

ORDINANCE NO. NS -2404

AN ORDINANCE AMENDING BEND DEVELOPMENT CODE (BDC) CHAPTERS 2.2, COMMERCIAL ZONING DISTRICTS, 2.7, SPECIAL PLANNED DISTRICTS, REFINEMENT PLANS, AREA PLANS AND MASTER PLANS, AND 3.6, SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES AND DECLARING AN EMERGENCY.

Findings:

- A. The application was processed in accordance with Bend Development Code (BDC) 4.1.500. The City provided timely and sufficient notice of the legislative changes pursuant to Section 4.1.515 of the Bend Development Code.
- B. The City submitted a Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on February 1, 2021.
- C. Notice of the March 8, 2021, Planning Commission public hearing was printed in the Bend Bulletin on February 14, 2021, emailed to the neighborhood associations on December 14, 2020, and was emailed and mailed to the neighborhood associations on February 9, 2021. A notice of the March 17, 2021, City Council public hearing was printed in the Bend Bulletin on February 14, 2021, and was emailed on February 18, 2021, and mailed to the neighborhood associations on February 19, 2021.
- D. On February 22, 2021, the Planning Commission, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) held a work session and discussed the amendments.
- E. On March 8, 2021, the Planning Commission held a public hearing on Project Number PLTEXT20210122, and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed text amendments in Exhibit A.
- F. The City Council held a public hearing on March 17, 2021, to accept evidence, receive public testimony, and consider the Planning Commission's recommendation. 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 Development Code should be approved.
- G. The Bend City Council will also consider creating a program for "Safe Parking" in the Bend Municipal Code, to allow for temporary overnight camping on certain properties, and temporary overnight parking with associated services for people experiencing homelessness and who cannot be placed in other low-income housing. The Council finds that the changes to the BDC to clarify that those uses are not land use decisions, and are not subject to the BDC.
- H. The Council finds that the proposed amendments remove the 1,000 foot separation requirement between temporary housing facilities which is currently a barrier to developing temporary facilities in Bend. Flexibility in locating near transit, needed and centralized support services and employment opportunities is increasingly

considered important in zoning policy decisions. An artificial distance requirement creates a barrier to finding adequate siting locations in the city.

- I. The Council finds that the City has been moving away from the conditional use process, which require a public hearing in front of a hearings officer if there is controversy, are subjective, time-consuming and create uncertainty, toward more objective criteria and design standards to address impacts on adjacent properties.
- J. The Council finds that the proposed amendments will also permit temporary housing outright in the Bend Central District on the west side of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts, and that allowing temporary housing in commercial and employment areas will open up more locations that have good access to transportation infrastructure, employment and public and community services.

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

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

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

Section 3. City staff is directed to incorporate code that reduces required parking to zero for temporary housing uses, for Council consideration and as part of the public process with the Bend Development Code changes drafted to implement House Bill 2001.

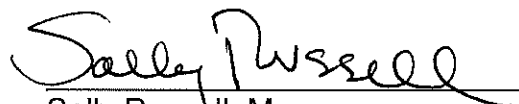
Section 4. This ordinance is critical to ensure public health and safety. The ordinance is therefore necessary on an emergency basis and will be effective immediately upon adoption on its second reading.

First Reading: March 17, 2021

Second reading and adoption by roll call vote: April 7, 2021

YES: Mayor Sally Russell
Mayor Pro Tem Gena Goodman Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg

NO: none


Sally Russell, Mayor

Attest:


Robyn Christie, City Recorder

Approved as to form:

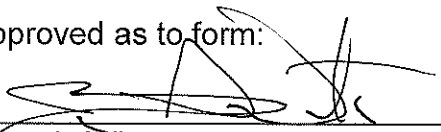

Mary A. Winters

Exhibit A
DRAFT Development Code Update
April 7, 2021
Prepared by: Planning Division

Note:

Text in underlined typeface is proposed to be added

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

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

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

BEND DEVELOPMENT CODE

Chapter 2.2

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

Table 2.2.300 – Permitted and Conditional Uses

Land Use	CB	*CC	CL	CG
Residential				
*** *Temporary Housing ***	C	N	C <u>P</u>	C <u>P</u>

Chapter 2.7

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

Article II. 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 ~~shall be~~ are allowed unless otherwise specified in Table 2.7.320A, which ~~shall control~~ 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 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.

Article XIV. Bend Central District

2.7.3220 Land Uses.

Table 2.7.3220

Permitted Uses in the Bend Central District by Subdistrict

Land Use	1st/2nd Street	3rd Street	4th Street	South
Residential				
<u>*Temporary Housing</u>	<u>L (see subsection (D)(4) of this section)</u>	<u>L (see subsection (D)(4) of this section)</u>	<u>N</u>	<u>L (see subsection (D)(4) of this section)</u>

Key to Permitted Uses

P = Permitted

N = Not Permitted

C = Conditional Use

L = Permitted with limitations, subject to subsection (D) of this section.

* Special standards for certain uses subject to BDC Chapter 3.6, Special Standards and Regulations for Certain Uses.

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

4. Temporary Housing. Temporary Housing is permitted west of 3rd Street.

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: one space per 500 square feet of gross floor area.

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 Parking Spaces.

Chapter 3.6

SPECIAL STANDARDS AND REGULATIONS FOR CERTAIN USES

3.6.200 Residential Uses.

O. Temporary Housing.

1. ~~Supervision~~ On-site Management. On-site ~~supervision~~ management must be provided at all times the facility is open for services. ~~At least one competent adult must be present for every 25 persons utilizing the facility.~~
2. ~~Loitering~~. ~~There shall be no loitering at the facility location.~~
3. ~~2. Outdoor Activities~~ Waiting and Intake Area. All functions associated with a temporary housing use, except for children's play areas, outdoor recreation areas, parking and outdoor waiting must take place within the building proposed to house the temporary housing use. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way and must be large enough to accommodate the expected number of clients. ~~Waiting shall not take place beyond one hour before the facility opens or more than one hour after it has closed. 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.~~
4. ~~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.
5. ~~4. Parking~~. The parking space requirements for temporary housing uses shall be are one space per 500 square feet of gross floor area, unless parking exemptions and reductions apply.
6. ~~Signs~~. ~~Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to, BC Chapter 9.50, Signs, and Design Review provisions in this code.~~
7. ~~Separation~~. ~~Any proposed temporary housing facility must be located at least 1,000 feet from any other temporary housing facility.~~
8. ~~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
- c. 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.

Unless otherwise permitted, temporary uses shall 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. Provision of "Safe Parking" as described in the Bend Municipal Code is not considered a "dwelling unit" use prohibited by this section, and is allowed as set forth in the Bend Municipal Code. "Safe Parking" as described in the Bend Municipal Code is not a land use decision and is not subject to the Bend Development Code.

**EXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT
PLTEXT20210122**

I. PROCEDURAL FINDINGS:

- (1) **PUBLIC NOTICE AND COMMENTS.** Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on February 1, 2021. On February 9, 2021, staff emailed the draft to the Bend Development Code Update Group for their review. On February 22, 2021, the Planning Commission held a work session, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) and discussed the proposed amendments. A notice of the March 8, 2021, Planning Commission public hearing was printed in the Bend Bulletin on February 14, 2021, and was emailed and mailed to the neighborhood associations on February 9, 2021. A notice of the March 17, 2021, City Council public hearing was printed in the Bend Bulletin on February 14, 2021, and was emailed on February 18, 2021, and mailed to the neighborhood associations on February 19, 2021. On March 8, 2021, the Planning Commission held a public hearing and recommended approval of the amendments.
- (2) **PROPOSAL:** Bend Development Code (BDC) amendments to Chapter 4.1, Development Review and Procedures that relate to the current public meeting, notification and public comment processes for development applications and an amendment to Chapter 2.3, Mixed-Use Zoning Districts (ME, MR, PO, MU and MN).
- (3) **BACKGROUND:** The City of Bend originally adopted amendments creating "Temporary Housing" in 2003. Temporary housing as defined then and now in BDC Chapter 1.2, Definitions 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 the community resources.

The 2003 amendments conditionally permitted temporary housing in residential districts, out-right permitted them 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 2003 amendments also included the same special standards that are in the BDC today including the 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 Bend Development code adding the definition back to Chapter 1.2 and allowing temporary housing as a conditional use in the CB, CL and CG zones.

Over the last five 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. To address this, there is an increased need for additional temporary housing facilities that provide residents with safe and sanitary living conditions, centralized critical services, and access to transit and employment opportunities. If the amendments are adopted, proposed temporary housing facilities will continue to be subject to land use review.

During the City Council meeting on February 3, 2021, the Council unanimously approved a purchase and sale agreement for the property located 904 SE Third Street, known as Old Mill Inn and Suites, with the intent to use it as a temporary housing facility. If funding is awarded to the City through Project Turnkey, the City would purchase the property and provide approximately 64 temporary housing units for community members who are experiencing homelessness or are at-risk of homelessness. If the City is awarded funding through Project Turnkey, the sale of the property must close by June 30, 2021, to meet Project Turnkey timelines. The proposed Bend Development Code amendments would allow this property and others in the affected zoning districts to be used as temporary housing, with land use review and approval.

The Bend City Council will be considering creating a program for "Safe Parking" in the Bend Municipal Code, to allow for temporary overnight camping on certain properties, and temporary overnight parking with associated services for people experiencing homelessness and who cannot be placed in other low-income housing. Edits are proposed to the BDC to clarify that those uses are not land use decisions, and are not subject to the BDC.

On February 9 2021, staff emailed the draft to the Bend Development Code Update Group for their review. On February 22, 2021, the Planning Commission held a work session, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) and discussed the

amendments. On March 8, 2021, the Planning Commission held a public hearing and recommended approval of the amendments.

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 APMENTMENTS

4.6.200 Legislative Amendments.

- A. Applicability, Procedure and Authority.** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plan and map, Development Code and changes in the zoning map not directed at a small number of properties. They are reviewed using the Type IV procedure in accordance with Chapter 4.1, Land Use Review and Procedures and shall conform to Section 4.6.600, Transportation Planning Rule Compliance. A Legislative Amendment may be approved or denied.

FINDING: The recommended amendments to the text of the BDC involve broad public policy and apply to all properties in the affected land use districts, rather than 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 and Goal 2: Land Use Planning, Goal 9: Economic Development and Goal 10: Housing.

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

FINDING: On February 9 2021, staff emailed the draft to the Bend Development Code Update Group for their review. On February 22, 2021, the Planning Commission held a work session, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) and discussed the amendments.

A notice of the March 8, 2021, Planning Commission public hearing was printed in the Bend Bulletin on February 14, 2021, and was emailed and mailed to the neighborhood associations on February 9, 2021. A notice of the March 17, 2021, City Council public hearing was printed in the Bend Bulletin on February 14, 2021, and was emailed on February 18, 2021, and mailed to the neighborhood associations on February 19, 2021.

On March 8, 2021, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council.

Therefore, Goal 1 has been met.

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

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

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

Over the last five 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. (Homeless Leadership Coalition, February 2, 2021). The number of shelter beds is less than the identified number of people experiencing homelessness. To address this, there is an increased need for additional temporary housing facilities that provide residents with safe and sanitary living conditions, centralized critical services, and access to transit and employment opportunities.

During the City Council meeting on February 3, 2021, the Council unanimously approved a purchase and sale agreement for the property located 904 SE Third Street, known as Old Mill Inn and Suites, with the intent to use it as a temporary housing facility. If funding is awarded to the City through Project Turnkey, the City would purchase the property and provide approximately 64 temporary housing units for community members who are experiencing homelessness or are at-risk of homelessness. If the City is awarded funding through Project Turnkey, the sale of the property must close by June 30, 2021, to meet Project Turnkey timelines. The Bend Development Code amendments would allow this property and others to be used as temporary housing, with land use review and approval.

The amendments are justified and will provide a public benefit since they will help facilitate more temporary housing in Bend. Therefore, the amendments are justified and needed, and compliance with Goal 2 is satisfied.

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. The Goal requires provisions of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity.

FINDING: The amendments support this goal because they expand the locations for temporary housing. Providing temporary housing for homeless individuals and families enables them to access services to find permanent housing and jobs. This flexibility is balanced with special standards to ensure that the temporary housing is compatible with surrounding businesses and neighborhoods. Therefore, the Goal 9 is satisfied.

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

FINDING: While temporary housing (shelter beds) are not identified as a housing type in the City's Housing Needs Analysis or in the statutory definitions, government supported housing is, and many temporary housing facilities obtain government support to fund operations. Temporary housing tends to face vocal opposition, often based on misperceptions about the population served. Opposition can also stem from an overall community resistance to change, increased density or potential traffic associated with the use, and any other host of concerns (some legitimate, some not). Local prejudices could result in policies and practices that inhibit the development of these uses, thereby exacerbating patterns of racial and economic segregation.

The amendments provide a streamlined approval process for temporary housing by removing the conditional use permit process in the CL and CG zones and permitting them outright in the Bend Central District west of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts. The City has been moving away from conditional use processes, which are subjective, time-consuming and create uncertainty, toward more objective criteria and design standards to address impacts on adjacent properties. Temporary housing is often the first step in providing the transition from homelessness to more permanent living arrangements. Providing temporary housing for these individuals and families enables them to more easily access services to find permanent 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. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is satisfied.

Goal 12, Transportation, requires the City to provide and encourage a safe and convenient and economic transportation system. The amendments are not site specific and therefore do not affect the functional classification of any street. The amendments will have no measurable impacts on the amount of traffic on the existing transportation system; therefore the amendments do not cause a "significant effect" under ORS 660-012-0060. Therefore, compliance with Goal 12 is 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 proposed 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 proposed amendments and therefore compliance with Goal 14 is maintained.

Goal 15, Willamette River Greenway, Goal 16, Estuarine Resources, Goal 17, Coastal Shorelands, Goal 18, Beaches and Dunes, and Goal 19, Ocean Resources are not applicable to the BDC amendments.

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

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

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

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

Chapter 1: Plan Management and Citizen Involvement Goals:

- **Create Housing Options and Affordability**

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

FINDING: The City of Bend originally adopted amendments creating “Temporary Housing” in 2003. The amendments conditionally permitted temporary housing in residential districts, outright permitted them 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 2003 amendments also included the same special standards that are in the BDC today including the 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 Bend Development code adding the definition back to Chapter 1.2 and allowing temporary housing as a conditional use in the CB, CL and CG zones. Temporary housing is presently allowed as an outright permitted use only in the Mixed Use – Urban (MU) zone in Bend.

Over the last five 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. (Homeless Leadership Coalition, February 2, 2021) There are fewer shelter beds than people experiencing homelessness.

To address this, there is an increase need for additional temporary housing facilities that provide residents with safe and sanitary living conditions, centralized critical services, and access to transit and employment opportunities. The amendments will allow temporary housing in commercial and employment areas which will open up more locations that have good access to transportation infrastructure, employment and public and community services.

- **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: On February 9 2021, staff emailed the draft to the Bend Development Code Update Group for their review. On February 22, 2021, the Planning Commission held a work session, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) and discussed the amendments. On March 8, 2021, the Planning Commission held a public hearing and recommended approval of the amendments.

- **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 will allow temporary housing as a permitted use in the CL and CG Districts in Table 2.2.300 without requiring a conditional use permit (CUP). The City has been moving away from conditional use processes, which are subjective, time-consuming and create uncertainty, toward more objective criteria and design standards to address impacts on adjacent properties. The following amended standards for temporary housing will be required:

- ~~***Supervision On-site Management. On-site supervision management must be provided at all times the facility is open for services. At least one competent adult must be present for every 25 persons utilizing the facility.***~~
- ~~***Loitering. There shall be no loitering at the facility location.***~~
- ~~***Outdoor Activities Waiting and Intake Area. All functions associated with a temporary housing use, except for children's play areas, outdoor recreation areas, parking and outdoor waiting must take place within the building proposed to house the temporary housing use. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way and must be large enough to accommodate the expected number of clients. Waiting shall not take place beyond one hour before the facility opens or more than one hour after it has closed. 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.***~~

- ***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.*
- ***Parking.*** *The parking space requirements for temporary housing uses shall be are one space per 500 square feet of gross floor area, unless parking exemptions and reductions apply.*
- ~~***Signs.*** *Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to, BC Chapter 9.50, Signs, and Design Review provisions in this code.*~~
- ~~***Separation.*** *Any proposed temporary housing facility must be located at least 1,000 feet from any other temporary housing facility.*~~
- ***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.*
- ***Facilities and Services.*** *Temporary housing may provide facilities and services on site including, but not limited to, the following:*
 - ***Meals and dining areas***
 - ***Clothing/laundry facilities***
 - ***Restrooms and showers***
 - ***Day care facilities***
 - ***Case management services and information on or referral to other community resources***
 - ***Overnight and daytime accommodations.***

Policies

Citizen Involvement

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

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

FINDING: On February 9 2021, staff emailed the draft to the Bend Development Code Update Group for their review. The group includes community members comprised of architects, lawyers, developers, land use planners, and engineers and staff from COBA, Oregon LandWatch and Bend Park and Recreation District and representatives from City recognized neighborhood associations. On February 9, 2021, the Neighborhood Leadership Alliance reviewed advancing strategies to end homelessness in Bend which included an overview of the amendments.

On February 22, 2021, the Planning Commission held a work session, along with members from the Affordable Housing Advisory Committee (AHAC), Neighborhood Leadership Alliance (NLA), and Bend Economic Development Advisory Board (BEDAB) and discussed the amendments. On March 8, 2021, the Planning Commission held a public hearing and recommended approval of the amendments.

Notice of the amendments was provided to the Department of Land Conservation and Development (DLCD) on February 1, 2021. A notice of the March 8, 2021, Planning Commission public hearing was printed in the Bend Bulletin on February 14, 2021, and was emailed and mailed to the neighborhood associations on February 9, 2021. A notice of the March 17, 2021, City Council public hearing was printed in the Bend Bulletin on February 14, 2021, and was emailed on February 18, 2021, and mailed to the neighborhood associations on February 19, 2021. On March 8, 2021, the Planning Commission held a public hearing and recommended approval of the amendments to the City Council.

Therefore, compliance with Chapter 1 has been met.

Chapter 5: Housing

Goals:

- Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.

FINDING: There are nearly 1,000 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. Temporary housing is one of many possible short-term solutions to help address homelessness in Bend. Temporary housing provides residents with safe and sanitary living conditions, centralized critical services, and access to transit and employment opportunities.

The amendments support the siting of temporary housing by removing barriers including the 1,000 foot separation requirement between temporary housing facilities. Flexibility in locating near transit, needed and centralized support services and employment opportunities is necessary and an artificial distance requirement limits this.

The amendments will allow temporary housing as a permitted use in the CL and CG zones without requiring a conditional use permit. The amendments will also permit temporary housing outright in the Bend Central District on the west side of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts. Allowing temporary housing in commercial and employment areas will open up more locations that have access to transportation infrastructure, employment and public and community services.

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

FINDING: The amendments will allow temporary housing as a permitted use in the CL and CG zones without requiring a conditional use permit (CUP). The amendments will also permit temporary housing outright in the Bend Central District on the west side of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts. Commercial and mixed-use zones that permit residential or residential compatible services (i.e., social services, offices) are suitable locations for temporary housing.

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: The City funds a number of temporary housing providers through its Affordable Housing Fund, Community Development Block Grants, and system development charge waivers.

The Council unanimously approved a purchase and sale agreement for the property located 904 SE Third Street, known as Old Mill Inn and Suites. The property would be purchased for a price not to exceed \$5 million (subject to an appraisal) with funding made available through Project Turnkey and provide 64 units of transitional housing for community members who are experiencing homelessness or are at-risk of homelessness. The City is working with NeighborImpact and other social services partners to plan for managing the motel for community members most in need of stable housing, if the City is selected to receive funding.

Therefore, compliance with Chapter 5 has 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):

- Increase route choices and connections for all users.

Facilitate Housing Supply, Job Creation, and Economic Development to Meet Demand/Growth:

- Provide access and connectivity to expanded housing supply.
- Improve connectivity and route choices for commercial users.

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: The amendments will allow temporary housing outright in the CL and CG zones without requiring a conditional use permit. The amendments will also permit temporary housing outright in the Bend Central District on the west side of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts. Temporary housing centrally located these commercial and employment areas will have good access to transportation infrastructure and services.

Policies

Equity

The City of Bend believes that we thrive when all individuals, from all parts of our City, have affordable and equitable access to a full range of transportation choices to meet their daily needs, including, but not limited to, employment, housing, healthcare, education, recreation, and shopping. The City recognizes that the transportation system has historically underserved some community members, and that their needs require particular attention as transportation investments, programs, and services are prioritized and funded. Those populations historically underserved by the transportation system include but are not limited to: people who cannot or choose not to drive (including children); persons with disabilities; people who cannot afford a motor vehicle; people living in areas where there are concentrations of impoverished and/or minority populations; and groups that have been subjected to racism and/or discrimination.

The City defines transportation equity as being achieved when all community members, with respect to age, race, disability, gender, income and location in the City have access to safe, comfortable, affordable, and reliable transportation choices to meet their daily transportation needs. Transportation equity helps ensure that disparities are reduced and access to daily needs and key destinations are fairly provided.

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.

7-24 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. Research has shown that transportation access is the single biggest factor in helping people avoid homelessness; it's critical to holding down a job, getting to school, keeping service appointments, and many more aspects of daily life. Allowing temporary housing in commercial and employment areas will open up more locations that have convenient access to transportation infrastructure as well as to nearby employment and public and community services.

Therefore, compliance with Chapter 7 has 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 temporary housing outright in the Bend Central District on the west side of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts. Temporary housing located in the Bend Central District will have good access to services and employment.

General Growth Management Policies

11-1 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

Policies for Land Use and Transportation

11-11 The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.

FINDING: Permitting temporary housing in the Bend Central District and in the CL and CG zones will help reduce vehicle miles traveled since these facilities will be located near transit, services and employment.

Policies for Centers and Corridors

11-23 The City will encourage development and redevelopment in commercial corridors that is transit-supportive and offers safe and convenient access and connections for all modes.

FINDING: The entire Bend Central District is within 0.25 miles of a bus stop. Therefore, the amendments will provide convenient access to transit and other forms of non-automobile travel since temporary housing will be permitted on the west side of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts in the Bend Central District.

Therefore, the amendments satisfy Chapter 11.

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

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

FINDING: There is a public need and benefit for the amendments since they will remove barriers and allow temporary housing in the CL and CG zone without a conditional use permit and in the Bend Central District west of 3rd Street in the 1st/2nd Street, 3rd Street and South Subdistricts. Temporary housing helps address the increasing number of our community members experiencing homelessness in Central Oregon by providing a place for those to more safely live.

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 BDC available to the public on the City's website.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: The new text amends the BDC which is a functional component of the Bend Comprehensive Plan and is an amendment to a land use regulation as noted in OAR 660-012-0060. The amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations that result in the generation of additional vehicle trips; therefore, the amendments will have no 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 BDC amendments meet all applicable criteria for adoption.

VI. RECOMMENDATION:

The Planning Commission recommends approval of the amendments to the City Council.