

ORDINANCE NO. NS - 2332

AN ORDINANCE AMENDING THE BEND URBAN GROWTH BOUNDARY ALONG THE WEST EXPANSION AREAS; AND DESIGNATING THE ADDED LAND AS URBAN LOW DENSITY RESIDENTIAL (RL); AND CHANGING THE ZONING OF THE ADDED LAND FROM URBAN AREA RESERVE (DESCHUTES COUNTY UAR-10) TO URBANIZABLE AREA (UA)

Findings:

- A. This UGB amendment, PZ 18-1007, was initiated at the request of the applicants who are the owners of the property affected by the proposed UGB boundary adjustment. The application was processed in accordance with Bend Development Code (BDC) Section 4.1.426 *Type III Quasi-Judicial Procedures*.
- B. The purpose of this amendment is to adjust the UGB boundary along the West UGB expansion area. The adjustment is needed to accommodate the realignment of Skyline Ranch Road as proposed under PZ 18-1006, and to refine the western boundary of the NWX2 properties to accommodate the Comprehensive Plan requirements to implement the transect concept for density patterns, while also meeting the required number of housing units for the proposed Discovery West Master Planned Development (PZ 18-1015).
- C. The City provided timely and sufficient notice of the public hearing for the UGB amendment in accordance with the Type III application procedures contained in BDC Section 4.1.400 *Type II and Type III Applications*. On January 18, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way. On January 23, 2019, the City of Bend Planning Division mailed notice for the February 12, 2019 public hearing before the Hearings Officer. Notice was again mailed by the Planning Division on March 19, 2019, for the April 3, 2019 public hearing before the City Council. These notices were mailed to surrounding owners of record of property within 250 feet of the subject properties, and to the Summit West and Century West Neighborhood Association representatives.
- D. A joint public hearing was held for before the Hearings Officer on February 12, 2019, for both the City and County related applications. The Hearings Officer issued a recommendation for approval on March 7, 2019.
- E. The City Council held a public hearing on April 3, 2019, to accept evidence, receive public testimony and consider the Hearings Officer's recommendation. The City Council finds that BDC criteria contained in Chapter 4.6 for approval of the proposed UGB Map amendment are met, and that the proposal complies with the relevant Bend Comprehensive Plan policies, as well as the Transportation Planning Rule, Statewide Planning Goals and Guidelines, and requirements for Urban Growth Boundaries contained in OAR 660-12, 660-015, and 660-024.

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

Section 1. The Bend Area Urban Growth Boundary is amended as depicted on Exhibit A1 and described in Exhibit A2.

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

First Reading: April 3, 2019

Second reading and adoption by roll call vote: April 17, 2019

YES: Sally Russell, Mayor NO: None ABSTAIN: None
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper


Sally Russell, Mayor

Attest:


Robyn Christie, City Recorder

Approved as to form:

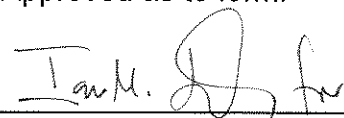

Mary A. Winters

EXHIBIT A1 – MAP OF UGB BOUNDARY ADJUSTMENT

UGB AMENDMENT

LOCATED IN THE SOUTHWEST ONE-QUARTER (SW1/4), THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SE1/4 NW1/4), AND THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 35, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, STATE OF OREGON

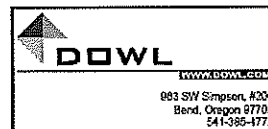
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SCALE IN FEET

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	21.17'	N18°58'33"W
L2	4.29'	S89°21'50"E
L3	204.00'	S78°33'23"W
L4	175.65'	S83°19'11"W
L5	117.96'	N89°47'06"W
L6	351.60'	N83°21'59"W
L7	111.35'	N78°44'20"W
L8	158.31'	N48°09'56"W
L9	36.61'	N28°30'12"W
L10	55.05'	N14°48'33"W
L11	152.73'	N59°27'18"E
L12	84.77'	N49°03'46"E
L13	60.00'	N58°16'15"E
L14	242.04'	N71°34'07"E
L15	146.27'	N75°12'26"E
L16	146.19'	N77°56'28"E
L17	146.19'	N80°40'32"E
L18	146.23'	N83°24'36"E
L19	199.14'	N86°32'47"E
L20	71.45'	N20°04'00"E
L21	458.39'	S26°59'03"W
L22	203.99'	S18°17'40"W
L23	120.44'	S30°46'13"W
L24	73.56'	N89°54'58"W
L25	229.22'	N69°54'58"W

CURVE TABLE					
CURVE #	RADIUS	DELTA	LENGTH	CHORD	CHORD LENGTH
C1	211.53'	5°29'17"	28.26'	S16°13'55"E	28.26'
C2	619.98'	14°34'27"	157.70'	S5°46'42"E	157.28'
C3	482.17'	28°03'57"	238.19'	S18°44'34"W	233.84'
C4	524.82'	26°54'28"	246.47'	N16°54'10"E	244.21'
C5	3556.55'	23°20'34"	1448.98'	S16°47'22"W	1438.98'
C6	400.00'	59°31'52"	415.61'	S77°43'52"W	397.16'
C7	3256.41'	7°03'54"	401.55'	S38°38'40"W	401.29'
C8	2548.38'	17°56'37"	797.35'	S69°14'47"W	794.10'
C9	230.00'	30°48'03"	123.84'	S16°17'47"E	122.18'
C10	170.00'	13°37'43"	40.44'	S24°52'16"E	40.34'
C11	285.00'	14°45'53"	73.44'	S12°41'04"W	73.24'
C12	1885.00'	17°20'04"	570.29'	S28°44'02"W	568.12'
C13	1465.00'	5°51'10"	149.65'	N34°28'29"E	149.58'
C14	1465.00'	4°33'52"	116.71'	S29°16'59"W	116.66'
C15	1865.00'	8°41'23"	298.02'	S22°36'22"W	297.73'
C16	585.00'	12°28'33"	127.38'	S24°31'57"W	127.13'
C17	615.00'	14°22'54"	129.27'	S23°34'46"W	128.93'

LEGEND

— EXISTING UGB LINE
— EXISTING TAXLOTS
— PROPOSED UGB LINE



C:\22\14142-01\25000\35\map\14142-01-Ex-UGB.dwg PLOT DATE 2013-05-27 16:05 DATE 2013-05-27 15:52 UGB: Klam



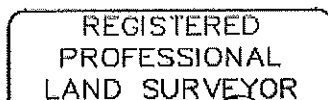
EXHIBIT A2

EXHIBIT UGB Amendment Legal Description

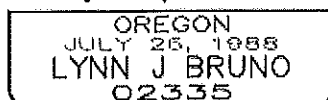
An alignment of land located in the Southwest one-quarter (SW1/4), the Southeast one-quarter of the Northwest one-quarter (SE1/4 NW1/4), and the Northeast one-quarter (NE1/4) of Section 35, Township 17 South, Range 11 East of the Willamette Meridian, Deschutes County, State of Oregon, being more particularly described as follows:

Beginning at a point on the North right-of-way line of Skyliners Road, said point bears N 86° 22' 37" W, 1176.62 feet from the South one-quarter corner of said Section 35; thence leaving said northerly right of way line of Skyliners Road, N 18° 58' 33" W a distance of 21.17 feet to a point of curvature; thence along the arc of a 211.53 foot radius curve to the right, through a central angle of 05° 29' 17", an arc distance of 20.26 feet (the chord of which bears N 16° 13' 55" W, 20.25 feet) to a point of non-tangent compound curvature; thence along the arc of a 619.98 foot radius curve to the right, through a central angle of 14° 34' 27", an arc distance of 157.70 feet (the chord of which bears N 05° 46' 42" W, 157.28 feet) to a point of non-tangency; thence S 89° 21' 50" E a distance of 4.29 feet to a point of non-tangent curvature; thence along the arc of a 482.17 foot radius curve to the right, through a central angle of 28° 03' 57", an arc distance of 236.19 feet (the chord of which bears N 18° 44' 34" E, 233.84 feet) to a point of non-tangent reverse curvature; thence along the arc of a 524.82 foot radius curve to the left, through a central angle of 26° 54' 28", an arc distance of 246.47 feet (the chord of which bears N 16° 54' 10" E, 244.21 feet) to a point of non-tangency; thence S 78° 33' 23" W, a distance of 204.00 feet to a point on the easterly boundary of the plat of Tree Farm, recorded in Plat Cabinet I, Pages 260 through 278, and as Instrument Number 2016-44585 of the Deschutes County Official Records; thence along said easterly boundary for the following eight courses; thence S 63° 19' 11" W a distance of 175.65 feet; thence N 89° 47' 06" W a distance of 117.96 feet; thence N 85° 21' 59" W a distance of 351.80 feet; thence N 79° 44' 20" W a distance of 111.35 feet; thence N 48° 08' 56" W a distance of 158.31 feet; thence N 29° 30' 12" W a distance of 36.61 feet; thence N 14° 48' 33" W a distance of 55.05 feet to a point of non-tangent curvature; thence along the arc of a 3556.55 foot radius curve to the right, through a central angle of 23° 20' 34", an arc distance of 1448.98 feet (the chord of which bears N 16° 47' 22" E, 1438.98 feet) to a point of non-tangent curvature; thence leaving said easterly boundary, along the arc of a 400.00 foot radius curve to the right, through a central angle of 59° 31' 52", an arc distance of 415.61 feet (the chord of which bears N 77° 43' 52" E, 397.16 feet) to a point on the easterly boundary of said plat of Tree Farm and a point of non-tangent curvature; thence along said easterly boundary, along the arc of a 3256.41 foot radius curve to the right, through a central angle of 07° 03' 54", an arc distance of 401.55 feet (the chord of which bears N 36° 36' 40" E, 401.29 feet) to a point of non-tangency; thence leaving said easterly boundary, N 59° 27' 16" E a distance of 152.73 feet; thence N 49° 03' 46" E a distance of 84.77 feet to a point of non-tangent curvature; thence along the arc of a 2548.38 foot radius curve to the right, through a central angle of 17° 55' 37", an arc distance of 797.35 feet (the chord of which bears N 69° 14' 47" E, 794.10 feet) to a point on the westerly right of way of Sage Steppe Drive, as defined by said plat of Tree Farm, and a point of non-tangent curvature; thence along said westerly right of way, along the arc of a 230.00 foot radius curve to the left, through a central angle of 30° 48' 03", an

arc distance of 123.64 feet (the chord of which bears S 16° 17' 47" E, 122.16 feet) to a point on the easterly boundary of said plat of Tree Farm and a point of non-tangency; thence along said easterly boundary, N 58° 16' 15" E a distance of 60.00 feet to a point on the easterly right of way of said Sage Steppe Drive and a point of non-tangent curvature; thence leaving said easterly boundary and along said easterly right of way, along the arc of a 170.00 foot radius curve to the right, through a central angle of 13° 37' 43", an arc distance of 40.44 feet (the chord of which bears N 24° 52' 16" W, 40.34 feet) to a point of non-tangency; thence leaving said easterly right of way, N 71° 34' 07" E a distance of 242.04 feet; thence N 75° 12' 26" E a distance of 146.27 feet; thence N 77° 56' 29" E a distance of 146.19 feet; thence N 80° 40' 32" E a distance of 146.19 feet; thence N 83° 24' 36" E a distance of 146.23 feet; thence N 86° 32' 47" E a distance of 199.14 feet to a point of non-tangent curvature; thence along the arc of an 285.00 foot radius curve to the right, through a central angle of 14° 45' 53", an arc distance of 73.44 feet (the chord of which bears N 12° 41' 04" E, 73.24 feet) to a point of tangency; thence N 20° 04' 00" E, 71.45 feet to a point of curvature; thence along the arc of a 1885.00 foot radius curve to the right, through a central angle of 17° 20' 04", an arc distance of 570.29 feet (the chord of which bears N 28° 44' 02" E, 568.12 feet) to a point of reverse curvature; thence along the arc of a 1465.00 foot radius curve to the left, through a central angle of 05° 51' 09", an arc distance of 149.65 feet (the chord of which bears N 34° 28' 29" E, 149.58 feet) to a point on the north line of said plat of Tree Farm, being a point on the north line of the South one-half of the Northeast one-quarter (S 1/2 NE 1/4) of said Section 35; thence leaving said north line along the arc of a 1465.00 foot radius curve to the left, through a central angle of 04° 33' 52", an arc distance of 116.71 feet (the chord of which bears N 29° 15' 59" E, 116.67 feet) to a point of curvature; thence N 26° 59' 03" E, 456.39 feet to a point of curvature; thence along the arc of a 1965.00 foot radius curve to the left, through a central angle of 08° 41' 23", an arc distance of 298.02 feet (the chord of which bears N 22° 38' 22" E, 297.73 feet) to a point of tangency; thence N 18° 17' 40" E, 203.99 feet to a point of curvature; thence along the arc of a 585.00 foot radius curve to the right, through a central angle of 12° 28' 33", an arc distance of 127.38 feet (the chord of which bears N 24° 31' 57" E, 127.13 feet) to a point of tangency; thence N 30° 46' 13" E, 120.44 feet to a point of curvature; thence along the arc of a 515.00 foot radius curve to the left, through a central angle of 14° 22' 54", an arc distance of 129.27 feet (the chord of which bears N 23° 34' 46" E, 128.93 feet) to a point of non-tangency on the north line of said section 35; thence along said north line N 89° 54' 58" W, 73.56 feet to the terminus of this alignment, said terminus bears S 89° 54' 58" E, 229.22 feet from the Southeast corner of Lot 4 of Anderson Ranch PUD.



Lynn J. Bruno



RENEWAL DATE: 12-31-19

EXHIBIT B FINDINGS

PROJECT NUMBERS: PZ 18-1006 (TSP Amendment)
PZ 18-1007 (UGB Amendment)

APPLICANTS/ OWNERS: NWX2, LLC / Brooks Resources Corp
Rio Lobo Investments, LLC
Tree Farm, LLC / Brooks Resources Corp
Anderson Ranch Holding Co, LLC (TSP Amendment only)

REQUESTS: Type III Amendment to the Bend Area Transportation System Plan (TSP), to refine the alignment of Skyline Ranch Road between Skyliners Road and the existing southern terminus of Skyline Ranch Road, south of Shevlin Park Road.
Type III Amendment to the Bend Comprehensive Plan Map to adjust the Urban Growth Boundary (UGB) to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area 1 boundary. The request also includes a Comprehensive Plan designation amendment from Urban Area Reserve (UAR-10) to Urban Low Density Residential (RL) for those lands entering the UGB, and zone change from Urban Area Reserve (UAR-10) to Urbanizable Area (UA).

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Criteria

Bend Development Code

Chapter 4.6 Land Use District Map and Text Amendments
4.6.300 Quasi-Judicial Amendments
4.6.600 Transportation Planning Rule Compliance

Bend Comprehensive Plan

Chapter 7, Transportation Systems
Chapter 11, Growth Management

Oregon Administrative Rules

Chapter 660-012-0000, Transportation Planning
Chapter 660-015-0000, Statewide Planning Goals and Guidelines
Chapter 660-024, Urban Growth Boundaries

Procedures

Bend Development Code

Chapter 4.1 Development Review and Procedures
4.1.400 Type II and Type III Applications
4.1.800 Quasi-Judicial Hearings

FINDINGS OF FACT:

- 1. CONCURRENT APPLICATIONS:** Several related applications are being processed concurrently with the City of Bend and Deschutes County. The applicants requested a joint hearing before the Hearings Officer for the first hearing.

To the City: TSP Post Acknowledgement Plan Amendment (PZ 18-1006)
UGB Post Acknowledgement Plan Amendment (PZ 18-1007)

To the County: UGB Post Acknowledgement Plan Amendment (247-18-000957-PA)
Zone Change for properties removed from the UGB (247-18-000958-ZC)

2. SITE DESCRIPTION AND LOCATIONS:

TSP Amendment

There are five distinct areas under four ownerships that are impacted by the proposed TSP amendment to refine the alignment of Skyline Ranch Road, including:

West Area Master Plan Area 1 (NWX2, LLC): identified as tax lots 1711350000100, 1711350000200, 1711350000300, 1711350000400, 1711350000500, and 171135D000400.

A Portion of West Area Master Plan Area 2 (Anderson Ranch Holdings, LLC): identified as tax lot 171126DD00700.

West Area Master Plan Area 3 (Rio Lobo Investments, LLC): identified as a portion of tax lot 1711000006000.

Transect South (Rio Lobo Investments, LLC): identified as a portion of tax lot 1711000006000.

A portion of Tree Farm Open Space (Tree Farm, LLC): identified as tax lot 171135AC00100.

UGB Amendment

There are four distinct areas under three ownerships that are impacted by the proposed UGB amendment:

West Area Master Plan Area 1 – NWX2, LLC

The NWX2 properties consist of 245 total acres, all currently within the Bend UGB. The Area 1 property is identified as tax lots 1711350000100, 1711350000200, 1711350000300, 1711350000400, 1711350000500, and 171135D000400. The development of these NWX2 properties will occur under the name of Discovery West.

West Area Master Plan Area 3 – Rio Lobo Investments, LLC

This area contains roughly 31 acres currently within the Bend UGB and is identified as a portion of tax lot 1711000006000.

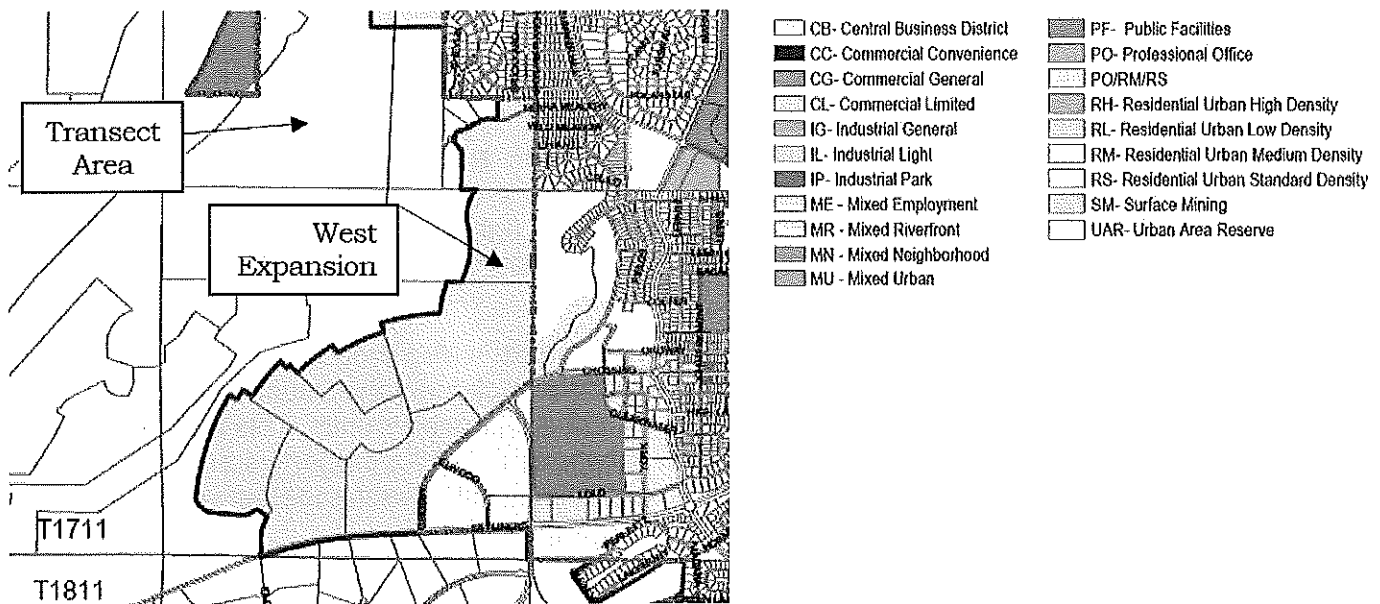
Tree Farm Open Space

Tree Farm, LLC owns two parcels for open space, currently adjacent to and outside the UGB line, totaling approximately 43 acres. These parcels are identified as tax lots 171135AC00100 and 1711350000700.

Transect South – Rio Lobo Investments, LLC

This Westside transect area is approximately 304 acres of tax lot 1711000006000, under Deschutes County jurisdiction.

3. **ZONING:** The portion of the subject sites located within the recently expanded UGB are currently zoned Urbanizable Area (UA). These properties within the UGB are designated Low Density Residential (RL), Mixed Employment (ME) and Limited Commercial (CL) by the Bend Comprehensive Plan Map. A portion of the proposed TSP alignment crosses outside of the existing UGB, and the proposed UGB expansion area is zoned and designated Urban Area Reserve (UAR10) within Deschutes County.



4. BACKGROUND AND PROPOSAL: In 2016, the Bend City Council proposed several amendments to the text and maps of the City's Comprehensive Plan and Bend Development Code (BDC), including the Transportation System Plan (TSP). Among these amendments was an expansion of the Bend Urban Growth Boundary (UGB) to add 2,380 acres of land for needed housing, employment opportunities and other urban uses, and a shift to the alignment of Skyline Ranch Road, a north-south major collector on the City's TSP map.

The 2016 UGB amendment was accompanied by amendments to the Comprehensive Plan to direct the future development of the subject westside properties. Among the amendments included was the number of housing units to be constructed in each area brought into the UGB. The owners of the subject properties have since entered into a development agreement with the City of Bend (Ordinance NS-2316) for the guarantee of water, sewer and transportation infrastructure mitigation for the future urban development for the West and Shevlin UGB Expansion Areas. The development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development of these properties. The transportation study completed in conjunction with the development agreement was based on the refined alignment proposed in this TSP amendment. The current UGB and TSP amendment applications do not propose to amend any housing unit requirements or allowed uses in these areas (i.e. the number of required housing units for each area remains as adopted in the Bend Comprehensive Plan). The proposed amendments do not result in or allow an increase in sewer, water or transportation demands, and do not change the requirements of the development agreement.

This TSP amendment is proposed to accommodate a feasible alignment for the future construction of Skyline Ranch Road. Included in the exhibits submitted with these applications are original maps utilized by developers and the City to complete long range planning conversations several years ago regarding the subject properties. Both parties used the best information available at the time to layout proposed roadway alignments. This included unrefined topographical information and estimates on the required number of housing units for the NWX2 properties. Since that time, the City's UGB expansion has been adopted and specific housing unit requirements have been assigned to the West Area properties brought into the UGB (including the subject properties) and detailed topographical surveys of the area have been completed.

Through further design and updated topographical information, it was determined that the alignment of Skyline Ranch Road was not depicted on the City's TSP map in a feasible location, due to topographical challenges of the area. This alignment has been refined to follow the canyon through the subject properties and is the basis for the UGB amendment through the Rio Lobo property and the northern portion of the NWX2/Tree Farm properties. The proposed UGB line in these areas is approximately the outer limits of the future right-of-way. Any potential slope areas outside of the right-of-way and UGB are planned to be accommodated through slope easements from adjacent property owners.

The UGB along the western border of the NWX2 properties is also proposed to be refined to accommodate the Comprehensive Plan requirements to implement the transect concept for density patterns, while also meeting the required number of housing units. This refinement is proposed to occur through an exchange of land between the NWX2 properties and The Tree Farm. The Tree Farm property owners voted to approve this land exchange between NWX2 and The Tree Farm common areas.

In total, approximately 4.02 acres are proposed to be removed from the Bend UGB and approximately 8.18 acres are proposed to be added to the UGB, with a net increase of 4.16 acres into the UGB. This increase in land added to the UGB is solely to accommodate the Skyline Ranch Road right-of-way. The land swaps between NWX2 and The Tree Farm result in greater land added to The Tree Farm (i.e. removed from the UGB) than added to NWX2, when not accounting for the Skyline Ranch Road right-of-way. A relocatable easement was recorded on The Tree Farm open space tract to accommodate Skyline Ranch Road, anticipating that the road would need to be realigned.

The request also includes map amendments to change the Comprehensive Plan designation of the land being added to the UGB from Urban Area Reserve (UAR-10) to Urban Low Density Residential (RL), and to change the zoning from Urban Area Reserve (UAR-10) to Urbanizable Area (UA).

- 5. PUBLIC NOTICE AND COMMENTS:** The applicants hosted a public meeting in accordance with BDC 4.1.215, on Monday, November 12, 2018, at 5:30 at the Unitarian Universal Church (61980 Skyline Ranch Road) in Bend. Documentation of public notices and verification of compliance forms were submitted with these applications. The applicant indicates that no public comments were received at that meeting in regard to the proposed TSP and UGB amendments.

On January 18, 2019, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way for at least 10 days prior to the February 12, 2019 hearing date.

On January 23, 2019, the City of Bend Planning Division mailed notice of the February 12, 2019 public hearings before the Hearings Officer to surrounding owners of record of property within 250 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Summit West and Century West Neighborhood Association representatives.

On March 19, 2019, the City of Bend Planning Division mailed notice of the April 3, 2019 public hearings before the City Council to surrounding owners of record of property within 250 feet of the subject properties, as shown on the most recent property tax assessment roll, and to the Summit West and Century West Neighborhood Association representatives.

- 6. APPLICATION ACCEPTANCE DATE:** These Type III quasi-judicial amendments to the Bend Area Transportation System Plan (TSP) and Bend Urban Growth Boundary (UGB) and Comprehensive Plan Map, were submitted on December 14, 2018, and the submittals were uploaded to ePlans on December 21, 2018. The application was deemed complete on January 7, 2019. In accordance with BDC 4.1.430, applications for Quasi-judicial Comprehensive Plan amendments are exempt from the 120-day review time limitation for final decision.

APPLICATION OF THE CRITERIA:

LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.300 Quasi-Judicial Amendments

- A. Applicability, Procedure and Authority.** Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

FINDING: The proposed TSP and UGB amendments affect a limited number of properties, as outlined above, suitable for a quasi-judicial amendment. The Type III procedures are followed for these applications and the approval criteria are addressed below.

- B. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments.** The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

- 1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;**

FINDING: Given the urban intent of the land located within the UGB, several of the Statewide Planning Goals do not apply to this proposal. As discussed under each goal, the Statewide Planning Goals largely impose obligations on local governments to develop programs, policies and implementation measures consistent with the requirements of the Statewide Planning Goals.

Goal 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

FINDING: The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC 4.1.215. The Applicants held a public meeting on November 12, 2018, at the Universal Unitarian Church in Bend. Notice was provided to property owners located within 500 feet of the subject properties, as well as property owners west of Mt. Washington Drive between Shields Drive and Skyliners Road. Notice was also sent to The Tree Farm, Highlands and Summit West Neighborhood Associations, in compliance with BDC 4.1.215. The applicant's narratives state that no public comments were received regarding the proposed TSP amendment. The required City forms for Verification of Compliance and Verification of Neighborhood Meeting, as well as documentation of the mailing of notices were submitted with these applications. Type III land use applications are also noticed by the City pursuant to BDC 4.1.423, and notice is posted on the properties pursuant to BDC 4.1.425, which ensures that citizens are informed of the opportunity to participate in a public hearing. The requirements of this goal are met.

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

FINDING: As required by Goal 2, the City of Bend has adopted criteria and procedures to evaluate and make decisions regarding land use applications. The City reviews Development Code and Comprehensive Plan amendment requests based on adopted regulations and policies and prepares detailed findings. These findings allow a decision based on factual data, for City Council consideration and ultimately, adoption. The City of Bend has adopted land use procedures as required by this Goal. The Applicant submitted with this application factual evidence supporting the TSP amendment proposal, for review and consideration by the City. The City reviews all application materials and public comments, then draft findings associated with the applicable criteria. Therefore, an adequate factual base is utilized to make a decision on this application. As such, this goal is met.

The exceptions process in Goal 2 and OAR 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement. The Applicant is not seeking any goal exceptions. All applicable statewide planning goals are addressed in the findings in this Decision and the Applicant's submittal materials.

Goal 3, Agricultural Lands: To preserve and maintain agricultural lands.

Goal 4, Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

FINDING: There are no designated agricultural lands or forest lands within the project area. Therefore, Goals 3 and 4 do not apply.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

FINDING: The Bend City Council found in the 2016 UGB expansion decision that the subject properties do not include any of the following Goal 5 resources: riparian corridors, wetlands, Federal Wild and Scenic Rivers, State Scenic Waterways, groundwater resources, approved Oregon Recreation Trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources and cultural areas. Those findings note that the City relied on the inventory included in the Deschutes County Comprehensive Plan and available information from State and Federal sources to make this determination.

The Council also found that the big game winter range (BGWR) is included in the West and Shevlin areas, based upon a 2009 Oregon Department of Fish and Wildlife (ODFW) map of big game (deer and elk) winter ranges. The small amount of land (a net of 4.16 acres) proposed to be added to the UGB in this application is within this BGWR area, however, none of the subject properties are within the Deschutes County Wildlife Combining Zone.

As there are no Safe Harbor provisions to guide the creation of a wildlife protection program, the City used [for the 2016 UGB expansion] an economic, social, environmental and energy (ESEE) analysis process and requirements of OAR 660-023-0040 and 660-023-0050 to guide the development of a protection program. Through this analysis, Council found that the BGWR values in the West Area could be protected by applying a combined "Limit" and "Allow" approach through

transect concepts and master planning. To address this approach, the City adopted the following Comprehensive Plan policies:

11-54 *The City will consider applying the concept of a "transect" to appropriate areas. The transect is a series of zones that transition from urban to rural which can reduce the risk of wildfire and provide an appropriate transition from urban uses to national forest lands and other resource areas, such as wildlife habitat, that will not be urbanized within the long-range future.*

11-101 *For the West Area, shown on Figure 11-4, the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.*

The proposed TSP amendment for the realignment of Skyline Ranch Road and related UGB amendment do not change the density or use requirements the Comprehensive Plan sets for any of the subject properties. The Applicants will apply a transect concept to appropriate areas, as guided by the Comprehensive Plan. Master planning of the subject properties will continue to be required to ensure implementation of the transect concept and other requirements of the Comprehensive Plan and Bend Development Code. For the above reasons, the requirements of Goal 5 are met.

Goal 6, Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

FINDING: Air and water quality are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. The subject properties are not located within the WOZ nor do they contain an ASI. The Applicant is not proposing an exception to compliance with Goal 6. Maintaining or improving the quality of the community's air, water and land resources will be assured through enforcement of state and local regulations. Noise levels will not exceed DEQ noise regulations.

Through the 2016 Bend UGB expansion, the City found that the UGB expansion satisfied Goal 6 for several reasons:

- *"The proposal does not include new areas along the Deschutes River or Tumalo Creek; the proposed efficiency measures and areas for expansion direct growth away from these areas.*
- *The proposal will maintain and improve the quality of air resources because it has been designed to reduce the growth of vehicle miles traveled (VMT), which will help in limiting or avoiding new greenhouse gas emissions from auto and truck traffic.*
- *The planned housing mix makes a shift from single-family detached, to more attached housing types, which studies have shown typically consume less energy than single-family dwellings."*

The proposed TSP amendment and related UGB amendment does not change any of the findings in the 2016 UGB expansion decision, as there is no increase in required/permitted housing units. Additionally, the proposal does not result in additional water or sewer impacts. Goal 6 continues to be met as it was for the City 2016 UGB Expansion.

Goal 7, Areas Subject to Natural Hazards: To protect people and property from natural hazards.

FINDING: No 100-year floodplains or mapped landslide areas are located within areas of the subject properties affected by the proposed TSP and UGB amendments. During the City of Bend's recent UGB expansion process, wildfire risk was identified as significant in the area of the subject properties of this application. As a result, the City included wildfire hazard as one of the performance measures in evaluating the UGB expansion scenarios. The City Council found that the proposed (now adopted) Growth Management Chapter 11 of the City's Comprehensive Plan included policy language focused on mitigating the risk of wildfire. Specifically, the adopted Policy 11-5 reads:

"The City will adopt strategies to reduce wildfire hazard to lands inside the City and included in the Urban Growth Boundary. These strategies may, among others, include the application of the International Wildland-Urban Interface Code with modifications to allow buffers of aggregated defensible space or similar tools, as appropriate, to the land included in the UGB and annexed to the City of Bend."

The City further found that the work of a wildfire consultant to ensure the wildfire risks could be mitigated through implementation of the UGB expansion and future development applications (master plans, etc.) The proposed TSP amendment to refine the alignment of Skyline Ranch Road and related UGB amendment do not propose to change any wildfire management regulations or requirements, nor does it propose to increase the amount of development or housing units on the subject properties. As a result, Goal 7 continues to be satisfied as it was for the City's 2016 UGB Expansion.

Goal 8, Recreational Needs: To satisfy the recreational needs of citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

FINDING: The Bend Parks and Recreation District (BPRD) adopted the *Bend Parks and Recreation District Parks, Recreation and Green Spaces Comprehensive Plan* which addresses the recreational needs of the community and serves as a guide for determining future recreational facility needs. The owners of the subject properties are coordinating with BPRD through separate master plan processes, as required by the Bend Development Code. The proposed amendments do not negatively impact recreational space nor land currently owned by or planned to be owned by BPRD.

Further, there are no Goal 8 destination resorts within the vicinity of the subject properties. While several of the subject properties are within the County's Destination Resort Combining Zone, none of the properties are planned to be destination resorts (planned uses outlined below), therefore the proposed amendments do not impact potential destination resorts.

<u>Tax Lot, Owner</u>	<u>Planned Uses</u>
1711350000400, Rio Lobo Investments, LLC	<i>Land within UGB</i> = Mixed housing, per Bend Comprehensive Plan policies <i>Land outside UGB</i> = Currently, an application for a zone change to Westside Transect Zone is being reviewed by the County.
1711350000100 (portion), NWX2, LLC 1711350000200(portion), NWX2, LLC 1711350000300 (portion), NWX2, LLC 1711350000400, NWX2, LLC 1711350000500, NWX2, LLC	These parcels are all planned for largely residential development with specific housing unit requirements set by the City of Bend Comprehensive Plan, in addition to some limited commercial and mixed employment areas.

Based on all the above reasons, Goal 8 is met.

Goal 9, Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

FINDING: Goal 9 imposes an obligation on local governments to adopt comprehensive plans and implementing policies that support a wide variety of economic development opportunities. As part of the UGB process, and in direct response to the requirements of Goal 9, the City adopted the 2016 Bend Economic Opportunities Analysis ("EOA"). Additionally, the subject properties include areas designated in the Comprehensive Plan as Limited Commercial (CL) and Mixed Employment (ME), which are not affected by the proposed amendments. These proposed amendments do not impact the amount of employment lands and as such, does not negatively impact the City's ability to provide adequate opportunities for economic activities. In fact, the proposed amendments accommodate a more feasible and effective alignment for Skyline Ranch Road, which will serve the Westside neighborhoods, including the commercial and mixed employment areas, consistent with Goal 9 in this area.

Goal 10, Housing: To provide for the housing needs of the citizens of the state.

FINDING: Goal 10 imposes obligations on local governments to provide an adequate supply of housing for all income levels. In fact, the City's 2016 Urban Growth Boundary expansion and related set of efficiency measures will ensure the City has an adequate supply of buildable land for needed housing. The 2016 UGB expansion process included a Housing Needs Analysis and a Buildable Lands Inventory to establish a need for housing land in the Urbanization Report. From these reports, Council found that the additional land added to the UGB and the land already in the UGB will provide a supply of buildable land that the City has shown will help meet the City's needed mix of housing in both the existing boundary and those areas added through the expansion. Through the UGB expansion process, the City's Comprehensive Plan was amended to assign a specific required number of housing units for the subject properties. These currently proposed amendments simply refine the alignment of Skyline Ranch Road through the subject properties, and the boundary of the UGB to accommodate the refined road alignment; they do not change the number of housing units required (or allowed) for the subject properties. In fact, the proposed refinement of the roadway supports the ability of the subject properties to achieve the required number of housing units by providing a feasible alignment that considers topography and continuous connection through the adjacent neighborhoods. Based on the UGB expansion findings and the fact that these amendments will not change those findings or the number of housing units, the requirements of Goal 10 are met.

Goal 11, Public Facilities and Services: 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.

FINDING: The Applicants are all parties in the Westside Infrastructure Group (WIG), which entered into a development agreement with the City (Ordinance NS-2316, effective November 16, 2018) to guarantee sewer, water, and transportation infrastructure mitigation in a timely, orderly and efficient manner for the future urban development for the West and Shevlin UGB expansion areas, within which the subject properties are included. This development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development in the above mentioned areas, including the subject properties, meeting the requirements of Goal 11. These proposed amendments do not change the necessary capacity for water, sewer or roadways, as the number of required/allowed housing units do not change and no new land uses are introduced. In fact, the UGB and plan amendments facilitate the development of a significant

collector for the Westside - Skyline Ranch Road - as the alignment is refined to make its construction feasible. Based on the analysis completed by the City as part of the 2016 UGB expansion, the signed WIG agreement, and the fact that these proposed amendments do not change the findings or results of those documents, Goal 11 is satisfied.

Goal 12, Transportation: To provide and encourage a safe, convenient and economic transportation system.

FINDING: Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. One purpose of Goal 12 is to ensure efficient transportation systems that take into account a variety of transportation modes. The proposed TSP amendment refines the alignment of Skyline Ranch Road, to better utilize existing topography and provide better connectivity between neighborhoods, thereby improving the facility to better serve vehicular, pedestrian and bicycle transportation needs. As a result of the amendment, the refined alignment will be more economical to construct and maintain, as well as more convenient for multi-modal users, in compliance with Goal 12. The proposed amendment does not change the proposed roadway classification or associated pedestrian and bicycle facilities. As documented in the WIG Infrastructure Agreement (Ordinance NS-2316), the Applicants will construct Skyline Ranch Road in phases to serve the Westside developments, providing new transportation facilities in the City of Bend that will serve vehicular, pedestrian, and bicycle transportation needs. The transportation study that was completed in conjunction with the WIG Infrastructure Agreement was based on the alignment proposed in this TSP amendment.

OAR 660-024-0020(d) exempts properties such as those in this application from the transportation planning rule of OAR 660-012-0060:

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

Exempt properties include properties that are zoned as urbanizable land and that do not allow more vehicle trips than development allowed under prior zoning. The proposed UGB amendment does add land to the UGB, however, the land is currently zoned urbanizable land (UAR-10). No additional development is proposed nor allowed as a result of these proposed UGB and plan designation amendments. The City's Comprehensive Plan dictates the number of units to be developed on the subject properties; these numbers will remain the same with the proposed amendments and there will be no additional generation of vehicle trips and no additional impact to the transportation system as a result.

For all of these above reasons, the proposal is consistent with the requirements of Goal 12.

Goal 13, Energy Conservation: Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

FINDING: Goal 13 generally imposes obligations on local governments to develop plans and implementing measures that conserve energy. In 2016, Council found that the 2016 UGB expansion, which brought the subject properties into the City's UGB, satisfied Goal 13 because it was designed to conserve energy by directing more growth in housing and employment to

opportunity areas inside the existing UGB, considering energy in the evaluation and arrangement of land uses in the UGB expansion areas (subject properties), and ensuring that the areas added to the UGB are well connected to the transportation system.

The proposed amendments refine the UGB through the NWX2 properties for a better design of the neighborhood, supporting efficiency goals. The amendments also accommodate the refinement of the alignment of Skyline Ranch Road through the Rio Lobo property. The current alignment of Skyline Ranch Road traverses topographically challenging areas, which would require an unnecessary use of energy to design, construct and maintain. The refinement of the roadway alignment based on more detailed topography data was completed to maximize constructability while providing appropriate connectivity to the intended neighborhoods and improved facility for multi-modal travel, supporting Goal 13.

Goal 14, Urbanization: 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.

FINDING: During the City's 2016 UGB expansion process, the City demonstrated a need to amend the UGB to accommodate future urban population and job growth within the Bend UGB, through several analyses, including the Urbanization Report and the UGB Scenario Evaluation Report. The City inventoried its buildable lands in the previous UGB for both housing and employment and forecasted future needs for housing and employment based on the 20-year population forecast, determining that a UGB expansion was necessary. This UGB expansion was adopted in 2016. These proposed amendments refine the UGB to improve the constructability of the previously planned neighborhoods and roadways, but do not change the amount of housing and employment units. The proposed revision to the Skyline Ranch Road provides a significantly more efficient use of the land than the existing alignment, as it has been designed based upon detailed topographical surveys. As such, the proposal is consistent with Goal 14.

Goal 15, Willamette River Greenway

Goal 16, Estuarine Resources

Goal 17, Coastal Shorelands

Goal 18, Beaches and Dunes

Goal 19, Ocean Resources

FINDING: Goals 15 through 19 are not applicable to the proposed amendments because the subject properties do not include any of the noted features and are not located within the coastal or Willamette Valley regions.

4.6.300.B. Criteria for Quasi-Judicial Comprehensive Plan Map Amendments. (Continued)

2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;

Bend Comprehensive Chapter 7, Transportation Systems

The following policies apply to the proposed amendments:

7-4 *Developments at the edge of the urban area shall be designed to provide connectivity to existing and future development adjacent to the urban area.*

FINDING: Skyline Ranch Road is at the edge of the urban area along the westside of Bend and will provide north-south connectivity for the region, from Shevlin Park Road to Skyliners Road. The proposed amendments accommodate a refined alignment for the unconstructed portion of Skyline

Ranch Road, to accommodate topographical challenges of the subject properties. Approval of the revised alignment directly complies with policy 7-4 by providing an alignment that is feasible to construct and with improved accessibility.

7-48 Streets shall be located, designed and constructed to meet their planned function and provide space for adequate planting strips, sidewalks, motor vehicle travel and bike lanes (where appropriate). Specific effort should be made to improve and enhance east-west circulation patterns for all modes of travel throughout the community.

FINDING: As currently shown in the TSP, the alignment of Skyline Ranch Road is on steep embankments and over canyons. This alignment is infeasible from a constructability and cost standpoint and the location on steep slopes makes the construction of additional amenities (sidewalks, bike lanes, paths, etc.) infeasible and/or unreasonable. The proposed amendments accommodate a revised alignment that better utilizes topography to improve the constructability. As the proposed alignment better follows the canyon, it provides improved roadway width to provide the required roadway amenities and pedestrian/bicycle facilities, in compliance with policy 7-48.

7-30 The City shall develop safe and convenient bicycle and pedestrian circulation to major activity centers, including the downtown, schools, shopping areas and parks. East-west access to the downtown area needs particular emphasis across major obstacles, such as 3rd Street, the Bend Parkway and the railroad.

7-53 City transportation system improvements shall comply with the Americans with Disabilities Act requirements.

7-75 The City shall improve transportation safety for all modes through approved design practice, sound engineering principles and regulation of vehicle speeds.

FINDING: The current TSP alignment of Skyline Ranch Road traverses areas with significant topographical changes, making the accessibility and compliance with ADA both challenging and excessively expensive. The proposed amendments utilize detailed topographic surveys to locate the proposed alignment to minimize topographical challenges (e.g. moving the alignment to the bottom of a canyon, rather on the side of a canyon). These refinements will improve the accessibility and safety of all modes by reducing roadway profile grades and side slopes beyond the sidewalks and paths, in compliance with policies 7-30, 7-53 and 7-75.

7-78 As a part of the development process, right-of-way shall be acquired as necessary for the correction of street intersections, excessively sharp curves, or as otherwise necessary to improve the safety of a road alignment.

FINDING: The proposed TSP amendment to refine the alignment of Skyline Ranch Road shifts the future right-of-way of this roadway, in compliance with the intent of policy 7-78: to accommodate a safer roadway alignment. The owners of the property will dedicate all needed right-of-way to accommodate the proposed alignment at the time of development.

7-92 Any Bend TSP map that illustrates a dashed line for a proposed transportation facility may be updated administratively by staff upon the construction/completion of that facility. Updating of any affected maps shall convert any "dotted" lines into "solid" lines that follow as-built alignments, as much as practical, and shall not constitute a land use decision.

FINDING: The TSP includes the subject portion of Skyline Ranch Road as a dotted line, which, per this Comprehensive Plan policy, could be updated administratively utilizing as-builts for the constructed alignments. However, as there are multiple parties responsible for planning and

constructing Skyline Ranch Road, the Applicants determined it most appropriate to resolve the alignment through this application for a TSP amendment. The UGB and plan designation amendments support the proposed TSP amendment by including adequate amounts of land within the UGB for the construction of the proposed alignment of Skyline Ranch Road.

Bend Comprehensive Plan Chapter 11, Growth Management

The following policies of Chapter 11 apply to the proposed TSP alignment amendment:

11-3 *The City will ensure that development of large blocks of vacant land makes efficient use of land, meets the city's housing and employment needs, and enhances the community.*

FINDING: The subject properties are "large blocks of vacant land" and the proposed amendments are focused on making efficient use of the land and enhancing the community. The current alignment of Skyline Ranch Road traverses drastic elevation changes, making the alignment infeasible, inefficient and arguably, unsafe. The proposed alignment of Skyline Ranch Road was determined utilizing detailed topographical surveys to maximize the topographical efficiency of the roadway profile, which also enhances the surrounding community by making the roadway more accessible and safer for pedestrians and bicyclists. Additionally, the preliminary design of the proposed revised Skyline Ranch Road alignment considers the roadway cross-section needs as best fit into the topography of the subject properties (see Exhibits A and B). The proposed UGB and plan designation amendment accommodate the TSP amendment by moving the UGB line to the estimated outside edge of the proposed Skyline Ranch Road right-of-way.

The proposed UGB and plan designation amendments also accommodate a refinement of the West Area Master Plan Area 1 (NVX2 properties, Discovery West) boundary. This refinement better supports the implementation of the transect concept and density requirements within the Discovery West Master Plan, in support of policy 11-3.

The current boundary between Tree Farm and the Discovery West property was arrived at through a conceptual master planning effort completed in 2011 for all of the Miller Tree Farm property. This master planning effort was conducted prior to the City reinitiating its UGB expansion process that wrapped up in 2016, and it was assumed at the time that the urban portion of the master plan (which became West Master Plan Area 1) would be much higher density than the 650 residential units that were ultimately assigned to it. As such, the street pattern on the western portion of what became Discovery West assumed a much finer grained roadway network designed to serve smaller urban residential lots. The irregular "saw tooth" pattern of the Tree Farm/Discovery West property boundary was based on this concept plan, which was then memorialized through a lot line adjustment to establish the project boundary and ultimately, the final plat of Tree Farm. The City's UGB simply followed these established property lines.

When the UGB was approved in 2016, it included a "transect concept" for the West expansion area that specified a de-densification of residential development from east to west towards the UGB line, and a limit on the total number of housing units that was roughly 1/3 of what had been anticipated in 2011. This led to larger lot sizes planned on the westernmost portion of the Discovery West Master Plan (PZ-18-1015), and therefore the need for fewer streets to serve the larger lots. The proposed amendment will result in a much more regular shaped boundary that eliminates the majority of the small "saw tooth" angles that had been designed to work around the smaller lots and street network. The amended boundary will result in a more efficient development pattern to accommodate the larger lots. A subsequent land use application to Deschutes County will modify the Tree Farm 1 PUD approval (247-14-000242-CU, 247-14-000243-TP) to remove and add the adjusted areas to Tree Farm open space.

- 11-4** *Streets in the Centers and Corridors, Employment Districts, Neighborhoods, and Opportunity Sites will have the appropriate types of pedestrian, biking, and transit scale amenities to ensure safety, access, and mobility.*

FINDING: As currently shown in the TSP, the alignment of Skyline Ranch Road is on steep embankments and over canyons. This alignment is infeasible from a constructability and cost standpoint and the location on steep slopes makes the construction of additional amenities (sidewalks, bike lanes, paths, etc.) infeasible and/or unreasonable. The proposed amendments accommodate a refined alignment that will better utilize the topography of the site through the north area of West Area Planning Area 1 (NWX2 properties) and through the West Area Planning Area 3 (Rio Lobo). The proposed alignment utilizes detailed topographic surveys to place the roadway to improve the constructability and amount of width available to provide the required roadway amenities and pedestrian/bicycle facilities, in compliance with policy 11-4.

- 11-54** *The City will consider applying the concept of a "transect" to appropriate areas. The transect is a series of zones that transition from urban to rural which can reduce the risk of wildfire and provide an appropriate transition from urban uses to national forest lands and other resource areas, such as wildlife habitat, that will not be urbanized within the long-range future.*

- 11-101** *For the West Area...the central planning concepts are to: provide a limited westward expansion that complements the pattern of complete communities that has begun with Northwest Crossing due to the existing concentration of schools, parks, commercial and employment lands; and create a transect from higher densities along Skyline Ranch Road to lower density and open space along the western edge in this area which approaches National Forest land and park open spaces, in order to provide buffers for wildlife and wildfire.*

FINDING: As previously noted, the proposed UGB and plan designation amendments are in part to accommodate a more regular shaped boundary along the west side of the NWX2 properties. This amended boundary will result in a more efficient development pattern for implementing the transect concept with larger lots along this western edge, in support of policies 11-54 and 11-101.

4.6.300.B Criteria for Quasi-Judicial Comprehensive Plan Map Amendments (Continued)

- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;**

FINDING: The Applicants are all parties in the Westside Infrastructure Group (WIG), which has entered into a development agreement with the City (Ordinance NS-2316, effective November 16, 2018) to guarantee sewer, water, and transportation infrastructure mitigation in a timely, orderly and efficient manner for the future urban development for the West and Shevlin UGB expansion areas, within which the subject properties are included. This development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development in the above mentioned areas, including the subject properties. The proposed amendments to accommodate the refined alignment of Skyline Ranch Road do not reduce the services to be provided to the subject properties, but rather, refine the alignment to provide more efficient use of the land and topography. No current development is proposed as part of these proposed UGB and plan designation amendments.

4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use District Map regarding the property that is the subject of the application; and

FINDING: The purpose of the proposed amendments is twofold:

1. To accommodate a TSP amendment for the realignment of Skyline Ranch Road, and
2. To refine the western border of the West Area Master Plan Area 1 (NWX2 properties, Discovery West).

The proposed TSP amendment simply refines the alignment of Skyline Ranch Road, to better reflect the physical features and topography of the area. With detailed topographical surveys of the subject properties, the roadway alignment has been improved based upon reasonable profiles and better connectivity to adjacent neighborhoods. The proposed alignment refinement remedies a "mistake" in the location of the alignment originally placed on the map, which did not fully consider the topographical challenges of the sites.

In 2016, the City of Bend Council proposed several amendments to the text and maps of the City's Comprehensive Plan and Bend Development Code (BDC), including the Transportation System Plan (TSP). Among these amendments was an amendment to the TSP to shift the alignment of Skyline Ranch Road, a north-south major collector. Included in the exhibits submitted with these applications are original maps utilized by developers and the City to complete long range planning conversations several years ago regarding the subject properties. Both parties used the best information available at the time to layout conceptual roadway alignments. This included unrefined topographical information and over-estimates on the required number of housing units for the NWX2 properties.

Through recent further design and detailed topographical surveys in 2018, it was determined that the alignment of Skyline Ranch Road was not depicted on the TSP map in a feasible location, due to topographical challenges of the area. The proposed revised alignment follows the canyon through the subject properties and is the basis for the proposed TSP amendment.

The current boundary between Tree Farm and the Discovery West property was arrived at through a conceptual master planning effort completed in 2011 for all of the Miller Tree Farm property. This master planning effort was conducted prior to the City reinitiating its UGB expansion process that wrapped up in 2016, and it was assumed at the time that the urban portion of the master plan (which became West Master Plan Area 1) would be much higher density than the 650 residential units that were ultimately assigned to it. As such, the street pattern on the western portion of what became Discovery West assumed a much finer grained roadway network designed to serve smaller urban residential lots. The irregular "saw tooth" pattern of the Tree Farm/Discovery West property boundary was based on this concept plan, which was then memorialized through a lot line adjustment to establish the project boundary and ultimately, the final plat of Tree Farm. The City's UGB simply followed these established property lines.

When the UGB was approved in 2016, it included a "transect concept" for the West expansion area that specified a de-densification of residential development from east to west towards the UGB line, and a limit on the total number of housing units that was roughly 1/3 of what had been anticipated in 2011. This has led to larger lot sizes on the westernmost portion of the Discovery West Master Plan, and therefore the need for fewer streets to serve the larger lots. The proposed amendment will result in a much more regular shaped boundary that eliminates the majority of the small "saw tooth" angles that had been designed to work around the smaller lots and street network. The amended boundary will result in a more efficient development pattern to accommodate the larger lots. The adjustment in this area is roughly equal-area, and the land going

out of the UGB will be re-zoned to Urban Area Reserve (UAR-10) and included as a part of the Tree Farm open space. A subsequent land use application to Deschutes County is proposed to modify the Tree Farm 1 PUD approval (247-14-000242-CU, 247-14-000243-TP) to remove and add the adjusted areas to Tree Farm open space.

5. Approval of the request is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

FINDING: OAR 660-012 implements Oregon Statewide Planning Goal 12. Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. No additional development is proposed nor allowed as a result of the proposed amendments. The City's Comprehensive Plan dictates the number of units to be developed on the subject properties; these numbers will remain the same with the proposed amendments and there will be no additional generation of vehicle trips and no additional impact to the transportation system as a result. Section 0060 describes the process for amending a TSP once it has been adopted, to include changes in zoning or facility function. This section requires a local government to put in place certain measures if a land use regulation amendment significantly affects a transportation facility. Section 0060 notes that:

A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

The proposed amendment to the alignment of Skyline Ranch Road is simply a realignment of the roadway, to better accommodate the topography. The amendments do not propose to change the functional classification of any existing or planned transportation facilities, nor do they propose to change any standards implementing a functional classification system. The realignment does not result in new connections or a change in traffic distributions. Because of these reasons, the

proposed amendments will not change the types or levels of travel or access, nor will they change the performance of an existing or planned transportation facility as related to the performance standards identified in the TSP or comprehensive plan. For all these reasons, the proposed amendments do not have a significant effect on an existing or planned transportation facility and no measures as provided in section (2) of this rule are required.

OAR 660, Division 24 Urban Growth Boundaries

660-024-0000 Purpose and Applicability

(1) The rules in this division clarify procedures and requirements of Goal 14 regarding local government adoption or amendment of an urban growth boundary (UGB).

FINDING: These rules became effective on or before April 16, 2009 and apply to this application.

660-024-0020 Adoption or Amendment of a UGB

(1) All statewide goals and related administrative rules are applicable when establishing or amending a UGB, except as follows:

(a) The exceptions process in Goal 2 and OAR 660, division 4, is not applicable unless a local government chooses to take an exception to a particular goal requirement, for example, as provided in OAR 660-004-0010(1);

(b) Goals 3 and 4 are not applicable;

(c) Goal 5 and related rules under OAR 660, division 23, apply only in areas added to the UGB, except as required under OAR 660-023-0070 and 660-023-0250;

FINDING: The Applicant is not seeking any goal exceptions. All statewide planning goals were addressed in previous findings and the Applicant's narrative.

(d) The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;

FINDING: The proposed UGB amendment includes the addition and removal of property to and from the current UGB limits, in order to refine the western boundary of the West Area Master Plan Area 1 (NWX2 properties, Discovery West) and to refine the alignment of Skyline Ranch Road. All land proposed to be added or removed from the UGB is currently zoned as urbanizable land (UAR-10 in the County or UA in the City). The proposed UGB amendment will not result in new uses or changes in the number of residential or commercial units in the associated master planned areas.

Further, the owners of the subject properties have entered into a development agreement with the City of Bend (Ordinance NS-2316) for the guarantee of water, sewer and transportation infrastructure mitigation for the future urban development for the West and Shevlin UGB Expansion Areas (all the subject properties are included in these areas). The development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development of these properties. The transportation study that was completed in conjunction with the development agreement was based on the Skyline Ranch Road alignment that is the basis for this UGB amendment. This proposed UGB amendment does not change the requirements of this development agreement and does not increase transportation infrastructure needs.

As such, the proposed UGB amendment will not generate more vehicle trips than the limits of the existing UGB. Therefore the transportation planning rule, OAR 660-12-0060, is not applicable.

(e) Goal 15 is not applicable to land added to the UGB unless the land is within the Willamette River Greenway Boundary;

(f) Goals 16 to 18 are not applicable to land added to the UGB unless the land is within a coastal shorelands boundary;

(g) Goal 19 is not applicable to a UGB amendment.

(2) The UGB and amendments to the UGB must be shown on the city and county plan and zone maps at a scale sufficient to determine which particular lots or parcels are included in the UGB. Where a UGB does not follow lot or parcel lines, the map must provide sufficient information to determine the precise UGB location.

FINDING: The above referenced Goals are not applicable to the proposed UGB amendment.

The proposed UGB amendment is being submitted simultaneously to the City and County and is expected to be heard by a joint hearings officer. The UGB refinement map in Exhibit C shows the property to be added to and removed from the UGB. Following approval of the UGB amendment and through individual master planning processes, the Applicants will apply to the City and County for appropriate lot line adjustments of the existing legal lots to revise the lots such that the new UGB boundary aligns with property boundaries and/or right of way dedications. Legal descriptions will be provided when the Applicants submit the lot line adjustment applications and/or right-of-way dedications. Additionally, the Applicants will provide GIS mapping files to the City and County to identify the exact location of the proposed UGB line.

660-024-0030 Population Forecasts

(1) Counties must adopt and maintain a coordinated 20-year population forecast for the county and for each urban area within the county consistent with statutory requirements for such forecasts under ORS 195.025 and 195.036. Cities must adopt a 20-year population forecast for the urban area consistent with the coordinated county forecast, except that a metropolitan service district must adopt and maintain a 20-year population forecast for the area within its jurisdiction. In adopting the coordinated forecast, local governments must follow applicable procedures and requirements in ORS 197.610 to 197.650 and must provide notice to all other local governments in the county. The adopted forecast must be included in the comprehensive plan or in a document referenced by the plan.

FINDING: The adoption and maintenance of a coordinated 20-year population forecast as required by this paragraph relates to legislative UGB expansions rather than to site-specific quasi-judicial expansions, as is requested in this application. Therefore, this section does not apply.

660-024-0040 Land Need

(1) The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities, streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule. The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.

FINDING: In 2016, the City of Bend completed a legislative UGB amendment process that included an evaluation of all of the above-referenced needs. That legislative UGB expansion was adopted to address the identified needs. This application is for a quasi-judicial, site-specific UGB adjustment request and does not change the amount of housing or employment to be provided or needed within the UGB. The adoption of the 2016 Bend UGB expansion included Comprehensive Plan amendments that set specific housing unit numbers for each of the subject properties that were added to the UGB; those requirements are not proposed to be changed with this application. As such, this proposal does not impact sewer or water capacities or demands, and it proposes to improve the street layout (Skyline Ranch Road). As a quasi-judicial application to refine the UGB line for specific properties to enable the properties to better meet the requirements of the 2016 UGB and Comprehensive Plan amendments, the review of a 20-year population forecast for the urban area is not applicable to this application.

(2) If the UGB analysis or amendment is conducted as part of a periodic review work program, the 20-year planning period must commence on the date initially scheduled for completion of the appropriate work task. If the UGB analysis or amendment is conducted as a post-acknowledgement plan amendment under ORS 197.610 to 197.625, the 20-year planning period must commence either:

- (a) On the date initially scheduled for final adoption of the amendment specified by the local government in the initial notice of the amendment required by OAR 660018-0020; or**
- (b) If more recent than the date determined in subsection (a), at the beginning of the 20-year period specified in the coordinated population forecast for the urban area adopted by the city and county pursuant to OAR 660024-0030, unless ORS 197.296 requires a different date for local governments subject to that statute.**

FINDINGS: This criterion does not apply as the application is for a quasi-judicial UGB amendment and is not part of periodic review.

(3) A local government may review and amend the UGB in consideration of one category of land need (for example, housing need) without a simultaneous review and amendment in consideration of other categories of land need (for example, employment need).

FINDING: The Applicant requests a quasi-judicial, site specific UGB adjustment, to refine the western border of the West Area Master Plan Area 1 and West Area Master Plan Area 3 through a combination of lands entering and leaving the Bend UGB. The proposed amendment simply refines the UGB line to enable the subject properties to better meet the requirements of the 2016 UGB and Comprehensive Plan amendments. The proposed UGB amendment accommodates a feasible alignment of Skyline Ranch Road by removing and adding lands to the UGB (net increase in land added to UGB of approximately 4.16 acres) and refines the western border of the West Area Master Plan Area 1. The proposed amendment supports Goals 10, 12 and 14 (housing, transportation and urbanization), but does not address an identified deficiency or specific planning goal need. There is no change in the number of required/allowed housing units, nor a change in the employment lands. As such, this application is not required to address a specific land need, which were addressed in the 2016 UGB and Comprehensive Plan amendments.

(4) The determination of 20-year residential land needs for an urban area must be consistent with the adopted 20-year coordinated population forecast for the urban area, and with the requirements for determining housing needs in Goal 10, OAR 660, division 7 or 8, and applicable provisions of ORS 197.295 to 197.314 and 197.475 to 197.490.

FINDING: This criterion does not apply because the proposed UGB expansion is not for the purpose of meeting residential land needs.

(5) Except for a metropolitan service district described in ORS 197.015(14), the determination of 20-year employment land need for an urban area must comply with applicable requirements of Goal 9 and OAR 660, division 9, and must include a determination of the need for a short-term supply of land for employment uses consistent with OAR 660-009-0025. Employment land need may be based on an estimate of job growth over the planning period; local government must provide a reasonable justification for the job growth estimate but Goal 14 does not require that job growth estimates necessarily be proportional to population growth.

FINDING: This criterion is not applicable because the Applicant's proposed quasi-judicial UGB adjustment is not for the purpose of meeting employment land needs.

(7) The determination of 20-year land needs for transportation and public facilities for an urban area must comply with applicable requirements of Goals 11 and 12, rules in OAR 660, divisions 11 and 12, and public facilities requirements in ORS 197.712 and 197.768. The determination of school facility needs must also comply with ORS 195.110 and 197.296 for local governments specified in those statutes.

FINDING: This proposed UGB adjustment is a quasi-judicial application for a boundary refinement to provide for a more feasible implementation of recent City Comprehensive Plan amendments, not a legislative application to address 20-year land needs. However, relevant portions of Goal 11 and 12 were addressed in previous findings. ORS 197.712 and 197.768 require an analysis of general public facilities such as sewer and water to be included in the Comprehensive Plans of cities and counties. Both the City of Bend and the Deschutes County Comprehensive Plans include such analyses. Additionally, the Applicants are all parties in the Westside Infrastructure Group (WIG), which has entered into a development agreement with the City (Ordinance NS-2316, effective November 16, 2018) to guarantee sewer, water, and transportation infrastructure mitigation in a timely, orderly and efficient manner for the future urban development for the West and Shevlin UGB expansion areas, within which the subject properties are included. This development agreement provides for the timing, construction and funding of infrastructure necessary to support the urban development in the above mentioned areas, including the subject properties, meeting the requirements of Goal 11 and 12. This proposed quasi-judicial UGB adjustment does not change the demand for water, sewer or roadways, as the number of required/allowed housing units does not change and no new land uses are introduced.

660-024-0050 Land Inventory and Response to Deficiency

(1) When evaluating or amending a UGB, a local government must inventory land inside the UGB to determine whether there is adequate development capacity to accommodate 20-year needs determined in OAR 660-024-0040. For residential land, the buildable land inventory must include vacant and redevelopable land, and be conducted in accordance with OAR 660-007-0045 or 660-008-0010, whichever is applicable, and ORS 197.296 for local governments subject to that statute. For employment land, the inventory must include suitable vacant and developed land designated for industrial or other employment use, and must be conducted in accordance with OAR 660-009-0015.

FINDING: As part of its legislative UGB expansion effort finalized in 2016, the City completed a Buildable Lands Study, Housing Needs Analysis, and Economic Opportunities Analysis and expanded the UGB accordingly to meet the identified needs. This application is a quasi-judicial, site-specific UGB adjustment to refine the boundary along the subject properties to more efficiently

support the requirements mandated by the Bend Comprehensive Plan for the subject properties. This proposal does not impact or change the City's recently completed legislative process to ensure a 20-year land supply for all needs.

(4) If the inventory demonstrates that the development capacity of land inside the UGB is inadequate to accommodate the estimated 20-year needs determined under OAR 660-024-0040, the local government must amend the plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the city or by expanding the UGB, or both, and in accordance with ORS 197.296 where applicable. Prior to expanding the UGB, a local government must demonstrate that the estimated needs cannot reasonably be accommodated on land already inside the UGB. If the local government determines there is a need to expand the UGB, changes to the UGB must be determined by evaluating alternative boundary locations consistent with Goal 14 and OAR 660-024-0060.

FINDING: Prior to the 2016 UGB expansion, the City identified that land inside the UGB was insufficient to accommodate estimated 20-year needs and expanded its UGB to correct this insufficiency. The City's UGB expansion process involved an analysis of alternative boundary locations to comply with ORS 197.296. This quasi-judicial site-specific application seeks to refine the UGB along the subject properties in the West Area of Bend, to facilitate a feasible alignment for Skyline Ranch Road, a TSP-designated major collector, and to refine the boundary of the West Area Master Plan Area 1 for improved implementation of the Comprehensive Plan's required transect and density requirements. This proposal is not intended to specifically respond to identified land need deficiencies. The proposal does not change the number of housing units or employment lands, nor does it impact sewer, water or transportation demands.

(5) In evaluating an amendment of a UGB submitted under ORS 197.626, the director or the Commission may determine that a difference between the estimated 20-year needs determined under OAR 660-024-0040 and the amount of land and development capacity added to the UGB by the submitted amendment is unlikely to significantly affect land supply or resource land protection, and as a result, may determine that the proposed amendment complies with section (4) of this rule.

FINDING: The proposed UGB adjustment is not submitted under ORS 197.626, nor is it subject to ORS 197.626. As such, this section does not apply.

(6) When land is added to the UGB, the local government must assign appropriate urban plan designations to the added land, consistent with the need determination. The local government must also apply appropriate zoning to the added land consistent with the plan designation or may maintain the land as urbanizable land until the land is rezoned for the planned urban uses, either by retaining the zoning that was assigned prior to inclusion in the boundary or by applying other interim zoning that maintains the land's potential for planned urban development. The requirements of ORS 197.296 regarding planning and zoning also apply when local governments specified in that statute add land to the UGB.

FINDING: A net of approximately 4.16 acres will be added to the UGB through this proposed UGB adjustment (approximately 4.02 acres are proposed to be removed from the UGB, while approximately 8.18 acres are proposed to be added to the UGB). These lands being added are currently zoned urban area reserve (UAR-10) in Deschutes County. The lands being added are not to respond to a specific need determination. Regardless, upon entering the UGB, the City will assign urban plan designation to the properties, equal to those of the land currently adjacent to the land being added to the UGB (designation = Low Density Residential, RL). Both of the subject areas inside the UGB are required to be master planned to meet the required densities and uses

defined within the Bend Comprehensive Plan. Upon approval of the master plans, the subject properties are expected to be annexed into the City, at which time the properties will be rezoned to match the Comprehensive Plan and/or approved master plan designations.

This application is a quasi-judicial site-specific UGB adjustment, not a legislative periodic review; as such, ORS 197.296 does not apply to this application.

660-024-0060 Boundary Location Alternatives Analysis

(1) When considering a UGB amendment, a local government must determine which land to add by evaluating alternative boundary locations. This determination must be consistent with the priority of land specified in ORS 197.298 and the boundary location factors of Goal 14, as follows:

(a) Beginning with the highest priority of land available, a local government must determine which land in that priority is suitable to accommodate the need deficiency determined under 660-024-0050.

(b) If the amount of suitable land in the first priority category exceeds the amount necessary to satisfy the need deficiency, a local government must apply the location factors of Goal 14 to choose which land in that priority to include in the UGB.

FINDING: This proposed UGB adjustment is a quasi-judicial site-specific refinement of the UGB line. It is not a legislative amendment to address a need deficiency. Due to the nature of the proposed quasi-judicial refinement, a boundary location alternatives analysis considering "priority lands" is not applicable.

(2) Notwithstanding OAR 660-024-0050(4) and subsection (1)(c) of this rule, except during periodic review or other legislative review of the UGB, a local government may approve an application under ORS 197.610 to 197.625 for a UGB amendment proposing to add an amount of land less than necessary to satisfy the land need deficiency determined under OAR 660-024-0050(4), provided the amendment complies with all other applicable requirements.

FINDING: This proposed UGB adjustment is a quasi-judicial site-specific refinement of the UGB line. It is not a legislative amendment to address a land need deficiency. This section does not apply.

(3) The boundary location factors of Goal 14 are not independent criteria. When the factors are applied to compare alternative boundary locations and to determine the UGB location, a local government must show that all the factors were considered and balanced.

FINDING: This proposed UGB adjustment is a quasi-judicial site-specific refinement of the UGB line. It is not a legislative amendment to address a need deficiency. Due to the nature of the proposed quasi-judicial refinement, a boundary location alternatives analysis is not applicable.

(4) In determining alternative land for evaluation under ORS 197.298, "land adjacent to the UGB" is not limited to those lots or parcels that abut the UGB, but also includes land in the vicinity of the UGB that has a reasonable potential to satisfy the identified need deficiency.

FINDING: The subject properties and proposed land to be added to the Bend UGB all abut the UGB line. However, this proposed UGB adjustment is a quasi-judicial site-specific refinement of the UGB line. It is not a legislative amendment to address a need deficiency.

(5) If a local government has specified characteristics such as parcel size, topography, or proximity that are necessary for land to be suitable for an identified need, the local government may limit its consideration to land that has the specified characteristics when it conducts the boundary location alternatives analysis and applies ORS 197.298.

FINDING: This application is not being submitted to create land to meet a specific land need, but rather, to refine the UGB line for a more feasible development strategy taking into consideration topographical challenges and parcel sizes to meet the required number of housing units and transect strategies laid out in the Bend Comprehensive Plan. Additionally, this application is a quasi-judicial application for a UGB adjustment and is not subject to the local government's requirement for a boundary location alternatives analysis.

(6) The adopted findings for UGB adoption or amendment must describe or map all of the alternative areas evaluated in the boundary location alternatives analysis. If the analysis involves more than one parcel or area within a particular priority category in ORS 197.298 for which circumstances are the same, these parcels or areas may be considered and evaluated as a single group.

FINDING: This application is a minor refinement of the UGB line, to provide a feasible alignment of Skyline Ranch Road (due to topography) and to refine the western border of West Area Master Plan Area 1 (NWX2 properties, Discovery West) to accommodate the mandated development patterns for transect concepts and housing densities. Due to the nature of this adjustment, alternative locations are neither feasible nor applicable, as any UGB adjustments for this quasi-judicial amendment are, by definition, adjacent to the subject properties.

(7) For purposes of Goal 14 Boundary Location Factor 2, "public facilities and services" means water, sanitary sewer, storm water management, and transportation facilities.

FINDING: Water, sewer, storm water management and transportation facilities are addressed throughout this narrative. The Applicants entered into a development agreement with the City (Ordinance NS-2316) for the timing, construction and funding of water, sewer and transportation infrastructure necessary to support the urban development of the West and Shevlin Areas, within which the subject properties are included. This proposed UGB amendment does not impact the development agreement or the water, sewer, or transportation infrastructure needs or capacity. Rather, this proposal facilitates a feasible alignment for Skyline Ranch Road, as well as revisions to the western border of West Area Master Plan Area 1 to facilitate implementation of the transect concept and mandated housing densities for the subject properties.

(8) The Goal 14 boundary location determination requires evaluation and comparison of the relative costs, advantages and disadvantages of alternative UGB expansion areas with respect to the provision of public facilities and services needed to urbanize alternative boundary locations. This evaluation and comparison must be conducted in coordination with service providers, including the Oregon Department of Transportation with regard to impacts on the state transportation system. "Coordination" includes timely notice to service providers and the consideration of evaluation methodologies recommended by service providers. The evaluation and comparison must include:

(a) The impacts to existing water, sanitary sewer, storm water and transportation facilities that serve nearby areas already inside the UGB;

(b) The capacity of existing public facilities and services to serve areas already inside the UGB as well as areas proposed for addition to the UGB; and

(c) The need for new transportation facilities, such as highways and other roadways, interchanges, arterials and collectors, additional travel lanes, other major improvements on existing roadways and, for urban areas of 25,000 or more, the provision of public transit service.

FINDING: Water, sewer, storm water management and transportation facilities have been addressed throughout this narrative. The Applicants have entered into a development agreement with the City (Ordinance NS-2316) for the timing, construction and funding of water, sewer and transportation infrastructure necessary to support the urban development of the West and Shevlin Areas, within which the subject properties are included. This proposed UGB adjustment does not impact the development agreement or the water, sewer, or transportation infrastructure needs or capacity. Rather, this proposal facilitates a feasible alignment for Skyline Ranch Road, as well as revisions to the western border of West Area Master Plan Area 1 (NWX2 properties, Discovery West) to facilitate implementation of the transect concept and mandated housing densities for the subject properties.

Finally, this proposed UGB adjustment is a quasi-judicial site-specific refinement of the UGB line that was adopted in 2016 after a thorough UGB expansion process. This application is not a legislative amendment to address a need deficiency. Due to the nature of the proposed quasi-judicial refinement, a boundary location alternatives analysis is not applicable.

660-24-0070 UGB Adjustments

(1) A local government may adjust the UGB at any time to better achieve the purposes of Goal 14 and this division. Such adjustment may occur by adding or removing land from the UGB, or by exchanging land inside the UGB for land outside the UGB. The requirements of section (2) of this rule apply when removing land from the UGB. The requirements of Goal 14 and this division [and ORS 197.298] apply when land is added to the UGB, including land added in exchange for land removed. The requirements of ORS 197.296 may also apply when land is added to a UGB, as specified in that statute. If a local government exchanges land inside the UGB for land outside the UGB, the applicable local government must adopt appropriate rural zoning designations for the land removed from the UGB prior to or at the time of adoption of the UGB amendment and must apply applicable location and priority provisions of OAR 660-024-0060 through 660-020-0067.

FINDING: In December 2016, the Bend UGB expansion was acknowledged by the Oregon DLCD, adding 2,380 acres of land to address identified housing and employment needs. Included in that expansion were two of the subject properties (NWX2's West Area Master Plan Area 1, Rio Lobo's West Area Master Plan Area 3). This proposed UGB adjustment is a quasi-judicial application, not a legislative amendment lead by a local government. Nonetheless, the purpose of the proposed UGB adjustment is to better achieve the purposes of Goal 14 for the westside of Bend and proposes to add a net of approximately 4.16 acres to the UGB (total of 8.18 acres added, 4.02 acres removed), including some exchanges of land inside and outside the UGB. The proposed UGB adjustment would allow the refinement of the alignment of Skyline Ranch Road, a TSP-designated north-south major collector. The current TSP alignment for this roadway is topographically infeasible, creating an inefficient use of land. The UGB refinement also includes the western border of the NWX2 properties, to more efficiently implement the transect concepts while meeting the density requirements and required number of housing units outlined in the Bend Comprehensive Plan.

Goal 14 and ORS 197.298 are addressed below. In summary, the proposed UGB amendment refines the UGB to improve the constructability of the planned neighborhoods and roadways, but does not change the amount of allowed/required housing units and employment lands that will be

achieved through the master planning process. This refinement ensures more efficient use of land while achieving the neighborhood requirements of the City's Comprehensive Plan.

Approximately 4.02 acres are proposed to be removed from the UGB and designated UAR-10, to match the adjacent rural lands. A concurrent zone change application is being submitted to the County for those lands, requesting the adoption of County zoning to match the zoning of the adjacent County lands. Currently, all adjacent County-zoned lands are UAR-10. There is a pending application for the Transect South area to be rezoned to Westside Transect. The future zone of the lands leaving the UGB will be addressed at the time of the rezoning decision through the County.

(2) A local government may remove land from a UGB following the procedures and requirements of ORS 197.764. Alternatively, a local government may remove land from the UGB following the procedures and requirements of 197.610 to 197.650, provided it determines:

- (a) The removal of land would not violate applicable statewide planning goals and rules;**
- (b) The UGB would provide a 20-year supply of land for estimated needs after the land is removed, or would provide roughly the same supply of buildable land as prior to the removal, taking into consideration land added to the UGB at the same time;**
- (c) Public facilities agreements adopted under ORS 195.020 do not intend to provide for urban services on the subject land unless the public facilities provider agrees to removal of the land from the UGB and concurrent modification of the agreement;**
- (d) Removal of the land does not preclude the efficient provision of urban services to any other buildable land that remains inside the UGB; and**
- (e) The land removed from the UGB is planned and zoned for rural use consistent with all applicable laws.**

FINDING: In the concurrent County application, County Staff asked that the Hearings Officer consider whether this provision applies. The Hearings Officer found that, notwithstanding the net gain of 4.16 acres to the UGB, the fact that 4.02 acres will be removed, triggers the application of this criterion. To meet this criterion, there are two optional tracts. The Hearings Officer found the first one (compliance with ORS 197.764) is met as described below.

ORS 197.764.

(1) A local government may approve an application to remove a lot or parcel from within an urban growth boundary if:

- (a) The application is submitted by the owner of the lot or parcel;**

FINDING: The applications are submitted by the owners of the subject properties.

- (b) (A) The lot or parcel is adjacent to the edge of the urban growth boundary; or**
(B) The lot or parcel is adjacent to another lot or parcel that is removed under this section;

FINDING: The portion of the subject properties that will be removed from the UGB are adjacent to the edge of the UGB. Again, the purpose of this application is to adjust the UGB to accommodate the refinement of the Skyline Ranch Road and the West Area Master Plan Area.

- (c) ***The lot or parcel is assessed under ORS 308A.050 (Legislative intent) to 308A.128 (Certain district assessments inapplicable to exclusive farm use zone farmland) for its value for farm use;***

FINDING: This statute applies to tax assessments for farm land, which is not applicable in this case.

- (d) ***The lot or parcel is not within the boundaries of a city; and***

FINDING: The subject properties are not within the boundaries of the City.

- (e) ***The lot or parcel is not included in an area identified for urban services under ORS 197.754 (Land identified for urban services).***

(2) A local government, in deciding whether to approve an application under subsection (1) of this section, shall consider:

- (a) ***The projected costs and other consequences of extending urban services to the affected lot or parcel;***

FINDING: As the applicants have demonstrated, it will be more efficient to extend urban services to the refined UGB because of the topography. The removal (and ultimately net gain) of land from the UGB will allow for the feasible implementation of the City's 2016 UGB Amendment.

- (b) ***The potential value in the investment of providing urban services to the affected lot or parcel;***

FINDING: Given the applicant's description of the area to be removed from the UGB, it will be left as open space. And given the topography, development of the removed area is unlikely. The value of providing services to the area to be removed is nominal.

- (c) ***Any requirement for expanding the urban growth boundary in other areas to compensate for any loss in buildable lands; and***

FINDING: As noted throughout these findings, there will be no loss of buildable lands as the result of the removal approximately 4.02 acres from the UGB. Instead, there will be a net gain of lands to the UGB and no impact on the buildable lands. Therefore, there is no need to require an expansion of the UGB in other areas.

- (d) ***The projected costs and other consequences of providing urban services to other areas brought in under an expanded urban growth boundary.***

FINDING: As noted throughout this decision, the cost for providing urban services to the land being removed from the UGB will be greater. The realigned Skyline Ranch Road will be made feasible through the TSP amendment and will cost less to construct.

- (3) (a) ***Land that is removed from within an urban growth boundary pursuant to an application approved under this section shall be removed from any inventory of buildable lands maintained by the local government.***

FINIDNG: The City will remove the 4.02 acres as identified by the applicants as the land to be removed from the UGB, from its buildable lands inventory.

- (b) *A local government that approves an application under this section shall either expand the urban growth boundary to compensate for any resulting reduction in available buildable lands or increase the development capacity of the remaining supply of buildable lands.*

FINDING: As noted throughout these findings, there will be a net gain of 4.16 acres to the UGB as the result of this application and there will not be any resulting reduction in available buildable lands. Therefore, this requirement is met.

660-024-0070 UGB Adjustments (Continued)

(3) Notwithstanding sections (1) and (2) of this rule, a local government considering an exchange of land may rely on the land needs analysis that provided a basis for its current acknowledged plan, rather than adopting a new need analysis, provided:

(a) The amount of buildable land added to the UGB to meet:

(A) A specific type of residential need is substantially equivalent to the amount of buildable residential land removed, or

(B) The amount of employment land added to the UGB to meet an employment need is substantially equivalent to the amount of employment land removed, and

(b) The local government must apply comprehensive plan designations and, if applicable, urban zoning to the land added to the UGB, such that the land added is designated:

(A) For the same residential uses and at the same housing density as the land removed from the UGB, or

(B) For the same employment uses as allowed on the land removed from the UGB, or

(C) If the land exchange is intended to provide for a particular industrial use that requires specific site characteristics, only land zoned for commercial or industrial use may be removed, and the land added must be zoned for the particular industrial use and meet other applicable requirements of ORS 197A.320(6).

FINDING: The proposed UGB adjustment and associated Plan designation amendment do not affect the amount of buildable residential land in terms of housing units, as the required number of housing units for the subject properties are established in the Comprehensive Plan and are not being amended. Additionally, the proposed UGB adjustment and associated Plan designation amendment do not change the amount of employment land to be included in the subject property master plans, nor is the intent to provide for a particular industrial use. As such, the land needs analysis that provided a basis for the current acknowledged plan is still relevant and is not affected by this proposal. This proposal is not to address a specific land need, but rather, to improve the efficiency and feasibility of the implementation of the Bend Comprehensive Plan requirements for the subject properties.

In accordance with 660-24-0070 (3)(b), the Applicants have submitted a concurrent application to the City of Bend for the amendment of the City's UGB and amendment of the comprehensive plan designations for the land entering the UGB. The Applicants have also submitted to the County an application for a zone change for the land being removed from the UGB.

ORS 197.298 Priority of land to be included within urban growth boundary. (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

(a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.

FINDING: As identified above, the land proposed to be added to the UGB is designated as Urban Area Reserve in the Deschutes County Comprehensive Plan. The subject properties did not receive this designation pursuant to ORS 195.145, as the designation occurred prior to implementation of ORS 195. However, other UAR designations also occurred prior to implementation of ORS 195.145 and as a result, the City does not have any “first priority” lands, as defined in ORS 197.289(1)(a), available for this proposed site-specific UGB refinement. The subject property is considered an exception area and is therefore categorized as “second priority” land, which is the highest priority available.