

ORDINANCE NO. NS-2482

AN ORDINANCE AMENDING THE BEND COMPREHENSIVE PLAN TO INCLUDE THE STEVENS ROAD TRACT IN THE BEND URBAN GROWTH BOUNDARY AND BUILDABLE LANDS INVENTORY

Findings

- A. In 2021, the Oregon Legislature passed House Bill ("HB") 3318. This legislation was signed into law by Governor Brown and provides a process specific to the City of Bend to include property identified as the Stevens Road Tract within the Bend urban growth boundary ("UGB").
- B. HB 3318 provided a three-phase planning process for including 261.66 acres of land located east of Bend city limits and owned by the State of Oregon, Department of State Lands ("DSL"), known as the "Stevens Road Tract", within the Bend UGB. The City Completed the first phase with the Department of Land Conservation and Development's ("DLCD") approval of the Stevens Road Tract Concept Plan on August 29, 2022. City Council previously approved this Concept Plan on June 1, 2022, via Resolution No. 3296 (the "Concept Plan").
- C. HB 3318 also required the City and DSL to negotiate an agreement for the City to purchase certain future tracts of land for affordable housing. This agreement was approved by Council on July 20, 2022 (the "IGA"). Through the IGA the City agreed to pay \$450,000 to DSL for 20 acres of land in the Stevens Road Tract for the development of affordable housing, including 7 acres of affordable housing for employees of education providers. The IGA includes restrictive covenants that will be recorded against the future parcels to ensure development of the required affordable housing.
- D. Following adoption of the Concept Plan and the IGA, the City continued work to refine the process for including the Stevens Road Tract in the City's UGB prepare planning amendments to the Bend Comprehensive Plan to implement the Concept Plan, and seek concurrent changes to the Deschutes County Comprehensive Plan maps to recognize the change to the City's UGB.
- E. On May 24, 2023, the City started the second phase of required planning, for public review of amendments to both the map and the text of the Bend Comprehensive Plan to include the Stevens Road Tract in the Bend UGB. The file numbers for these proposed amendments are PLCPMA20230307 (plan map amendments) and PLTEXT20230308 (plan text amendments) (together, the "SRT Plan Amendments"), which will be adopted with this ordinance.
- F. The third phase of the planning process will be for the City to consider amendments to the Bend Comprehensive Plan to adopt policies that implement the Concept Plan. This process will be completed through a separate application, public hearing, and ordinance, for consideration by City Council.

- G. On June 6, 2023, the City submitted a Notice of Proposed Amendment regarding the SRT Plan Amendments, pursuant to ORS 197.610 to the Oregon Department of Land Conservation and Development.
- H. The City submitted concurrent applications for amendments to the map and text of the Deschutes County Comprehensive Plan and an amendment to the County's Zoning Map for the County's review and approval of the same proposed amendment to the Bend UGB, under Deschutes County File Nos. # 247-23-000415-PA and 247-23-000416-ZC. HB 3318 is silent on Deschutes County approval of the proposed UGB amendments regarding the Stevens Road Tract, but is desired for consistency between the City and County maps.
- I. The City relied on public outreach and notice requirements for Type IV procedures under Bend Development Code section 4.1.500. Notice of the July 24, 2023, Bend Planning Commission public hearing was provided in the Bulletin newspaper on July 4, 2023, 20 days before the public hearing scheduled for July 24, 2023. Staff also provided notice through electronic mail to public agencies, neighborhood associations, and interested persons of the Planning Commission work session and public hearing between June 22 and 23, 2023. Notice of the City Council's September 6, 2023, hearing in the Bulletin newspaper was published on August 15, 2023, which was at least 20 days before the hearing. Notice of the City Council hearing was also provided to the Larkspur, Old Farm, and Southeast Bend neighborhood associations and interested persons on April 15, 2023.
- J. On July 24, 2023, the Bend Planning Commission held a public hearing on the SRT Plan Amendments. At the close of the hearing, the Planning Commission unanimously voted to forward the SRT Plan Amendments to the City Council with a recommendation to approve.
- K. On September 6, 2023, the City Council held a public hearing on the proposed amendments. The City Council has considered the evidence in the record, including the evidence and the testimony submitted at the public hearings, and found that the proposed amendments to the Bend Comprehensive Plan satisfy the criteria for approval contained in state law, including HB 3318, and the Bend Comprehensive Plan and Bend Development Code.

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

- Section 1. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit A.
- Section 2. The Bend Comprehensive Plan map is amended as shown in Exhibit B, to include the Stevens Road Tract within the Bend Urban Growth Boundary and redesignate the land as Urbanizable Area.
- Section 3. Chapter 11 of the Bend Comprehensive Plan, Growth Management, is amended as shown in Exhibit C.
- Section 4. Appendix J of the Bend Comprehensive Plan, Buildable Lands Inventory,

is amended as shown in Exhibit D.

Section 5. This ordinance and each section are final on second reading and take effect when approved on review by the Department of Land Conservation and Development pursuant to Section 6 of HB 3318. If the amendments made by this ordinance or any section are partially approved, those portions that are approved become effective on approval.

Section 6. If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 7. All other provisions of the Bend Comprehensive Plan unchanged by this ordinance remain in effect.

First Reading Date: September 6, 2023

Second Reading and adopted by roll call vote on: September 20, 2023

YES: Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Anthony Broadman
Councilor Ariel Méndez
Councilor Mike Riley
Councilor Megan Norris

NO: none



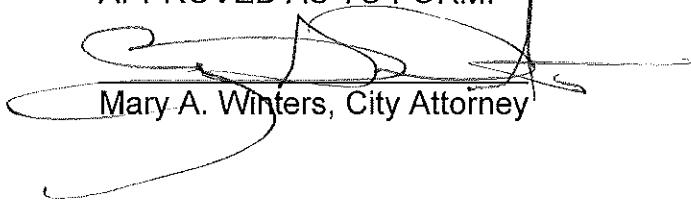
Mayor Pro Tem Perkins

ATTEST:



Robyn Christie, City Recorder

APPROVED AS TO FORM:



Mary A. Winters, City Attorney

Stevens Road Tract UGB Amendment

EXHIBIT A

Proposed Findings in Support of
PLCPMA20230307 and PLTEXT20230308.

**PROPOSED FINDINGS IN SUPPORT OF AMENDMENTS TO
THE BEND COMPREHENSIVE PLAN MAP, AND THE TEXT
OF THE BEND COMPREHENSIVE PLAN TO INCLUDE THE
STEVENS ROAD TRACT IN THE BEND URBAN GROWTH
BOUNDARY**



**COMMUNITY
DEVELOPMENT**

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

LOCATION: The subject property (site) is a 261.66 acre tract of land located outside of and adjacent to the Bend Urban Growth Boundary (UGB) and identified as the Stevens Road Tract.

REQUESTS: This proposal includes the following requests:

- 1) an amendment to the Bend Comprehensive Plan map to include the Stevens Road Tract in the Bend UGB and change its plan designation to Urbanizable Area;
- 2) three (3) amendments to the text of the Bend Comprehensive Plan to adopt a new plan designation of Urbanizable Area, proposed background text on the Stevens Road Tract, and an amendment to Appendix J, the Buildable Lands Inventory (BLI), to include the buildable lands of the Stevens Road Tract in the BLI.

**STAFF
CONTACT:** Damian Syrnyk, AICP, Senior Planner
dsyrnyk@bendoregon.gov

I. APPLICABLE CRITERIA:

(1) 2021 HB 3318

Section 6. Stevens Road urban growth boundary expansion

(2) Bend Development Code

Chapter 4.6, Land Use District Map and Text Amendments

Section 4.6.200, Legislative Amendments

II. APPLICABLE PROCEDURES:

(1) Bend Development Code

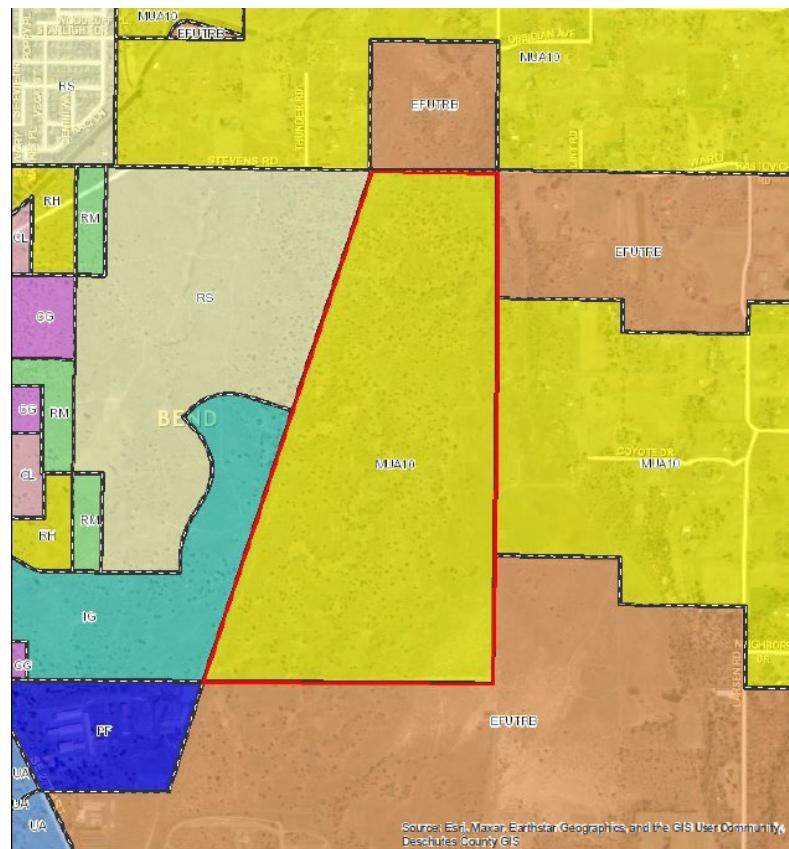
Chapter 4.1, Development Review and Procedures

Section 4.1.500 Type IV Legislative Procedures

III. FINDINGS OF FACT:

- 1. LOCATION:** The subject property is located at 61200 27th Street, and outside of the Bend UGB. The subject property is identified as Tax Lot 100 on Deschutes County Assessor's map 18-12-11. This report refers to the subject property as either the Site, the Stevens Road Tract, or simply the Tract.
- 2. ZONE AND PLAN DESIGNATION:** The Site is located outside of the Bend UGB, and currently under the jurisdiction of Deschutes County. The Site is designated Rural Residential Exception Area on the County's Comprehensive Plan map and zoned Multiple Use Agricultural (MUA10) on the County's official Zoning Map.

Existing Zoning for Site (Red Border) and the Surrounding Area



3. SITE DESCRIPTION & SURROUNDING USES:

As stated above, the site is located outside of the Bend UGB, abuts Stevens Road/Ward Road to the north, and a TransCanada Natural Gas Transmission line to the west. Stevens Road abuts the Site's northern boundary running in an east-west direction. Ward Road intersects Stevens Road at the site's northeast corner. The site is 261.66 acres and is not developed with any buildings or structures. A corridor of electric power transmission lines runs north to south parallel to the Site's eastern boundary. The site has a cover characteristic of juniper woodland that occurs south and east of Bend that includes juniper and ponderosa pine trees, sage brush, bunch grasses, and both pressure ridges and rock outcrops. Unimproved and informal paths and trails exist on the site.

North. The area north of Stevens Road includes several rural residential parcels developed with homes and outbuildings. The County Comprehensive Plan designations in this area include Agriculture and Rural Residential Exception Area. Most of the area is zoned MUA10, Multiple Use Agricultural, with properties from five to 40 acres in size. One property approximately 38 acres in size and located at the northwest corner of Ward Road and Stevens Road is zoned Exclusive Farm Use-Tumalo/Redmond/Bend subzone (EFUTRB). A Central Oregon Irrigation District (COID) Canal runs southwest to northeast between properties inside and outside the UGB. The area north and west of the COID canal is inside the UGB and has been developed with detached houses in the RS, Urban Standard Residential Zone.

West. The area west of the Site is within the Bend UGB and has been annexed into city limits; it consists of a 382-acre tract identified as the Stevens Ranch Major Community Master Plan.¹ The master plan includes land designated for housing, commercial uses, and industrial uses. The plan includes a 50-acre large lot industrial site located to the south and abutting property owned by Deschutes County that is also north of the Knott Landfill. This tract of land is in the process of being developed with the first phase of the Stevens Ranch Master Plan.

South. The area south of the Tract includes land owned by Deschutes County and consists of a 327-acre parcel that includes the Knott Landfill. Some of the area due south of the Tract is undeveloped and has similar topography and vegetation as the Tract. This area is designated as Agriculture on the County's Comprehensive Plan map and zoned EFUTRB. The County-owned land further south has been developed as the Knott Landfill, designated Surface Mining, and zoned for Surface Mining. No mining activity is taking place with the normal operations of the landfill. To the south and west of the Tract are several non-residential uses along 27th Street, south of Ferguson Rd, including the County's Road Department, Humane Society of Central Oregon, and Central Oregon Electric Cooperative.

East. The area due east of the Tract includes several rural residential parcels south of Ward Road, and west of Ward/Larsen Road. The properties in this area are designated either Rural Residential Exception Area or Agriculture and zoned accordingly. This area is approximately one-half mile in depth between the Tract's eastern boundary line and Ward/Larsen Road. The area does include some non-residential uses including Bend Community Farm and the Bend Kitty Lodge.

4. PROPOSAL: This proposal includes amendments to the Bend Comprehensive Plan map and amendments to the text of the Bend Comprehensive Plan. These proposed amendments are described below:

- a. An amendment to the Bend Comprehensive Plan map to 1) include the Stevens Road Tract within the Bend urban growth boundary, and 2) change the plan designation for the Stevens Road Tract to Urbanizable Area.
- b. Three (3) amendments to the text of the Bend Comprehensive Plan to: 1) adopt a new plan policy to create an Urbanizable Area plan designation; 2) adopt new background text regarding the Stevens Road Tract and incorporate this text in Chapter 11, Growth Management, of the Comprehensive Plan, and 3) amend the Buildable Land Inventory (BLI), Appendix J to the Comprehensive Plan, to include the buildable land within the Stevens Road Tract in the City's supply of buildable land.

¹ The City annexed approximately 365 acres of land in 2021. The DSL owned another approximately 17.5 acres already included in the UGB that were master planned with the 365 acres annexed.

5. RECORD: The applicant has included the following documents in the record that will be before the Bend Planning Commission and Bend City Council to support the proposed amendments:

Document	Exhibit
Land Patent – Recorded Vol/Page 20019-39926	A
Decision on Property Line Adjustment PZ-19-0550	B
Proposed Findings in Support of UGB Amendment	C
Draft amendment to the text of Chapter 11, Growth Management, of the Bend Comprehensive Plan	D
Draft amendment to Appendix J of the Bend Comprehensive Plan, the 2016 Buildable Land Inventory	E
Map of the Stevens Road Tract	F1
Map of Proposed Comprehensive Plan amendment	F2
2021 HB 3318 (Enrolled)	G
Stevens Road Tract Concept Plan (June 2022)	H
Stevens Road Tract Concept Plan – Technical Appendices (June 2022)	I
June 23, 2022, electronic mail message to DLCD including two letters, one from the City of Bend and one from the Department of State Lands	J
August 29, 2022, electronic mail message from DLCD transmitting attached August 29, 2022, letter from the Department approving the Concept Plan for the Stevens Road Tract.	K

IV. FINDINGS ON COMPLIANCE WITH BEND DEVELOPMENT CODE 4.1.500, TYPE IV LEGISLATIVE PROCEDURES

4.1.505 Type IV Applications

Legislative decisions are made after public notice, public hearings and a recommendation by the Planning Commission to the City Council, except the City Council is the sole review authority for annexations.

FINDINGS: The proposal will meet this criterion because a final decision to adopt the amendments to the plan map, and comprehensive plan text will be made following these requirements. Notice of the public hearings before the July 24, 2023, Bend Planning Commission was published in the Bend Bulletin newspaper on July 4, 2023. The Planning Commission held a public hearing and the Commissioners present unanimously voted to forward the amendments on to the City Council with a recommendation for adoption. Staff will then present the Planning Commission's recommendations to the City Council at a public hearing on September 6, 2023. Notice of the City Council public hearing in the Bulletin newspaper was published on August 16, 2023. Notice of both the Planning Commission and City Council hearings was also provided to neighborhood associations and interested persons who had engaged with earlier public outreach for the Stevens Road Tract Concept Plan.

4.1.510 Hearing Required

No legislative change can be adopted without review by the Planning Commission and a final public hearing before the City Council, except the City Council is the sole review authority for annexations. Public hearings are set at the discretion of the Development Services Director,

unless otherwise required by State law.

FINDINGS: The Planning Commission received a presentation about the proposed amendments at a work session which was open to the public and reviewed the proposed changes and hold a public

hearing. The City Council reviewed the proposed amendments and held a public hearing on September 6, 2023.

4.1.515 Notice

A. Published Notice.

1. Notice of a Type IV legislative change shall be published in a newspaper of general circulation in the City at least 20 days prior to each public hearing.

2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

B. Posted Notice. Notice shall be posted at the discretion of the Development Services Director.

C. Individual Notice. For site-specific applications, individual notice to property owners, as defined in BDC 4.1.220(A), shall be provided.

D. Neighborhood Associations. Notice of Type IV legislative changes shall be mailed to the designated representative of any neighborhood association recognized by the City of Bend, where the legislative change affects any land within the boundary of such neighborhood association.

FINDING: The proposal meets this criterion because notice was given as required and described above.

4.1.520 Initiation of a Legislative Change.

Requests for a plan map or text amendment of the Bend Comprehensive Plan or its implementing documents may be initiated by an individual, corporation, or public agency upon submittal of an application, supporting documentation and payment of required fees. The City Council, Planning Commission or Development Services Director may also initiate legislative changes.

FINDING: In the 2021 Legislative Session, the legislature passed, and Governor Kate Brown signed HB 3318 into law.² This bill is now Chapter 552 of the 2021 Oregon Laws and provided for an alternative UGB expansion process for the Tract. The proposed legislative changes that are the subject of this application were initiated by the City, after the City Council adopted a Concept Plan in conformance with HB 3318. After inclusion in the UGB, planning amendments will be proposed that are consistent with Alternative 3 of the Concept Plan, as directed by City Council.

4.1.525 Review Authority.

A Type IV change must be reviewed by the Planning Commission prior to action being taken by the City Council, except the City Council is the sole review authority for annexations.

FINDING: Prior to the City Council acting on this proposal, the Planning Commission received a presentation about the proposed amendments at a work session which was open to the public and reviewed and held a public hearing. Subsequently, the City Council reviewed the proposed amendments and held a public hearing prior to voting on adoption.

² HB 3318 was signed into law on July 19, 2021. On September 25, 2021, it was included as Chapter 552 of the 2021 Laws.

4.1.530 Final Decision

All legislative changes shall be adopted by ordinance.

FINDING: If approved, the proposed amendments will be adopted by ordinance.

V. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.200 Legislative Amendments.

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

FINDING: The City finds that the proposed amendments are legislative despite being focused on one property and one property owner. The proposal involves broad public policy decisions about including the Stevens Road Tract in the Bend UGB through a process that is not bound by existing statewide planning goals or other land use process, and proposes amendments to the City's Comprehensive Plan (map and text). The decision relates to making lands available for future residential, commercial, and employment uses, including City acquisition of lands for affordable housing. There are no pre-existing approval criteria that involve the exercise of discretion. In addition, while the proposal has been presented to the City Council for adoption, as set forth in HB 3318, there are no decision making criteria that obligate the Council to make a final decision. If City Council does not approve the amendments, the Stevens Road Tract will not be brought into the Bend UGB and the planning process for the Tract will stop.

B. Criteria for Legislative Amendments. *The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve or to deny an application for a legislative amendment shall be based on all of the following criteria:*

- 1. The request is consistent with the applicable State land use law;**

FINDING: The state land use law applicable to review of the proposed amendments is found in Section 6 of HB 3318. Section 6 of HB 3318 provides a set of standards in lieu of the statewide land use goals and administrative rules. The findings in this report demonstrate the consistency of the proposed amendments with the standards in HB 3318.

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

FINDING: The goals established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The goals are generally conducted through policies, which are statements of public policy. The following findings identify those Goals and Policies the applicant believes

are applicable and the consistency of the proposal with these policies.

Chapter 1: Plan Management and Citizen Involvement

Goals:

- **Create and Preserve Great Neighborhoods.** Bend has a variety of great neighborhoods that promote a sense of community and are well-designed, safe, walkable, and include local schools and parks. Small neighborhood centers provide local shops, a mix of housing types, and community gathering places. The character of historic neighborhoods is protected, and infill development is compatible.
- **Protect and Enhance Bend's Natural Beauty, Heritage and Natural Environment.** As Bend grows, it preserves and enhances natural areas and wildlife habitat. Protect and enhance Bend's natural beauty noting especially the trees, rocks, rivers, view, sounds and historic structures. Wildfire risk management is a key consideration. Bend takes a balanced approach to environmental protection and building a great city.
- **Create Housing Options and Affordability.** Bend residents have access to a variety of high quality housing options, including housing affordable to people with a range of incomes and housing suitable to seniors, families, people with special needs, and others. Housing design is innovative and energy efficient.
- **Foster a Balanced Transportation System.** Bend's balanced transportation system incorporates an improved, well-connected system of facilities for walking, bicycling, and public transit, while also providing a reliable system for drivers. Bend's transportation system emphasizes safety and convenience for users of all types and ages. Transportation and land use are integrated to foster livability.
- **Create Connections to Recreation and Nature.** Bend continues to enhance its network of parks, trails, greenbelts, recreational facilities, and scenic views inside and outside the city.

FINDING: The proposed amendments will support the future development of the Stevens Road Tract based on the 2022 Concept Plan that will inform future planning amendments. The proposed amendments to the Comprehensive Plan map and text will ensure development of the Stevens Road Tract will be consistent with these goals. The proposed amendments will begin the process for implementing the 2022 Concept Plan which provides for a variety of neighborhoods that are walkable and include community and neighborhood parks. These amendments will be followed by an application for amendments to the Comprehensive Plan adopting planning policies that further implement the Concept Plan. The Concept Plan provides for local neighborhood commercial areas along an extension of Wilderness Way and provides for a mix of housing types, including middle housing.

With respect to housing, the Concept Plan provides a variety of housing options, and includes policies for providing land for deed-restricted affordable housing to households earning less than area median income (AMI), which will be implemented through deed restrictions on future parcels created in future land use actions. This housing will be supported by a balanced transportation that provides for all modes of travel and that can also be served by public transit. Finally, the Concept Plan proposes a 29-acre Community Park adjacent to a school site in the Stevens Ranch Master Plan, land for smaller, neighborhood parks, and proposes a green-loop trail system around the perimeter and along the proposed street network.

Based on this finding the applicant finds the proposed amendments will be consistent with these goals based on the 2022 Concept Plan for the Stevens Road Tract.

Policies:

Development within the Urban Growth Boundary

1-7 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.

FINDING: The proposed amendments are consistent with this policy because they are the first step toward implementing the 2022 Concept Plan, which will also inform subsequent planning amendments. These next amendments will allow a mix of residential and nonresidential uses within the Urban Growth Boundary and a well-connected active transportation network, providing pedestrian friendly access to goods and services, convenient to nearby existing and future residents which increases walkability and reduces trips and vehicle miles traveled.

Citizen Involvement

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

FINDING: The proposed amendments will be adopted after community members have had the opportunity to participate in the planning process. The public engagement process for the Stevens Road Tract started before these proposed plan map and text amendments were proposed. For Planning Commission consideration and City Council adoption of the 2022 Concept Plan, the project team held three (3) online open houses and developed a substantial website through which the public could review concepts and provide feedback through electronic mail and responding to online surveys associated with open houses. The public engagement process for the Concept Plan also included a public period through which members of the public could provide comments through an online email address on the Concept Plan. For the current amendments that would incorporate the Stevens Road Tract in the Bend UGB, the Bend Planning Commission held a public work session and public hearing, and the City Council held a public hearing before considering an ordinance approving the changes to the Comprehensive Plan.

Therefore, the proposed amendments comply with Chapter 1.

Chapter 2: Natural Features and Open Space

Goals:

- ***to preserve interesting and distinct geologic formations and areas of natural vegetation;***
- ***to provide land for recreational uses such as hiking, photography, bicycling, jogging, or fishing;***
- ***to establish a system of trails, greenways, and wildlife corridors that are interconnected;***

FINDING: The proposed amendments will be consistent with these goals because they are a necessary step to implement the 2022 Concept Plan for the Stevens Road Tract. The Concept Plan for the Stevens Road Tract proposes planning amendments to preserve distinct geologic formations and significant trees, provides for parks and open spaces, and a green loop trail system that follows the street network of the Stevens Road Tract. The record includes the 2022 Concept Plan which includes proposed Planning Amendments (See Chapter 5) which outline how the proposal will meet these goals.

Policies:

2-2 The city and Bend Park and Recreation District shall share the responsibility to inventory, purchase, and manage public open space, and shall be supported in its efforts by the city and county. The City recognizes the Park and Recreation District as the urban service provider of parks within the UGB.

2-6 Major rock outcrops, stands of trees, or other prominent natural features identified in the Comprehensive Plan shall be preserved as a means of retaining the visual character and quality of the community.

FINDING: The proposed amendments are consistent with these policies because they are a necessary step to implement the 2022 Concept Plan for the Stevens Road Tract and support adoption of implementing amendments to the Bend Comprehensive Plan. The Concept Plan proposes an Alternative 3 that includes a 29-acre community park, provides for additional open spaces throughout the Tract, proposes a green loop trail around the perimeter of the Tract, and provides a pedestrian system with the transportation network that will serve future residents. The Concept Plan further proposes to inventory and protect significant trees and rock outcrops so they can be integrated in the development of the Tract (See Chapter 5).

Therefore, the proposed amendments comply with Chapter 2.

Chapter 3: Community Connections

Goals:

- **to encourage the preservation of historic and cultural resources within the urban area;**
- **to provide quality green spaces, natural areas, and recreation sites through public and private park land throughout the community; and**
- **to coordinate the development of future park and school sites to serve the expanding urban area population.**

FINDING: The proposed amendments will have the effect of including the Stevens Road Tract in the Bend UGB. This is a necessary step to implement the 2022 Concept Plan, and future planning amendments that will create policies to guide master planning of the Tract. The Concept Plan propose planning amendments in Chapter 5 that:

1. Identity any cultural resources identified through a pedestrian archaeological survey, and adopt land use regulations to protect such cultural resources on the Stevens Road Tract;
2. Outline the Open Space Concept for Alternative 3, which include parks, open spaces, and a green-loop trail system, and;
3. Reflect the City's coordination with the Parks and Schools Districts on potential sites in the Stevens Road Tract. This coordination is reflected in Chapters 1 and 5 of the Concept Plan.

Therefore, the proposed amendments comply with Chapter 3.

Chapter 4: Population and Demographics

FINDING: This chapter does not include any policies applicable to review of this proposal. The two policies in Chapter 4 pertain to updating population data in the Comprehensive Plan as it is updated and becomes available.

Chapter 5: Housing

Goals:

- *Keep our neighborhoods livable by offering a variety of living styles and choices, creating attractive neighborhoods located close to schools, parks, shopping and employment.*
- *Accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.*
- *Recognize the importance of transportation linkages (streets, bikeways, side-walks and paths) in connecting neighborhoods and building and maintaining a sense of community.*
- *Zone adequate land in specific designations to allow for production of needed housing units.*

FINDING: The proposal is consistent with these goals because they represent a necessary step to implement the Concept Plan for the Stevens Road Tract. The Concept Plan, and subsequent planning amendments have addressed and demonstrate how the planning for the Stevens Road Tract will address these goals:

1. The Concept Planning for the Stevens Road Tract proposes residential designations that allow a variety of housing types, including middle housing, and in neighborhoods around the Tract (See Chapter 4). The areas along the extension of Wilderness Way include commercial areas that are accessible by pedestrian and bicycle travel throughout the Tract.
2. The Concept Plan Alternative 3 is based on an Open Space Concept that includes a 29-acre Community Park, open spaces that can be located throughout the Tract, and a green-loop trail system that parallels the southern, eastern, and northern boundaries of the Tract and the transportation network throughout the Tract.
3. Regarding needed housing, the Concept Plan has the capacity for over 2,400 units, and these units have been allocated by plan designation to ensure the proportions of single family attached and multi-family units exceed the proportions required in the 2016 Housing Needs Analysis (See Appendix K to the Comprehensive Plan).

Transportation connectivity

5-38 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to the highest concentrations of population.

FINDING: The proposed amendments are consistent with this policy because the future development of the Stevens Road Tract, as shown in the Concept Plan, plans for transit service through the Tract, which

will also provide access to commercial services, employment, and open spaces in the Stevens Road Tract. The proposed amendments are a necessary step to implement the 2022 Concept Plan. The Concept Plan (Alternative 3) propose an extension of Wilderness Way east from the Stevens Ranch Master Plan that can provide a route for transit service from 27th Street along Wilderness Way then north to Stevens Road (See Figure 18 of the Concept Plan.). The Concept Plan also proposes a 29-acre Community Park, areas for medium and high density housing, and five (5) acres of land for commercial designations along Wilderness Way.

Therefore, the proposed amendments comply with Chapter 5.

Chapter 6: Economy

Goals:

- ***Promote a vital, diverse and sustainable economy, while enhancing the community's overall livability.***
- ***Ensure an adequate supply of appropriately zoned land for industrial, commercial, and mixed-use development opportunities.***
- ***Create commercial areas that support multimodal access.***
- ***Encourage more small neighborhood commercial developments and convenience commercial centers to reduce the number and length of single occupancy vehicle (SOV) trips.***

FINDING: The proposed amendments will be consistent with these goals, based on the Concept Planning for the Stevens Road Tract. This proposal will contribute to a vital, diverse, and sustainable economy because the concept planning for the Stevens Road Tract includes areas for commercial plan designations (five acres) and mixed employment designations (seven acres). The planning for these employment areas considered the planned employment lands in the Stevens Ranch Master Plan (See Chapter 4 of the Concept Plan). These proposed additions of employment lands in the Stevens Road Tract will help ensure an adequate supply of appropriately zoned land for commercial and mixed use development, and with the support of multi-modal access based on the transportation network and green-loop trail. The location of the commercial areas along the extension of Wilderness Way will also provide opportunities for trips from adjacent residential areas for pedestrians, bicyclists, and transit riders.

Policies:

6-1 Bend's economic lands (commercial, industrial and mixed use) serve Bend residents and the needs of a larger region.

FINDING: The proposed amendments are consistent with this policy because the Concept Plan proposes to designate seven (7) acres of land as Mixed Employment, and five (5) acres of Commercial land. The Concept Plan included a market analysis (See Chapter 3) of potential uses within the mixed employment and commercial areas. These included light industrial users like small-scale manufacturing or showrooms. The commercial areas are likely to be predominantly locally serving commercial uses such as retail, personal services, and restaurants. As a result, the economic lands within the Stevens Road Tract will serve both regionally and locally.

6-2 Bend is a regional center for health care, art and culture, higher education, retail, tourism, and employment. The economic land policies recognize Bend's role in the region, and the need to

support uses that bolster the local and regional economy:

- *The Medical District Overlay Zone provides economic lands for a variety of health care and related services to a population much larger than the City of Bend.*
- *Commercial and Mixed Use-designated lands support retail, tourism, and arts and culture uses to serve a local and regional role.*
- *Public Facility and Special Plan Districts support higher education to serve Bend residents and the needs of the region.*
- *Industrial and Mixed Employment-designated land located at Juniper Ridge has a local and regional role.*

FINDING: This proposal is consistent with this policy because the Concept Plan for the Stevens Road Tract includes commercial and mixed-use land, which will serve the local economy. Commercial land within the Tract has been planned to function as a neighborhood center but will also allow for easy access from nearby neighborhoods.

6-4 *Infrastructure will be planned, designed, and constructed to support continued economic growth and orderly development.*

FINDING: This proposal is consistent with this policy because the Concept Plan for the Stevens Road Tract includes plans for infrastructure needed to support economic growth and orderly development of the Stevens Road Tract. Specifically, the Concept Plan (See Chapter 4) and supporting appendices (See Appendices L, M, and N to the Concept Plan) outline, at a high level, the transportation, sanitary sewer, water, storm water, and other utilities (natural gas, electric power, and fiber optic communications) required to support development of the land uses in the Stevens Road Tract.

Mixed Use Development

6-24 *Mixed-use development will achieve the following purposes:*

- *provide a variety of employment opportunities and housing types;*
- *foster pedestrian and other non-motor vehicle access within and to the site;*
- *ensure compatibility of mixed-use development with the surrounding area and minimize off-site impacts associated with the development;*
- *ensure the site planning, access, parking areas and building designs are functionally coordinated and aesthetically pleasing;*

FINDING: The proposed amendments are consistent with this policy because the Concept Planning for the Stevens Road Tract includes both mixed employment areas and commercial areas located to support mixed use development. The Concept Plan Alternative 3 (See Chapter 4) proposes five acres of commercial plan designations along the extension of Wilderness Way and another seven (7) acres of Mixed Employment in the southwest corner of the Stevens Road Tract. There are no changes to the Bend Development Code standards and regulations for either the Commercial zones or the Mixed Employment Zone. These areas have been located to provide for a variety of employment opportunities and housing types and that are also supported by a transportation network that provides for multi-modal trips throughout the Tract (See Chapter 4).

Commercial Development

6-30 New commercially designated areas are encouraged to develop with mixed-use centers to include housing, open space, commercial development, and other employment uses.

FINDING: The proposed amendments are consistent with this policy because the Concept Plan for the Stevens Road Tract includes commercial areas adjacent to medium and high density residential areas. This finding refers to Alternative 3 (See Chapter 4) that identifies the locations of residential, commercial, parks and open spaces, and mixed employment areas. The Concept Plan proposes five (5) acres of commercial designations along the extension of Wilderness Way that is also adjacent to the 29-acre Community Park, and the areas designated for medium and high density housing north and south of Wilderness Way. The proposed commercial area is also south and east of the school site within the Stevens Ranch Master Plan.

Therefore, the proposed amendments comply with Chapter 6.

Chapter 7: Transportation Systems

Goals:

- ***Increase System Capacity, Quality, and Connectivity for All Users (e.g., drivers, walkers, bicyclists, transit riders, mobility device users, commercial vehicles, and other forms of transportation)***
- ***Ensure Safety for All Users:***
- ***Facilitate Housing Supply, Job Creation, and Economic Development to Meet Demand/Growth:***
- ***Protect Livability and Ensure Equity and Access:***
- ***Steward the Environment:***

FINDING: The proposed amendments are consistent with these policies because they will implement the Stevens Road Concept Plan. The transportation network for the Stevens Road Tract as shown in the Concept Plan, to be implemented by planning amendments after expansion of the UGB to include the Tract, includes a proposed extension of SE Wilderness Way west to the east, connecting it to the Stevens Ranch Master Plan, and extensions of Stevens Road and Ferguson Road. The proposed network also includes an extension of Ward Road south along the Tract's eastern boundary to connect Ferguson Road and Stevens Road. The multi-modal elements for active transportation include the proposed green loop trail that follows the perimeter of the Tract along its southern, eastern, and northern boundaries, and provides for pedestrian travel along the local north-south and east-west roads. The network has been designed to ensure safety for all users and facilitate the growth of housing and jobs within the Stevens Road Tract. Finally, the proposed arrangement of land uses provides options for travel without a motor vehicle with the proposed location of the commercial area and park on Wilderness Way, providing options for residents of the medium and high density housing, thereby providing for livability, equity, and access.

Policies:

7-1 The City will balance safety, connectivity, and travel time reliability for all modes of transportation in design and construction of transportation projects, and in transportation program implementation.

7-7 The City will plan for efficient access for employees, customers, emergency services, and freight carriers to and from employment, commercial, and industrial lands by all modes of travel.

FINDING: The proposed amendments are consistent with these policies because they will implement the Stevens Road Concept Plan. The Concept Plan (See Chapter 4) provides opportunities for all transportation users including those that drive within and to the area, as well as bicyclists, and pedestrians. The amendments promote land use patterns with a mix of uses and strategically located commercial and mixed employment areas to support fewer and shorter vehicular trips for both existing residents in the southeast neighborhoods of Bend as well as future residents in the Stevens Road Tract area.

7-22 The City is committed to equitably distributing the benefits and costs of transportation system plans and improvements. The City will develop and support programs and projects, both capital and maintenance, that reduce transportation-related disparities faced by populations that have historically had significant unmet transportation needs or who have experienced disproportionately negative impacts from the existing transportation system.

7-23 The City will actively engage and support all community members in the City in transportation planning issues, outcomes and decisions and will emphasize active engagement and support of those who have been historically underserved.

7-24 The City will strive to avoid, minimize, and/or mitigate disproportionately high and adverse human health, economic, or environmental effects of transportation projects on those who have been historically underserved, especially in identified areas with concentrations of impoverished and/or minority populations.

FINDING: The proposed amendments are consistent with these policies because they will implement the transportation network provided in Chapter 4 of the adopted Concept Plan (See Alternative 3). The Stevens Road Tract will be impacted by several projects from the City of Bend Transportation System Plan, including the realignment of Stevens Road with the Reed Market corridor, the extension of Ferguson Road, the extension of Wilderness Way, the future extension of the SE Ward Road alignment, and the construction of a new North-South collector within the Stevens Ranch Master Plan. In addition to road projects, there are several active transportation projects included in the plan, including the TransCanada Trail to provide a north/ south pedestrian connection. The transportation network further plans for the extension of transit service through Stevens Ranch along SE Wilderness Way north to Stevens Road, and then west back to SE 27th Street.

7-34 In coordination with the City's public transportation providers and community members, including those who have been historically underserved in transit, the City will work to improve and prioritize the availability of all forms of transportation and transportation technologies by establishing mobility hubs and reducing reliance on Hawthorne Station.

7-35 In order to increase transportation options and support existing and planned land uses, the City will work with its public transportation provider to improve the efficiency and effectiveness of

existing services in Bend; expand services to underserved areas; and support regional systems that encourage residents of nearby communities to travel to Bend by public transit.

FINDING: The proposed amendments are consistent with these policies because they will implement the transportation network planning for the Stevens Road Tract (See Alternative 3 in Concept Plan Chapter 4) and are consistent with these policies. The Tract will be connected to the rest of the City through transit. The concept plan was developed in close coordination with Cascades East Transit (CET). CET could extend bus routes 5 and 6 to connect the Stevens Road Tract with nearby neighborhoods with access to key destinations such as St. Charles Medical Center, Costco, and Hawthorne Station. The CET 2040 Master Plan also identifies a “Local Neighborhood” hub near Reed Market and 27th Street, just west of the site. Overall, the Tract will be connected to the rest of Bend through transit.

7-43 The City's policy is that all streets should be “complete streets.” A complete street is one that is designed to allow everyone to travel safely and comfortably along and across the street by all travel modes. Arterials, collectors, and most local streets will have buffered sidewalks. Arterials, collectors, and select local streets will have facilities in compliance with the Low Stress Network and the Pedestrian Master Plan.

7-47 The City is committed to providing safe and comfortable walking and biking routes to schools.

7-48 The City is committed to providing safe and comfortable walking and biking routes to parks.

FINDING: The proposed amendments are consistent with these policies based on the transportation network planning in the Stevens Road Tract Concept Plan. The Concept Plan provides for the development of adequate transportation infrastructure to support walking, bicycling, and public transit, alongside safe motor vehicle travel, to serve the planned land uses (See Chapter 4). The street network will be built out according to the requirements of the eventual master plan. The City's requirements in Section 3.4 of the Bend Development Code on Public Improvement Standards will apply. Arterials, collectors, and local streets are required to have buffered sidewalks.

Therefore, the proposed amendments comply with Chapter 7.

Chapter 8: Public Facilities and Services

Goals

- To have public and private utility systems provide adequate levels of service to the public at reasonable cost;***
- For the city, county, and special districts to coordinate the provision of adequate urban services in an efficient and timely manner to support urban development;***
- To ensure that public services will not negatively impact the environment.***

FINDING: This proposal is consistent with these goals of Chapter 8 because it includes infrastructure planning that outlines, at a high level, the transportation, sanitary sewer, water, storm water, and other utilities required to serve the Stevens Road Tract. The adopted Concept Plan summarizes the infrastructure planning for the Tract (See Chapter 4), and this is further supported with the technical appendices for water, wastewater collection, and transportation (See Technical Appendices L, M, and N). The City of Bend will

provide wastewater collection and treatment for the site. The Avion Water Company will provide domestic water service because they are the private water utility that serves this area.

Policies

8-1 All new development within the City Limits should be connected to City sewer.

8-8 The preference of the City is to serve development through gravity conveyance and use of the Water Reclamation Facility.

8-16 Avion Water Company is the provider of water service for its franchise area under Statewide Planning Goal 11 and pursuant to the franchise agreement between the City and Avion adopted under Ordinance NS 1514, as amended.

FINDING: The proposed amendments are consistent with these policies based on the infrastructure planning completed for the Stevens Road Tract. As indicated above, the Concept Plan summarizes the infrastructure requirements for water and wastewater collection (aka sewer) in the Stevens Road Tract (See Chapter 4). Technical Appendix L summarizes comments from the Avion Water Company on the water infrastructure required to serve the Tract. Technical Appendix M outlines a plan for provide sewer service to the Stevens Road Tract that conveys wastewater by gravity.

Therefore, the proposed amendments comply with Chapter 8.

Chapter 9: Community Appearance

Goals

■ To identify those characteristics that give the community its individual identity and to preserve and expand those characteristics as growth occurs; and

FINDING: The proposed amendments are consistent with this goal based on the adopted Concept Plan for the Tract. The Concept Plan includes draft planning amendments (See Chapter 5) that include policies to direct work on inventorying significant natural features on the site. These features include significant trees and rock outcrops, with further direction from Section 9 of HB 3318 to adopt land use regulations to preserve these resources as the Tract develops.

Policies

9-2 Community appearance shall continue to be a major concern and the subject of a major effort in the area. Major natural features, such as rock outcrops or stands of trees, should be preserved as a community asset as the area develops.

FINDING: As indicated under the above finding, the proposed amendments will be consistent with this policy because they include draft planning amendments that direct future inventories of significant trees and rock outcrops. This inventory and preservation work is also required by Section 9 of HB 3318.

9-3 The city will use advisory committees, public workshops, and other measures, to identify those characteristics that give the community its individual identity and preserve and expand those characteristics as growth occurs.

FINDING: The proposed amendments were developed in a manner consistent with this policy because the City used a combination of public comment periods, online public open houses, and the city's website to identify those characteristics of the Stevens Road Tract to identify and to preserve. The record includes the Stevens Road Tract Concept Plan Technical Appendices that includes a Summary of Public Comments (Appendix B) provided to the City. One of the proposed Guiding Principles for the Concept Plan was "Preserve and enhance the natural environment." This principle was shared for comment during the first Online Open House where 20% of the respondents chose this principle as the most important. For context, a total of 13 Guiding Principles were presented for comment. Preserving significant trees and rock outcrops were also raised in other public comments summarized in Appendix B.

Therefore, the proposed amendments comply with Chapter 9.

Chapter 10: Natural Forces

Goals

- ***to maintain or improve the air quality for a healthful and desirable urban environment;***
- ***to encourage energy conservation and the development of energy producing facilities that use renewable resources; and***

FINDING: The amendments are consistent with these goals based on the adopted Concept Plan for the Stevens Road Tract.

The Stevens Road Tract Concept Plan proposes that the Tract be built out as a complete community, which is consistent with Bend's policies for new urban areas. This vision could result in an estimated 40 percent of trips being shorter, staying within the neighborhood, and could be made on foot or by bicycle. The proposed land use pattern will result in less vehicle trips and less energy consumption (See Alternative 3 in Chapter 4).

A tree and rock inventory of the Tract was completed in Summer 2022. This project mapped the significant trees and notable rock outcroppings of the site. Additional work will be completed as needed.

Policies

10-18 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.

FINDING: The proposed amendments will be consistent with this policy because the Concept Plan for the Stevens Road Tract has considered potential actions to mitigate the hazard of wildfire. The Technical Appendix for the Concept Plan includes a technical memorandum (See Appendix F) that was developed

to address Section 9(1)(d) of HB 3318, which requires future planning amendments to include “land use regulations that comply with applicable wildfire planning and development requirements, including requirements in regulations adopted to implement a statewide planning goal relating to natural disasters and hazards.”

In addition, the City of Bend Comprehensive Plan states that any proposed Master Plan for the Stevens Road Tract will need to show that wildfire risk will be mitigated through defensible space, the arrangement of land uses, construction and building materials, and development pattern. In addition, any special planned district proposed for regulating development of the land uses within the Master Plan must incorporate the proposed wildfire risk mitigation actions.

Therefore, the amendments will comply with Chapter 10.

Chapter 11: Growth Management

Goals

- ***Encourage the city's evolution from small town to livable city, with urban scale development, amenities, and services in appropriate locations, while preserving and enhancing the natural environment and history of the community;***
- ***Create new walkable, mixed use and complete communities by leveraging and complementing land use patterns inside the existing boundary and using expansion to create more complete communities;***
- ***Plan Bend's infrastructure investments for the long term;***

FINDING: The proposed amendments will meet these goals because the Stevens Road Tract will be master planned to ensure urban scale development that supports a walkable and mixed use community. The Concept Plan for the Stevens Road Tract (See Chapter 4) shows how these elements were incorporated into Alternative 3. The Stevens Road Tract was identified as an appropriate location to accommodate urban development, amenities, and services.

The Concept Plan and proposed amendments support the development of a new walkable, mixed-use, and complete community that will support the existing development in east Bend. Additionally, the amendments include provisions for preservation of natural features including significant rock outcroppings and significant trees.

In addition, the Concept Plan, and its Technical Appendices (See Appendices L, M, and N) identify the required domestic water, wastewater collection, and multi-modal transportation infrastructure needed to enable future, long term development.

General Growth Management Policies:

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

FINDING: The proposed amendments will be consistent with this policy because they are necessary steps to implementing a Concept Plan that encourages a compact development and integration of land uses within the Stevens Road Tract. The record includes the adopted Concept Plan and Technical Appendices for the

Stevens Road Tract. The Concept Plan proposes an Alternative 3 (See Chapter 4) that encourages a mix of uses to develop within the Tract, helping to provide complete communities for both the existing, primarily residential development in the southeast portion of Bend as well as for the future residents of the Stevens Road Tract. The proposed mix of uses and population density provide the “completeness” that is needed to reverse the growth of vehicle miles traveled per capita and increase walking, biking, transit, and linked trips by automobiles.

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: The proposed amendments are consistent this policy because the Concept Plan for the Stevens Road Tract plans for appropriate types of pedestrian, bicycling and transit amenities and infrastructure to ensure safety, access, and mobility.

The transportation network planning for the Stevens Road Tract is included in this record in Technical Appendix N. The planning for Alternative 3 (See also Concept Plan Chapter 4) of the Tract proposes a grid based on city road standards that ensure local roads are designed for multi-modal trips. The extension of Wilderness Way east from the Stevens Ranch Master Plan provides for a key connection through Stevens Ranch to 27th Street. This same extension also provides for transit access from 27th Street east to a north-south road and then north to Stevens Road. Alternative 3 further shows that commercial areas, areas for medium and high density housing, and the proposed Community Park are located on Wilderness Way to support not only transit but also trips to and from these areas by pedestrians and cyclists.

Policies for Centers and Corridors

11-8 New commercially designated areas are encouraged to develop with mixed-use centers to include housing, open space, commercial development, and other employment uses.

FINDING: The proposed amendments will be consistent with this policy because they are necessary steps to implement the adopted Concept Plan for the Stevens Road Tract. The Concept Plan (See Alternative 3, Chapter 4) proposes new commercially designated areas that will support a mixed-use center in the Stevens Road Tract. Alternative 3 proposes five (5) acres of commercial designations on the extension of SE Wilderness Way through the Stevens Road Tract. In addition, this alternative proposes a 29-acre Community Park due north of the commercial area, and locations for medium and high density housing due south and to the east of the park and the commercial areas.

Policies for Residential Areas and Neighborhoods

11-16 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment, and public open space to provide the maximum access to the highest concentrations of population.

FINDING: The proposed amendments are consistent with this policy as discussed in findings for policy 5-38 above.

11-17 Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks. The School District and Park District facilities plans will determine the location and size of needed schools and parks.

FINDING: The proposed amendments will be consistent with this policy because the Concept Plan for the Stevens Road Tract proposes development of a new park adjacent to a Future School site in the Stevens Ranch Master Plan. Alternative 3 of the Concept Plan (See Chapter 4) proposes a 29-acre Community Park on the north side of the extension of SE Wilderness Way. The proposed park location is due east of a Future School site maintained in the Stevens Ranch Master Plan. In addition, the Concept Plan for the Stevens Road Tract proposes a mix of residential designations to the north, east, and south of the Community Park so residents will have safe and convenient access to both the Community Park and the school site.

Therefore, the proposed amendments comply with Chapter 11.

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

FINDING: The proposed amendments meet this criterion because they represent a necessary step to facilitating the development of land within the Stevens Road Tract. The public need addressed by the proposed amendments is the need for land for housing, including affordable housing, that will be met through the Concept Plan for the Stevens Road Tract. Alternative 3 of the Concept Plan (See Chapter 4 and Appendix K) proposes a mix of residential plan designations that provide capacity for 2,487 housing units. These plan designations have been allocated so that they are being reserved for sale and development of affordable housing pursuant to Section 9(2) of HB 3318. The distribution of units provides capacity for 1,728 units on private land and for 759 units of affordable housing on city-controlled land.

In addition to the housing, the Concept Plan for the Stevens Road Tract provides for a 29-acre Community Park adjacent to the school site in the Stevens Ranch Master Plan, additional commercial and mixed employment land, and integrated transportation network that provides for multi-modal travel.

Therefore, the proposed amendments to the Bend Comprehensive Plan will meet this criterion.

4.6.600 Transportation Planning Rule Compliance.

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

FINDING: This criterion is not applicable because 2021 HB 3318 does not require the City to address Goal 12, as it is implemented by the Transportation Planning Rule at OAR 660-012. Section 9 of HB 3318 provides that standards in the bill apply to the Stevens Road Tract in lieu of statewide planning goals. Additionally, Section 3(1)(a) of HB 3318 states that actions taken under sections 2 through 9 of this 2021 Act are not land use decisions, as defined in ORS 197.015. Under this statute, ORS 197.015(10) defines a land use decision as one that includes under (10)(a)(A) a final decision or determination made by a local government or special district that concerns the adoption, amendment, or application of the goals. The

goals in this context refer to the Statewide Planning Goals.

2021 HB 3318 (aka 2021 Oregon Laws Chapter 552)

SECTION 6. Stevens Road urban growth boundary expansion. (1) Notwithstanding ORS 197.286 to 197.314, 197.626 or 197A.320 or any statewide land use planning goal related to housing or urbanization, the Department of Land Conservation and Development shall approve an expansion of the urban growth boundary submitted by the city and approved by the city by ordinance, if the department determines that:

FINDING: The following findings address compliance with Section 6 of HB 3318. To address Section 6 of HB 3318, these findings refer to sections of HB 3318 where the bill itself refers to a section of this 2021 Act. Regarding Section 6(1), the applicant finds that this section directs actions of the Oregon Department of Land Conservation and Development regarding the Stevens Road Tract. This section directs the Department to approve an expansion of the UGB that has been approved by and subsequently submitted by the City of Bend based on the criteria below under Section 6(1)(a) through (1)(c). While Section 6(1) directs the actions of the Department in this matter, it does not relieve the City from complying with its own procedures, plan polices, and development code criteria to include the Stevens Road Tract within the Bend UGB.

(a) The department has received the letters required by section 4 of this 2021 Act;

FINDING: The proposal satisfies criterion (1)(a) because the City has submitted, and the Department of Land Conservation and Development has received the letters required by Section 4 of HB 3318. Section 4 of HB 3318 required the following letters to be submitted to the Department with the Stevens Road Tract Concept Plan: Exhibit J to the application includes a June 23, 2022, email message to the Department of Land Conservation and Development transmitting the two letters described below.

Section 4(1) requires a letter from the City of Bend expressing the city's nonbinding intent to consider a concept plan under Section 5 of HB 3318, and;

Section 4(2) requires a letter from the Department of State Lands (DSL or Department) that gives its consent to the City to pursue an urban growth boundary expansion and planning amendments under Sections 6 through 9 of HB 3318. This same letter from DSL must also establish an agreement with the City that is binding on the successors of the owners, is contingent up on the final approval of the planning amendments, and establishes the essential terms, including price per acre, but not requiring specific lands to be designated, for the Department's conveyances to the city of real property consistent with Section 9 (2) and (3) of HB 3318.

The City provided both letters to the Department of Land Conservation and Development (DLCD) by electronic mail on June 23, 2022. This email and the attached letters are enclosed as Exhibit J. DLCD acknowledged receipt of the letter and materials through an electronic mail message dated August 29, 2022. Through this same message, DLCD submitted a copy of their letter approving the concept plan dated August 29, 2022 (See Exhibit K).

(b) The department has approved the city's conceptual plan under section 5 of this 2021 Act; and

FINDING: The proposed UGB expansion satisfies criterion (1)(b) because the department (DLCD) has approved the city's conceptual plan under Section 5 of HB 3318. As stated above under the forgoing

finding address criterion (1)(a), the Department (DLCD) submitted an August 29, 2022, letter to the City on that same date approving the City's Concept Plan. This electronic mail message and August 29, 2022, letter are included in the record as Exhibit K.

(c) The proposed urban growth boundary expansion adds all of the Stevens Road Tract and no other lands to the area within the city's urban growth boundary.

FINDING: The proposed UGB expansion satisfies criterion (1)(c) above because the City has proposed to expand the UGB to include only the Stevens Road Tract, and no other lands. The only land included in this proposed expansion of the Bend UGB is the Stevens Road Tract, plus approximately 4.5 acres of Stevens Road right-of-way necessary to serve the Tract, and all the land within the Tract would be included in the UGB. This property is described as Tax Lot 100 on Deschutes County Tax Assessor's Map 18-12-11 and is also described as Property 1 in a decision dated September 19, 2019, approving a property line adjustment under file no. PZ-10-0550, being 261.66 acres (See Exhibit B). The addition of a small portion of right-of-way does not contravene the requirements of HB 3318 that the UGB expansion shall include the Stevens Road Tract and no other lands, because the right-of-way is necessary to serve the Stevens Road Tract at proposed levels of development required by HB 3318.

(2) The city shall include the lands brought within the city's urban growth boundary under this section in the city's inventory of buildable lands under ORS 197.296 (3)(a).

FINDING: The proposal will satisfy criterion (2) because the City has proposed to include the lands brought within the UGB in the City's inventory of buildable lands under ORS 197.296(3)(a). The proposal includes a copy of a proposed amendment to Appendix J, the 2016 Buildable Lands Inventory, of the Bend Comprehensive Plan. This proposed amendment is attached as Exhibit E and proposes to add the 198 acres of buildable land within the Stevens Road Tract to the BLI. These acres will not be designated for either housing or employment until such time the City adopts the planning amendments required under Section 9 of HB 3318. At that time, plan designations will be applied to the Stevens Road Tract, based on Alternative 3 of the adopted Concept Plan, and policies guiding the development of a master plan are adopted and incorporated in Chapter 11 of the Comprehensive Plan.

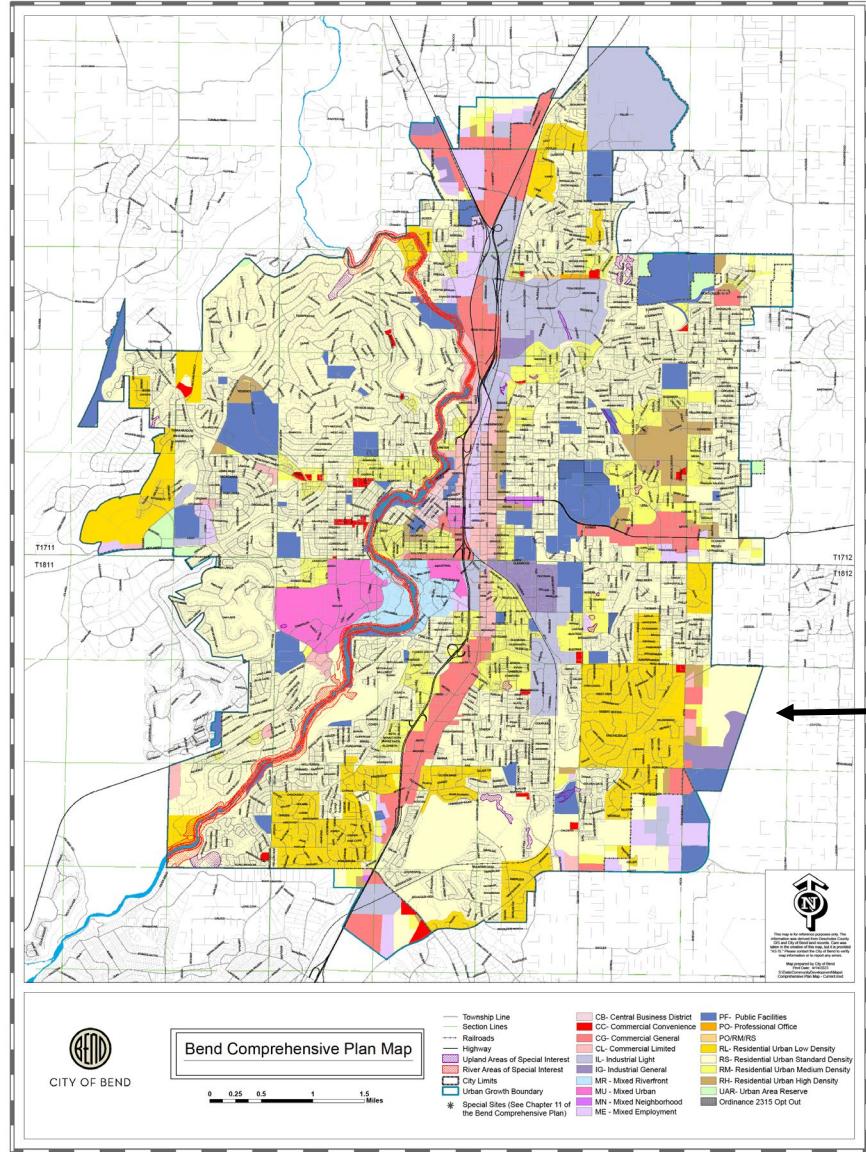
VI. CONCLUSIONS:

Based on the above Findings, the proposed amendments meet all applicable criteria for adoption.

Stevens Road Tract UGB Amendment

EXHIBIT B

Amendments to the Bend Comprehensive Plan
Map Proposed under PLCPMA20230307.

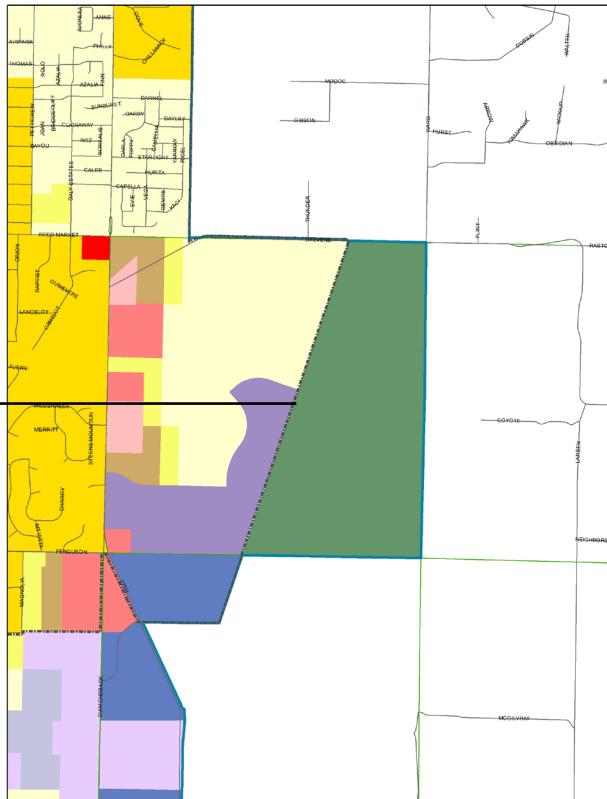
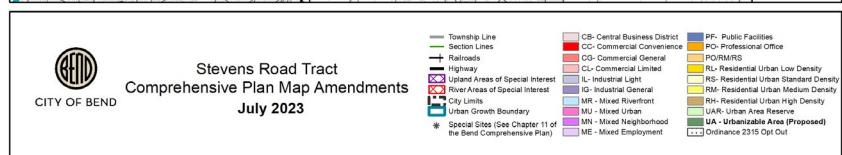
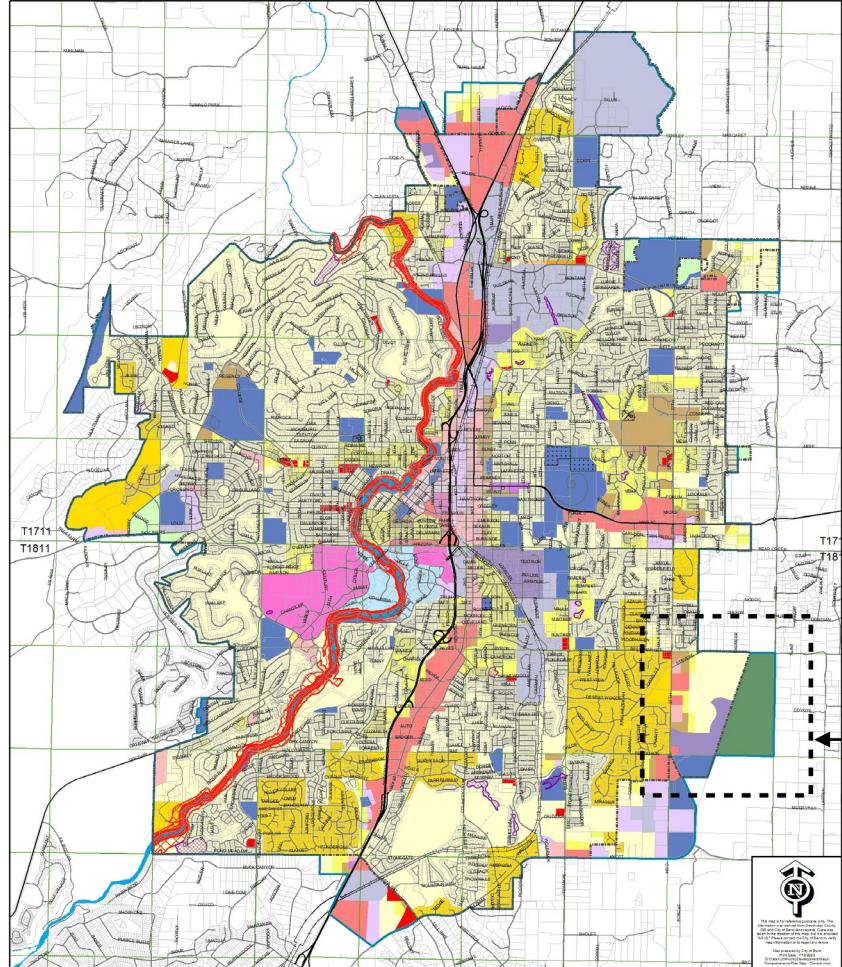


PLCPMA20230307

Current Comprehensive Plan Map



PLCPMA20230307 Amended Comprehensive Plan Map



Stevens Road Tract UGB Amendment

EXHIBIT C

Amendments to Chapter 11 of the Bend
Comprehensive Plan, Growth Management,
Proposed under PLTEXT20230308.

Proposed Amendments to the Text of Chapter 11, Growth Management, of the Bend Comprehensive Plan

Between Area Planning Tools and Goals of Chapter 11, add the following text:

“Stevens Road Tract.

In 2021, the Oregon Legislature passed House Bill (HB) 3318. This bill applies to the Stevens Road Tract, a tract of land owned and managed by the Oregon Department of State Lands. The Stevens Road Tract was located outside of the Bend UGB due east and abutting the DSL Expansion Area. Through this bill, the Legislature outlined a process, including three specific steps, for the City to use to include only this land within the Bend urban growth boundary. The first step was development of a Concept Plan that was approved by the City Council in June 2022, and subsequently by the Department of Land Conservation and Development in September 2022. The second was to include the Stevens Road Tract in the Bend UGB and amend the Buildable Land Inventory to include the buildable land within the Stevens Road Tract in the City's inventory. The third and final step was to develop planning amendments that would amend the Comprehensive Plan to include policies that would guide master planning of the Stevens Road Tract in a manner similar to that used for the other expansion areas.

After Policy 11-151 for the North Triangle, insert:

Stevens Road Tract

11-152 An Urbanizable Area plan designation is created and will be applied to the Stevens Road Tract once included in the Bend urban growth boundary. The purpose of the Urbanizable Area plan designation is to preserve large areas of undeveloped or rural land for future development prior to annexation.

Stevens Road Tract UGB Amendment

EXHIBIT D

Amendments to Appendix J of the Bend
Comprehensive Plan, Buildable Lands
Inventory, Proposed under PLTEXT20230308.

Proposed Text Amendment to Bend Comprehensive Plan Appendix J: Buildable Lands Inventory

Addendum No. 1 to the 2016 Buildable Lands Inventory adopted as Exhibit ## to Ordinance 2023-####.

The attached technical memorandum dated December 9, 2021 prepared by Angelo Planning Group is adopted as an amendment to the 2016 Buildable Lands Inventory dated July 19, 2016, also known as Appendix J to the Bend Comprehensive Plan.

Through this amendment, the Buildable Lands Inventory (BLI) for the City of Bend is amended to include the 198 acres of buildable lands within the Stevens Road Tract. The allocation of the 198 acres of buildable land for housing and employment will be made through adoption of planning amendments required by Sections 7 through 9 of 2021 HB 3318.



Stevens Road Tract Buildable Lands Inventory

PREPARED FOR: Project Management Team
COPY TO: Beth Goodman, ECONorthwest
PREPARED BY: Kyra Haggart and Joe Dills, APG
DATE: December 9, 2021

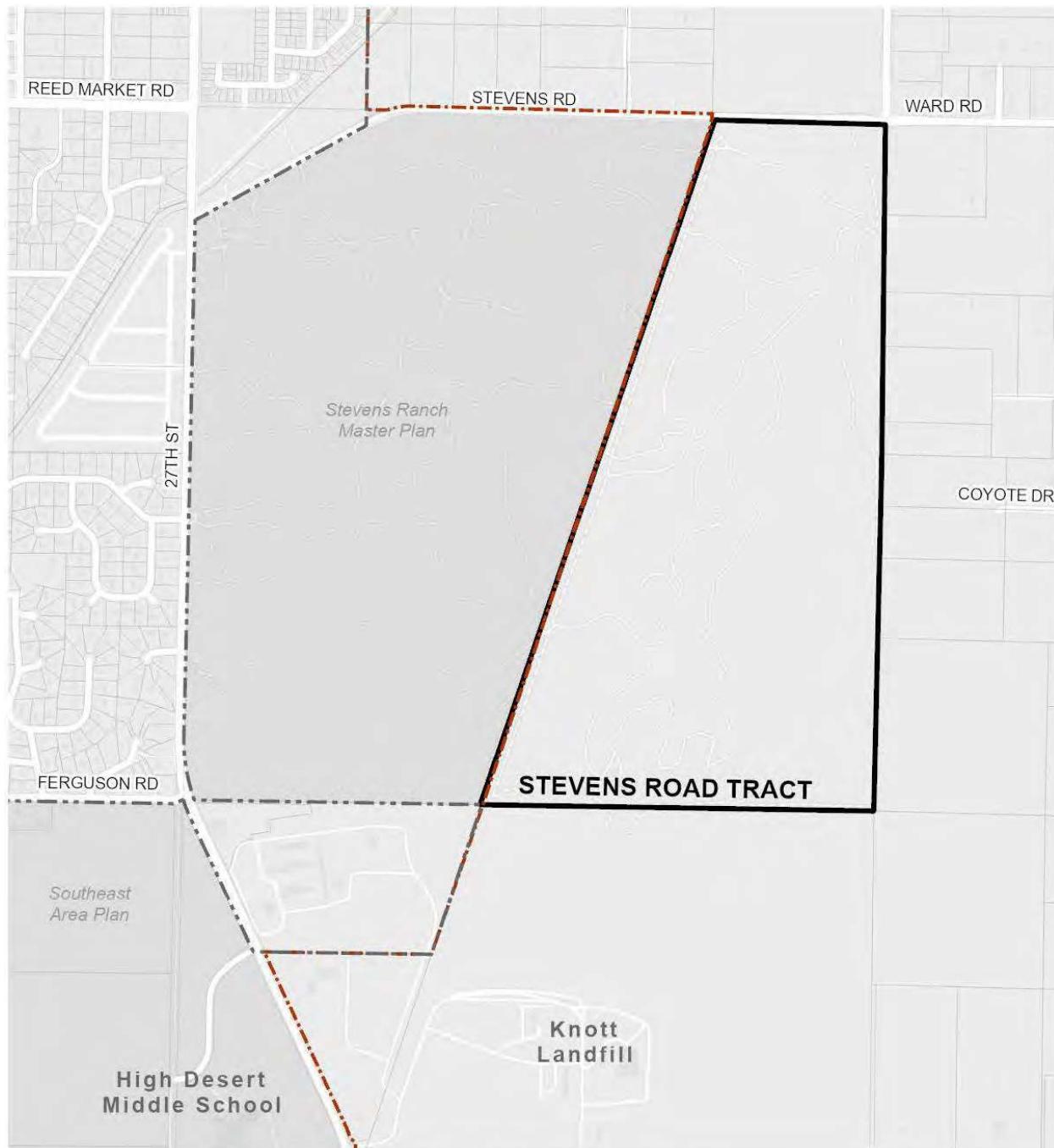
Introduction

The Stevens Road Tract Concept Plan area (Figure 1) encompasses 261 acres of land comprised of a single tax lot located southeast of Bend, outside the current Urban Growth Boundary (UGB) and City Limits. The area is bound by Stevens Road to the north and a County-owned property to the south. The Stevens Road Tract is currently zoned as 'Multiple Use Agricultural' under Deschutes County jurisdiction. Because the area is still outside Bend's UGB and City Limits, it does not have any local Comprehensive Plan or Zoning designations applied.

The Stevens Road Tract Concept Plan will lay the foundation for expanding the Bend UGB, future planning amendments to the Bend Comprehensive Plan, property sale, master planning, and eventual development of the site based on the requirements of House Bill 3318 (HB 3318). Later steps in this concept planning process will identify the future Comprehensive Plan and Zoning designations that will be applied once the property is brought into Bend's UGB.

This memorandum describes the methodology and results of the Buildable Lands Inventory (BLI) prepared for the City of Bend Stevens Road Tract Concept Plan (SRTCP). This BLI is an assessment and estimate of the net acres of developable land within the Stevens Road Tract after accounting for environmental and physical constraints. This BLI was conducted in coordination with similar planning efforts by Bend's Growth Management Department including: the citywide residential BLI; the Phase 1 Housing Capacity Analysis; and the employment analysis of the Bend Collection System Master Plan.

Figure 1. Project Area



**STEVENS ROAD TRACT
CONCEPT PLAN
Project Area**

11/8/2021



- Stevens Road Concept Plan Area
- Taxlots
- City Limits
- Urban Growth Boundary (UGB)
- UGB Expansion Areas



Source Data

The BLI is based on data from the City of Bend, Deschutes County, and a land survey completed by Becon Civil Engineering in 2019 as part of a lot line adjustment. The data sets are listed below—not all the listed constraints are present on the Stevens Road Tract property.

- Tax lot data, including parcel ownership, land value, improvement value, and tax assessor property codes from Deschutes County
- The location of a TransCanada Natural Gas transmission pipeline easement
- Environmental constraints, including:
 - Local Wetland Inventory (LWI)
 - City of Bend Riparian Corridor Overlay
 - City of Bend Waterway Overlay Zone
 - River and Upland Areas of Special Interest (ASI)
 - FEMA Floodplain
 - Slopes greater than 25%
- Aerial imagery from the City of Bend (2019)

Methodology

The Stevens Road Tract is underdeveloped except for the underground natural gas transmission pipeline that runs along the western edge of the property and an electrical utility easement that runs north-south along the property's eastern edge. The following steps were completed using Esri ArcGIS Pro software in order to determine the amount of available buildable land available within the Stevens Road Tract after accounting for environmental and physical constraints.

Step 1: Identify Environmental and Physical Constraints

Identify potential environmental constraints:

- Wetlands
- Riparian Corridor Overlay Zone
- FEMA 100-year floodplain
- Slopes 25% and greater
- River or Upland “Area of Special Interest”
- The Waterway Overlay Zone
- Locations within 100 feet of the Deschutes River

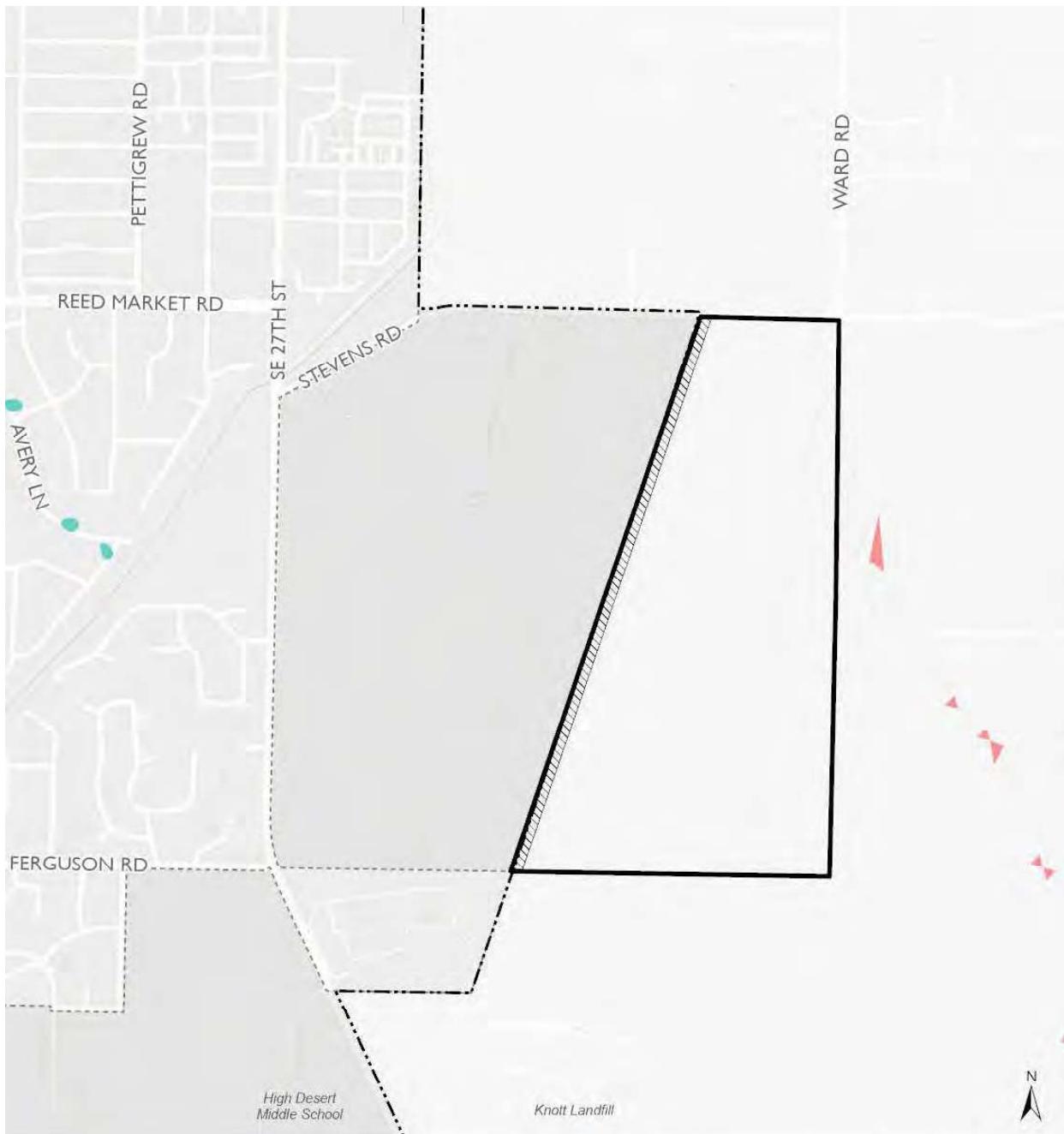
None of the above-listed environmental constraints were found to be present on the property.

Identify physical constraints:

- TransCanada Natural Gas Pipeline easement

For Step 1 of the BLI, the TransCanada Natural Gas Pipeline easement is the only physical constraint. It is deemed “constrained land” and the remainder of the property is deemed “unconstrained land” for purposes of the BLI. This pipeline easement accounts for approximately 13 acres of land (see Figure 2).

Figure 2. Environmental Constraints



**STEVENS ROAD TRACT
CONCEPT PLAN**
**Environmental
and Physical
Constraints**
12/8/2021

Prepared by:
Angelo Planning Group

TransCanada Natural Gas Pipeline Easement (100')	River Corridor Area of Special Interest
LWI Wetlands	Upland Area of Special Interest
Riparian Corridor Overlay	Stevens Road Tract Concept Plan Area
FEMA Floodplain	City Limits
Deschutes River 100' Buffer	Urban Growth Boundary
Waterway Overlay Zone	UGB Expansion Areas
Slopes 25% or greater	

0 0.05 0.1 0.2 Miles



Step 2: Assign Development Status

Consistent with other BLI efforts conducted by the City, “development status” rules are applied for the purpose of determining the vacant acreage and developed acreage for each tax lot. Although the Stevens Road Tract Concept Plan area is not yet within the UGB, the development status of the parcel will be important to defining its future development capacity. Except for the pipeline easement, the property is considered “vacant developable land” for the purposes of this analysis.

Step 3: Calculate Buildable Acreage

Step 3 accounts for the land needed to accommodate future public street right-of-way (ROW). For this analysis, 20% is assumed, consistent with other BLI analysis in Bend. Land for other public uses, such as parks, are considered “buildable” land for this analysis and will be address as part of scenarios prepared for the site. Land for storm water facilities is considered a typical part of site development and is not deducted here.

Summary of Buildable Land

After accounting for environmental and physical constraints, existing land uses, and future public ROW, the amount of net buildable land available for development in the Stevens Road Tract tax lot is 198 acres. Table 1 summarizes the estimate of buildable acreage of the Stevens Road Tract tax lot.

Table 1. Estimate of Buildable Land in the Stevens Road Tract

Total Gross Acres	261
Constrained Acres (pipeline easement)	13
Unconstrained Acres	248
Acres Set Aside for Future Public ROW (20% of the unconstrained acreage)	50
Net Buildable Acres	198