)(1) through (D)(5) of this section.

**1. Building Mass-Supplemental Standard.**

**a. Townhomes.**

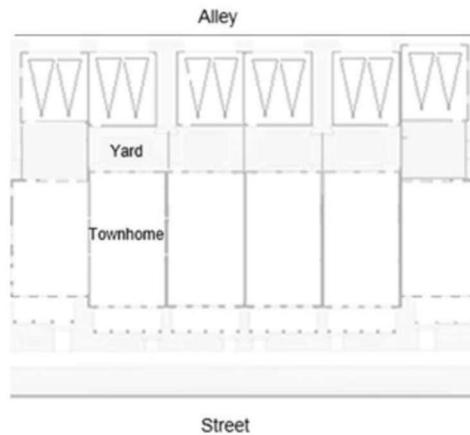
- i. The number and width of consecutively attached townhome units are is not restricted.
- ii. For purpose of this section, a "townhome" means a dwelling unit, located on its own lot, sharing one or more common walls with one or more dwelling units. As shown in Figure 3.6.200.D.1, for townhomes to be considered attached the common wall must be fully enclosed and shared for at least 25 percent of the length of each dwelling unit's enclosed elevation, not including uncovered or open, covered porches, patios, decks or stoops. The common wall may be any wall of the dwelling unit, including the wall of an attached garage. As shown on Figure 3.6.200.D.2, townhomes may have detached garages or ADUs that share a common wall between the two lots or parcels.

**Figure 3.6.200.D.1.**



**Delete the following figure**

Figure 3.6.200.D.2.



Add the following figure



b. Rowhouses. In the RL, RS, RM and RM-10 Districts only, a rowhouse development is subject to the following standards:

i. Setbacks.

(A) Each dwelling unit must be setback a minimum of zero feet from the side property line(s) and must be (1) structurally independent and (2) in compliance with the Oregon Residential Specialty Code.

(B) If the dwelling unit abuts a lot or parcel that is not part of the land division, the dwelling unit must be set back from the common property line by a minimum of five feet for RS, RM, RM-10 and RH and 10 feet for RL.

ii. **Maximum Lot Size.**

(A) RL: 9,999 square feet.

(B) RS and RM-10: 3,999 square feet.

(C) RM: 2,499 square feet.

iii. **Additional Rowhouse Standards.** All other standards of the BDC for townhomes apply to rowhouses.

2. ***Alley Access Requirement.*** For lots or parcels abutting an alley, access to all dwelling units must be taken from the alley in accordance with BDC 3.1.400(F)(3).
3. ***Street Access Developments.*** Where there is no abutting alley, townhomes dwelling units receiving taking access directly from a street must comply with the following standards, in order to minimize interruption of adjacent sidewalks or multi-use paths by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management:
  - a. ***Driveway Approaches.*** Townhomes may have a maximum of One driveway approach is allowed per lot or parcel in compliance and must comply with the following:
    - i. Townhomes Dwelling units with frontages on streets of different classifications must access the street with the lowest classification.
    - ii. The total width of shared driveway approaches must not exceed 32 feet. When a driveway serves more than one lot, the developer must record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
    - iii. Driveway approaches on local streets may be separated in compliance with the following:
      - (A) Approaches must be separated by a minimum of seven feet; and
      - (B) Approaches must not exceed 16 feet in width.

- iv. Clear vision standards do not apply between driveway approaches for ~~townhomes~~ dwelling units on local streets.
- 4. **Driveaway Width.** The minimum driveway width ~~must be~~ is 10 feet.
- 5. ***Areas Owned in Common.*** Common areas must be maintained by a homeowners' association or other legal entity. A homeowners' association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the City prior to issuance of a building permit.

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## Chapter 3.8

### DEVELOPMENT ALTERNATIVES

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#### **3.8.150 Review Process.**

The procedures and criteria of BDC Chapter 4.3, Land Divisions and Property Line Adjustments, apply to land divisions. If a cottage housing development or multi-unit residential development is proposed, site plan review applies in accordance with the procedures of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review. Single-Unit Detached Dwellings, Townhomes, Accessory Dwelling Units, Duplexes, Triplexes, Quadplexes, Single Room Occupancies with Six or Fewer Units and Cottage Cluster Developments are subject to BDC 4.2.400, Minimum Development Standards Review. (Clarifies the review process for development alternatives.)

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#### **3.8.300 Small Dwelling Unit Development.**

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##### **B. Permitted Uses.**

- 1. Single-unit detached dwellings.
- 2. Duplexes.

3. One Accessory dwelling units (*Clarifies that only one ADU can be built on a lot or parcel that is developed as a small dwelling unit development.*)

4. Accessory and structures.

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#### **K. Driveway Approaches.**

1. Driveway approaches on local streets ~~may~~must be separated in compliance with the following:
  - a. Approaches must be separated by a minimum of seven feet.
  - b. Approaches must not exceed 16 feet in width.
  - c. Clear vision standards do not apply between driveway approaches on local streets. All other standards in BDC 3.1.500, Clear Vision Areas, apply.

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#### **3.8.400 Infill Development**

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- A. ***Mid-Block Development.*** Mid-block developments provide an opportunity for the redevelopment of underutilized and oversized lots. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes or shared lanes, as shown in Figure 3.8.400.A. For the purpose of this subsection, a shared lane provides access from a local street to no more than four dwelling units, not including accessory dwelling units. For the purpose of this subsection, a mid-block lane is a narrow private lane providing lot frontage and access for rear lot development.

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5. ***Covenants, Conditions and Restrictions.*** Subsequent to final plat approval but prior to issuance of a building permit for any structure in a mid-block development, Where each dwelling unit is to be held in fee simple ownership, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County simultaneously with the final plat. The CC&Rs run with the land and may be removed or modified only upon approval of the

City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the mid-block lanes and shared lanes.

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**C. T-Courts.**

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**3. Development Standards.** T-courts must comply with the following standards:

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**h. Covenants, Conditions and Restrictions.** Subsequent to final plat approval but prior to issuance of a building permit for any structure in a T-court development, Where each dwelling unit is to be held in fee simple ownership, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County simultaneously with the final plat. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the T-court.

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**3.8.500 Cottage Housing Development.**

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**N. Covenants, Conditions and Restrictions.** Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage housing development Where each cottage unit is to be held in fee simple ownership, a set of conditions, covenants and restrictions (CC&Rs) for the cottage housing development must be reviewed and, if approved by the City, recorded with Deschutes County simultaneously with the final plat. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas in the cottage housing development. **(Clarify CC&Rs are only required when a land division occurs.)**

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### **3.8.900 Cottage Cluster Developments.**

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*N. Covenants, Conditions and Restrictions.* ~~Subsequent to final plat approval but prior to issuance of a building permit for any structure in a cottage housing development~~ Where each cottage unit is to be held in fee simple ownership, a set of conditions, covenants and restrictions (CC&Rs) for the cottage cluster development must be reviewed and, if approved by the City, recorded with Deschutes County simultaneously with the final plat. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas in the cottage ~~housing~~ cluster development. *(Clarify CC&Rs are only required when a land division occurs.)*

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### **3.8.1000 Shared Courts.**

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*L. Covenants, Conditions and Restrictions.* ~~Subsequent to final plat approval but prior to issuance of a building permit for any structure in a shared court development~~ Where each townhome unit is to be held in fee simple ownership, a set of conditions, covenants and restrictions (CC&Rs) for the development must be reviewed and, if approved by the City, recorded with Deschutes County simultaneously with the final plat. The CC&Rs run with the land and may be removed or modified only upon approval of the City of Bend. The CC&Rs must create a homeowners' association that will provide for maintenance of all common areas including the private access drive and common off-street parking areas in the development.

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**EXHIBIT B**  
**FINDINGS OF FACT**  
**BEND DEVELOPMENT CODE (BDC) UPDATE**  
**AMENDMENT PLTEXT20240523**

**I. PROCEDURAL FINDINGS:**

**(1) PUBLIC NOTICE AND COMMENTS.** Notice of the proposed BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on March 21, 2025, more than the required 35 days prior to the first public hearing. A notice of the April 28, 2025, Planning Commission public hearing was printed in the Bend Bulletin on April 6, 2025, and mailed and emailed to the Neighborhood Districts on April 3, 2025. A notice of the June 4, 2025, City Council public hearing was printed in the Bend Bulletin on May 11, 2025, and was mailed and emailed to the Neighborhood Districts on May 13, 2025. Staff emailed the proposed amendments and advanced notice of the Planning Commission hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on March 21, 2025, April 21, 2025, and April 22, 2025. Staff also emailed the City Council hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on April 30, 2025. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC. Public comments can be viewed in the Online Permit Center Portal at [www.permitcenter.bendoregon.gov](http://www.permitcenter.bendoregon.gov) on the City of Bend website by opening the Portal and selecting the Application Search link under the Land Use Applications, Historic Resources Reviews, Pre-Application Meeting header and entering the project number PLTEXT20250128 in the search bar to find the project.

**(2) RECORD.** The documents in CityView for PLTEXT20250128 are made part of the record and are placed before the City Council for consideration during the proceedings on the amendments. The documents are available for review and can be viewed in the Online Permit Center Portal at [www.permitcenter.bendoregon.gov](http://www.permitcenter.bendoregon.gov) on the City of Bend website by opening the portal and selecting the Application Search link under the Land Use Applications, Historic Resources Reviews, Pre-Application Meeting header and entering the project number PLTEXT20250128 in the search bar to find the project.

**(3) PROPOSAL.** The City of Bend is proposing a package of amendments to the Bend Development Code (BDC) primarily to facilitate housing options. The amendments are to BDC Chapters 1.2, Definitions, 2.1, Residential Districts, 3.6, Special Standards and Regulations for Certain Uses, and 3.8, Development Alternatives. There are also minor changes throughout 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, Legislative Amendments

## **III. APPLICABLE PROCEDURES:**

- (1) Bend Development Code
  - (a) Chapter 4.1, Development 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 APMENDMENTS**

#### **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 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, Goal 10: Housing and Goal 11, Public Facilities and Services, as discussed below.

#### **Goal 1, Citizen Involvement**

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

**FINDING:** The City held a workshop to identify barriers to housing production on June 20, 2023. Attendees included developers, employers, small lot and infill property owners, builders, architects, home loan officers, representation from Central Oregon Builders Association (COBA), a representative from the Affordable Housing Advisory Committee (AHAC) and the City of Bend Building Official.

One of the recommendations from the workshop was to allow multiple accessory dwelling units (ADU) or a second “Junior ADU” when converting existing square footage of a dwelling unit into a separate dwelling space. In addition, the stakeholders recommended removing restrictions that prevent second kitchens from being added within a dwelling unit. These recommendations provide additional tools in the toolbox for homeowners and families when it comes to their particular accessory living needs, often supporting intergenerational and caretaker living.

Following the workshop, the City Council received an email from a local developer with a proposal to allow “detached townhomes” to be able to construct and finance the townhome lots individually. They also recommended an option for building a row-house style development with minimal side setbacks.

After much staff research and meetings to vet the suggested ideas for practical use and to align with related code standards, the City Council reviewed the recommendations at a work session on November 6, 2024, and requested staff develop draft BDC amendments for consideration.

Notice of the proposed BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on March 21, 2025. A notice of the April 28, 2025, Planning Commission public hearing was printed in the Bend Bulletin on April 6, 2025, and mailed and emailed to the Neighborhood Districts on April 3, 2025. A notice of the June 4, 2025, City Council public hearing was printed in the Bend Bulletin on May 11, 2025, and mailed and emailed to the Neighborhood Districts on May 13, 2025. Staff emailed the proposed amendments and Planning Commission hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on March 21, 2025, April 21, 2025, and April 22, 2025. Staff also emailed City Council hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on April 30, 2025. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC.

On April 28, 2025, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council, with minor suggested changes. The City Council will review the proposed amendments during a public hearing on June 4, 2025.

Therefore, Goal 1 has been met.

## Goal 2, Land Use Planning

***To establish a land use planning process and policy framework as a basis for all decisions 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 considered 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 the 2023-2025 Bend City Council Affordable Housing and Sustainable Development goal which includes a strategy to "optimize housing continuum". This strategy is supported by an action to explore revenue and code/policy options to increase affordable and middle-income housing.

In addition, the amendments support the 2025-2027 City Council housing goal to "Develop and implement strategies to meet community housing needs, reduce homelessness, and create complete, walkable neighborhoods through data-driven policies, reliable funding, and innovative development codes." The goal includes a strategy to "accelerate complete neighborhoods" with an action to "Promote more affordable home ownership and rental opportunities that recognize the diversity of housing types and sizes needed to support a growing and changing community."

The proposed amendments to allow up to two ADUs on a lot or parcel with a single-unit dwelling provide more housing opportunities in existing neighborhoods. ADUs also can support homeownership by providing homeowners with additional income from renting out the ADU.

Although the amendment to allow a second kitchen in a dwelling unit does not produce additional units, it does support intergenerational living which allows household expenses like rent/mortgage, utilities, groceries, and childcare to be shared among household members making housing more affordable.

The proposed amendments also provide an alternative option to attached townhomes called "rowhouses" in the RL, RS, RM and RM-10 Districts. These amendments will allow the units to be detached and setback a minimum of zero feet from the side property line(s) when they are structurally independent and constructed in compliance with the Oregon Residential Specialty Code. Other than the side setbacks, these units would comply with all the same

standards that apply to townhomes including lot area and dimensions, lot coverage, density, height, architectural standards, and driveway and access management standards. The flexible standards for rowhouses provide another tool for providing new housing at higher densities and without shared walls. These amendments are the latest effort to implement the Council's housing goals and the Comprehensive Plan Goals.

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

### **Goal 3, Agricultural Lands**

*To preserve and maintain agricultural lands.*

### **Goal 4, Forest Lands**

***To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.***

**FINDING:** There are no designated agricultural or forest lands within the project area. Therefore, Goals 3 and 4 do not apply.

### **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**

*To protect natural resources and conserve scenic and historic areas and open spaces.*

**FINDING:** Goal 5 is not applicable because these amendments do not affect any regulation that implements this goal 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**

*To maintain and improve the quality of the air, water and land resources of the state.*

**FINDING:** Goal 6 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**

*To protect people and property from natural hazards.*

**FINDING:** Goal 7 is not applicable because the City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability.

### **Goal 8, Recreational Needs**

***To satisfy the recreational needs of citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.***

**FINDING:** Goal 8 is not applicable as the amendments have no effect on the availability of or access to recreational opportunities.

## **Goal 9, Economic Development**

***To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

**FINDING:** Goal 9 is not applicable as the amendments have no effect on economic development and economic growth.

## **Goal 10, Housing**

***To provide for the housing needs of the citizens of the state.***

**FINDING:** According to the 2016 Bend Housing Needs Analysis (HNA), 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. According to the HNA, Baby Boomers may need affordable housing or may choose to downsize their housing, resulting in greater demand for small single-unit 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 dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

In addition, Council has a current 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 also support the 2025-2027 City Council housing goal to "Develop and implement strategies to meet community housing needs, reduce homelessness, and create complete, walkable neighborhoods through data-driven policies, reliable funding, and innovative development codes." The goal includes a strategy to "accelerate complete neighborhoods" with an action to "Promote more affordable home ownership and rental opportunities that recognize the diversity of housing types and sizes needed to support a growing and changing community."

The City encourages the development of diverse housing options and sees ADUs as a key part of the housing continuum. Since 2016, the City has removed barriers in the BDC to encourage the development of ADUs. The proposed amendments will allow up to two ADUs on a lot or parcel with a single-unit dwelling, which implements Council's goal and strategy to provide options to increase affordable and middle-income housing.

The amendments provide a new housing option called "rowhouses" that will be permitted in

the RL, RS, RM and RM-10 Districts. Rowhouses are proposed to be defined as follows:

**Rowhouse** means a single-unit detached dwelling unit on its own lot or parcel. A rowhouse is a type of single-unit detached dwelling that meets the criteria in BDC 3.6.200(D)(1)(b).

These amendments will allow the units to be detached and setback a minimum of zero feet from the side property line(s) when they are structurally independent and constructed in compliance with the Oregon Residential Specialty Code. Other than the side setbacks, these units will be required to comply with all the same flexible standards that apply to townhomes including lot area and dimensions, lot coverage, density, height, architectural standards, and driveway and access management standards. Since this option is meant to provide flexibility by allowing the units to be detached, and maintain densities similar to townhome developments, the amendments include the following maximum lot size requirements. Developments on lots larger than the following will have to comply with the standards for more traditional single-unit detached dwellings.

**Maximum Lot Size.**

- RL: 9,999 square feet.
- RS and RM-10: 3,999 square feet.
- RM: 2,499 square feet.

The amendments creating rowhouses will allow developers to utilize the same simplified financing model and construction loan process as single-unit detached dwellings which could encourage additional residential development.

The amendments implement Council's housing goals and provide opportunities to build needed housing that were 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**

***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.***

**FINDING:** The City does not allow development where, as determined by the City, there is not adequate public facility or service capacity to serve the proposed use. The amendments to allow up to two ADUs include the following proposed criterion in BDC 3.6.200(B), Accessory Dwelling Unit (ADU):

***Sewer Analysis. If the addition of a second ADU on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone, that ADU is not permitted if the sanitary sewer***

***main capacity with the development of the second ADU (i) is at or over 80-percent full during dry weather conditions, (ii) results in less than 2 feet of free board in a manhole during wet weather, or (iii) results in a sewer force main with a velocity exceeding 10 feet per second during wet weather flow.***

In addition, an application for an ADU or rowhouse must comply with the following approval criteria in BDC 4.2.400. Minimum Development Standards Review, and a land division application creating lots or parcels for rowhouses must comply with the following approval criteria in BDC 4.3, Land Divisions and Property Line Adjustments:

***BDC 4.2.400(A)(3)(b)(iii). 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).***

***BDC 4.3.300(E)(12): The proposal complies with BC Title 15, Sewer.***

Furthermore, BDC Chapter 4.2, Minimum Development Standards, Site Plan Review and Design Review, requires the following submittal requirement for an ADU and rowhouse application:

***BDC 4.2.300(A)(13). If the properties are not served by the City sewer system in accordance with BC Title 15, provide documentation from the Deschutes County Environmental Soils Division which indicates that the proposed development will be in compliance with all applicable requirements for sanitary septic systems when such systems exist on the properties affected by the development.***

Therefore, the amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans and compliance with Goal 11 is maintained.

## **Goal 12, Transportation**

***To provide and encourage a safe, convenient and economic transportation system.***

**FINDING:** 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**

***Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.***

**FINDING:** Goal 13 is not applicable because the City's acknowledged regulations implementing Goal 13 remain in effect with no change in applicability.

## **Goal 14, Urbanization**

***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.***

**FINDING:** The amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. The City encourages compact development and efficient use of land and considers ADUs and rowhouses as key elements of the housing continuum. 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**

### **Goal 19, Ocean Resources**

**FINDING:** Goals 15 through 19 are not applicable to the proposed amendments because the subject properties do not include any of the noted features and are not located within the coastal or Willamette Valley regions.

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 will allow up to two ADUs on a lot or parcel with a single-unit dwelling and they will allow a second kitchen in a dwelling unit. These amendments provide housing options for people with a range of incomes and to seniors, families, people with special needs, and others by supporting intergenerational living.

The amendments also support housing design that is innovative by creating a new option for the development of rowhouses on smaller lots where the dwelling units can be setback a minimum of zero feet from the side property line(s) when they are structurally independent and constructed in compliance with the Oregon Residential Specialty Code.

- **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:** The City held a workshop to identify barriers to housing production on June 20, 2023. Attendees included developers, employers, small lot and infill property owners, builders, architects, home loan officers, representation from Central Oregon Builders Association (COBA), a representative from the Affordable Housing Advisory Committee (AHAC) and the City of Bend Building Official.

One of the recommendations from the workshop was to ADUs or a second “Junior ADU” when converting existing square footage of a dwelling unit into a separate dwelling space. In addition, the stakeholders recommended removing restrictions that prevent second kitchens from being added within a dwelling unit. Following the workshop, the City Council received an email from a local developer with a proposal to allow “detached townhomes” to be able to construct and finance the townhome lots individually. They also recommended an option for building a row-house style development with minimal setbacks. The proposed amendments to allow up to two ADUs on a lot or parcel with a single-unit dwelling, to allow a second kitchen in a dwelling unit and to allow flexible options for townhome development are a result of this effort.

Staff emailed the proposed amendments and Planning Commission hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on March 21, 2025, April 21, 2025, and April 22, 2025. Staff also emailed the City Council hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on April 30, 2025. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC.

On April 28, 2025, the Planning Commission held a public hearing and recommended approval

of the amendments to the City Council, with minor suggested changes. The City Council will review the proposed amendments during a public hearing on June 4, 2025.

- **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:** ORS 197A.400 requires a local government to adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, and that those standards, conditions, and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. The proposed amendments provide several clear and objective options for the development of housing including allowing up to two ADUs on a lot or parcel with a single-unit dwelling, by allowing a second kitchen in a dwelling unit and by providing flexibility for rowhouse development.

## Policies

### Citizen Involvement

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

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

**FINDING for 1-15 and 1-16:** The City held a workshop to identify barriers to housing production on June 20, 2023. Attendees included developers, employers, small lot and infill property owners, builders, architects, home loan officers, representation from Central Oregon Builders Association (COBA), a representative from the Affordable Housing Advisory Committee (AHAC) and the City of Bend Building Official.

One of the recommendations from the workshop was to allow multiple ADUs or a second “Junior ADU” when converting existing square footage of a dwelling unit into a separate dwelling space. In addition, the stakeholders recommended removing restrictions that prevent second kitchens from being added within a dwelling unit. Following the workshop, the City Council received an email from a local developer with a proposal to allow “detached townhomes” to be able to construct and finance the townhome lots individually. They also recommended an option for building a row-house style development with minimal setbacks. The proposed amendments to allow up to two ADUs on a lot or parcel, to allow a second kitchen in a dwelling unit and to allow flexible options for rowhouse development are a result of this effort.

Notice of the proposed BDC amendments was provided to the Department of Land Conservation and Development (DLCD) on March 21, 2025. A notice of the April 28, 2025,

Planning Commission public hearing was printed in the Bend Bulletin on April 6, 2025, and mailed and emailed to the Neighborhood Districts on April 3, 2025. A notice of the June 4, 2025, City Council public hearing was printed in the Bend Bulletin on May 11, 2025, and mailed and emailed to the Neighborhood Districts on May 13, 2025. Staff emailed the proposed amendments and Planning Commission hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on March 21, 2025, April 21, 2025, and April 22, 2025. Staff also emailed the City Council hearing date to the Bend Development Code Update Group and to the Neighborhood District Land Use Chairs on April 30, 2025. The Bend Development Code Update Group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District as well as people who are generally interested in amendments to the BDC.

On April 28, 2025, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council, with minor suggested changes. The City Council will review the proposed amendments on June 4, 2025.

Therefore, compliance with Chapter 1 has been met.

## **Chapter 5: Housing and Residential Lands**

### **Goals:**

- Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.
- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.

**FINDING:** Bend's median home price hovers close to \$800,000, while the area median household income (AMI) is about \$74,000. This puts housing, particularly home ownership, so far out of reach for most people that only 8 percent of the local workforce can afford a home in Bend.<sup>1</sup>

The amendments propose a new home ownership option called "rowhouses" that will allow the units to be setback a minimum of zero feet from the side property lines when the units are structurally independent and constructed in compliance with the Oregon Residential Specialty. These amendments support the varied housing needs with particular concern for affordability since developers can utilize the same simplified financing model and construction loan process as single-unit detached dwellings for the development of rowhouses. This option is meant to provide flexibility by allowing the units to be detached, while maintaining densities similar to townhome developments. Therefore, the amendments include maximum lot size limits for this housing option.

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<sup>1</sup> Up For Growth, Housing Underproduction in the US, 2023

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In addition, the amendments will allow up to two ADUs on a lot or parcel with a single-unit dwelling. ADUs can support homeownership by providing homeowners with additional income from renting out the ADU, increasing property value, and potentially making homeownership more affordable.

The amendments also support a variety of living styles including intergenerational living by allowing up to two ADUs and by allowing a second kitchen in a dwelling unit.

- Promote more flexibility in development standards to balance the need for more efficient use of residential land and preservation of natural features.

**FINDING:** The amendments provide flexibility in development standards by allowing up to two ADUs on a lot or parcel with a single-unit dwelling and by allowing a second kitchen in a dwelling unit to support intergenerational and flexible living arrangements. These amendments increase the housing supply and housing options within the existing Urban Growth Boundary.

### ***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, Appendix K of the Bend Comprehensive Plan, Bend is planning for growth of about 38,500 people between 2008 and 2028. As shown in Table 18 of the Comprehensive Plan, Bend has a need for 13,700 additional dwellings for the remainder of the 2008-2028 forecast period, between 2017 and 2028.

Table 18. Needed housing by needed mix, Bend, 2014-2028

| Needed Units (2008 - 2014) | Units permitted 2009 to end of July 2014 | Remaining Need (Mix applied to remaining total) |                      |
|----------------------------|--|---|----------------------|
|                            |  | Units   | Percent of New Units |
| Single-family detached     | 9,175                                    | 2,411   | 7,574 55%            |
| Single-family attached     | 1,668                                    | 112   | 1,377 10%            |
| Multi-family               | 5,838                                    | 389   | 4,819 35%            |
| <b>Total</b>               | <b>16,681</b>                            | <b>2,912</b>                                    | <b>13,770 100%</b>   |

Source: ECONorthwest

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 single-unit detached housing, including smaller lots and smaller units, such as cottages or cluster housing, and townhomes. 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. Additionally, 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 amendments will help implement a mix of housing indicated in the adopted Housing Needs Analysis by allowing up to two ADUs (with sizes limited to 800 square feet and 500 square feet each) on a lot or parcel with a single-unit dwelling. ADUs have the potential to increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing in established neighborhoods.

The amendments to allow rowhouses on smaller lots in the RL, RS, RM and RM-10 Districts with minimal to zero setbacks may facilitate the development of more housing units identified in the Bend Housing Needs Analysis since they will allow developers to utilize the same simplified financing model and construction loan process as single-unit detached dwellings.

Therefore, the amendments support the development of housing identified in the Housing Needs Analysis.

**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:** The proposed amendments are not changing minimum or maximum density requirements for ADUs. The amendments require rowhouses to comply with the same minimum and maximum density requirements as a townhome when they are located on smaller lots; however, rowhouses on lots larger than the following maximum lot sizes will have to comply with the same development standards as single-unit detached dwellings, including density requirements.

***Maximum Lot Size.***

- RL: 9,999 square feet.
- RS and RM-10: 3,999 square feet.
- RM: 2,499 square feet.

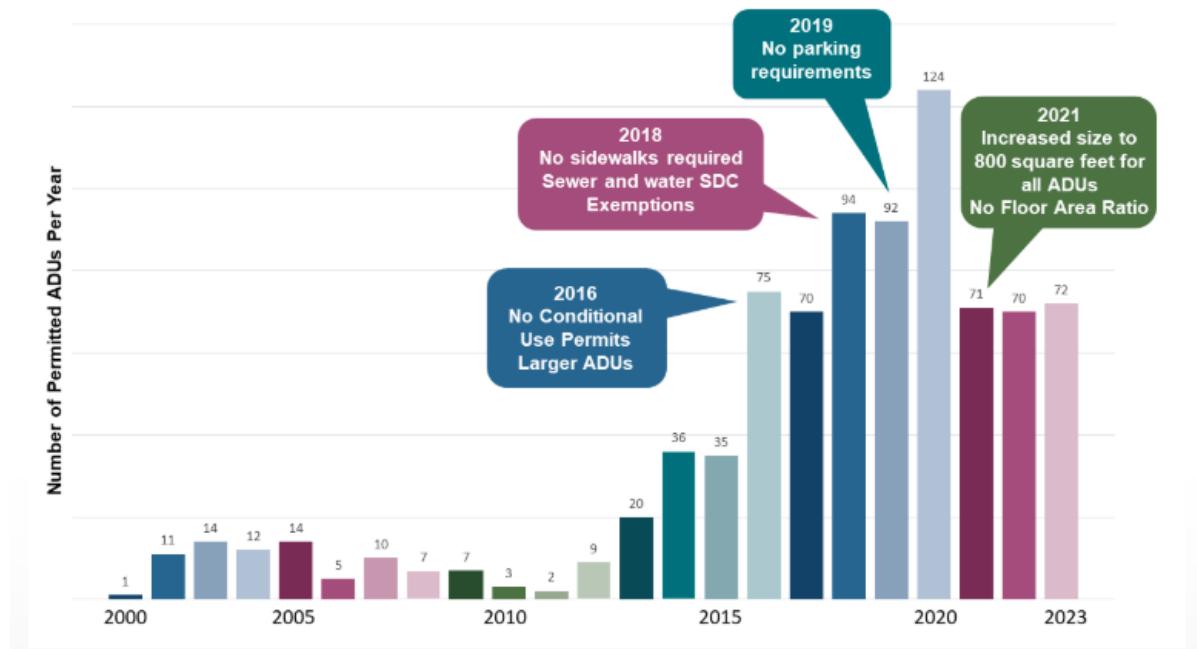
**5-7** The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing 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 single-unit detached housing, including smaller lots and smaller units, such as cottages or cluster housing, and for townhomes. 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.

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.

As shown in the chart below, since 2016 the City has continued to remove barriers to develop ADUs including, but not limited to, removing the conditional use permit requirement, allowing larger ADUs and eliminating the sidewalk, parking and maximum floor area ratio requirements. To continue to incentivize the development of ADUs, the amendments will allow up to two ADUs on a parcel or lot with a single-unit dwelling. In addition, when two ADUs are proposed, one is limited to a maximum floor area of 800 square feet and the other one is limited to a maximum of 500 square feet.



During the Planning Commission's public hearing on April 28, 2025, the Commission recommended the following amendment to proposed BDC 3.6.200(B)(2)(a), which will not require one of the ADUs to be attached to the primary dwelling unit. This amendment provides additional flexibility for the development of two ADUs.

## 2. ***Number of ADUs.***

- a. A maximum of ~~one~~ two ADUs is ~~are~~ allowed per lot or parcel. in compliance with the following:
  - i. When one ADU is provided, the unit may be attached or detached to the primary dwelling unit.
  - ii. When two ADUs are provided, at least one ADU must be attached to the primary dwelling unit.
- b. Exception. Small dwelling unit developments are limited to one ADU per lot or parcel in compliance with BDC 3.8.300, Small Dwelling Unit Development.

Therefore, the amendments support the development of more ADUs and provide a more affordable housing option.

The amendments to allow a second kitchen in a dwelling unit support flexible and intergenerational living which offers several financial benefits, primarily through reduced living costs and resource sharing. Intergenerational households can pool resources like childcare, eldercare, and utilities, leading to savings for all involved. This arrangement can also make it easier for households to afford housing and other expenses, potentially buffering residents against poverty.

In addition, constructing townhome units at the same time can be a barrier to development for this type of needed housing. For example, a townhome development comprised of four attached units must be funded at the same time. The amendments to allow rowhouses to be built independently, since they are not attached, allows the units to be designed, permitted, funded and constructed on their own, and incrementally, which could have the potential to help make home ownership more attainable.

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

**FINDING:** The amendments apply innovative and flexible zoning tools that support a mix of housing types including ADUs and rowhouses.

The amendments to allow up to two ADUs on a lot or parcel with a single-unit dwelling and to allow a second kitchen in a dwelling unit are a practical solution that supports flexible lifestyles and intergenerational households looking to live together while maintaining some degree of independence.

In addition, the proposed amendments provide a new housing option called “rowhouses” that will be permitted in the RL, RS, RM and RM-10 Districts. The amendments will allow the units to be setback a minimum of zero feet from the side property lines when the units are structurally independent and constructed in compliance with the Oregon Residential Specialty. Other than the side setbacks, these units will be required to comply with all the same standards that apply to townhomes including lot area and dimensions, lot coverage, density, height, architectural standards, and driveway and access management standards. Since this option allows the units to be detached, there is a maximum lot size requirement, above which would require the units to comply with the standards for single-unit detached dwellings. This option provides an alternate method to achieve higher densities for ownership units, that can potentially be developed by different owners over time.

### **Residential Compatibility.**

**5-31** Residential areas will offer a wide variety of housing types in locations best suited to a range of housing types, needs and preferences.

**FINDING:** People's housing needs change throughout their lives. For example, a young adult may need an affordable place to live, a retired person might have limited income, or an intergenerational household may require a larger space. By creating more housing choice, these households can find options that allow them to stay in their neighborhoods, close to family, friends, services, and support systems.

ADUs are permitted in the Residential Districts and in the Commercial and Mixed-Use Districts on a lot or parcel that contains an existing, legally established single-unit dwelling. Rowhouses will be permitted in all the Residential Districts except the High Density Residential (RH) District since they are defined as single-unit detached dwellings which are not permitted in the RH.

Therefore, the proposed amendments to allow up to two ADUs on a lot or parcel with a single-unit dwelling, to allow a second kitchen in a dwelling unit and to allow flexible options for the development of rowhouses provide a variety of housing options in locations best suited to a range of housing types and they support a range of housing needs, including intergenerational living.

### **Neighborhood Appearance**

**5-33** All new developments shall include trees in the road right of way, as practical, in the planter strip between the curb and sidewalk.

**FINDING:** The land division process that will create the lots or parcels for rowhouses will require street trees and planter strip landscaping along all streets. In addition, rowhouses will be required to plant street trees and planter strip landscaping in compliance with BDC 3.2.400, Street Trees and Planter Strip Landscaping.

### **Transportation Connectivity**

**5-43** Sidewalks will be required in all new developments. Separated sidewalks will be required on all new streets. However, an alternative system of walkways that provide adequate pedestrian circulation may be approved.

**FINDING:** The amendments do not change the current sidewalk requirements in the BDC. Minimum Development Standards Review criteria, BDC 4.2.400(A)(3)(b)(v), Sidewalk Improvements for All Uses Other Than ADUs, will require rowhouses to construct sidewalks when an existing public sidewalk exists within 600 feet of the front property line on the same side of the street of any of the frontages. Sidewalks must be constructed along all frontage(s) of the site unless the Community and Economic Development Director grants a waiver of this requirement under BDC 3.4.150, Waiver and Modification of Public Improvement Standards. In addition, any land division application that creates lots or parcels for these dwelling units will be required to construct sidewalks. Currently, a proposal for one ADU is exempt from providing sidewalk along the project site street frontage(s) and the amendments to allow up to two smaller ADUs on a lot or parcel with a single-unit dwelling will not change that exemption. Because ADUs are restricted in size and developed as an accessory use to the primary single-unit dwelling use of the site, ADUs have a reduced demand for, and impact on, the transportation system.

#### ***Public utilities and services***

(See related policies in Chapter 1, Plan Management and Citizen Involvement and Chapter 8, Public Facilities and Services.)

**5-48** All residential areas will be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.

**FINDING:** The City does not allow development where, as determined by the City, there is not adequate public facility or service capacity to serve the proposed use. The amendments to allow up to two ADUs include the following proposed criterion in BDC 3.6.200(B), Accessory Dwelling Unit (ADU):

***Sewer Analysis. If the addition of a second ADU on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone, that ADU is not permitted if the sanitary sewer main capacity with the development of the second ADU (i) is at or over 80-percent full during dry weather conditions, (ii) results in less than 2 feet of free board in a manhole during wet weather, or (iii) results in a sewer force main with a velocity exceeding 10 feet per second during wet weather flow.***

In addition, an application for an ADU or rowhouse must comply with the following approval criteria in BDC 4.2.400. Minimum Development Standards Review, and a land division application creating lots or parcels for rowhouses must comply with the following approval criteria in BDC 4.3, Land Divisions and Property Line Adjustments:

***BDC 4.2.400(A)(3)(b)(iii). 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).***

***BDC 4.3.300(E)(12): The proposal complies with BC Title 15, Sewer.***

Furthermore, BDC Chapter 4.2, Minimum Development Standards, Site Plan Review and Design Review, requires the following submittal requirement for an ADU and rowhouse application:

***BDC 4.2.300(A)(13). If the properties are not served by the City sewer system in accordance with BC Title 15, provide documentation from the Deschutes County Environmental Soils Division which indicates that the proposed development will be in compliance with all applicable requirements for sanitary septic systems when such systems exist on the properties affected by 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-unit dwellings, cottages, accessory dwelling units, duplexes, townhomes, garden apartments, and apartments.

These amendments support residential infill by allowing up to two ADUs on a lot or parcel with a single-unit dwelling. This will provide more housing and may result in housing that is more affordable than typical single-unit detached dwelling developments.

The proposed amendments also provide an alternative option to attached townhomes called "rowhouses" in the RL, RS, RM and RM-10 Districts. Rowhouses will be allowed a minimum zero-side setback. The proposed amendments allow the units to be built independently which allows developers to utilize the same simplified financing model and construction loan process as single-unit detached dwellings which could encourage more infill development. The flexible standards for rowhouses provide another tool for providing new infill housing.

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. Based on feedback from staff and local developers and housing advocates the proposed amendments will provide clear and objective standards for the development of rowhouses which are similar to townhomes. The amendments will allow rowhouses to have a minimum zero setback from the side property line(s) when they are structurally independent and constructed in compliance with the Oregon Residential Specialty Code.

If built with zero side setbacks, rowhouses will still look attached, like the currently accepted townhomes, but could be designed, permitted, and constructed independently from one another. The amendments allow developers to utilize the same simplified financing model and construction loan process as single-unit detached dwellings which could encourage additional development similar to townhomes.

It is important to note that, as proposed, a "rowhouse" is not considered middle housing since it is defined as a single-unit detached dwelling unit on its own lot or parcel.

In addition, the amendments to allow up to two ADUs on a lot or parcel could result in a total of three units on a site, but with less expected impacts to public infrastructure and the neighborhood due to the size limitations of the ADUs and the accessory nature of the units, as they are located on an existing developed lot with a single-unit dwelling.

The amendments satisfy Chapter 5 by offering a variety of living styles and choices, provide housing options that accommodate varied housing needs 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 6: Economy**

### **Inclusive Economy**

**6-43** The City will work with public agencies and community partners to support solutions for homelessness. This includes finding ways to keep people in their homes, provide temporary transitional housing, increase the availability of affordable housing, and provide flexible shelter and housing options for people experiencing hardships due to economic instability and

other legitimate reasons.

**FINDING:** The proposed amendments to allow up to two ADUs on a lot or parcel with a single-unit dwelling may help increase the availability of affordable housing, given the restriction on maximum unit size. In addition, the amendments will allow a second kitchen in a dwelling unit which allows household to combine resources and share expenses like rent/mortgage, utilities, groceries, and childcare. This may allow people to stay in their homes and help with economic instability.

## **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:** The City does not allow development where, as determined by the City, there is not adequate public facility or service capacity to serve the proposed use. The amendments to allow up to two ADUs include the following proposed criterion in BDC 3.6.200(B), Accessory Dwelling Unit (ADU):

***Sewer Analysis. If the addition of a second ADU on a lot or parcel will result in a density that exceeds the maximum density of the corresponding zone, that ADU is not permitted if the sanitary sewer main capacity with the development of the second ADU (i) is at or over 80-percent full during dry weather conditions, (ii) results in less than 2 feet of free board in a manhole during wet weather, or (iii) results in a sewer force main with a velocity exceeding 10 feet per second during wet weather flow.***

In addition, an application for an ADU or rowhouse must comply with the following approval criteria in BDC 4.2.400. Minimum Development Standards Review, and a land division application creating lots or parcels for rowhouses must comply with the following approval criteria in BDC 4.3, Land Divisions and Property Line Adjustments:

***BDC 4.2.400(A)(3)(b)(iii). 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).***

***BDC 4.3.300(E)(12): The proposal complies with BC Title 15, Sewer.***

Furthermore, BDC Chapter 4.2, Minimum Development Standards, Site Plan Review and Design Review, requires the following submittal requirement for an ADU and rowhouse application:

***BDC 4.2.300(A)(13). If the properties are not served by the City sewer system in accordance with BC Title 15, provide documentation from the Deschutes County Environmental Soils Division which indicates that the proposed development will be in compliance with all applicable requirements for sanitary septic systems when such systems exist on the properties affected by the development.***

### ***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:** ADU and rowhouse developments must comply with BDC 3.5.600, On-Site Drainage, which requires that surface water drainage, including roof drainage, must be retained on the lot or parcel of origin and not flow onto the public right-of-way or other private property. Rowhouses must comply with BDC 3.4.500, Storm Drainage Improvements, which addresses a project's impact on upstream and downstream stormwater drainage. Both housing types must comply with BC Title 16, Grading, Erosion Control, Stormwater, Illicit Discharge, Tree Protection, and Wells, which addresses erosion control during and post-construction, and the City of Bend Standards and Specifications.

In addition, according to BC 16.15.040(4), if the City determines that retaining the design storm amount of stormwater on the site of origin would pose a threat to public safety or adjacent properties, the developer may choose to direct all or part of the runoff off-site if there is enough capacity in the conveyance system. Where approved by the City, storm runoff or a specified portion must be directed to an off-site drainage facility. The developer must 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. When runoff from non-City-owned property in excess of the predevelopment rates or volumes is directed to or allowed to flow to City-owned property or right-of-way, the owner(s) of the lot(s) of origin must compensate the City for the costs it incurs for constructing, operating and maintaining the additional stormwater drainage and treatment capacity. Where stormwater flows into an adjacent private property, access to and maintenance and operation of all stormwater facilities must be as

required through a Stormwater Maintenance Agreement.

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 rowhouses since they must comply with all standards of the BDC that apply to townhomes which includes BDC 2.1.950, Design Standards (Triplex, Quadplex, Townhome, and Single-Room Occupancy) and 2.1.1100, Other Design Standards. In compliance with this policy, design review is not required for single-unit detached dwellings and since ADUs are accessory to this use, they are also not subject to design review.

Therefore, the amendments satisfy Chapter 9, Community Appearance.

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 help meet the needs identified in the Housing Needs Analysis and provide a public need and benefit since they facilitate development of more housing and additional housing types. Allowing up to two ADUs per lot or parcel offers benefits such as increased housing stock, potential rental income for homeowners, and flexibility for intergenerational living. Allowing a second kitchen in a single-unit dwelling also supports intergenerational living. Creating flexible standards for “rowhouses” may facilitate development of more housing since it allows developers to utilize the same simplified financing model and construction loan process as single-unit detached dwellings. 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 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 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 Transportation Planning Rule (TPR), at OAR 660-012-0060, requires the City to adopt mitigation measures whenever “an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility.” 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.

An amendment causes a significant effect under the TPR when it changes the functional classification of an existing or planned transportation facility, changes the standards for implementing the functional classification system, or meets any of the standards in OAR 660-012-0060(1)(A) - (C) regarding degradation of the performance of an existing or planned transportation facility.

A land use regulation amendment “significantly affects” transportation under Subsection 1(a) if it “Change[s] the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).” The amendments are not tied to any one development application and do not change any functional classification under OAR 66-012-0060(1)(a).

A land use regulation amendment “significantly affects” transportation under Subsection 1(b) if it “Change[s] standards implementing a functional classification system.” The amendments do not change the City’s standards for implementing its functional classification system under OAR 66-012-0060(1)(b).

Under Subsection (1)(c), a land use regulation amendment “significantly affects” transportation if it results in (A) types or levels of travel or access inconsistent with the functional classification of a transportation facility; (B) degrades the performance of a transportation facility such that it would not meet performance standards identified in the TSP or comprehensive plan; or (C) degrades the performance of a transportation facility that is otherwise projected to not meet the performance standards in the TSP or comprehensive plan.

The amendments do not result in any of the significant effects listed in OAR 660-012-0060(1)(c)(A) through (C) because the code changes do not change allowable uses or change regulations that result in the generation of additional vehicle trips.

The amendments will have no immediately measurable impacts on the amount of traffic on the existing transportation system and therefore will not significantly affect the transportation facility.

**V. CONCLUSIONS:**

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