



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

### NOTICE OF ADOPTED AMENDMENT

November 7, 2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment  
DLCD File Number 007-08



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 28, 2008**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Aaron Henson, City of Bend

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# Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of Bend**

Local file number: **PZ 08-309**

Date of Adoption: **11/5/2008**

Date Mailed: **11/7/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/25/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend Chapter 1.2 of the City of Bend Development Code to re-establish a definition for the term "Temporary Housing". Amend Table 2.2.300 in Chapter 2.2 of the City of Bend Development Code to establish "Temporary Housing" as a conditional use in the Central Business District, Limited Commercial District, and General Commercial District. Relocate the Special Use Standards for Temporary Housing from Section 3.6.400(B) to Section 3.6.200(O) in Chapter 3.6 of the City of Bend Development Code.

Does the Adoption differ from proposal? Yes, Please explain below:

The City established "Temporary Housing" as a conditional use (not a permitted use) in the CB, CL, and CG Zoning Districts. Also, the Special Use Standards for Temporary Housing were relocated from the "Temporary Uses" section of Chapter 3.6 to the "Residential Uses" section of Chapter 3.6.

Plan Map Changed from: **Not applicable**

to:

Zone Map Changed from: **Not applicable**

to:

Location: **CB, CL & CG Zoning Districts**

Acres Involved:

Specify Density: Previous: **Not applicable**

New:

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                           | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No. 007-08 (17035) [ ]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Bend Police Department, City of Bend Fire Department

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Local Contact: **Aaron Henson, AICP**

Phone: **(541) 383-4885** Extension:

Address: **710 NW Wall Street**

Fax Number: **541-388-5519**

City: **Bend**

Zip: **97701-**

E-mail Address: **ahenson@ci.bend.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  
  
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. NS-2107

AN ORDINANCE AMENDING THE CITY OF BEND DEVELOPMENT CODE BY CHANGING THE TEXT OF CHAPTERS 1.2, 2.2, & 3.6 TO ALLOW TEMPORARY HOUSING AS A CONDITIONAL USE IN THE CB, CL, & CG ZONES; DECLARING AN EMERGENCY; AND PRESCRIBING AN EFFECTIVE DATE OF NOVEMBER 5, 2008.

THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend City Council has held a public hearing, considered the testimony, the record, and the Planning Commission's recommendation, and has found that there is a public need and benefit for the proposed text amendments to the City of Bend Development Code. The Bend City Council adopts the Recommendation of the Planning Commission, approved on September 15, 2008, file number PZ 08-309.
- Section 2. Chapters 1.2, 2.2, and 3.6 of the City of Bend Development Code (Ordinance NS-2016) are amended by changing the text therein as detailed in "Exhibit A".
- Section 3. The Bend City Council adopts the Findings for Development Code Text Amendment, attached as "Exhibit B", as findings in support of this ordinance.
- Section 4. This ordinance being necessary for the preservation of public safety and health, an emergency is declared to exist and this ordinance takes effect on November 5, 2008.

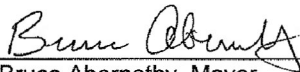
Read for the first time the 15th day of October, 2008.

Read for the second time the 5th day of November, 2008.

Placed into effect upon the 5th day of November, 2008.

YES: 6                      NO: 0                      ABSTAIN: 0

Authenticated by the Mayor the 5th day of November, 2008.

  
Bruce Abernethy, Mayor

Attest:

  
Kim Meyers, Deputy City Recorder



EXHIBIT "A"

Text in underlined typeface is proposed to be added. Text in ~~striketrough~~ typeface is proposed to be deleted.

**Chapter 1.2 Definitions**

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 2.2 Commercial Districts**

**2.2.300 Permitted Land Uses**

**A. Permitted Uses.** The land uses listed in Table 2.2.300 are allowed in the Commercial Districts as designated, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.300, and land uses that are approved as "similar" to those in Table 2.2.300, may be permitted or conditionally allowed.

**Table 2.2.300 - Permitted Land Uses**

Land Use	CBD	*CC	CL	CG
<b>Residential</b>				
Existing Residential uses	P	P	P	P
*New Residential uses	P	P	P	P
*Temporary Housing	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>
<b>Commercial</b>				
Retail Sales and Service				
- building footprint less than 50,000 square feet	P	P	P	P
- building footprint greater than 50,000 square feet	P	N	P	P
Retail Sales and Service (*auto dependent)	N	C	P	P
Retail Sales and Service (*auto oriented)	C	C	P	P
Restaurants/Food Services				
- with *drive-through 300 sq ft or less	C	C	P	P
- without drive-through	P	P	P	P
Offices and Clinics	P	P	P	P
Production Businesses (e.g. IT support, Radio/Television Broadcast)	N	N	C	P
Convention Centers/Meeting Rooms	C	N	P	P
Lodging (hotels, motels, *bed and breakfast inns, *vacation rentals, boarding houses)	P	P	P	P
Hospitals	N	N	P	P
Commercial and Public Parking	P	P	P	P
Commercial Storage				
- enclosed in building and on an upper story	C	P	P	P
- not enclosed in building	N	N	P	P
- enclosed in building on ground floor (i.e., mini-storage)	N	N	C	P
Entertainment and Recreation				
- enclosed in building (e.g., theater, fitness facility)	P	P	P	P
- not enclosed (e.g., amusement)	N	N	C	P
Time Share Units	C	C	C	C
Trailer Park / Campground	N	N	C	C
Mortuary	N	N	P	P
Wholesale Sales (more than 75% of sales are wholesale)	N	N	P	P

Veterinary Clinic (small animal)	C	P	P	P
*Mixed Use (residential with commercial/civic/industrial) Mixed-use developments shall be subject to the use limitations prescribed for the respective individual uses	P	P	P	P
<b>Public and Institutional</b>	<b>CBD</b>	<b>*CC</b>	<b>CL</b>	<b>CG</b>
Government - point of service (e.g., city hall, library)	P	P	P	P
Government – limited point of service; (e.g., public works yards, vehicle storage etc.)	C	C	C	C
Parks and Open Space	P	P	P	P
Schools				
-- *pre-school, daycare, and primary, secondary	P	P	P	P
-- colleges, and vocational schools	P	N	P	P
*Clubs and Places of Worship	C	C	C	C
<b>Industrial</b>				
*Manufacturing and Production				
- greater than 5,000 sq. ft.	N	N	C	N
- less than 5,000 sq. ft. with retail outlet	P	P	P	P
Warehouse	N	N	P	P
Transportation, Freight and Distribution	N	N	C	P
Industrial Service (e.g., cleaning, repair)	N	N	P	P
Manufactured Home Sales	N	N	C	P
Lumber / Building Supplies	N	N	C	P
*Hydroelectric facilities	C	N	C	C

**Key to Permitted Uses**

P = Permitted, subject to Chapter 4.1

N = Not Permitted;

C = Conditional Use.

Conditional Uses are subject to Conditional Use permit standards in Chapter 4.4.

\* Special Standards for Certain Uses subject to Chapter 3.6

**Note:** The CC zone limits the size of uses within the zone. See Section 3.6.300(J)

**Chapter 3.6 Special Standards for Certain Uses**

**3.6.200 Residential Uses**

**O. Temporary Housing.**

1. Supervision: On site supervision must be provided at all times. 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. Outdoor Activities: 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.
4. 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. Parking: The parking space requirements for Temporary Housing uses shall be 1 space per 500 square feet of gross floor area.
6. Signs: Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to the Sign Ordinance and Design Review provisions in this ordinance.

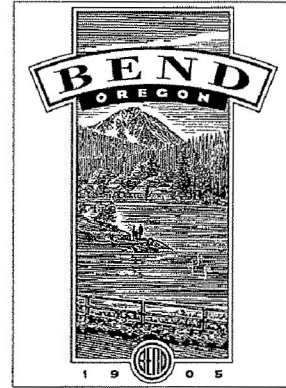
7. Separation: Any proposed Temporary Housing facility must be located at least 1000 feet from any other Temporary Housing facility.
8. Compliance: Any Temporary Housing facility must meet all other applicable requirements of federal, state, and /or local authorities including but not limited to local Fire Department, building and Environmental Health requirements.

**3.6.400 Temporary Uses**

**B. Temporary Housing.**

1. Supervision: On site supervision must be provided at all times. 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. Outdoor Activities: 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.
4. 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. Parking: The parking space requirements for Temporary Housing uses shall be 1 space per 500 square feet of gross floor area.
6. Signs: Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to the Sign Ordinance and Design Review provisions in this ordinance.
7. Separation: Any proposed Temporary Housing facility must be located at least 1000 feet from any other Temporary Housing facility.
8. 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.

**BEND CITY COUNCIL FINDINGS  
FOR DEVELOPMENT CODE TEXT AMENDMENT**



**PROJECT  
NUMBER:**

**08-309**

**HEARING DATE:** Wednesday, October 15, 2008  
City of Bend Council Chambers  
710 NW Wall Street  
Bend, OR 97701

**APPLICANT:** City of Bend  
710 NW Wall Street  
Bend, OR 97701

**REQUEST:** A proposal to amend the text of Chapters 1.2, 2.2, and 3.6 of the Bend Development Code (Ordinance NS-2016).

**STAFF:** Aaron Henson, AICP, Senior Planner

**I. APPLICABLE CRITERIA:**

- (1) The Bend Area General Plan
- (2) Bend Code Chapter 10; City of Bend Development Code, Ordinance NS-2016
  - (a) Chapter 4.6, Land Use District Map and Text Amendments; Section 4.6.200(B), Criteria for Legislative Amendments

**II. APPLICABLE PROCEDURES:**

- (1) Bend Code Chapter 10; City of Bend Development Code, Ordinance NS-2016
  - (a) Chapter 4.1, Land Use Review and Procedures

**III. FINDINGS OF FACT:**

- 1. PLANNING COMMISSION RECOMMENDATION:** A package of amendments to the text of Chapters 1.2, 2.2, and 3.6 of the City of Bend Development Code (Ordinance NS-2016), which are intended to: 1) re-establish a definition for the term "Temporary Housing"; 2) establish "Temporary Housing" as a conditional use in the CB, CL, and CG zones; and 3) relocate the Special Use Standards for "Temporary Housing".
- 2. PUBLIC NOTICE AND COMMENTS:** The Planning Division published notice of the City Council public hearing for the proposed Development Code text amendment in the Bulletin on September 21, 2008 and sent a Measure 56 notice to all affected landowners in the CB, CL, and CG zones on August 19, 2008. Comments received in response to the City's notices are included in the record.
- 3. BACKGROUND:** The City of Bend originally adopted a text amendment for "Temporary Housing" in 2003 (City File #PZ 03-88), and the City mailed a Notice of Adoption to the Oregon Department of Land Conservation and Development (DLCD) on May 18, 2005. (DLCD File #005-03). No appeals were filed, and the text amendments became final. When the City repealed Zoning Ordinance No. NS-1178 in 2006 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" from Chapter 1.2, and the City also inadvertently omitted "Temporary Housing" from the list of permitted uses in Table 2.2.300. Furthermore, the Special Standards for Temporary Housing were mistakenly codified in Section 3.6.400, Temporary Uses, instead of Section 3.6.200, Residential Uses. The proposed text amendment corrects these errors.



### III. CONCLUSIONS OF LAW:

#### **CONFORMANCE WITH CITY OF BEND COMMUNITY 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 amendments to the text of the Development Code involve broad public policy rather than 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 text amendments for Temporary Housing are consistent with the applicable State land use law. In particular, the proposed amendments will satisfy Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 9: Economy of the State, and Goal 10: Housing.

- Goal 1 will be satisfied through the City's text amendment process that includes a Planning Commission public hearing, followed by a City Council public hearing.
- Goal 2 was reviewed by Planning Division staff for compliance and determined to be consistent with the City's land use policies regarding housing and economic development.
- The intent of Goal 9 is to provide an adequate land supply for economic development and employment growth. Goal 9 is applicable to the proposed text amendment because in theory, the use of land in the CB, CL, and CG zones for Temporary Housing could reduce the supply of commercial property for economic development and employment growth. According to City records, there are approximately 1,784 tax lots in the CB, CL, and CG zones. During the 3 year period between 2003 and 2006 when Zoning Ordinance No. NS-1178 allowed Temporary Housing in the CB, CL, and CG zones, only one new Temporary Housing facility was established within these three commercial zones. In addition, the Development Code currently allows hotels, motels, bed and breakfast inns, vacation rentals, and boarding houses in all commercial districts. These transient accommodation uses are consistent with Goal 9 and are similar to the proposed Temporary Housing use. The City's proposal to re-establish Temporary Housing as an allowed use in these zones is not expected to have a significant impact on the City's land supply for economic development and employment growth. By providing services to help people get back into the workforce, Temporary Housing facilities can also assist the City in its efforts to expand employment growth.
- The intent of Goal 10 is to provide for the housing needs of the citizens of the state. This includes taking steps to provide safe and sanitary housing for individuals and/or families who are homeless or in transition. Temporary Housing facilities in the City of Bend are periodically inspected by the Fire Department and the Building Department to assure that they comply with

applicable fire code and building code requirements. The City of Bend also has Special Use Standards in place for Temporary Housing in order to address compatibility issues.

- The other Statewide Goals 3 through 8 and 11 through 19 were reviewed and are not applicable to this proposal.

Based on the above discussion, the Planning Commission finds that the proposed text amendment to the Development Code complies with the above criterion.

## **2. The request is consistent with the applicable Bend Area General Plan goals and policies;**

**FINDINGS:** The "goals" established in the general 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. Staff reviewed the Bend Area General Plan and found only Chapter 5: Housing and Residential Lands, and Chapter 6: The Economy and Lands for Economic Growth to be directly applicable to the proposed text amendments.

Chapter 5 of the Bend Area General Plan includes the following goals:

"It is a goal of the General Plan to accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community."

Chapter 5 also recognizes Bend's housing affordability challenges:

"The growth in Bend's economy will continue to provide enough jobs and higher wages so that most households, especially those middle-age (35-60 years) householders in their peak earning years, will not have a problem affording housing in Bend. In the future, older families and households (the baby-boomer retirees) will be more financially secure than their parents' generation and better able to find affordable housing.

However, even with increasing income levels, many Bend householders and families may have a harder time finding affordable housing. Those persons most likely to have difficulty finding affordable housing are the younger householders and families that typically fall into the lower income levels during their early employment years, and single parent families with children."

Chapter 5 of the General Plan states that the issue of affordable housing must be addressed in a comprehensive manner to provide for the long-term self-sufficiency of low and moderate income households in Bend. Chapter 5 includes numerous strategies to encourage the market to provide affordable housing, and points out that the City and Deschutes County have provided low-cost or free land, grants, and other assistance to local housing groups to help meet the housing needs of the community. But these efforts to promote affordable housing have been unable to prevent homelessness. The Planning Commission finds that the text amendment to allow Temporary Housing in certain commercial zones is consistent with the City's goal to provide for the varied housing needs of its citizens, including homeless individuals and families.

Chapter 6 of the Bend Area General Plan includes the following goals:

- have a vital, diverse and sustainable economy, while enhancing the community's overall livability.
- ensure an adequate supply of appropriately zoned land in Bend to provide for a full range of industrial, commercial, and professional development opportunities.

A subsection of Chapter 6 specifically addresses Commercial Corridor Areas, which include land in the CL and CG zones. This subsection includes the following statement:

"The city will continue to improve the appearance of the commercial corridors."

Ordinance NS-2107

Testimony received at the Planning Commission public hearing pointed to the above statement regarding the appearance of commercial corridors, and to Policy #22 in Chapter 6, which states:

"The city shall strive to retain and enhance desirable existing commercial areas and encourage property owners to rehabilitate or redevelop older commercial areas."

Some of the testimony at the Planning Commission public hearing went on to assert that allowing Temporary Housing facilities in commercial zones contradicts Policy #22 in Chapter 6. This statement is inconsistent with the requirements of the Development Code. Temporary Housing facilities are required to meet the all development standards for the base zone and any applicable overlay zone, unless superseded by the Special Standards for Temporary Housing which address supervision, loitering, outdoor activities, parking, signs, separation from other Temporary Housing facilities, and compliance with all other applicable requirements of federal, state, and/or local authorities. In the case of the Shepherd's House, a Temporary Housing facility which received City approval to move into an existing historic building located in the CL zone on the Division Street corridor which had been vacant for an extended period of time, several upgrades to the site were required by the City and completed by the applicant. These included removing an existing non-conforming pole-mounted sign, repairing and replacing broken outdoor lighting fixtures, providing bicycle parking, and installing landscaping and street trees in the front yard setback. These upgrades have improved the appearance of the Shepherd's House property. Other upgrades have been completed in connection with the Bethlehem Inn, a Temporary Housing facility that moved into an underutilized hotel in the CG zone in the Third Street corridor. For example, a public sewer main was extended to serve the Bethlehem Inn, which is now available to support the needs of other commercial development.

Although testimony was presented claiming that the presence of homeless individuals and Temporary Housing facilities in commercial zones detracts from the marketability of adjacent businesses, the City Council finds that facilitating the efforts of non-profit agencies and faith-based organizations that provide shelter and services for the homeless in commercial zones actually enhances the community's overall livability.

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

**FINDING:** "Addressing Poverty, Hunger, and Homelessness" is one of the Key Vision Elements of the Bend 2030 Action Plan, which was updated on January 23, 2007. Securing ongoing shelter for homeless families is also identified as an Action Item in the Bend 2030 Action Plan.

Currently, the Development Code allows Temporary Housing as a conditional use in the RL, RS, RM-10, RM, and RH zones. The Development Code also allows Temporary Housing as a secondary use in the ME and PO zones. However, the City's two largest Temporary Housing facilities, Bethlehem Inn and the Shepherd's House, are both located in commercial zones. The proposed text amendments, which will allow Temporary Housing facilities such as the Bethlehem Inn and the Shepherd's House to continue to operate in the CG and CL zones, have a clear public need and benefit.

#### **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 Development Code text amendment is adopted by ordinance, compliance with this Section will be required.

#### **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.**

Ordinance NS-2107

**FINDING:** Temporary Housing facilities generate fewer trips than most other permitted uses in the CL, CG, and CB zones because many homeless individuals do not own cars, and use alternative modes of transportation such as walking, public transit, and bicycles. In addition, lodging facilities such as hotels, motels, etc. are currently permitted in all commercial districts. Temporary Housing will not produce more vehicle trips than a currently allowed lodging facility of the same size. Therefore, the proposal to re-establish Temporary Housing as an allowed use in the CL, CG, and CB zones does not significantly affect a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

**IV. CONCLUSIONS:**

Based on the above Findings of Fact and Conclusions of Law, the City Council finds that the proposed Development Code text amendments will meet, with maintenance of a record, all applicable criteria for adoption.