

## ORDINANCE NO. 2194

AN ORDINANCE AMENDING THE TEXT OF CHAPTER 8 OF THE BEND AREA GENERAL PLAN, PUBLIC FACILITIES AND SERVICES, AND ADOPTING A GOAL 11 WATER PUBLIC FACILITY PLAN FOR THE BEND AREA GENERAL PLAN IN RESPONSE TO A REMAND FROM THE OREGON LAND USE BOARD OF APPEALS ON LUBA NO. 2012-043.

### Findings

A. On July 1, 2011, the City submitted a Notice of Proposed Amendment pursuant to ORS 197.610 to the Oregon Department of Land Conservation and Development. The City's Notice proposed amendments to the text of Chapter 8, Public Facilities and Services, of the Bend Area General Plan and adoption of a Goal 11 Water Public Facility Plan.

B. The Bend Planning Commission conducted four hearings on this proposal before forwarding it on to the Bend City Council with a recommendation for approval. The City Council held a public hearing on April 18, 2012 on the Water Public Facility Plan and related amendments to Chapter 8 of the Bend Area General Plan. The City Council has considered the evidence in the record, including the evidence and the testimony submitted at the public hearings.

C. The City Council adopted the Water Public Facility Plan and amendments to Chapter 8 of the Bend Area General Plan on May 2, 2012. On May 9, 2012, the Mayor signed the adopting ordinance, Ordinance 2185.

D. Central Oregon Landwatch filed a notice of intent to appeal Ordinance 2185 on May 29, 2012 before the Oregon Land Use Board of Appeals (LUBA). LUBA issued a Final Opinion and Order on November 29, 2012. LUBA remanded the Water PFP and amendments to the text of Chapter 8 of the General Plan to address errors related to the description of the surface water project and the provision of water to the Tetherow Destination Resort.

E. City staff prepared amendments to the text of the Water PFP and to Chapter 8 of the General Plan in response to this remand. They also caused notice of a February 20, 2013 City Council hearing to be sent to the parties and published in the Bend Bulletin newspaper.

F. The City Council opened the noticed hearing on February 20, 2013 and continued the hearing to March 6, 2013.

Based on these findings,

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Chapter 8 of the Bend Area General Plan, Public Facilities, dated May 2012 is repealed and replaced with the February 2013 version attached as Exhibit "A."

Section 2. The Goal 11 Water Public Facility Plan, attached as Exhibit "B" and dated February 2013, is adopted and incorporated by reference in the Bend Area General Plan. This version of the Water Public Facility Plan replaces the version adopted through Ordinance 2185.

Section 3. The City Council adopts the following as findings:

1. Findings in Support of the Adoption of the Goal 11 Water Public Facility Plan for the Bend Urban Growth Boundary May 2012.
2. Supplemental Findings in Support of Adoption of a Goal 11 Water Public Facility Plan for the Bend Urban Growth Boundary (April 2012).
3. Findings in Support of Adoption of a Goal 11 Water Public Facility Plan and amendments to the Bend Urban Area General Plan On Remand from the Oregon Land Use Board of Appeals (LUBA 2012-043) March 2013.
4. The Supplemental Staff Report dated March 13, 2013.


First Reading: March 20, 2013

Second Reading: April 3, 2013

Adopted by roll call vote by the City Council on April 3, 2013.

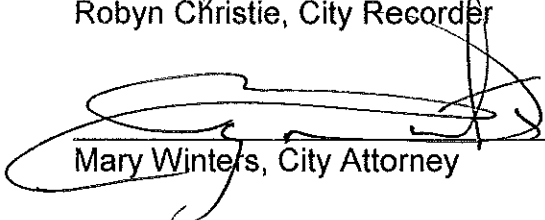
YES: Councilor Jodie Barram  
Councilor Scott Ramsay  
Councilor Mark Capell  
Councilor Victor Chudowsky

NO: Mayor Jim Clinton,  
Councilor Doug Knight  
Councilor Sally Russell

  
\_\_\_\_\_  
Jim Clinton, Mayor

Attest:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

  
\_\_\_\_\_  
Mary Winters, City Attorney