

ORDINANCE NO. NS -2443

AN ORDINANCE AMENDING THE BEND COMPREHENSIVE PLAN CHAPTER 5, HOUSING, CHAPTER 6, ECONOMY AND CHAPTER 9, COMMUNITY APPEARANCE AND BEND DEVELOPMENT CODE CHAPTERS 1.2 DEFINITIONS, 2.1 RESIDENTIAL DISTRICTS, 2.2 COMMERCIAL ZONING DISTRICTS, 2.3 MIXED-USE ZONING DISTRICTS, 2.4, INDUSTRIAL ZONING DISTRICTS, 2.6, PUBLIC FACILITIES ZONING DISTRICT, 2.7 SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS, 3.3 VEHICLE PARKING, LOADING AND BICYCLE PARKING AND 3.6 SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES.

Findings:

- A. As part of the Bend City Council 2021-2023 goals, Council adopted a Housing goal to "Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend," with an implementation strategy "to modify City codes to allow for managed camps, shelters and other facilities to address homelessness" and create housing or facilities to house 500 homeless individuals on a temporary or permanent basis".
- B. There are nearly 1,100 people who are experiencing homelessness in Central Oregon on any given night, according to the 2021 Point in Time Count, coordinated by Central Oregon's Continuum of Care, the Homeless Leadership Coalition. This number includes families with children and youth who do not live with an adult. Of those counted in 2021, 824 people, or 74% were unsheltered, meaning they were living in places not meant for human habitation (i.e., car, outside, on street or public lands, in abandoned building, etc.). The City of Bend (City) is working with public agencies and community partners to support homelessness solutions, including finding ways to keep people in their homes, providing temporary transitional housing, and increasing the availability of affordable housing.
- C. Bend currently has approximately 280 shelter beds, many of which have been developed recently under emergency legislative acts by the Oregon state legislature in the 2020, 2021, and 2022 sessions, including House Bills 4212, 2006, and 3261, and one-time infusions of federal or state grants, including Project Turnkey, the Coronavirus Aid, Relief, and Economic Security Act (CARES) expansion of the City's existing Community Development Block Grant (CDBG) funds, American Rescue Plan Act (ARPA), and state navigation center funds. Shelters are also presently permitted under the Bend Development code as "Temporary Housing." The proposed amendments modify the standards for Temporary Housing, rename the use to "Shelters", and add definition and standards for different types of shelters.
- D. As part of the City's strategy to modify City codes to allow for managed camps, shelters and other facilities to address homelessness, the City formed a 9-person City Manager advisory group consistent with Bend Code 1.20.015.I. called the Sounding Board to House Our Neighbors (Sounding Board), comprised of members of other

City advisory boards and members of the community, to consider changes to the Bend Development Code (BDC) regulatory framework for shelters. The Sounding Board held nine public meetings from April to December, 2021, to develop recommendations on the size and type of permanent and temporary shelters that should be allowed in each zoning district. The Sounding Board's work is further described in the Findings attached as Exhibit B. On December 15, 2021, the Sounding Board held their last meeting and supported a recommendation for the amendments.

- E. On January 24, 2022, the Planning Commission, along with Sounding Board members from the City's Affordable Housing Advisory Committee and Bend Economic Development Advisory Board, and the City's Community Relations Manager representing the Neighborhood Leadership Alliance, held a joint work session and discussed the amendments.
- F. On February 14, 2022, the Planning Commission opened a public hearing, received public testimony, and began deliberations on the proposed shelter code amendments. During their deliberations, the Commission requested additional information and continued the hearing to February 22, 2022, and again to March 8, 2022. On March 8, 2022, the Planning Commission voted to recommend that the City Council approve the proposed text amendments as amended in Exhibit A.
- G. The City Council held a public hearing on May 4, 2022, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. Following public testimony at the May 4, 2022, hearing, the Council began deliberation, discussed potential changes to the proposed code, and continued the hearing for additional deliberation and first reading of the ordinance to May 18, 2022.
- H. The Council discussed preserving the existing use of Medical Hardship Housing and deleting the proposed new use of Hardship Housing. When the City allowed for recreational vehicles to be used in residential areas in response to wildfires in 2020, no permits were requested, and limited inquiries were made for other use of recreational vehicles for people lacking housing for other reasons. The City has also adopted code allowing temporary overnight parking through its Safe Parking Program in the Bend Municipal Code, which requires supervision and case management for sites with three to six vehicles or mobile structures. The Council expressed concern that Hardship Housing might not be possible throughout the city due to restrictions under private covenants, conditions, and restrictions ("CC & Rs") in residential neighborhoods. Medical Hardship Housing would be preserved for instances there is a medical need for temporary housing on a parcel with an existing residential use.
- I. During its deliberations on May 4, 2022, Council also expressed support for requiring notification to the Neighborhood Association in which a proposed shelter is located, and adding clarification and specificity to the City's enforcement powers relating to shelter developments. Additionally, the Council expressed support for requiring on-site management of all shelters, including by a shelter resident designated by the shelter operator, to respond to community concerns that a responsible party be identified to be on-site when the shelter is open for services. Council also discussed wanting to ensure the outreach, communication, and good neighbor agreements required for Temporary Shelters allows shelters to open in a timely manner to respond to emergencies.

- J. The Bend City Manager has historically declared a local emergency for temporary use of alternative shelter facilities when severe weather conditions result in an increased demand for shelter beds that results in permanent shelters reaching capacity, and need for additional places for people to shelter overnight. These orders allow the Fire Marshal to inspect and approve buildings for temporary use as alternative shelters prior to permanent approved occupancy for that use. These orders are used during extreme weather events, such as freezing cold, extreme heat, and unhealthy air due to wildfire smoke. These types of weather conditions can result in a need for additional shelter beds for people who do not have access to shelter, or do not have adequate heating, cooling, or air filtration systems, or in other cases when additional shelter beds are needed on a temporary basis. The proposed code amendments include allowance for temporary shelters, for up to 180 days without a declaration of emergency by the City Manager, in accordance with standards set forth in the code. The Bend City Council finds that temporary shelters are necessary on occasion to preserve human life and safety, and that inclusion in the Bend Development Code provides for greater certainty for the community and service providers as to the location and standards for this use.
- K. The application was processed in accordance with Bend Development Code Section 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to BDC Section 4.1.515.
- L. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on December 27, 2021.
- M. Notice of the February 14, 2022, Planning Commission public hearing was printed in the Bend Bulletin on January 23, 2022, and was mailed and emailed to the neighborhood associations on January 20, 2022. A notice of the May 4, 2022, City Council public hearing was printed in the Bend Bulletin on April 13, 2022, and mailed and emailed to the neighborhood associations on April 13, 2022.
- N. After considering the evidence, testimony and Planning Commission's recommendation, as well as the planning staff presentation, the City Council finds that the amendments satisfy the criteria for approval contained in Section 4.6.200 of the Bend Development Code and that the amendments to the Bend Comprehensive Plan and Bend Development Code should be approved.

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 Exhibit A.

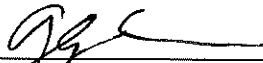
Section 2. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.

First Reading: May 18, 2022

Second reading and adoption by roll call vote: June 1, 2022

YES: Mayor Gena Goodman-Campbell
Mayor Pro Tem Anthony Broadman
Councilor Barb Campbell
Councilor Melanie Kebler
Councilor Megan Perkins

NO: none




Gena Goodman-Campbell, Mayor

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney

**ATTACHMENT A
DRAFT
Bend Comprehensive Plan and Bend Development Code Update
May 18, 2022**

Prepared by:
City of Bend Planning Division

Note:

Text in underlined typeface is proposed to be added

Text in strikethrough typeface is proposed to be deleted

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

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

BEND COMPREHENSIVE PLAN

Chapter 5: Housing

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 in all plan designations, except Industrial General (IG), for people who lack housing.

Chapter 6: Economy

Inclusive Economy

6-43 The City will work with public agencies and community partners to support solutions for houselessness.

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.

6-44 The City will help people experiencing houselessness through adoption of policies, with municipal and Development Code changes, funding, and collaboration with public agencies and non-profits to enable additional supports and services such as shelters and safe parking options.

6-45 The City will support and partner with local nonprofits and trained professionals as they provide direct services to individuals and families experiencing houselessness.

BEND DEVELOPMENT CODE

Chapter 1.2

DEFINITIONS

~~**Hardship Housing** means a shelter used for a limited period by people who lack housing, or during situations such as a medical emergency or the destruction of a primary dwelling unit by fire, flood or another calamity. See BDC 3.6.400(H). (Deleted by the City Council on May 18, 2022)~~

Recreational vehicle means a vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the Director of the Department of Consumer and Business Services Transportation. *(Added by the Planning Commission on March 8, 2022)*

Shelter means a location for overnight accommodation of people who lack housing. A shelter is either a group shelter, outdoor shelter, or a multi-room shelter. See BDC 3.6.600, Shelters.

- 1. Group shelter** means a building that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, bunks, or other sleeping accommodations, for use as a shelter. See BDC 3.6.600, Shelters.
- 2. Outdoor shelter** means a site on which multiple mobile or permanent units including tents, yurts, huts, cabins, manufactured dwellings, recreational vehicles, travel trailers, and other similar structures are placed for use as a shelter. See BDC 3.6.600, Shelters.

3. Multi-room shelter means a building that contains individual sleeping rooms for use as a shelter. See BDC 3.6.600, Shelters.

Shelter, Temporary means group shelters, multi-room, or outdoor shelters used for a limited period. See BDC 3.6.400(I). For temporary hardship housing, see Hardship Housing and BDC 3.6.400(H) . *(Deleted by the City Council on May 18, 2022)*

~~Temporary housing~~ means a permanent facility providing temporary shelter for individuals and/or families who are homeless or in transition. Services may be provided including, but not limited to, accommodations, meals, toilet/bathing facilities, clothing/laundry, case management services and information on or referral to other community resources.

Chapter 2.1

Residential Districts (UAR, RL, RS, RM-10, RM RH)

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						
*Temporary housing	C	C	C	C	C	N
Miscellaneous Uses						
*Shelters	P	P	P	P	P	P

Chapter 2.2
COMMERCIAL ZONING DISTRICTS (CB, CC, CL, CG)

2.2.300 Permitted and Conditional Uses.

Table 2.2.300 – Permitted and Conditional Uses
(Other uses in Table 2.2.300 remain unchanged)

Land Use	CB	*CC	CL	CG
Residential				
*Temporary housing	G	N	P	P
Miscellaneous Uses				
*Shelters	P	P	P	P

Chapter 2.3
MIXED-USE ZONING DISTRICTS (ME, MR, PO, MU, and MN)

2.3.200 Permitted and Conditional Uses.

Table 2.3.200

Permitted and Conditional Uses

(Other uses in Table 2.3.200 remain unchanged)

Land Use	ME	MR	PO	MU	MN
Residential					
Temporary housing*	L [see subsection (C)(1) of this section]	N	L [see subsection (C)(1) of this section]	P	C
Miscellaneous Uses					
*Shelters	P	P	P	P	P

Chapter 2.4

INDUSTRIAL ZONING DISTRICTS (IG, IL)

2.4.300 Permitted and Conditional Uses.

Table 2.4.300 – Permitted and Conditional Uses

(Other uses in Table 2.4.300 remain unchanged)

Land Use	IG	IL
Miscellaneous Uses		

Table 2.4.300 – Permitted and Conditional Uses

(Other uses in Table 2.4.300 remain unchanged)

Land Use	IG	IL
<u>*Shelters</u>	<u>N</u>	<u>P</u>

Chapter 2.6

PUBLIC FACILITIES ZONING DISTRICT (PF)

2.6.200 Permitted and Conditional Uses.

Table 2.6.200 – Permitted and Conditional Uses

(Other uses in Table 2.6.200 remain unchanged)

Land Use	PF
<u>*Shelters</u>	<u>P</u>

Chapter 2.7

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

Article II. NorthWest Crossing Overlay Zone

2.7.300 NorthWest Crossing Overlay Zone.

2.7.320 Districts.

H. Commercial/Mixed Employment Overlay District.

1. Purpose and Applicability. This district applies to all land zoned Commercial Limited and Mixed Employment within the NorthWest Crossing Overlay District. The purpose of this district is to allow a special front yard setback that is not permitted in the underlying Commercial Limited and Mixed Employment Zones and to create parking districts. The purpose of the parking districts is to allow minimum parking needs to be met in common, shared, off-site parking lots. The special setback and parking districts will create a pedestrian-friendly, main-street environment.
2. Uses Permitted.
 - a. The permitted uses allowed in the underlying Commercial Limited, ~~except temporary housing,~~ and Mixed Employment Zones are allowed unless otherwise specified in Table 2.7.320A, which controls where conflicts exist.
3. Conditional Uses.
 - a. Conditional uses permitted in the underlying Commercial Limited and Mixed Employment Zones subject to a Conditional Use Permit and the provisions of BDC Chapter 4.4. ~~Temporary housing is also a conditional use in the Commercial Limited (CL) District.~~ In addition to the conditional uses identified in BDC Chapter 2.3 for the Mixed Employment Zone, there are certain uses that require a Conditional Use Permit if sited on site-specific properties. These uses and properties are identified in Table 2.7.320A.

Table 2.7.320A

(Other uses in Table 2.7.320A remain unchanged)

The Special Land Use Limitations shown in the following table apply in the Commercial/Mixed Employment Overlay District on the following specific lots fronting on Mt. Washington Drive, south of NW Clearwater Drive: District 1, Lot 17; and District 2, Lots 2 and 3.

Land Use	ME
Residential	
Temporary Housing * as a secondary use	C

I. Industrial Employment Overlay District.

- 2. Uses Permitted.** The following uses are permitted in the Industrial Employment Overlay District subject to the provisions of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

- u. Shelters, see BDC 3.6.600.

Article III. Dean Swift Refinement Plan Development Standards

2.7.400 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.

2. Modified Mixed Employment Overlay.

a. The permitted and conditional uses in the Mixed Employment Zone are very diverse. Some of the uses in the ME Zone could adversely impact the residential character of the Dean Swift neighborhood, thereby obstructing the intent and purpose of the overlay. For this reason, the overlay zone will restrict the permitted and conditional uses for this area. ME uses within the Dean Swift Refinement Overlay will be limited to the following permitted and conditional uses.

b. Permitted Uses.

- i. Service commercial and retail uses, excluding drive-through service.
- ii. Professional office, excluding medical uses.
- iii. Residential housing located above or behind a permitted or conditional use.
- iv. Auto-related/auto-dependent uses when contiguous to a Commercial Zone.
- v. Shelters, see BDC 3.6.600

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, cottage clusters 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

2.7.520 Permitted Land Uses.

**Table 2.7.520 Permitted Uses within the Medical Services District Overlay Zone
(Other uses in Table 2.7.520 remain unchanged)**

Land Use	RM	RH	CC
Miscellaneous Uses			
<u>Shelters, see BDC 3.6.600</u>	P	P	P

2.7.540 Special Development Standards.

Within the Medical Services District Overlay Zone certain nonmedical uses are permitted or conditionally allowed within the RM and RH Zones. These uses are intended to support the medical services uses and their customers.

- A. Nonmedical Uses. Nonmedical uses excluding residential and shelter uses as specified in Table 2.7.520 shall must be developed in conformance with the following special standards:
1. Nonmedical uses may be allowed when accessory to a medical use building or development provided the gross floor area of the accessory use does not exceed 4,000 square feet in area for buildings less than 50,000 square feet. For medical buildings with a gross floor area greater than 50,000 square feet, no more than 10 percent of the gross floor area of the building may be occupied by an accessory nonmedical use, unless otherwise approved through a conditional use permit.
 2. Except for hotels, nonmedical uses may occur within the Medical Service District Overlay Zone as a stand-alone business provided the total gross floor area of any individual building does not exceed 4,000 square feet or, where more than one nonmedical use shares one building, the total building area does not exceed 8,000 square feet.

- 3. Hotels may be developed as a stand-alone business within the Medical Service District Overlay Zone provided 75 percent of the guest rooms are designed and furnished for multi-night stays by providing in-unit amenities for sleeping, eating, cooking (more than a microwave), and sanitation.

Article VII. Murphy Crossing Refinement Plan

2.7.820 Districts.

C. Permitted Land Uses. Unless otherwise specified in the table below, the land uses listed within the applicable zoning districts within this Development Code must be permitted, subject to the provisions of this code.

Table 2.7.820.C.

(Other uses in Table 2.7.820.C remain unchanged)

Land Use	RS	RM	ME	CG
<u>Miscellaneous Uses</u>				
<u>Shelters, see BDC 3.6.600</u>	P	P	P	P

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
Other Uses		
<u>Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>

Article XI. Juniper Ridge Overlay Zone

2.7.2030 Employment Sub-District

Table 2.7.2030.A Permitted Land Uses

(Other uses in Table 2.7.2030.A remain unchanged)

Land Use	Employment Sub-District
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>

Article XII. Stone Creek Master Planned Development

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, 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. (Added "See BDC 3.6.600" following Planning Commission recommendation.)

2.7.3060 Public/Community Use Districts.

There are three public or community use districts within the Stone Creek Master Planned Development, as shown in Figure 2.7.3075.A. One is designated for a public neighborhood park, one for a community recreation facility, and the third is the site of the Silver Rail Elementary School. No other uses are permitted in these districts, except for shelters.

Article XIV. Bend Central District

2.7.3200 Bend Central District (BCD).

2.7.3220 Land Uses.

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

(Other uses in Table 2.7.3220 remain unchanged)

Land Use	1st/2nd Street	3rd Street	4th Street	South
Residential				

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

(Other uses in Table 2.7.3220 remain unchanged)

Land Use	1st/2nd Street	3rd Street	4th Street	South
*Temporary Housing	L (see subsection (D)(4) of this section)	L (see subsection (D)(4) of this section)	N	L (see subsection (D)(4) of this section)
Miscellaneous				
* Shelters, see BDC 3.6.600	P	P	P	L (see subsection (D)(4) of this section)

D. Limitations. The following limitations apply to those uses identified as "L" in Table 2.7.3220:

4. ~~Temporary Housing Shelters. Temporary housing is permitted west of 3rd Street Shelters are not permitted in General Industrial (IG) District but are otherwise permitted in the South Subdistrict.~~

2.7.3250 Parking.

A. In the BCD, the following parking requirements supersede parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces, and in BDC Chapter 3.6, Special Standards and Regulations for Certain Uses. Unless otherwise noted here, other sections of BDC Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking, apply.

1. Required Off-Street Parking. The minimum number of required off-street vehicle parking spaces is established below. The number of parking spaces provided by any particular use in ground surface parking lots must not exceed the required minimum number of spaces provided by Table 3.3.300, Required Off-Street Vehicle Parking Spaces, by more than 50 percent. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, do not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

a. Residential Uses.

- i. Single-family attached townhomes: one space per dwelling unit.
- ii. Live/work dwelling unit: one space per live-work dwelling unit.
- iii. Residential uses in a mixed-use development, multifamily, micro-units and commercial-ready space used as residential: one-half space per dwelling unit.
- iv. Tandem parking is permitted when the spaces are assigned to the same dwelling unit.
- v. Temporary housing: None.

b. Nonresidential uses: one space per 1,000 square feet of floor area.

- i. Exception. Hotels/motels and entertainment uses may use the off-street parking requirements in BDC Table 3.3.300, Required Off-Street Vehicle Parking Spaces.

c. Shelters. See BDC 3.6.600, Shelters.

Article XIX. Discovery West Master Planned Development

2.7.3750 Large Lot Residential District.

A. Permitted Uses.

9. Shelters. See BDC 3.6.600, Shelters.

2.7.3760 Standard Lot Residential District.

A. Permitted Uses.

9. Shelters. See BDC 3.6.600, Shelters.

Article XXI. Petrosa Master Planned Development

2.7.3950 Residential Zoning Districts.

Table 2.7.3950 – Permitted and Conditional Uses
(Other uses in Table 2.7.3950 remain unchanged)

Land Use	RS	RM	RH
Miscellaneous Uses			
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>	<u>P</u>

2.7.3960 Commercial General.

Table 2.7.3960 – Permitted and Conditional Uses
(Other uses in Table 2.7.3960 remain unchanged)

Land Use	CG
<u>*Shelters, See BDC 3.6.600</u>	<u>P</u>

Article XXII. Treeline Master Planned Development.

2.7.4050. Residential Zoning Districts

Table 2.7.4050 – Permitted and Conditional Uses
(Other uses in Table 2.7.4050 remain unchanged)

Land Use	RL	SLO
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>

Article XXIII. Easton Master Planned Development

2.7.4150 Residential Zoning Districts.

**Table 2.7.4150 – Permitted and Conditional Uses
(Other uses in Table 2.7.4150 remain unchanged)**

Land Use	RS	RM	MHO
Miscellaneous Uses			
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>	<u>P</u>

2.7.4160 Commercial General.

**Table 2.7.4160 – Permitted and Conditional Uses
(Other uses in Table 2.7.4160 remain unchanged)**

Land Use	CG
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>

Article XXIV. Stevens Ranch Master Planned Development

2.7.4250 Residential

**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			
*Temporary housing	C	C	C
Miscellaneous Uses			
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>	<u>P</u>

2.7.4260 Commercial.

Table 2.7.4260.A – Permitted and Conditional Uses
(Other uses in Table 2.7.4260.A remain unchanged)

Land Use	CL	CG
Miscellaneous Uses		
<u>*Shelters, see BDC 3.6.600</u>	<u>P</u>	<u>P</u>

Chapter 3.3
VEHICLE PARKING, LOADING AND BICYCLE PARKING

3.3.300 Vehicle Parking Standards for On-Site Requirements

Table 3.3.300

Required Off-Street Vehicle Parking Spaces

(Other minimum parking requirements in Table 3.3.300 remain unchanged)

Use	Minimum Requirement
Miscellaneous	
<u>Shelters</u>	<u>See BDC 3.6.600 Shelters</u>

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

Sections:

3.6.100 Purpose.

3.6.200 Residential Uses.

3.6.300 Nonresidential Uses.

3.6.400 Temporary Uses.

3.6.500 Short-Term Rentals.

3.6.600 Shelters.

3.6.200 Residential Uses.

~~O. Temporary Housing. Repealed by Ord. NS-XXXX (Insert ordinance number when adopted).
(Relocated to BDC 3.6.600, Shelters)~~

- ~~1. On-site Management. On-site management must be provided at all times the facility is open for services.~~
- ~~2. Waiting and Intake Area. If waiting or first-come, first-served services are provided, any outdoor, on-site, waiting and intake area must be sized to accommodate the expected number of people to be served.~~
- ~~3. Development Standards. The development standards for the base zone and any overlay zone shall apply to temporary housing uses, unless superseded by standards in this section.~~
- ~~4. Parking. None~~
- ~~5. Compliance. Any temporary housing facility must meet all other applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, building and Environmental Health requirements.~~
- ~~6. Facilities and Services. Temporary housing may provide facilities and services on site including, but not limited to, the following:
 - ~~a. Meals and dining areas~~
 - ~~b. Clothing/laundry facilities~~~~

~~e. Restrooms and showers~~

~~d. Day care facilities~~

~~e. Case management services and information on or referral to other community resources~~

~~f. Overnight and daytime accommodations.~~

3.6.400 Temporary Uses.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to:

- Seasonal sales
- Farm produce sales
- Temporary real estate sales office or model home
- Temporary building
- Education modular
- Medical Hardship *(City Council retained medical hardship housing on May 18, 2022)*
- Carnivals/fairs, parking lot sales and warehouse sales
- ~~Hardship Housing *(Deleted by the City Council on May 18, 2022)*~~
- Temporary Shelter

Unless otherwise permitted, temporary uses shall must comply with this section. Temporary uses not specifically allowed under this section, including but not limited to temporary retail sales and services, in zones where retail sales and services are allowed, are prohibited. The use of a motor home, recreational vehicle,

travel trailer, tent, or similar device as a dwelling unit is also prohibited except as provided in this section.

Provision of "safe parking" as described in the Bend Code is not considered a "dwelling unit" use prohibited by this section, and is allowed as set forth in the Bend Code. "Safe parking" as described in the Bend Code is not a land use decision and is not subject to the Bend Development Code.

F. Medical Hardship Housing. A temporary use permit is required for medical hardship housing. The following standards are applicable to the siting of medical hardship housing.

1. Temporary use permits may be granted in residential zones for relatives of the family residing on the property if the temporary dwelling unit will be used because of a medical problem requiring the use of such a unit. The existence of a medical problem that requires the patient to reside on the same site as his or her relatives shall be supported by the certificate of a medical doctor. The permit shall not exceed one year and may only be renewed with another certificate from a medical doctor.
2. The temporary dwelling unit may be a manufactured dwelling, manufactured home, manufactured structure, or mobile home as defined in BDC Chapter 1.2. No permanent structure or foundation shall be established for the medical hardship housing. Recreational vehicles and trailers are prohibited.
3. The applicant shall obtain required temporary permits for electrical, water and other services as appropriate before the temporary dwelling unit is occupied.
4. All locational standards for structures in the applicable zoning district shall be met (e.g., setbacks, height and lot coverage).
5. The medical hardship housing and all utility connections shall be removed no later than 90 days after the expiration of the permit. ***(City Council retained medical hardship housing on May 18, 2022)***

~~H. **Hardship Housing.** Hardship housing may be used by people who lack housing, or during situations such as a medical emergency or the destruction of a primary dwelling unit by fire, flood or other calamity, subject to a temporary use permit (Type I process) and the following standards:~~

- ~~1. Hardship housing must be located in a residential zone on a property with a permitted residential use.~~

- ~~2. Hardship housing units may be a manufactured dwelling, manufactured home, manufactured structure, mobile home, or recreational vehicle as defined in BDC Chapter 1.2. No permanent structure or foundation can be established for the hardship housing unit. Tents, yurts or other similar structures are not allowed as hardship housing units.~~
- ~~3. A maximum of one hardship housing unit is permitted per lot or parcel.~~
- ~~4. Height and setback standards in the applicable zoning district must be met, except that hardship housing may be placed in the driveway even if the driveway is the required off-street parking space.~~
- ~~5. There is no minimum off-street parking requirement for hardship housing.~~
- ~~6. The applicant must obtain required permits for electrical, water and other services before the hardship housing is occupied.~~
- ~~7. The hardship housing must be connected to sewer or on-site septic or have operable waste storage tank and a contract for pumping or dumping for the duration of the permit or the unit must be drivable or towable such that the holding tanks are able to be emptied off-site. Any dumping of waste onto the ground or into the right-of-way may make the temporary use permit subject to immediate revocation.~~
- ~~8. Hardship housing cannot be used as a short-term rental.~~
- ~~9. Time Limit and Extensions:
 - ~~a. The temporary use permit must not exceed 180 days-18 months unless extended in subsection 3.6.400(H)(9)(b) of this section.~~
 - ~~b. The temporary use permit may be extended with another temporary use permit when the standards of this section are being met. A total of three extensions may be approved.~~
 - ~~c. No temporary use permit may be approved after the expiration of the permit for 180-365 days.~~
 - ~~d. The hardship housing and all associated utility connections must be removed no later than 30 days after the expiration of the permit.~~~~

(Amended by the Planning Commission on March 8, 2022)

~~10. A City issued approval sticker must be posted on the hardship housing, visible to the public way when feasible, for the duration of the approval.~~

~~11. Payment of any fee, rent or other monetary charge is prohibited with the exception of payment for increased utilities or costs incurred. *(Added by the Planning Commission on March 8, 2022)*~~

~~12. Applicant must be the owner or lessee of the residential property. The application must include the signature of the property owner. Applicant must indicate the nature of the hardship & a responsible party who will be using the hardship housing. The permit will be issued for the applicant and the responsible party, and the responsible party's household. *(Added by the Planning Commission on March 8, 2022)*~~

~~13. The Planning Director or designee may visit and inspect the site of the hardship housing in accordance with this Chapter periodically to ensure compliance with all applicable regulations, with reasonable notice.~~

~~14. Code violations may be processed in accordance with BDC Chapter 1.3, Enforcement or may make the temporary use permit subject to immediate revocation.~~

(City Council deleted hardship housing on May 18, 2022)

I.H. Temporary Shelters. Temporary shelters must be a group shelter, multi-room, or outdoor shelter. A development application is not required. Temporary shelters must comply with the following standards and with the standards in BDC 3.6.600 unless superseded by this subsection:

1. Temporary shelters are permitted in the following zones:

a. Residential zones on a lot or parcel with a permitted public or institutional use.

b. Commercial, Mixed-Use and Public Facilities Zones.

c. Light Industrial (IL) District.

2. Temporary shelters must not exceed a period of 180 days. The temporary use may only be extended by an Emergency Declaration by the City Manager.

3. Good Neighbor Guidelines. The owner or shelter operator of a shelter site must develop good neighbor guidelines and provide them to the shelter clients by incorporating the

guidelines into a management agreement between the operator and the shelter clients. Good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations and maintenance, safety and security provisions. Outreach and communication to the following must be provided for each shelter facility prior to occupancy:

- a. Adjacent neighbors; and
- b. Designated land use chair of the neighborhood association recognized by the City of Bend within which the shelter is located.

(Added by the Planning Commission on March 8, 2022 and amended by the City Council on May 18, 2022)

4. The applicant must obtain required permits for electrical, water and other services before the shelter is occupied.
5. The temporary shelter will not impede the normal use of driveways or circulation aisles.
6. There is no minimum off-street parking requirement or design standards for temporary shelters.
7. Driveway approaches and sidewalks are not required for temporary shelters.
8. Any associated structures for the temporary shelter and any mobile units and utility connections must be removed no later than 30 days after the expiration of the temporary use.
9. The temporary shelter must be connected to sewer or if mobile units such as trailers or recreational vehicles, or portable toilet facilities are used, the units must have operable waste storage tank and a contract for pumping or dumping for the duration of the temporary use or the unit must be drivable or towable such that the holding tanks are able to be emptied off-site.
10. Any dumping of waste onto the ground or into the right-of-way is grounds for the City to cause immediate cessation of the temporary use.
11. Temporary group shelters, outdoor shelters and multi room shelters may be located on the same site, provided the standards of this subsection can be met and the standards for the corresponding zoning district can be met.
12. The Planning Director or designee may visit and inspect the site of a temporary shelter in accordance with this Chapter periodically to ensure compliance with all applicable regulations, with reasonable notice. In addition to any other remedy available to the City, the Municipal Court Judge has the authority to issue warrants allowing the City to enter the property and abate the violation or continued

use after an order to cease operations, including but not limited to towing or removing the temporary shelter or any related facilities. (Amended by the City Council on May 18, 2022)

13. Code violations may be processed in accordance with BDC Chapter 1.3, Enforcement or may make the temporary use subject to immediate cessation.

3.6.600 Shelters.

Shelters may be a group shelter, outdoor shelter or multi-room shelter.

A. Applicability. Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
 - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities (above ground). See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.
 - b. Commercial, Mixed-Use and Public Facilities Zones.
 - c. Light Industrial (IL) District.

(Amended by the Planning Commission on March 8, 2022)

B. Review Process.

1. Type I Minimum Development Standards Review. The following shelters are reviewed through a Type I Process:
 - a. A building expansion of up to 50 percent of the existing building area or up to 5,000 square feet, whichever is less.
 - b. Expansion of an outdoor shelter use or parking of up to 50 percent of the existing outdoor shelter use area or parking area or up to 5,000 square feet of new outdoor shelter use area or parking area, whichever is less.

c. A change of use of a building or property that increases demand on public facilities and/or requires new additional parking spaces. A change of use of a building or property that does not increase demand on public facilities and/or require new additional parking spaces does not require Minimum Development Standards Review or Site Plan Review.

2. Type II Site Plan Review. All other shelters, including an outdoor shelter on a vacant property, are reviewed through a Type II Process.

C. Shelters Standards. Shelters must comply with the following standards:

1. Management. On-site or on-call management must be provided when the shelter is open for services. Management may be provided by a resident of the shelter authorized as such by the shelter operator. Temporary or de minimus absence of the identified on-site manager is not a violation of this provision. A permanent sign must be posted with the name of the property owner and management, and a telephone number where they can be contacted. The sign must comply with one of the following and is exempt from a sign permit:

a. One nonilluminated wall or window sign limited to two square feet in area and located on or below the first story at a maximum height of 14 feet; or

b. One permanent freestanding sign not greater than four feet in height with a sign area not exceeding four square feet located at a driveway entrance to the site.

(Amended by the City Council on May 18, 2022)

2. Good Neighbor Guidelines. The owner or shelter operator of a shelter site must submit evidence with the development application that good neighbor guidelines have been developed & how they will be provided to the shelter clients, by incorporating the guidelines into a management agreement between the operator & the shelter clients. Good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations & maintenance, and safety & security. Evidence of outreach & communication to the following must be provided for each shelter facility prior to occupancy:

a. Adjacent neighbors; and

b. Designated land use chair of the neighborhood association recognized by the City of Bend within which the shelter is located.

(Amended by the Planning Commission on March 8, 2022 and by the City Council on May 18, 2022)

3. Restroom. At least one toilet and handwashing station must be provided. Toilet and handwashing stations may be provided through the use of portable units, with a contract for service and/or dumping

in place. Portable units must not be located within setbacks 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. Portable units must be located for easy access by pick-up/service vehicles. Any dumping of waste onto the ground or into the right-of-way is grounds for the City to cause immediate cessation of the use.

4. Trash Receptacles. Trash receptacles must be provided, must not be located within setbacks 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/service vehicles.
5. Waiting and Intake Area. If waiting or first-come, first-served services are provided, any outdoor, on-site, waiting and intake area must be sized to accommodate the expected number of people to be served.
6. Accessibility Requirements. Accessible parking and access to any accessible unit(s) and common areas must be provided for disabled persons, in conformance with the Federal Americans with Disabilities Act (ADA). Accessible parking must comply with BDC 3.3.300.G, ADA Accessible Parking Spaces.
7. Compliance. Shelters must meet all other applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, Building Safety Division, and Environmental Health requirements.
8. Landscaping and Multi-Modal Access and Circulation. BDC 3.2.300, New Landscaping, and 3.1.300, Multi-Modal Access and Circulation do not apply to shelters.
9. On-site Improvements. Required parking areas, aisles and turn-arounds are exempt from the paving standards required by this code. Driveway approaches must comply with City of Bend Standards and Specifications.
10. Development Standards. The development standards for the corresponding zone and any overlay zone apply, unless superseded by standards in this section. Where there is a conflict between the provisions of the BDC and those of the underlying zone or other provisions of the Development Code, the provisions of this section will control. (Amended by the City Council on May 18, 2022)

11. Public Improvements. Shelters are required to construct the public improvements, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards except as follows:

a. Transportation. The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.

b. Water.

i. Multi-room and Group Shelters. The City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection. All other provisions of BDC 3.4.400 for water service improvements apply.

ii. Outdoor Shelter. Water connections must be provided when required by the building code. Any proposed water system must be sized to accommodate additional development within the area as projected by the Water Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. If a water extension is required, the City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection.

c. Sewer.

i. Multi-room and Group Shelters. The City sewer main must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater. All other provisions of BDC 3.4.400 for sanitary sewer improvements apply.

ii. Outdoor Shelter. Sewer connections must be provided when required by the building code. Any proposed sewer systems must be sized to accommodate additional development within the area as projected by the Sewer Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. City sewer mains must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater.

12. Colocation. Group shelters, outdoor shelter, multi room shelters and temporary shelters may be located on the same site, provided the standards for each type of shelter can be met and the standards for the corresponding zoning district can be met.

13. Storage. Secure storage areas are required. Storage areas not provided in a structure must not be located within setbacks 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. (Added by the Planning Commission on March 8, 2022)

D. Facilities and Services. Shelters may provide facilities and services on site including, but not limited to, the following:

1. Meals and dining areas.

2. Clothing/laundry facilities.

3. Showers.

4. Day care facilities.

5. Case management services and information on or referral to other community resources.

6. Overnight and daytime accommodations.

7. Kennel area or open space for domestic animals, subject to management requirements.

8. Overnight camping may be provided in conjunction with a shelter in compliance with BC Chapter 5.70, Safe Parking Programs.

9. Other facilities and services to support the primary shelter use.

E. Outdoor shelters.

1. Maximum Number of Mobile and Permanent Units. The maximum number of units is one per each 1,000 square feet of gross acreage. A community building or other shared facility does not affect the maximum allowable units permitted on a site. For purposes of calculating the maximum number of mobile and permanent units, fractional units are rounded down to the next whole unit. *(Amended by the Planning Commission on March 8, 2022)*
2. Off-Street Parking. A minimum of 0.5 parking spaces per unit for the first 16 units, plus 0.3 spaces per additional unit is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.
3. The owner or shelter operator of an outdoor shelter site must submit with the development application a letter or other written documentation from the Bend Park and Recreation District and from the Bend-La Pine School District which indicates that the applicant has met with the Districts to discuss the proposed shelters, and provided the Districts an opportunity to review the proposal. *(Added by the Planning Commission on March 8, 2022)*

F. Group Shelters.

1. Maximum Number of Beds. The maximum number of shelter beds allowed will be determined by the building code standards for occupancy.
2. Off-Street Parking. Minimum 0.25 spaces per bed is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

G. Multi-Room Shelters.

1. Maximum Number of Rooms. The maximum number of rooms per acre allowed in a multi-room shelter are listed in Table 3.6.600(G). For purposes of calculating maximum number of rooms, fractional units are rounded down to the next whole unit. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited. *(Amended by the Planning Commission on March 8, 2022)*

Table 3.6.600.G

<u>Residential Zone</u>	<u>Maximum Rooms per Acre</u>
<u>Low Density Residential (RL)</u>	<u>24 rooms</u>
<u>Standard Density Residential (RS)</u>	<u>43 rooms</u>
<u>Medium Density Residential (RM-10)</u>	<u>45 rooms</u>
<u>Medium Density Residential (RM)</u>	<u>130 rooms</u>
<u>High Density Residential (RH)</u>	<u>258 rooms</u>
<u>Commercial and Mixed-Use Zoning Districts and LI and PF Districts</u>	<u>258 rooms</u>

2. Off-Street Parking. A minimum of 0.25 spaces per room is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

H. Existing Uses and Structures. Uses and structures that are not in conformance with the provisions in this section but that were lawfully established prior to the adoption of this code are considered a permitted use. Expansion or enlargement will be subject to the provisions of BDC Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review.

I. The Planning Director or designee may visit and inspect the site of a shelter in accordance with this Chapter periodically to ensure compliance with all applicable regulations, with reasonable notice. In addition to any other remedy available to the City for violations of this code or the Bend Development Code, the Municipal Court Judge has the authority to issue warrants allowing the City to enter the property and abate the violation, including but not limited to towing or removing the shelter or any associated facilities. (Added by the City Council on May 18, 2022)

**EXHIBIT B
FINDINGS OF FACT
BEND COMPREHENSIVE PLAN AND BEND DEVELOPMENT CODE (BDC)
UPDATE
AMENDMENT PLTEXT20210835**

I. PROCEDURAL FINDINGS:

(1) PUBLIC NOTICE AND COMMENTS.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCDD) on December 27, 2021. A notice of the February 14, 2022, Planning Commission public hearing was printed in the Bend Bulletin on January 23, 2022, and was mailed and emailed to the neighborhood associations on January 20, 2022. A notice of the May 4, 2022, City Council public hearing was printed in the Bend Bulletin on April 13, 2022, and mailed and emailed to the neighborhood associations on April 13, 2022.

(2) PROPOSAL: Amendments to Bend Comprehensive Plan Chapter 5, Housing, Chapter 6, Economy and Chapter 9, Community Appearance and to Bend Development Code Chapters 1.2 Definitions, 2.1 Residential Districts, 2.2 Commercial Zoning Districts, 2.3 Mixed-Use Zoning Districts, 2.4, Industrial Zoning Districts, 2.6, Public Facilities Zoning District, 2.7 Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 3.3 Vehicle Parking, Loading and Bicycle Parking and 3.6 Special Standards and Regulations for Certain Uses.

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 APMENTS**

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, Goal 9: Economic Development, Goal 10: Housing and Goal 11, Public Facilities and Services.

Goal 1, Citizen Involvement, is satisfied by following the City's acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.

FINDING: As part of the City's overall strategy to implement solutions for people experiencing homelessness, the City formed a 9-person City Manager advisory group consistent with Bend Code 1.20.015.I. called the Sounding Board to House our Neighbors (Sounding Board). The meeting packets, presentations, agendas, and minutes of the Sounding Board have been placed into the record of this proceeding for consideration by the hearings body. The Sounding Board was comprised of representatives of the City Council, Planning Commission, Homeless Leadership Coalition, Neighborhood Leadership Alliance (NLA), Affordable Housing Advisory Committee (AHAC), Homeless Services Providers, and the Bend Economic Development Advisory Board (BEDAB).

The Sounding Board held nine meetings since April 2021 to develop recommendations on the size and type of permanent and temporary shelters that should be allowed in

each zoning district. All Sounding Board meetings were open to public comment, and the Sounding Board's recommended code language was shared with various advisory groups and the NLA. Additionally, the proposed code amendments and concepts were shared widely through a citywide survey. The survey was open to the public over a three-week period in October 2021. During that time, 868 people completed the survey. Roughly 175 people also provided comments directly via email to the City Council and Planning Commission. A memo dated November 5, 2021, summarizes the results of the survey and the public input received from the survey. This memo, as well as the full results of the survey, and all public comments sent by email, have been placed into the record of this proceeding for consideration by the hearings body. The Sounding Board considered the public input which is reflected in the draft code language. On December 15, 2021, the Sound Board held their last meeting and supported a recommendation for the amendments to be considered by the Planning Commission through the public hearing process set forth in the Bend Development Code.

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 Association Land Use Chairs on January 4, 2022. A webpage was published for the shelter code amendments and a media news release was sent out on January 21, 2022, and the proposed project was included in the Bend Current eNewsletter on January 20, 2022. Notices of the public hearings were provided as described above.

On January 24, 2022, the Planning Commission, along with members from the AHAC and BEDAB that were part of the Sounding Board and the City of Bend's Community Relations Manager representing the NLA, held a joint work session and discussed the amendments. The work session is part of the public record.

On February 14, 2022, the Planning Commission opened a public hearing, received public testimony, and began deliberations on the proposed shelter code amendments. During their deliberations, the Commission requested additional information on the following items and continued the hearing to February 22, 2022, and again to March 8, 2022:

1. Location Restrictions for Shelters (Outdoor, Group, Multi-room, Hardship)
2. Hardship Housing
3. Occupancy by Shelter Type (density)
4. Management of Shelters
5. Good Neighbor Guidelines
6. Storage Requirement for Shelters

During the Commission's continued deliberations, staff provided options and potential amendments for each of the above items. The Commission discussed maximum occupancy requirements by shelter types, management of shelters and good neighbor guidelines, and were supportive of recommending changes to the good neighbor guidelines for both temporary and permanent shelters. After discussion, the Commission supported management requirements and maximum occupancy as presented, with no changes. Following the March 8, 2022, continued hearing, the Planning Commission recommended changes to the locations and standards for outdoor shelter and to the standards, time limits and extensions for hardship housing and requiring storage and voted six in favor, one opposed, to recommend that the City Council approve the proposed text amendments.

The City Council held a public hearing on May 4, 2022, to consider the Planning Commission's recommendation for changes to the Comprehensive Plan and to the Bend Development Code provisions relating to Temporary Housing, proposed to be deleted and replaced with standards for different types of Shelters. After considering the evidence, public testimony, and Planning Commission's recommendation, as well as the planning staff presentation and information provided by shelter providers (Erik Tobiason, Gwenn Wysling, and John Lodise) and Planning Commission Chair, Scott Winters, the public hearing was closed and the City Council began deliberations. The Council heard testimony from service providers about successes in existing shelters providing on-site management, including by residents designated by the shelter operator. Based on their discussions, the Council directed staff to bring back the following changes for a first reading on May 18, 2022 (amended language in shown in red):

BDC 1.2 Definitions.

Delete definition for Hardship Housing and the reference to hardship housing in the definition of Shelter, Temporary.

BDC 3.6.400.F Medical Hardship Housing - Keep Medical Hardship Housing

BDC 3.6.400.H Hardship Housing - Delete Hardship Housing

BDC 3.6.400.I H Temporary Shelters (reorganize to "3.6.400.H")

3. Good Neighbor Guidelines. The owner or shelter operator of a shelter site must develop good neighbor guidelines and provide them to the shelter clients by incorporating the guidelines into a management agreement between the operator and the shelter clients. Good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations and maintenance, safety and security provisions. Outreach and communication to the following must be provided for each shelter facility prior to occupancy:
 - a. Adjacent neighbors; and

b. Designated land use chair of the neighborhood association recognized by the City of Bend within which the shelter is located.

12. The Planning Director or designee may visit and inspect the site of a shelter in accordance with this Chapter periodically to ensure compliance with all applicable regulations, with reasonable notice. In addition to any other remedy available to the City, the Municipal Court Judge has the authority to issue warrants allowing the City to enter the property and abate the violation or continued use after an order to cease operations, including but not limited to towing or removing the temporary shelter or any related facilities.

BDC 3.6.600.C 1 Shelter Standards

1. Management. On-site ~~or on-call~~ management must be provided when the shelter is open for services. Management may be provided by a resident of the shelter authorized as such by the shelter operator. Temporary or de minimus absence of the identified on-site manager is not a violation of this provision. A permanent sign must be posted with the name of the property owner and management, and a telephone number where they can be contacted. The sign must comply with one of the following and is exempt from a sign permit:
- a. One nonilluminated wall or window sign limited to two square feet in area and located on or below the first story at a maximum height of 14 feet; or
 - b. One permanent freestanding sign not greater than four feet in height with a sign area not exceeding four square feet located at a driveway entrance to the site.
2. Good Neighbor Guidelines. The owner or shelter operator of a shelter site must submit evidence with the development application that good neighbor guidelines have been developed & how they will be provided to the shelter clients, by incorporating the guidelines into a management agreement between the operator & the shelter clients. Good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations & maintenance, and safety & security. Evidence of outreach & communication to the following must be provided for each shelter facility prior to occupancy:
- a. Adjacent neighbors; and
 - b. Designated land use chair of the neighborhood association recognized by the City of Bend within which the shelter is located.
10. The development standards for the corresponding zone and any overlay zone apply, unless superseded by standards in this section. Where there is a conflict between the provisions of the BDC and those of the underlying zone or other provisions of the Development Code, the provisions of this section will control.

BDC 3.6.600.I. – New Shelter Standard

The Planning Director or designee may visit and inspect the site of a shelter in accordance with this Chapter periodically to ensure compliance with all applicable regulations, with reasonable notice. In addition to any other remedy available to the City for violations of this code or the Bend Development Code, the Municipal Court Judge has the authority to issue warrants allowing the City to enter the property and abate the violation, including but not limited to towing or removing the shelter or any associated facilities.

The proposed code amendments followed the acknowledged text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing, and included additional public meetings and outreach prior to the required public hearings. 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: Goal 2 is satisfied 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 were considered by the Planning Commission after a public hearing and testimony, and then by the City Council after a public hearing and testimony. 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.

Population estimates anticipate an additional 20,000 people moving to Bend by the year 2030.¹ 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 increasing housing prices have left many people behind and struggling to find housing.²

The federally-mandated Point-In-Time count, coordinated by Central Oregon's Continuum of Care, the Homeless Leadership Coalition, identified 1,099 people experiencing homelessness in Central Oregon in January 2021 (Deschutes, Crook and Jefferson Counties), according to the Homeless Leadership Coalition's press release

¹ Portland State University Center Population Research Center

² Additional information on the City's Affordable Housing Program can be found at; <https://www.bendoregon.gov/government/departments/economic-development/affordable-housing-program>.

dated September 8, 2021, which has been placed before the hearings body. (The 2022 count numbers were not available at the time of this hearing.) This represents an increase of 13.49% over 2020, and 40% increase from 2018. Of those counted in 2021, 824 people, or 74% were unsheltered, meaning they were living in places not meant for human habitation (i.e., in a car, outside, on street or public lands, in abandoned building, etc.). Statewide, looking at numbers from the 2020 Point-In-Time Count, the U.S. Department of Housing and Urban Development found that Oregon had the fourth highest per capita rate of people experiencing homelessness (35 in 10,000), and was tied for second for the rates of people who were living unsheltered (61% statewide).³

The City's existing BDC provisions for the development of shelters (currently called temporary housing), have not resulted in the development of sufficient shelter beds to meet the needs of the increasing number of people experiencing homelessness. Funding availability plays a large role in the development of shelters, but Council determined code changes are needed to help address the shortage.

In response to this crisis, Bend City Council 2021-2023 Goals⁴ include "taking meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend". To implement this goal, the Council has a strategy to invest in programs and partnerships that result in collaborative, concrete actions toward ending homelessness in Bend. To accomplish this goal and strategy, the Council is partnering with Deschutes County to create an Emergency Homelessness Task Force that results in a 5-year Community Action plan aimed at eliminating homelessness. Actions included in the Action Plan include modifying City codes to allow for managed camps, shelters, and other facilities to provide increased options for people experiencing homelessness, exploring and increasing funding sources to obtain housing/facilities and related supportive services to serve community members who are housing insecure or experiencing homelessness, and create housing or facilities to house 500 homeless individuals on a temporary or permanent basis. Council's 2021-2023 goals also include a strategy to modify City codes to allow for managed camps, shelters, and other facilities to address homelessness

To help develop solutions for temporary and permanent housing, the City involved the Sounding Board, an advisory group appointed by the City Manager, to assist staff on updating the BDC to allow different types of shelters citywide. The Sounding Board was comprised of social service providers, housing advocates and designers, and representatives from the BEDAB, NLA, AHAC, Planning Commission and City Council. The Sounding Board held nine meetings since April 2021 to develop recommendations

³ The US Department of Housing and Urban Development, Office of Community Planning and Development. *The 2020 Annual Homeless Assessment Report (AHAR) to Congress: Part 1: Point-in-Time Estimates of Homelessness*. January 2021; which by this reference is incorporated into the record for this proceeding.

⁴ City of Bend, 2021-23 Council Goals Work Plan, available at: <https://www.bendoregon.gov/home/showpublisheddocument/49365/637526111219330000> (last accessed January 31, 2022); by this reference incorporated into the record for this proceeding.

on the size and type of shelters that should be allowed to be built in each zoning district, to help provide greater shelter options until a houseless community member can get into permanent housing.

Based on best practices, solutions in peer cities, and the safety and needs of houseless community members, the Sounding Board developed recommendations for three permanent shelter types (Group, Multi-Room, and Outdoor) that would be allowed in all zoning districts except the General Industrial (IG) zone. The Sounding Board also developed recommendations for Temporary Shelters (allowed for 180 days or less) and Hardship Housing that would allow a property owner to place a manufactured dwelling, manufactured home, manufactured structure, mobile home, or recreational vehicle on their property to be used for a limited period by people who lack housing. Hardship Housing could be used by people who lack housing, including during a medical emergency or in the event of destruction of a primary dwelling unit by fire, flood or another calamity. Temporary Shelters are a proposed new use in response to existing practice of City Manager emergency orders to allow for alternative shelter uses during weather or other emergencies. The proposed Temporary Shelter provisions would allow temporary shelter use in buildings and locations without approved permanent land use or occupancy for the overnight use, in accordance with provided standards.

The amendments and concepts were shared through a citywide survey. The survey was open to the public over a three-week period in October 2021. During that time, 868 people completed the survey, with roughly 175 also providing comments directly via email to the City Council and Planning Commission. The Sounding Board considered the public input which was reflected in the amendments.

On January 24, 2022, the Planning Commission, along with members from the AHAC and BEDAB that were part of the Sounding Board and the City of Bend's Community Relations Manager representing the NLA, held a joint work session and discussed the amendments.

On February 14, 2022, the Planning Commission opened a public hearing, received public testimony and began deliberations on the proposed shelter code amendments. During their deliberations, the Commission requested additional information on the following items and continued the hearing to February 22, 2022:

1. Location Restrictions for Shelters (Outdoor, Group, Multi-room, Hardship)
2. Hardship Housing
3. Occupancy by Shelter Type (density)
4. Management of Shelters
5. Good Neighbor Guidelines
6. Storage Requirement for Shelters

During the Commission's continued deliberations, staff provided options and potential amendments for each of the above items. The Commission discussed maximum occupancy requirements by shelter types, management of shelters and good neighbor guidelines, and were supportive of recommending changes to the good neighbor guidelines for both temporary and permanent shelters. After discussion, the Commission supported management requirements and maximum occupancy as presented, with no changes. At the conclusion of the February 22, 2022, continuation, the Commission continued the deliberations to March 8, 2022, to further discuss location restrictions, hardship housing, and storage requirements. On March 8, 2022, the Planning Commission supported changes to the locations and standards for outdoor shelter and to the standards, time limits, and extensions for hardship housing and requiring storage. The Commission recommended that the City Council approve the proposed text amendments as amended through their deliberations, in a vote 6 in favor, 1 opposed.

The City Council held a public hearing on May 4, 2022, after which they began deliberations. Council continued their deliberations to May 18, 2022, for consideration of a first reading of the ordinance, including changes discussed by the Council at their May 4, 2022, deliberations.

The City Council removed Hardship Housing from the package of amendments based on public testimony; however, the Council is interested in future discussions and options for providing shelters and/or housing for people who lack housing, or during situations such as a medical emergency or the destruction of a primary dwelling unit by fire, flood or another calamity. Medical Hardship Housing would be preserved for instances when there is a medical need for temporary housing on a property with an existing residential use.

The Council also amended the Good Neighbor Guidelines to include outreach to the designated land use chair of the neighborhood association recognized by the City of Bend within which the shelter is located.

The Council amended the management requirement to require on-site management and clarified that management may be provided by a resident of the shelter authorized as such by the shelter operator and that temporary or de minimus absence of the identified on-site manager is not a violation of this provision.

Following the continued deliberations, the Council approved amendments on May 18, 2022, as shown in Exhibit A.

The amendments are one of the comprehensive strategies the City is working on to support community members experiencing houselessness.

The City followed the land use planning process and policy framework established in the City's acknowledged Comprehensive Plan and BDC. Evidence in the record supports the need for the code amendments. Therefore, Goal 2 has been 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 requires provisions of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity.

FINDING: Potential impacts from the proposal on the supply of lands for economic development and employment growth were analyzed to ensure an adequate supply and conformance with Goal 9. The July 19, 2016, Buildable Lands Inventory (BLI) was used as the basis for determining adequate supply, however on December 6, 2016, the Bend Urban Growth Boundary (UGB) Expansion was acknowledged by the Oregon Department of Land Conservation and Development and an additional 815 gross acres of employment land were added to the City's UGB that were not included in the employment land identified in the BLI.

As part of the 2016 BLI, all land planned or zoned for employment use (including mixed-use designations & zones) was assigned using the following statutory definitions for employment land, with the exception of school and park land.

The amendments are likely to result in a maximum of 0.031± percent (12/3,818) of all employment land (developed or vacant) identified in the 2016 BLI being developed as outdoor shelters. When calculating the maximum impact to the City's supply of employment lands with inclusion of the additional 815 acres of employment land that were added with the City's 2016 UGB expansion, the maximum percent of employment lands within the City's UGB that could be developed with shelters is 0.026 ± percent, less than one percent (12/4,633). Therefore, developing shelters to house 500 additional shelter beds will not displace a significant supply of employment land based on the available supply of employment lands within the City's UGB and it is reasonable to conclude that there is an adequate amount of employment lands that will continue to allow commercial and employment uses within the City's UGB.

The amendments also include the following new Comprehensive Plan policies that focus on providing support for people experiencing homelessness so that they can have a safe place to sleep, have access to jobs and services, and children can have stable access to schools.:

Chapter 6: Economy

Inclusive Economy

6-43 The City will work with public agencies and community partners to support solutions for houselessness. 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 in times of economic instability.

6-44 The City will help people experiencing houselessness through policies, with municipal and development code changes, funding, and collaboration with public agencies and non-profits to enable additional supports and services such as shelters and safe parking options.

6-45 The City will support and partner with local nonprofits and trained professionals as they provide direct services to individuals and families experiencing houselessness.

Shelters, along with support and services for those experiencing houselessness provide for a variety of economic activities vital to public health, welfare, and prosperity for people experiencing houselessness.

Therefore, Goal 9 is satisfied.

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

FINDING: While shelters are not identified as a housing type in the City's Housing Needs Analysis or in the Goal 10 definitions, government assisted housing is, and many

Vacant - A lot or parcel equal to or larger than one half-acre not currently containing permanent buildings or improvements; or equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.

Developed - All other employment land is identified in the BLI map as developed, although only a subset of this will meet the state definition of “developed” land that may be part of the inventory of available employment land (“Developed Land” means non-vacant land that is likely to be redeveloped during the planning period).

The City’s 2016 BLI identified a total of 3,818 acres of employment land in the City’s UGB at the time it was adopted. According to the BLI, there were 1,056 acres (247 tax lots) of vacant employment land and 2,762 acres (3,451 tax lots) of developed employment land. More than one-quarter of the vacant employment land was in sites smaller than 5 acres, about one-third was on sites 5 to 50 acres, and more than one-third was on sites larger than 50 acres.

Table EX-3. BLI Designation of Employment Tax Lots (Excludes Parks & Schools)

Employment BLI Status	Number of Tax Lots	Total Acres
Developed	3,451	2,762
Vacant	247	1,056
TOTAL	3,698	3,818

The proposed amendments do not guarantee shelters will be built, nor is it certain any shelters would be built on land zoned for industrial or employment uses. As described below in the finding of compliance with Goal 10, few shelters have been developed in recent years under the City’s existing code and one-time statewide legislative allowances, so it is not certain how many shelter beds would be developed under the proposed amendments. For the sake of analysis, if the City Council’s goal of providing an additional 500 shelter beds was accomplished by just using outdoor shelters, which requires the largest land need per bed (maximum number of units is 1/1000 square feet of gross acreage), then the City would need 12 acres to be developed as outdoor shelters. All of the land designated as General Industrial (IG) will remain exclusively available for industrial uses. If all 12 acres were developed in the Light Industrial (IL) plan designation areas, then only 1.8± percent (12/658.8) of the developed industrial lands in this plan designation could be developed as shelters and 2± (12/600.5) percent of the total vacant lands in this plan designation could be developed as shelters. Therefore, even developing outdoor shelters to house 500 additional shelter beds will not displace a significant supply of IL industrial land based on the available supply within the City’s UGB, and it is reasonable to conclude that there is an adequate amount of industrial lands that will continue to allow industrial uses within the City’s UGB.

shelters obtain government support to fund operations. For example, the following shelters that opened or began construction in the past several years have been with one-time infusions of funds and legislative actions, including:

- Central Oregon Villages (10 beds) and St. Vincent DePaul (12 beds) - developed under House Bill 4212 (2020 Oregon Legislature, First Special Session), with funds from Deschutes County and the City
- Warming Shelter/Navigation Center (80 beds) - developed under House Bill 2006 (2021 Oregon Legislature Regular Session). The City purchased the building with federal American Rescue Plan Act (ARPA) funds, shelter operations were funded with a one-time Coronavirus Aid, Relief, and Economic Security Act (CARES) expansion of the existing Community Development Block Grant (CDBG) funds, and one-time state navigation center funds, among other potentially recurring sources
- Project Turnkey on Division Street (28 rooms) - developed under House Bill 3261 (2021 Oregon Legislature Regular Session). The City purchased with Project Turnkey funds awarded by the State through the Oregon Community Foundation, under HB 2004 (2021 Oregon Legislature Regular Session).

Shelters do not provide permanent housing, but are a temporary option for people who do not have a permanent place to live. In Bend, there are currently 280 beds provided in existing shelters. This is insufficient based on the most recent number of houseless people in Central Oregon which was 1,099 (from the January 20, 2021, Point in Time Count), an increase of 13.42% over the previous year. City Council's 2021-2023 Housing goal states "Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend," with an implementation strategy "to modify City codes to allow for managed camps, shelters and other facilities to address homelessness and create housing or facilities to house 500 homeless individuals on a temporary or permanent basis". As a part of these strategies, the City Manager appointed the Sounding Board to develop a package of code amendments which clarify standards for development of different types of permanent shelter types (Outdoor, Multi-Room, and Group Shelters) and temporary shelters (Temporary Shelter and Hardship Housing). The amendments propose to rename an existing use "Temporary Housing" to become "Shelters" and add standards and additional zoning districts in which the use is allowed. The amendments also propose to add a use for Temporary Shelters for use up to 180 days.

The amendments will allow permanent shelters in zoning districts as follows:

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:

- a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities, above ground. (See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.)
- b. Commercial, Mixed-Use and Public Facilities Zones.
- c. Light Industrial (IL) District.

The amendments will allow Temporary Shelters in the following zoning districts:

1. Residential zones on a lot or parcel with a permitted public or institutional use.
2. Commercial, Mixed-Use and Public Facilities Zones.
3. Light Industrial (IL) District.

The standards apply to any property owner or developer who might want to open a shelter. The standards for permanent shelters and Temporary Shelters vary by each of the City's zoning districts, and provide regulations for the number of units permitted, parking, management, good neighbor guidelines and other standards. The good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations & maintenance, and safety & security.

The Sounding Board and the Planning Commission recommended standards for Hardship Housing that would allow a property owner to accommodate a houseless person in need on their property with an RV or manufactured dwelling, or similar unit, for a limited time. The Council discussed preserving the existing use of Medical Hardship Housing and deleting the proposed new use of Hardship Housing. When the City allowed for recreational vehicles to be used in residential areas in response to wildfires in 2020, no permits were requested, and limited inquiries were made for other use of recreational vehicles for people lacking housing for other reasons. The City has also adopted code allowing temporary overnight parking through its Safe Parking Program in the Bend Municipal Code, which requires supervision and case management for sites with three to six vehicles or mobile structures. The Council expressed concern that Hardship Housing might not be possible throughout the city due to restrictions under private covenants, conditions, and restrictions ("CC & Rs") in residential neighborhoods.

On May 18, 2022, the City Council removed Hardship Housing from the package of amendments based on public testimony; however, the Council is interested in future discussions and options for providing shelters and/or housing for people who lack housing, or during situations such as a medical emergency or the destruction of a primary dwelling unit by fire, flood or another calamity. Medical Hardship Housing was preserved for instances when there is a medical need for temporary housing on a property with an existing residential use.

The amendments are clear and objective standards, although because shelters are not identified as housing generally, or needed housing in particular, nothing in ORS 197, Statewide Planning Goal 10, or OAR 660-007-0035 makes shelters subject to clear and objective standard requirements.

The amendments also include a new Comprehensive Plan Policy 5-57 to support Council's goal to "Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend."

Chapter 5: Housing

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).

The amendments create codes and policies to support and provide different types of shelters for those experiencing houselessness; however, since so much of siting shelters is dependent on social service providers obtaining funding and finding properties, it is difficult to say how many new shelter beds are expected based on the amendments. The amendments are one part of a comprehensive set of strategies identified by the City and community partners that will assist with keeping people in their homes and provide temporary transitional housing.

Therefore, Goal 10 is satisfied.

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. Public improvements will be required for Multi-Room, Group and Outdoor Shelters, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards, except as follows:

1. Transportation. The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.
2. Water.
 - a. Multi-room and Group Shelters. The City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection. All other provisions of BDC 3.4.400 for water service improvements apply.

- b. Outdoor Shelter. Water connections must be provided when required by the building code. Any proposed water system must be sized to accommodate additional development within the area as projected by the Water Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. If a water extension is required, the City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection.
3. Sewer.
 - a. Multi-room and Group Shelters. The City sewer main must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater. All other provisions of BDC 3.4.400 for sanitary sewer improvements apply.
 - b. Outdoor Shelter. Sewer connections must be provided when required by the building code. Any proposed sewer systems must be sized to accommodate additional development within the area as projected by the Sewer Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. City sewer mains must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater.

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

Goal 12, Transportation, requires the City to provide and encourage a safe and convenient and economic transportation system. The amendments provide that shelter developments must have frontage or approved access to a public or private street, but are exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed must comply with applicable standards of BDC 3.4.200. The amendments are not site specific and therefore do not affect the functional classification of any street. The amendments expand on standards for land uses consistent with the intensity of uses already allowed within each zoning district and will have no measurable impacts on the amount of traffic on the existing transportation system based on existing allowed uses; therefore, the amendments do not cause a "significant effect" under ORS 660-012-0060. Goal 12 is satisfied.

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 proposed amendments.

Based on the above discussion, the amendments to the Bend Comprehensive Plan and BDC are consistent with the statewide planning goals and therefore comply with the requirement that the amendments be consistent with state land use planning law.

Because the 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, 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. As stated in Policy 1-1 of the Comprehensive Plan, the Goals are intended to be guiding and aspirational; they are not regulatory policies. The Policies in the Comprehensive Plan are intended to provide standards for the City in adopting land use regulations, and compliance with the implementing regulations shall be deemed in compliance with the Comprehensive Plan. 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 City of Bend originally adopted amendments creating “Temporary Housing” in 2003 (the “Zoning Ordinance”). The Zoning Ordinance conditionally permitted temporary housing in residential districts, permitted them outright in the Limited Commercial (CL) District, Commercial Highway (CH) District (which no longer exists), and General Commercial (CG) zones and either permitted or conditionally permitted them in the Central Business (CB) District and Mixed-Employment (ME) District depending on the number of beds. The Zoning Ordinance also included a 1,000 foot separation distance between facilities.

In 2006, when the City repealed the Zoning Ordinance and replaced it with the Development Code (Ordinance No. NS-2016), the special standards for temporary housing were carried forward, but the City inadvertently omitted the definition for “Temporary Housing” and also inadvertently omitted temporary housing from the list of permitted uses in table 2.2.300. In 2008, the Council adopted Ordinance No. NS-2107 by emergency amending the BDC, adding the definition back to Chapter 1.2 and allowing temporary housing as a conditional use in the CB, CL and CG zones. In 2016, Temporary housing was added as an outright permitted use in the Mixed Use – Urban (MU) zone in Bend. The City Council adopted Ordinance No. NS-2404 on April 7, 2021, by emergency to allow temporary housing in commercial and employment areas, which opened up more locations that have good access to transportation infrastructure, employment and public and community services.

Over the last six years, the number of people experiencing both homelessness and housing insecurity has increased as reported by numerous social service agencies and community members in Bend. The federally-required Point-in-Time count has identified a near-doubling of the number of people experiencing homelessness in Central Oregon, from 594 in 2015 to 969 individuals in 2020 and 1,099 in 2021 (from the January 20, 2021, Point in Time Count), an increase of 13.42% over the previous year. Of those counted in 2021, 824 people, or 74% were unsheltered, meaning they were living in places not meant for human habitation (i.e., in a car, outside, on street or public lands, in abandoned building, etc.).

To address the number of people experiencing homelessness, particularly those who are unsheltered, there is a need for additional shelter facilities that provide residents with safe and sanitary living conditions, centralized critical services, and access to transit and employment opportunities. Temporary shelters are one type of facility needed to assist people without shelter transition to more stable housing arrangements.

The amendments further expand the ability to site shelters throughout the City, and expand access to shelter for those who have none. The amendments are part of City Council goals to address homelessness and a lack of affordable housing in Bend. This comprehensive set of strategies include finding ways to keep people in their homes, providing temporary transitional housing, and increasing the availability of affordable housing in Bend.

- **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: As part of the City’s overall strategy to implement solutions for people experiencing homelessness, the City formed a 9-person City Manager advisory group, the Sounding Board, to help staff develop a strategy to allow varying types of shelters citywide. The Sounding Board was comprised of representatives of the City Council, Planning Commission, Homeless Leadership Coalition, NLA, AHAC, Homeless Services Providers, and BEDAB. The Sounding Board held nine meetings since April 2021 to develop recommendations on the size and type of permanent and temporary shelters that should be allowed in each city zoning district. The Sounding Board considered the typical uses allowed in the IG zone, and determined that the heavy industrial uses may cause a safety concern to people residing nearby. On November 10, 2021, the Sounding Board reviewed public feedback on the proposed Bend Development Code shelter code amendments that was received from the interactive online tool and further refined its recommendations to City Council. The survey closed on November 1, 2021, and 868 people provided responses. A memo dated November 5, 2021, summarized the results of the survey. On December 15, 2021, the Sound Board held their last meeting and supported a recommendation for the amendments.

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 Associations’ Land Use Chairs on January 4, 2022. A webpage was published for the shelter code amendments and a media news release was sent out on January 21, 2022, and the proposed project was included in the Bend Current eNewsletter on January 20, 2022.

On January 24, 2022, the Planning Commission, along with members from the AHAC and BEDAB that were part of the Sounding Board and the City of Bend’s Community Relations Manager representing the NLA, held a joint work session and discussed the amendments. The work session proceedings are part of the public record.

On February 14, 2022, the Planning Commission opened a public hearing, received public testimony and began deliberations on the proposed shelter code amendments. During their deliberations, the Commission requested additional information on the following items and continued the hearing to February 22, 2022, and again to March 8, 2022:

1. Location Restrictions for Shelters (Outdoor, Group, Multi-room, Hardship)
2. Hardship Housing
3. Occupancy by Shelter Type (density)
4. Management of Shelters

5. Good Neighbor Guidelines
6. Storage Requirement for Shelters

During the Commission's continued deliberations, staff provided options and potential amendments for each of the above items. The Commission discussed maximum occupancy requirements by shelter types, management of shelters and good neighbor guidelines, and were supportive of recommending changes to the good neighbor guidelines for both temporary and permanent shelters. After discussion, the Commission supported management requirements and maximum occupancy as presented, with no changes. Following the March 8, 2022, continued hearing, the Planning Commission recommended changes to the locations and standards for outdoor shelter and to the standards, time limits and extensions for hardship housing and requiring storage and voted to recommend that the City Council approve the proposed text amendments.

Council held a public hearing on May 4, 2022, after which they began deliberations. Council continued their deliberations to May 18, 2022, for consideration of a first reading of the ordinance, including changes discussed by the Council at their May 4, 2022, deliberations. Following the continued deliberations, the Council approved the amendments on May 18, 2022.

- **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 are clear and consistent and support removing barriers for the development of shelters and other types of supportive and transitional housing for people who lack housing.

Policies

Development within the Urban Growth Boundary

1-6 New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the capital improvement plan.

FINDING: Public improvements will be required for multi-room, group and outdoor shelters, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards, except as follows:

1. Transportation. The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not

include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.

2. Water.

- a. Multi-room and Group Shelters. The City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection. All other provisions of BDC 3.4.400 for water service improvements apply.
- b. Outdoor Shelter. Water connections must be provided when required by the building code. Any proposed water system must be sized to accommodate additional development within the area as projected by the Water Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications document. If a water extension is required, the City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection.

3. Sewer.

- a. Multi-room and Group Shelters. The City sewer main must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater. All other provisions of BDC 3.4.400 for sanitary sewer improvements apply.
- b. Outdoor Shelter. Sewer connections must be provided when required by the building code. Any proposed sewer systems must be sized to accommodate additional development within the area as projected by the Sewer Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. City sewer mains must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater.

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.

FINDING: As part of the City's overall strategy to implement solutions for people experiencing homelessness, the City formed a 9-person City Manager advisory group, the Sounding Board, to help staff develop a strategy to allow varying types of shelters citywide. The Sounding Board was comprised of representatives of the City Council, Planning Commission, Homeless Leadership Coalition, NLA, AHAC, Homeless Services Providers, and the BEDAB. The Sounding Board held nine meetings from April to December 2021 to develop recommendations on the size and type of permanent and temporary shelters that should be allowed in each zoning district. On November 10, 2021, the Sounding Board reviewed public feedback on the proposed Bend Development Code shelter code amendments that was received from the interactive online tool and further refined its recommendations to City Council. The survey closed on November 1, 2021, and 868 people provided responses. A memo dated November 5, 2021, summarized the results of the survey. On December 15, 2021, the Sound Board held their last meeting and supported a recommendation for the amendments.

On January 24, 2022, the Planning Commission, the City's appointed citizen body that provides recommendations to the City Council on land use policies; makes land use decisions on planning applications; and provides a public forum for community values, visioning and strategic thinking in long range planning, along with members from the City's AHAC and BEDAB that were part of the Sounding Board and the City of Bend's Community Relations Manager representing the NLA), held a joint work session and discussed the amendments. The work session has been placed into the public record before the hearings body.

On February 14, 2022, the Planning Commission opened a public hearing, received public testimony and began deliberations on the proposed shelter code amendments. During their deliberations, the Commission requested additional information on the following items and continued the hearing to February 22, 2022, and again to March 8, 2022:

1. Location Restrictions for Shelters (Outdoor, Group, Multi-room, Hardship)
2. Hardship Housing
3. Occupancy by Shelter Type (density)
4. Management of Shelters
5. Good Neighbor Guidelines
6. Storage Requirement for Shelters

During the Commission's continued deliberations, staff provided options and potential amendments for each of the above items. The Commission discussed maximum occupancy requirements by shelter types, management of shelters and good neighbor guidelines, and were supportive of recommending changes to the good neighbor guidelines for both temporary and permanent shelters. After discussion, the Commission supported management requirements and maximum occupancy as presented, with no changes. Following the March 8, 2022, continued hearing, the Planning Commission were supportive of recommending changes to the locations and standards for outdoor shelter and to the standards, time limits and extensions for hardship housing and requiring storage and voted to recommend that the City Council approve the proposed text amendments amended. Council held a public hearing on May 4, 2022, after which they began deliberations. Council continued their deliberations to May 18, 2022, for consideration of a first reading of the ordinance, including changes discussed by the Council at their May 4, 2022, deliberations. Following the continued deliberations, the Council approved the amendments on May 18, 2022 as shown in Exhibit A.

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: 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 Associations' Land Use Chairs on January 4, 2022. A webpage was published for the shelter code amendments and a media news release was sent out on January 21, 2022, and the proposed project was included in the Bend Current eNewsletter on January 20, 2022.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLC) on December 27, 2021. On January 24, 2022, the Planning Commission, along with members from the AHAC and BEDAB that were part of the Sounding Board and the City of Bend's Community Relations Manager representing the NLA, held a joint work session and discussed the amendments. The work session is part of the public record. A notice of the February 14, 2022, Planning Commission public hearing was printed in the Bend Bulletin on January 23, 2022, and was mailed and emailed to the neighborhood associations on January 20, 2022. On February 14, 2022, the Planning Commission opened a public hearing, received public testimony and began deliberations on the proposed shelter code amendments. During their deliberations, the Commission requested additional information on the following items and continued the hearing to February 22, 2022:

1. Location Restrictions for Shelters (Outdoor, Group, Multi-room, Hardship)
2. Hardship Housing

3. Occupants by Shelter Type (density) – No changes
4. Management of Shelters – No changes
5. Good Neighbor Guidelines - Minor changes
6. Storage Requirement for Shelters

During the Commission's continued deliberations, staff provided options and potential amendments for each of the above items. The Commission discussed maximum occupancy requirements by shelter types, management of shelters and good neighbor guidelines, and were supportive of recommending changes to the good neighbor guidelines for both temporary and permanent shelters. After discussion, the Commission supported management requirements and maximum occupancy as presented, with no changes. At the conclusion of the February 22, 2022 continuation, the Commission continued the deliberations to March 8, 2022, to further discuss location restrictions, hardship housing and storage requirements. On March 8, 2022, the Planning Commission were supportive of recommending changes to the locations and standards for outdoor shelter and to the standards, time limits and extensions for hardship housing and requiring storage and voted to recommend that the City Council approve the proposed text amendments as amended.

Council held a public hearing on May 4, 2022, after which they began deliberations. Council continued their deliberations to May 18, 2022, for consideration of a first reading of the ordinance, including changes discussed by the Council at their May 4, 2022, deliberations. Following the continued deliberations, the Council approved the amendments on May 18, 2022 as shown in Exhibit A.

Therefore, the applicable policies in Chapter 1 have been satisfied.

Chapter 3: Community Connections

3-8 The City shall refer to the Bend Park and Recreation District, for its review and recommendations, all development proposals that include or are adjacent to existing or proposed parks or trails. Development proposals include, but are not limited to, master plans, land divisions, and replats.

FINDING:

During the February 22, 2022, Planning Commission deliberations, the Commission asked staff to provide more information on the barriers to instituting a buffer around schools and parks. Multiple public comments addressed the concept of a buffer prohibiting shelters within a certain distance of public parks and/or schools.

During the March 8, 2022, Planning Commission deliberations, the Commission and staff discussed the requests from public comment for a prohibition on shelters within a certain distance (buffer) from parks and schools. Staff presented information on state

and federal restrictions that relate to concerns raised, and presented the following alternatives to an outright restriction of the proposed use:

1. Allow outdoor shelters in residential districts when associated with public or institutional use (places of worship, clubs, government offices, libraries, utilities, parks, schools, and cemetery, childcare facility, hospital).
2. Require a Type II application for shelters in residential zones.
3. Require written documentation from the Bend Park and Recreation District and from the Bend-La Pine School District which indicates that the applicant has met with the Districts to discuss the proposed shelters.

Based on their deliberations, the Planning Commission recommended the following amendments for Outdoor Shelters to the City Council:

1. **Outdoor shelters are permitted in the following zones:**
 - a. **Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities (above ground). See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.**
 - b. **Commercial, Mixed-Use and Public Facilities Zones.**
 - c. **Light Industrial (IL) District.**
2. **The owner or shelter operator of an outdoor shelter site must submit with the development application a letter or other written documentation from the Bend Park and Recreation District and from the Bend-La Pine School District which indicates that the applicant has met with the Districts to discuss the proposed shelters, and provided the Districts an opportunity to review the proposal.**

Therefore, the applicable policy in Chapter 3 has been satisfied.

Chapter 5: Housing

Goals:

- 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: There are nearly 1,100 people who are experiencing homelessness in Central Oregon on any given night. This number includes families with children and

youth who do not live with an adult. Of those counted in 2021, 824 people, or 74% were unsheltered, meaning they were living in places not meant for human habitation (i.e., in a car, outside, on street or public lands, in abandoned building, etc.). Shelters are one of many possible short-term solutions to help address homelessness in Bend. The proposed amendments provide for safe and sanitary shelters for those who lack other housing because of affordability or other reasons. The amendments provide flexibility in development standards to balance the need for efficient use of residential land and the need for open space and sense of community, by incorporating shelters across the City with densities scaled for different zones, in all zones except General Industrial (IG).

The amendments also include a new Comprehensive Plan Policy 5-57 for Housing to support Council's goal to "Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend." To implement this goal, the Council has a strategy to invest in programs and partnerships that result in collaborative, concrete actions toward ending homelessness in Bend. To accomplish this goal and strategy, the Council wants to create a five-year Action Plan aimed at eliminating homelessness. Actions include modifying City codes to allow for managed camps, shelters, and other facilities to address homelessness, exploring and increasing funding sources to obtain housing/facilities and related supportive services for community members who are housing insecure or experiencing homelessness, and creating housing or facilities to house 500 homeless individuals on a temporary or permanent basis.

Chapter 5: Housing

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).

The amendments will allow permanent shelters in the following zoning districts:

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
 - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities, above ground. (See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.)
 - b. Commercial, Mixed-Use and Public Facilities Zones.
 - c. Light Industrial (IL) District.

The amendments will allow Temporary Shelters in the following zoning districts:

1. Residential zones on a lot or parcel with a permitted public or institutional use.
2. Commercial, Mixed-Use and Public Facilities Zones.
3. Light Industrial (IL) District.

Housing Mix, Density, and Affordability

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 amendments expand the variety of shelter types by replacing BDC 3.6.200(O), Temporary Housing with three permanent shelter types (Multi-room, Group and Outdoor Shelters) and one temporary shelter type (Temporary Shelters). The amendments remove barriers by permitting the proposed permanent shelters outright in residential districts, subject to the requirements below, instead of through a conditional use permit which is currently required for Temporary Housing, and clarifying development standards for temporary and permanent shelters. Temporary shelters will now be permitted without a declaration of a local emergency (for example, due to wildfire smoke, extreme heat, or cold) by the City Manager.

The amendments will allow permanent shelters in the following zoning districts:

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
 - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities, above ground. (See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.)
 - b. Commercial, Mixed-Use and Public Facilities Zones.
 - c. Light Industrial (IL) District.

The amendments will allow Temporary Shelters in the following zoning districts:

1. Residential zones on a lot or parcel with a permitted public or institutional use.
2. Commercial, Mixed-Use and Public Facilities Zones.
3. Light Industrial (IL) District.

Therefore, the amendments will encourage the siting and types of shelters in residential districts for people experiencing homelessness.

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

FINDING: In Bend, there are currently 280 beds provided in existing shelters. This is insufficient based on the most recent number of homeless people in Central Oregon which was 1,099 (from the January 20, 2021 Point-in-Time count), an increase of 13.42% over the previous year. The amendments will allow the following types of permanent shelters and their associated densities as they relate to the maximum number of units or beds:

Outdoor Shelters

Outdoor shelter means a site on which multiple mobile or permanent units including tents, yurts, huts, cabins, manufactured dwellings, recreational vehicles, travel trailers, and other similar structures are placed for use as a shelter.

The maximum number of units is 1/1000 square feet of gross acreage. For example, a one-acre site could have 44 units and a 10,000 square foot site could have 10 units.

Group Shelter

Group Shelter means a building that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, bunks, or other sleeping accommodations, for use as a shelter.

The maximum number of beds will be determined by the building code standards for occupancy.

Multi-Room shelter

Multi-Room Shelter means a building that contains individual sleeping rooms for use as a shelter.

The amendments for the maximum number of rooms allowed in a Multi-Room Shelter will be based on the size of the property. The maximum number of rooms by zoning district is based on a formula of 258 bedrooms allowed per acre for the High Density Residential (RH), Light Industrial (IL) and Public Facilities (PF), Commercial, and Mixed-Use Zoning Districts, and a maximum of 130 rooms per acre in the Medium Density Residential (RM) District, a maximum of 45 rooms per acre in the Medium-10 Density Residential (RM-10) District, 43 rooms per acre in the Standard Density Residential (RS) District, and 24 rooms per acre in the Low Density Residential (RL) District.

Using this formula, a 20,000-square-foot lot could support the following maximum shelter size: 118 rooms in the RH, IL, PF, and Commercial and Mixed-Use Zoning Districts; 60 rooms in the RM Zoning District; 21 rooms in the RM-10 Zoning District; 20

rooms in the RS Zoning District, and 11 rooms in the RL Zoning District. The size of the building would also be dictated by required parking, setbacks, and other requirements.

The amendments support a mix of different shelter types and densities and help address the shortage of beds provided for the houseless in Bend.

5-9 The City and County will support public and private non-profit and for-profit entities that provide affordable housing in Central Oregon.

FINDING: Shelters are provided by public and private non-profit and for-profit entities, and provide safe and secure places for people to sleep who cannot access other housing the area, due to affordability or other reasons. The amendments support provision of shelter by public and private non-profit and for-profit entities for people with the lowest incomes or other barriers to affordable housing.

The City does not manage facilities or provide social services, but does support nonprofit service providers with funding. City funding, including its Affordable Housing Fee and Community Development Block Grant (CDBG) program, supports operations and other needs for service, shelter, and housing providers, including Bethlehem Inn, Central Oregon Veterans Outreach, Habitat for Humanity, Kor Community Land Trust.

5-16 The City may consider density bonuses as an incentive to providing affordable housing.

FINDING: The Sounding Board recommendation for multi-room shelters includes a density bonus since the units will provide shelter for people experiencing houselessness, which typically means people who are earning less or significantly less than area median income (AMI). The following density table for multi-room shelters was modeled after the maximum density calculation for micro-units (BDC 3.8.200.B) plus a 50 percent density bonus based on the incentives provided in BDC Table 3.6.200(C) which allows a 50 percent density bonus when 50 percent or more of the units are affordable.

<u><i>Residential Zone</i></u>	<u><i>Maximum Rooms per Acre</i></u>
<u><i>Low Density Residential (RL)</i></u>	<u><i>24 rooms</i></u>
<u><i>Standard Density Residential (RS)</i></u>	<u><i>43 rooms</i></u>
<u><i>Medium Density Residential (RM-10)</i></u>	<u><i>45 rooms</i></u>
<u><i>Medium Density Residential (RM)</i></u>	<u><i>130 rooms</i></u>

<u><i>High Density Residential (RH)</i></u>	<u><i>258 rooms</i></u>
<u><i>Commercial & Mixed-Use Districts & LI & PF Districts</i></u>	<u><i>258 rooms</i></u>

5-17 The City will monitor parking needs for residential uses and set parking requirements to the lowest standards that will meet the community’s needs in order to reduce land utilized for parking, reduce the cost of housing development, and encourage a more walkable development pattern.

FINDING: Parking requirements for permanent shelters are based on the recommendations from the homeless service providers and shelter developers that were on the Sounding Board, based on their experience of the parking needs of people accessing shelters, including service providers and volunteers. Discussion included minimizing impacts on surrounding neighborhoods by limiting or reducing on-street parking by shelter guests and volunteers, and providing spaces where shelter guests could safely park and keep an eye on their vehicle, which may be their largest possession and place where they store many belongings. The following the recommended parking requirements for the different shelter types:

Outdoor Shelters: A minimum of 0.5 parking spaces per unit for the first 16 units, plus 0.3 spaces per additional unit is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

Group Shelters: Minimum 0.25 spaces per bed is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

Multi-room Shelters: A minimum of 0.25 spaces per room is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

To reduce the cost of the required parking, the amendments exempt parking areas, aisles and turn-arounds from paving standards; however, driveway approaches will have to comply with City of Bend Standards and Specifications.

5-18 The City will assist in identifying, obtaining and leveraging funding sources for the development of new housing for very low, low, and moderate - income residents, as determined by appropriate percentages of Area Median Family income in the Housing Needs Assessment.

FINDING: The City's Affordable Housing funds supported Veteran's Village, which was recently completed. These funds also support the management of social services contracts serving over 2,500 people annually with medical care, information and referral, mental health for domestic violence survivors, services for youth experiencing homelessness, financial coaching and home ownership support, and fair housing education, among others.

Using federal American Rescue Plan Act funding, the City purchased a building on NE 2nd Street, where Shepherd's House currently runs an overnight shelter. Shepherd's House operations are funded by City grants, as well as other sources. The City has used funds for supporting local shelters and a contract with REACH Out Central Oregon for mobile outreach to help those living in unsanctioned camps to transition out of houselessness. The City is also contracting with NeighborImpact to run a shelter at the City-owned Project Turnkey location on Division Street.

The amendments support this policy because they provide clear standards for development of additional shelters, balancing needs for public infrastructure against development costs, and allowing for more efficient leveraging of funds for developing shelter facilities.

Residential Compatibility

5-22 Private and public nonresidential uses are necessary and will be encouraged within residential areas for the convenience and safety of the residents. Such facilities shall be compatible with surrounding developments, and their appearance should enhance the area.

FINDING: Shelters are intended to increase convenience and safety of all residents of Bend by providing additional places for people to sleep who otherwise may have no other place to sleep or may sleep outside or in other public places without oversight or management.

The amendments support this policy because they expand the locations for shelters and clarify the standards for shelters located in all zoning districts, including residential areas. Providing shelters for houseless individuals and families enables them to access services to find permanent housing and jobs. Specific standards that provide compatibility between Multi-Room, Group and Outdoor Shelters and surrounding developments include a requirement for operators to develop good neighbor guidelines, on-site or on-call management, with contact information posted on the site, and screening of trash and any portable toilet or handwashing stations. The good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations and maintenance, safety and security provisions.

During Council's deliberations on May 4, 2022, and May 18, 2022, Council supported requiring notification to the Neighborhood Association in which a proposed shelter is

located, and adding clarification and specificity to the City's enforcement powers relating to shelter developments. Additionally, the Council supported requiring on-site management of all shelters, including by a shelter resident designated by the shelter operator, to respond to community concerns that a responsible party be identified to be on-site when the shelter is open for services. Council also discussed wanting to ensure the outreach, communication, and good neighbor agreements required for Temporary Shelters allows shelters to open in a timely manner to respond to emergencies. Following the continued deliberations, the Council approved the amendments as shown in Exhibit A.

If waiting or first-come, first-served services are provided, any outdoor, on-site, waiting and intake area must be sized to accommodate the expected number of people to be served. In addition, the development standards of the corresponding zone apply unless superseded by the standards for shelters.

5-23 Of necessity, nonresidential uses may abut residentially planned and zoned areas in different parts of the community. In these instances, nonresidential uses will be subjected to special development standards such as setbacks, landscaping, sign regulations, and building design that harmonize and provide transitions consistent with the primary purposes of the adjacent zones.

FINDING: The amendments include development standards for shelters including management contact requirements, a requirement for operators to develop good neighbor guidelines, and required screening of trash and any portable toilet and handwashing stations. The good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations and maintenance, safety and security provisions.

During Council's deliberations on May 4, 2022, and May 18, 2022, Council supported requiring notification to the Neighborhood Association in which a proposed shelter is located, and adding clarification and specificity to the City's enforcement powers relating to shelter developments. Additionally, the Council supported requiring on-site management of all shelters, including by a shelter resident designated by the shelter operator, to respond to community concerns that a responsible party be identified to be on-site when the shelter is open for services. Council also discussed wanting to ensure the outreach, communication, and good neighbor agreements required for Temporary Shelters allows shelters to open in a timely manner to respond to emergencies. Following the continued deliberations, the Council approved the amendments as shown in Exhibit A.

In addition to the shelter code standards, the setback standards and height restrictions of the corresponding zone including height step-backs, additional setbacks and/or buffering when shelter sites abut a Residential Zone.

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: The amendments expand the variety of shelter types by replacing BDC 3.6.200(O), Temporary Housing with three permanent shelter types (Multi-room, Group and Outdoor Shelters) and one temporary shelter type (Temporary Shelters).

The amendments will permit permanent shelters outright in residential districts, subject to the following requirements below, instead of through a conditional use permit which is currently required for Temporary Housing:

The amendments will allow permanent shelters in the following zoning districts:

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
 - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities, above ground. (See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.)
 - b. Commercial, Mixed-Use and Public Facilities Zones.
 - c. Light Industrial (IL) District.

The amendments will allow Temporary Shelters in the following zoning districts:

1. Residential zones on a lot or parcel with a permitted public or institutional use.
2. Commercial, Mixed-Use and Public Facilities Zones.
3. Light Industrial (IL) District.

The amendments also clarify development standards for temporary and permanent shelters. Therefore, the amendments provide a variety of shelter types in residential districts for people experiencing homelessness.

Neighborhood Appearance

5-32 Above-ground installations, such as water and sewer pumping stations, power transformer substations or natural gas pumping stations, shall be screened and designed to blend with the character of the area in which they are located.

FINDING: Multi-Room, Group and Outdoor Shelters must provide at least one toilet and handwashing station. Toilet and handwashing stations may be provided through the use of portable units, with a contract for service and/or dumping in place. The portable units cannot be located within setbacks and they will need to be screened on at least three

sides with an evergreen hedge or solid fence or wall of not less than six feet in height. Portable units will be required to be located for easy access by pick-up/service vehicles. Any dumping of waste onto the ground or into the right-of-way is grounds for the City to cause immediate cessation of the shelter use.

In addition, trash receptacles will be required for Multi-Room, Group and Outdoor Shelters. The trash receptacles cannot be located within setbacks and they will need to 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 will need to be located for easy access by trash pick-up/service vehicles.

As part of the Planning Commission's recommendation to the City Council, they included the following requirement for storage in order to provide a secure area for shelter guest's belongings:

Storage. Secure storage areas are required. Storage areas not provided in a structure must not be located within setbacks 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.

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: Public improvements will be required for Multi-Room, Group and Outdoor Shelters, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards, except as follows:

The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.

Public utilities 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 expanded allowances for shelters will increase the availability of safe and healthy options for the large number of people currently living in unauthorized camps. The amendments will provide opportunities for people to move to shelters where

they will have access to water, hygiene, and sanitation. This will reduce the risks of human waste from unauthorized camps. The following will be required for permanent shelters:

Restroom. At least one toilet and handwashing station must be provided. Toilet and handwashing stations may be provided through the use of portable units, with a contract for service and/or dumping in place. Portable units must not be located within setbacks 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. Portable units must be located for easy access by pick-up/service vehicles. Any dumping of waste onto the ground or into the right-of-way is grounds for the City to cause immediate cessation of the use.

Shelters and Transitional Housing (new)

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

FINDING: Population estimates anticipate an additional 20,000 people moving to Bend by the year 2030⁵. 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.

In response to this crisis, Bend City Council 2021-2023 Goals include “taking meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend”. To implement this goal, the Council has a strategy to invest in programs and partnerships that result in collaborative, concrete actions toward ending homelessness in Bend. To accomplish this goal and strategy, the Council wants to create a five-year Action Plan aimed at eliminating homelessness, modify City codes to allow for managed camps, shelters, and other facilities to address homelessness, explore and increase funding sources to obtain housing/facilities and related supportive services to serve community members who are housing insecure or experiencing homelessness, and create housing or facilities to house 500 homeless individuals on a temporary or permanent basis.

The amendments create Comprehensive Plan Policy 5-57 to support Council’s strategy to modify City codes to allow for managed camps, shelters, and other facilities to address homelessness. The amendments to the BDC reduce barriers for the development of permanent shelters (Multi-Room, Group and Outdoor Shelters) and

⁵ Portland State University Center Population Research Center

Temporary Shelters by permitting them in all plan designations except General Industrial (IG).

The amendments will allow permanent shelters in the following zoning districts:

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
 - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities, above ground. (See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.)
 - b. Commercial, Mixed-Use and Public Facilities Zones.
 - c. Light Industrial (IL) District.

The amendments will allow Temporary Shelters in the following zoning districts:

1. Residential zones on a lot or parcel with a permitted public or institutional use.
2. Commercial, Mixed-Use and Public Facilities Zones.
3. Light Industrial (IL) District.

The amendments are one step in the process to facilitate housing for 500 homeless individuals on a temporary or permanent basis.

Therefore, the applicable policies in Chapter 5 have been met.

Chapter 6: Economy

Goals

The intent of the Comprehensive Plan is to provide sufficient land to meet the City's goals of promoting quality economic growth and assuring a diverse economy. The following goal statements describe the economic hopes of the community and serve as the foundation for policy statements in this chapter. The citizens and elected officials of Bend wish to:

- Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.

FINDING: The allowance for shelters in commercial and other zones is intended to address a need to provide more options for people in the community who are presently unsheltered, or may be living outside on public property or in other places not meant for human habitation. The most recent number of houseless people in Central Oregon was 1,099 (from the January 20, 2021 Point in Time Count) which is an increase of

13.42% over the previous year, including 824 people who were unsheltered (living outside, in cars, or in other places not meant for human habitation). Community members have expressed concerns about the public health and environmental impacts of people camping in the right-of-way on nearby businesses. There are currently not enough shelter beds to accommodate all of the houseless population. There are approximately 280 shelter beds in Bend. The City's ability to regulate sleeping in its public places is directly related to a community's ability to provide shelter for individuals who might otherwise need to use public places to sleep. Until there are more places for people to go, the City is limited in how it manages camps in public places, which impacts livability for the community, including people who are sheltered and unsheltered. The amendments clarify requirements for new shelters in a variety of zones across the City. Over the long term the amendments are intended to increase the number of shelter developments in the City, and will therefore help the business environment by providing options to manage the current unmanaged camping.

The amendments also include the following new Comprehensive Plan policies for an inclusive economy:

Chapter 6: Economy

Inclusive Economy

6-43 The City will work with public agencies and community partners to support solutions for houselessness. 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 in times of economic instability.

6-44 The City will help people experiencing houselessness through policies, with municipal and development code changes, funding, and collaboration with public agencies and non-profits to enable additional supports and services such as shelters and safe parking options.

6-45 The City will support and partner with local nonprofits and trained professionals as they provide direct services to individuals and families experiencing houselessness.

The new policies help people experiencing houselessness by supporting public agencies and community partners, code amendments, funding opportunities, and partnerships with local nonprofits and trained professionals that provide direct services. Shelters can provide access to a safe place to sleep, jobs and services. The code amendments and policies support a vital, diverse and sustainable economy, while enhancing the community's overall livability.

Industrial Development

6-4 Infrastructure will be planned, designed, and constructed to support continued economic growth and orderly development.

FINDING: Public improvements will be required for Multi-Room, Group and Outdoor Shelters, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards, except as follows:

1. Transportation. The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.
2. Water.
 - a. Multi-room and Group Shelters. The City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection. All other provisions of BDC 3.4.400 for water service improvements apply.
 - b. Outdoor Shelter. Water connections must be provided when required by the building code. Any proposed water system must be sized to accommodate additional development within the area as projected by the Water Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. If a water extension is required, the City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection.
3. Sewer.
 - a. Multi-room and Group Shelters. The City sewer main must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater. All other provisions of BDC 3.4.400 for sanitary sewer improvements apply.
 - b. Outdoor Shelter. Sewer connections must be provided when required by the building code. Any proposed sewer systems must be sized to accommodate

additional development within the area as projected by the Sewer Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. City sewer mains must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater.

6-9 The City will prioritize providing an adequate number of suitable industrial sites while also providing a variety of commercial sites.

6-18 The City will work to preserve prime industrial lands for industrial purposes and protect them from incompatible commercial and residential uses.

FINDING: The amendments will allow permanent shelters in the Light Industrial (IL) Plan Designation. Potential impacts from the proposal on industrial lands was analyzed to ensure an adequate supply will continue to be preserved for industrial purposes. The July 19, 2016, Buildable Lands Inventory (BLI) was used as the basis for determining adequate supply.

The City's 2016 BLI identified a total of 3,818 acres of employment land in the City's UGB at the time it was adopted which included 1,259.3 acres of Light Industrial (IL) plan designated land and 196.6 acres of General Industrial (IG) plan designated land.

Comprehensive Plan Designation	Number of Tax lots	Total Acres
IG	152	196.6
Developed	146	188.2
Vacant	6	8.4
IL	669	1259.3
Developed	579	658.8
Vacant	90	600.5
Total Developed	725	847
Total Vacant	96	608.9

If the City Council's goal of providing an additional 500 shelter beds was accomplished by just using Outdoor Shelters, which requires the largest land need per bed (maximum number of units is 1/1000 square feet of gross acreage), then the City would need 12 acres to be developed as Outdoor Shelters. All of the land designated as IG will remain exclusively available for industrial uses. If all 12 acres were developed in the IL plan designation since shelters will be a permitted use there, then only 1.8± percent (12/658.8) of the developed industrial lands in this plan designation could be developed as shelters and 2± (12/600.5) percent of the total vacant lands in this plan designation

could be developed as shelters. Therefore, developing Outdoor Shelters to house 500 additional shelter beds will not displace a significant supply of IL industrial land based on the available supply within the City's UGB and it is reasonable to conclude that there is an adequate amount of industrial lands that will continue to allow industrials uses within the City's UGB.

The amendments include specific standards for Multi-Room, Group and Outdoor Shelters. The standards include management contact requirements, development of good neighbor guidelines, screening of trash and any portable toilet or handwashing stations and the waiting and intake areas must be sized to accommodate expected number of people to be served. The good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations and maintenance, safety and security provisions. In addition, shelters must meet all applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, Building Safety Division, and Environmental Health requirements, and the standards of the underlying zone unless superseded by the provisions in the amendments. Therefore, shelters will be compatible with industrial uses in IL zoned lands.

Commercial Development

6-33 All commercial developments shall be subject to development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.

FINDING: While shelters are not specifically identified as commercial developments, the amendments include specific standards for Multi-Room, Group and Outdoor Shelters in commercially-zoned areas. The standards include management contact requirements, provision of good neighbor guidelines, screening of trash and any portable toilet or handwashing stations and the waiting and intake areas must be sized to accommodate expected number of people to be served. The good neighbor guidelines must include, at a minimum, items addressing rules for shelter use, facility operations and maintenance, safety and security provisions. In addition, the development standards of the corresponding zone apply unless superseded by the standards for shelters.

As part of the Planning Commission's recommendation to the City Council, they included the following requirement for storage in order to provide a secure area for shelter guest's belongings:

Storage. Secure storage areas are required. Storage areas not provided in a structure must not be located within setbacks 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.

During Council's deliberations on May 4, 2022, and May 18, 2022, Council supported requiring notification to the Neighborhood Association in which a proposed shelter is

located, and adding clarification and specificity to the City's enforcement powers relating to shelter developments. Additionally, the Council supported requiring on-site management of all shelters, including by a shelter resident designated by the shelter operator, to respond to community concerns that a responsible party be identified to be on-site when the shelter is open for services. Council also discussed wanting to ensure the outreach, communication, and good neighbor agreements required for Temporary Shelters allows shelters to open in a timely manner to respond to emergencies. Following the continued deliberations, the Council approved the amendments as shown in Exhibit A.

6-41 The City will monitor parking needs for commercial uses and set requirements at the lowest level to meet the community needs.

FINDING: The following parking requirements for permanent shelters are based on the recommendations from the homeless service providers and shelter developers that were on the Sounding Board, based on their experience of the parking needs of people accessing shelters and service providers and volunteers, as described above:

Outdoor Shelters: A minimum of 0.5 parking spaces per unit for the first 16 units, plus 0.3 spaces per additional unit is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

Group Shelters: Minimum 0.25 spaces per bed is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

Multi-room Shelters: A minimum of 0.25 spaces per room is required. Where a fractional number of spaces results, the required number of spaces must be rounded down to the nearest whole number.

6-42 The City will write parking requirements to encourage walkable commercial development while providing for adequate parking.

FINDING: Permanent shelters will be required to connect to the existing street network and extend the pedestrian facilities. Public improvements will be required, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards, except as follows:

The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.

Inclusive Economy (new)

6-43 The City will work with public agencies and community partners to support solutions for houselessness. 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 City collaborates with partners to develop plans and strategies to more effectively address houselessness. The City convened collaborative efforts with partners such as Deschutes County and nonprofit service providers to support houselessness solutions for our community. The City created a City of Bend and Deschutes County Emergency Homelessness Task Force to bring houselessness experts together on collaborative opportunities. They are working on creating an action plan aimed at eliminating houselessness and a better system with a joint City/County Office on Homelessness.

As part of the City's overall strategy to implement solutions for people experiencing homelessness, the City formed a 9-person City Manager appointed advisory group, the Sounding Board, comprised of representatives of the City Council, Planning Commission, Homeless Leadership Coalition, NLA, AHAC, Homeless Services Providers, and the BEDAB.

The Sounding Board held nine meetings since April 2021 to develop recommendations on the size and type of permanent and temporary shelters that should be allowed in each zoning district. The Sounding Board also reviewed the results from a StoryMap survey on the proposed amendments. Over a three-week period, the survey was open to the public and 868 people completed the survey, with roughly 175 also providing comments via email to the City Council and Planning Commission. A memo dated November 5, 2021, summarizes the results of the survey.

Therefore, the City of Bend is working with public agencies and community partners to support homelessness solutions for our community and the amendments will help provide flexible shelter options.

6-44 The City will help people experiencing houselessness through adoption of policies, with municipal and Development Code changes, funding, and collaboration with public agencies and non-profits to enable additional supports and services such as shelters and safe parking options.

FINDING: There are nearly 1,100 people who are experiencing homelessness in Central Oregon on any given night. This number includes families with children and youth who do not live with an adult, and people living without shelter. Shelters are one of many possible short-term solutions to help address homelessness in Bend. The amendments will help provide residents with safe and sanitary living conditions, centralized critical services, and access to transit and employment opportunities.

6-45 The City will support and partner with local nonprofits and trained professionals as they provide direct services to individuals and families experiencing houselessness.

FINDING: Although the amendments don't directly implement this policy, the amendments clarify the standards and expand the locations where shelter services can be provided by local nonprofits and trained professionals. Additionally, the City is collaborating with partners to develop plans and strategies to more effectively address houselessness. On October 21, 2020, Bend City Council supported a staff plan to create an Emergency Homelessness Task Force (EHTF). Deschutes County has partnered with the City to jointly appoint members and to convene the EHTF. The initial purpose of the Task Force is to bring the most informed minds on houselessness together to inform both the City and the County on collaborative opportunities with countywide resources and to develop actions toward ending houselessness in Deschutes County including interim actions to address real-time needs.

Therefore, applicable policies in Chapter 6 have been met.

Chapter 7: Transportation Systems

Goals

Increase System Capacity, Quality, and Connectivity for All Users (e.g., drivers, walkers, bicyclists, transit riders, mobility device users, commercial vehicles, and other forms of transportation):

- Sidewalks: increase access and connectivity.

Ensure Safety for All Users:

- Maximize safe routes within and between neighborhoods and throughout the community for all users.
- Design and build facilities and routes that maximize safety for pedestrians and bicyclists.

Protect Livability and Ensure Equity and Access:

- Ensure that people of all income levels and abilities have access to the transportation options that best meet their needs.

FINDING: There is currently unsanctioned camping taking place in the public rights-of-way, including on sidewalks and landscape buffers. The amendments will provide more opportunities to develop additional managed shelter space and programs on public and privately owned land, out of the right-of-way, including outdoor shelters for multiple mobile or permanent units including tents, yurts, huts, cabins, manufactured dwellings,

recreational vehicles, travel trailers, and other similar structures, in more appropriate and safer locations. The amendments clarify the standards and expand the locations where shelters can be developed. Development of additional shelters is intended to provide space where people can sleep inside, rather than outside in public places and rights-of-way not intended for human habitation, which will help increase safety for all users by preserving roads for traffic and connectivity, and providing shelters for sleeping.

Additionally, shelters will be required to connect to the existing street network and extend the pedestrian facilities. Public improvements will be required for Multi-Room, Group and Outdoor Shelters, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards, except as follows:

The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.

Policies

Mobility

7-16 The City may waive off-site improvements for certain development types based on Council goals and other identified City priorities. If the City implements such waivers, it will identify other sources for infrastructure development. The City will monitor the effect of any waiver and adjust as needed based on its funding needs.

FINDING: The FY 2021-23 Council Goal Framework plan includes a housing goal to “Take meaningful action to make this statement a reality: People who live and work in Bend can afford housing in Bend.” The goal includes a strategy to invest in programs and partnerships that result in collaborative, concrete actions toward ending homelessness in Bend. To implement this goal and strategy the plan includes an action to modify City codes to allow for managed camps, shelters and other facilities to address homelessness.

The amendments will allow permanent and temporary shelters in the City of Bend to help address homelessness. The standards for permanent shelters require the construction of public improvements, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards except as follows:

- The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC

3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.

The Sounding Board recommends that the Council develop a fund to help support the required public improvements, including sidewalks.

Equity

7-22 The City is committed to equitably distributing the benefits and costs of transportation system plans and improvements. The City will develop and support programs and projects, both capital and maintenance, that reduce transportation-related disparities faced by populations that have historically had significant unmet transportation needs or who have experienced disproportionately negative impacts from the existing transportation system.

7-23 The City will actively engage and support all community members in the City in transportation planning issues, outcomes and decisions and will emphasize active engagement and support of those who have been historically underserved.

7-24 The City will strive to avoid, minimize, and/or mitigate disproportionately high and adverse human health, economic, or environmental effects of transportation projects on those who have been historically underserved, especially in identified areas with concentrations of impoverished and/or minority populations.

FINDING: Limited public transportation and/or the lack of individual transportation make it difficult for people experiencing homelessness to access needed services. Transportation is critical to holding down a job, getting to school, keeping service appointments, and many more aspects of daily life. Allowing shelters in all the residential, commercial and mixed-use districts will open up more locations that have convenient access to transportation infrastructure as well as to nearby employment and public and community services.

The amendments will allow permanent and temporary shelters in the City of Bend to help address homelessness.

The amendments will allow permanent shelters in the following zoning districts:

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
 - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities, above ground. (See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.)
 - b. Commercial, Mixed-Use and Public Facilities Zones.

c. Light Industrial (IL) District.

The amendments will allow Temporary Shelters in the following zoning districts:

1. Residential zones on a lot or parcel with a permitted public or institutional use.
2. Commercial, Mixed-Use and Public Facilities Zones.
3. Light Industrial (IL) District.

The standards for permanent shelters require the construction of public improvements, including sidewalks, in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards except as follows:

- The development must have frontage or approved access to a public or private street, but is exempt from the transportation improvement standards of BDC 3.4.200 for street improvements. This exemption does not include sidewalks. Any transportation improvements proposed by the applicant must comply with applicable standards of BDC 3.4.200.

The Sounding Board recommends that the Council develop a fund to help pay for the required public improvements, including sidewalks.

Therefore, applicable policies in Chapter 7 have been met.

Chapter 8: Public Facilities and Services

Goals

Adequate public facilities are the key to efficient and stable urban development. The goals below provide general guidance for maintaining and improving the level and quality of urban services as growth occurs in Bend. The citizens and elected officials strive:

- To have public and private utility systems provide adequate levels of service to the public at reasonable cost;
- For new development to pay its fair share of the cost of major facilities needed to support development.
- To ensure that public services will not negatively impact the environment or the community.

FINDING: The expanded allowances for shelters are intended to increase the availability of safe and healthy options for the large number of people currently without access to adequate shelter, many of whom are living in unauthorized camps throughout

the city. The amendments will provide opportunities for people to move to shelters where they will have access to water, hygiene and dignified sanitation. This will reduce the risks of human waste from unauthorized camps. The following will be required for shelters:

Restroom. At least one toilet and handwashing station must be provided. Toilet and handwashing stations may be provided through the use of portable units, with a contract for service and/or dumping in place. Portable units must not be located within setbacks 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. Portable units must be located for easy access by pick-up/service vehicles. Any dumping of waste onto the ground or into the right-of-way is grounds for the City to cause immediate cessation of the use.

The Sounding Board recognizes the required improvements for water and sewer may be cost-prohibitive to the development of shelters and therefore recommends that the Council develop a fund to help support the required public improvements.

Sewer Collection Facilities

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

FINDING: Shelters will be required to construct the public improvements in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards except as follows:

1. Multi-room and Group Shelters. The City sewer main must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater. All other provisions of BDC 3.4.400 for sanitary sewer improvements apply.
2. Outdoor Shelter. Sewer connections must be provided when required by the building code. Any proposed sewer systems must be sized to accommodate additional development within the area as projected by the Sewer Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications document. City sewer mains must be extended a distance sufficient to establish a standard perpendicular service connection into the property or 20 feet, whichever is greater.

Corresponding amendments to BC Title 15, Sewer will state that outdoor shelters are not considered new development and therefore will not need to connect to sewer,

unless required by the building code and that no new on-site septic systems are allowed for outdoor shelters.

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: Shelters will be required to construct the public improvements in compliance with BDC Chapter 4.2, Site Plan Review, Minimum Development Standards Review and Design Review, and BDC Chapter 3.4, Public Improvement Standards except as follows:

1. Multi-room and Group Shelters. The City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection. All other provisions of BDC 3.4.400 for water service improvements apply.
2. Outdoor Shelter. Water connections must be provided when required by the building code. Any proposed water system must be sized to accommodate additional development within the area as projected by the Water Public Facility Plan, and must connect to existing facilities in accordance with the City's construction specifications as described in the City of Bend Standards and Specifications. If a water extension is required, the City water main must be extended a distance sufficient to establish a standard perpendicular connection into the property or 20 feet, whichever is greater. Water mains must be extended to and through the length of the property frontage when required for fire flow and fire sprinkler services and/or hydrants must be installed when required for site fire protection.

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: Shelters are required to comply with the Public Improvement Standards in BDC chapter 3.4, which requires compliance with Title 16, Grading, Excavation and Stormwater Management. 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.

Solid Waste Disposal

8-45 The city shall explore methods, including mandatory garbage service, to gain 100 percent disposal of waste at designated landfill sites and discourage the dumping of wastes on public and private lands.

FINDING: Trash receptacles will be required for Multi-Room, Group and Outdoor Shelters. The trash receptacles cannot be located within setbacks and they will need to 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 will need to be located for easy access by trash pick-up/service vehicles.

Therefore, applicable policies of Chapter 8 have been met.

Chapter 9: Community Appearance

Goals

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;

FINDING: Permanent shelters will be required to comply with the design standards of the corresponding zoning district and the design standards of any applicable special plan district (Northwest Crossings, COCC, Medical District, Juniper Ridge Overlay Districts and Bend Central District), refinements plan (Dean Swift and Murphy Crossing), area plan (Southeast Area Plan) or master plan (Stone Creek, Discovery West, Petrosa, Treeline, Easton and Stevens Ranch). The design standards will help contribute to the appearance of the area the shelter is located in.

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

FINDING: Permanent shelters will be required to comply with the design standards of the corresponding zoning district and the design standards of any applicable special plan district, refinements plan, area plan or master plan. Design standards vary and include, but are not limited to, transparency (window percentages), building and front

door orientation, building mass (building offsets, projections, detailing, change in materials or similar features), building materials and colors, and weather protection.

Therefore, applicable policies of Chapter 9 have been met.

Chapter 11: Growth Management

Goals

The following goal statements describe the future urban form and growth aspirations of the community and serve as the foundation for policy statements in this chapter. The citizens and elected officials of Bend wish to:

- Use Bend's existing urban land wisely, making efficient use of land inside the boundary, with infill and redevelopment focused in appropriate areas within the Central Core, along transit corridors, and in key opportunity areas (see Figure 11-1);

FINDING: During the UGB Remand planning process (2014 to 2016), the City evaluated the efficient use of existing urban land through the lens of "opportunity areas". Opportunity areas are locations within the City that are appropriate to focus new growth because of their location, zoning (existing or planned), amount of vacant or underdeveloped land, and/or proximity to urban services. The Bend Central District is one of the opportunity areas. The purpose of the Bend Central District is to provide for a wide range of residential, commercial and office uses throughout the District that result in a walkable, diverse mixed-use district. The amendments will permit shelters in the Bend Central District, except in the General Industrial (IG) zoned properties in the South Subdistrict. Shelters located in the Bend Central District will have good access to services and employment.

Therefore, the amendments satisfy Chapter 11.

Based on the findings stated above, 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 federally-mandated Point-In-Time count, coordinated by the Central Oregon Continuum of Care, the Homeless Leadership Coalition, identified 1,099 people experiencing homelessness in Central Oregon in January 2021 (Deschutes, Crook and Jefferson Counties). This represents an increase of 13.49% over 2020, and 40% increase from 2018. 824 people, or 74% of those counted in 2021, were unsheltered, meaning they were living in places not meant for human habitation (i.e., car, outside, on street or public lands, in abandoned building, etc.). Statewide, looking at numbers from the 2020 Point-In-Time Count, the U.S. Department of Housing and Urban Development

found that Oregon has the fourth highest per capita rate of people experiencing homelessness (35 in 10,000), and is tied for second for the rates of people who were living unsheltered (61% statewide).

The amendments create policies and code to allow different types of permanent and temporary shelters for those experiencing homelessness by removing barriers. The amendments will allow permanent shelters in the following zoning districts:

1. Multi-room and Group Shelters are permitted in the Residential, Commercial, Mixed-Use and Public Facilities Zoning Districts and in the Light Industrial (IL) District.
2. Outdoor shelters are permitted in the following zones:
 - a. Residential zones on a lot or parcel with a permitted public or institutional use, not including utilities (above ground). See BDC Table 2.1.200 – Permitted and Conditional Uses for public and institutional uses.
 - b. Commercial, Mixed-Use and Public Facilities Zones.
 - c. Light Industrial (IL) District.

The amendments will allow Temporary Shelters in the following zoning districts:

1. Residential zones on a lot or parcel with a permitted public or institutional use.
2. Commercial, Mixed-Use and Public Facilities Zones.
3. Light Industrial (IL) District.

The amendments will allow temporary shelters for emergency situations lasting 180 days or less. There is a public need and benefit for the proposed amendments since the number of people experiencing homelessness, as shown by the latest available data, exceeds the number of shelter beds available. The amendments will help provide a safe place for those experiencing homelessness. 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 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 beyond the density and uses currently allowed in the zoning districts; therefore, the amendments will have no measurable impacts on the amount of traffic on the existing transportation system. Because of this, the text amendments do not cause a "significant effect" under ORS 660-012-0060.

V. CONCLUSIONS:

Based on the above Findings, the Bend Comprehensive Plan and BDC amendments meet all applicable criteria for adoption.