



CITY OF BEND

CITY COUNCIL ISSUE SUMMARY

MEETING DATE: MAY 18, 2022	SUBJECT: First reading of an ordinance to adopt proposed amendments to the Bend Comprehensive Plan and Bend Development Code (BDC) for the Shelter Code Update. STAFF MEMBER: Pauline Hardie DEPARTMENT: Community Development Department
ACTION REQUIRED: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: 05/04/2022 <input checked="" type="checkbox"/> Ordinance 1 st Reading Date: 05/18/2022 <input checked="" type="checkbox"/> Ordinance 2 nd Reading Date: 06/01/2022 <input type="checkbox"/> Resolution <input type="checkbox"/> Information/Direction <input type="checkbox"/> Consent Agenda (<i>adopted by motion</i>)	ADVISORY BOARD/COMMISSION RECOMMENDATION: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not applicable Comments: On December 15, 2021, the Sounding Board to House our Neighbors supported a recommendation for the shelter code amendments. On March 8, 2022, the Planning Commission held a continued public hearing and voted 6-1 to recommend that the City Council approve the amendments, following two other nights of public hearing and deliberation.

RECOMMENDED MOTION:

On first reading: On first reading: I move for the first reading of the Ordinance amending Bend Comprehensive Plan Chapter 5, Housing, and Chapter 6, Economy 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 as amended by the City Council on May 18, 2022,

including amendments to BDC Chapter 1.2, Definitions, BDC 3.6.400, Temporary Uses, and 3.6.600, Shelters.

On second reading: On first reading: I move for the second reading and adoption by roll call vote of the Ordinance amending Bend Comprehensive Plan Chapter 5, Housing, and Chapter 6, Economy 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 as amended by the City Council on May 18, 2022, including amendments to BDC Chapter 1.2, Definitions, BDC 3.6.400, Temporary Uses, and 3.6.600, Shelters.

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- The proposed amendments to the Bend Comprehensive Plan and Bend Development Code (BDC) replace an existing use of “Temporary Housing” with three permanent shelter types (Group, Multi-Room, and Outdoor) and one temporary shelter (Temporary Shelter). The proposed amendments are attached as Exhibit A.
- 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.

BACKGROUND:

The City Council held a public hearing on May 4, 2022, to consider the Planning Commission’s recommendation for changes 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.

BUDGET AND FINANCIAL IMPACTS:

The proposed amendments do not have any significant budget or financial impact.

DEPARTMENT DIRECTOR REVIEW

Reviewed by: Colin Stephens Date: April 13, 2022

FINANCIAL REVIEW

Reviewed by: Melissa Hodnett Date: April 25, 2022

LEGAL REVIEW

Reviewed by: Elizabeth Oshel Date: May 6, 2022

COMMUNITY OUTREACH PROCESS AND POTENTIAL IMPACTS:

The Bend City Council held a work session on the proposed code amendments on April 6, 2022, and a public hearing on May 4, 2022.

The code proposal was developed by a City Manager appointed advisory committee called the Sounding Board to House Our Neighbors, and the Planning Commission. More information on the public process for developing the code proposal can be found in the Issue Summary for the public hearing on the agenda for the May 4, 2022, Council meeting.

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 was mailed and emailed to the neighborhood associations on April 13, 2022.

ATTACHMENTS:

- Ordinance
- Exhibit A - Bend Comprehensive Plan and Bend Development Code Amendments
- Exhibit B - Findings of Fact