

## ORDINANCE NO. NS-2492

### AN ORDINANCE AMENDING THE BEND COMPREHENSIVE PLAN, BEND DEVELOPMENT CODE, AND TRANSPORTATION SYSTEM PLAN FOR THE STEVENS ROAD TRACT URBAN GROWTH BOUNDARY EXPANSION AREA

#### Findings

- A. In 2021, the Oregon Legislature passed House Bill 3318 (Oregon Laws 2021, Chapter 552, or the "Bill"). Oregon Laws 2021, Chapter 552 provides for a three-part process for expanding the Bend urban growth boundary (the "Bend UGB") to include 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".
- B. First, the City Council approved a Concept Plan setting out a concept for development for the Stevens Road Tract to meet the requirements of the Bill on June 1, 2022, by Resolution No. 3296 (the "Concept Plan"). The Department of Land Conservation and Development ("DLCD") approved the Concept Plan on August 29, 2022.
- C. Second, the City Council adopted an amendment to the Comprehensive Plan that included the Stevens Road Tract within the Bend UGB on September 20, 2023, by Ordinance No. 2482. The Deschutes County Board of Commissioners approved an amendment to the Deschutes County maps to include the Stevens Road Tract in the Bend UGB on November 29, 2023, by Ordinance No. 2023-025. DLCD is presently considering approval of this UGB expansion.
- D. Following adoption of the Concept Plan and the UGB amendment, the City prepared draft amendments to the Comprehensive Plan, Development Code, and Transportation System Plan to implement Alternative 3 of the Concept Plan (the "Proposed Amendments") as required by the Bill.
- E. Section 8 of the Bill provides procedural steps for the City to follow for public outreach prior to the adoption of planning amendments to implement the Concept Plan. Section 9 of the Bill provides that for DLCD to approve them, the City's planning amendments for the Stevens Road Tract must comply with standards in this section, in lieu of statewide planning goals.
- F. On September 27, 2023, the City gave notice to the interested parties, several state agencies, local governments, and neighborhood associations that a public comment period on the proposed planning amendments would begin on October 19, 2023. The City also held an open house on October 19, 2023, on the Proposed Amendments. The file numbers for these Proposed Amendments are PLTEXT20230635 (plan and code text amendments) and PLCPMA20230636 (plan map amendments), which will be adopted through this ordinance.
- G. On November 6, 2023, the City submitted a Notice of Proposed Amendment regarding the Proposed Amendments, pursuant to ORS 197.610, to DLCD.

- H. The City followed public outreach and notice requirements for Type IV legislative procedures under Bend Development Code section 4.1.500, and Section 8 of the Bill for the Proposed Amendments. The City consulted with and provided an opportunity for comment to the owner of the Stevens Road Tract, DLCD, Deschutes County, Bend Parks and Recreation District, and other local governments and special districts whose service would likely be impacted by development of the Stevens Road Tract. Notice of a November 27, 2023, Bend Planning Commission public hearing was provided in the Bulletin newspaper on November 5, 2023, more than 20 days before the public hearing. Staff also provided notice through electronic mail to public agencies, neighborhood associations, and interested persons of the Planning Commission public hearing on November 7, 2023. Notice of the City Council's February 7, 2024, hearing was published in the Bulletin newspaper and provided by electronic mail to the Larkspur, Old Farm, and Southeast Bend neighborhood associations, state agencies, local governments, and interested persons, on January 17, 2024.
- I. On November 27, 2023, the Bend Planning Commission held a public hearing on the Proposed Amendments. The Planning Commission continued the hearing to their December 11, 2023, meeting, to allow time for City staff to work with DSL on final versions of the proposed plan policies. The Planning Commission held the continued public hearing on December 11, 2023. At the close of the hearing, the Planning Commission unanimously voted to recommend City Council approval of the Proposed Amendments.
- J. On February 7, 2024, 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 satisfy the criteria for approval contained in state law, including Section 9 of the Bill, the Bend Comprehensive Plan, and the 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. Chapter 11 of the Bend Comprehensive Plan, Growth Management, and Chapter 4.9, Annexation, of the Bend Development Code are amended as shown in Exhibit B.
- Section 3. The Bend Comprehensive Plan map is amended to change the plan designation for the Stevens Road Tract from Urbanizable Area to those designations as shown in Exhibit C.
- Section 4. Figures 4-3, 5-1, 5-2, 5-3a, 5-3b, 5-4, 5-5, and 5-6 of Appendix C of the Bend Comprehensive Plan, the Bend Transportation System Plan, are

replaced with the figures 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 7 of Oregon Laws 2021 Chapter 552. If the amendments made by this ordinance or any section are partially approved by DLCD, those portions that are approved become effective on such 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 and the Bend Development Code unchanged by this ordinance remain in effect.

First Reading Date: February 7, 2024

Second Reading and adopted by roll call vote on February 21, 2024

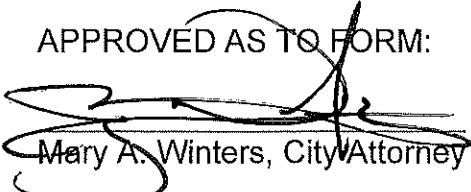
YES: Mayor Melanie Kebler  
Mayor Pro Tem Megan Perkins  
Councilor Barb Campbell  
Councilor Anthony Broadman  
Councilor Ariel Méndez  
Councilor Mike Riley

NO: none

  
\_\_\_\_\_  
Melanie Kebler, Mayor

ATTEST:  
  
\_\_\_\_\_  
Robyn Christie, City Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney

Stevens Road Tract Planning Amendments

EXHIBIT A

Proposed Findings in Support of  
PLTEXT20230635 and PLCPMA20230636.

1. PROPOSED FINDINGS IN SUPPORT OF  
AMENDMENTS TO THE TEXT OF THE  
BEND COMPREHENSIVE PLAN,  
DEVELOPMENT CODE, AND  
TRANSPORTATION SYSTEM PLAN, AND  
AMENDMENTS TO THE BEND  
COMPREHENSIVE PLAN MAP FOR THE  
STEVENS ROAD TRACT
2. SUPPLEMENTAL FINDINGS REPORT  
PLTEXT20230635 and PLCPMA20230636  
DECEMBER 4, 2023



**PROPOSED FINDINGS IN SUPPORT OF AMENDMENTS TO  
THE TEXT OF THE BEND COMPREHENSIVE PLAN,  
DEVELOPMENT CODE, AND TRANSPORTATION SYSTEM  
PLAN, AND AMENDMENTS TO THE BEND COMPREHENSIVE  
PLAN MAP FOR THE STEVENS ROAD TRACT**



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 recently added to the Bend Urban Growth Boundary (UGB) through PLCPMA20230307 and PLTEXT20230308 and identified as the Stevens Road Tract.

**REQUESTS:** **PLTEXT20230636**, proposed amendments to the text of:

- Chapter 11, Growth Management, of the Bend Comprehensive Plan to add Policies 11-153 to 11-170 for the Stevens Road Tract Expansion Area.
- Chapter 4.9, Annexations, of the Bend Development Code to amend Table 4.9.300 and Figure 4.9.300 to recognize the Stevens Road Tract as an expansion area and require master plan approval.
- The Bend Transportation System Plan (Appendix C) to update eight (8) maps to reflect the Stevens Road Tract.

**PLCPMA20230636**, an amendment to the Bend Comprehensive Plan map change the plan designation of the Stevens Road Tract from Urbanizable Area to a combination of designations based on Alternative 3 of the Stevens Road Tract Concept Plan.

**STAFF  
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**I. APPLICABLE CRITERIA:**

**(1) 2021 HB 3318**

Section 8. City procedural requirements to approve Stevens Road  
Planning Amendments

Section 9. Standards in lieu of goals

**(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 proposed amendments would affect one property, located at 61200 27<sup>th</sup> Street, The property is identified as Tax Lot 100 on Deschutes County Assessor's map 18-12-11. This report refers to the property as either the Site, the Stevens Road Tract, or simply the Tract.
- 2. ZONE AND PLAN DESIGNATION:** The Site is located within the Bend urban growth boundary and designated Urbanizable Area under the Bend Comprehensive Plan. The Site is not within the City of Bend, and zoned UA, Urbanizable Area under Title 19A of the Deschutes County Code.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The site is 261.66 acres in size and 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. 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.<sup>1</sup> 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 27<sup>th</sup> 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:** The proposal consists of several proposed amendments to the text of the Comprehensive Plan and Development Code, and amendments to the map of the Comprehensive Plan. The proposed amendments would change:
- a. Chapter 11 of the Bend Comprehensive Plan, Growth Management, to add Policies 11-153 through 11-170 for the Stevens Road Tract expansion area.
  - b. Chapter 4.9 of the Bend Development Code, Annexations, to amend Figure 4.9.300 and Table 4.9.300 to recognize the Stevens Road Tract as an expansion area subject to master plan approval under BDC Chapter 4.5, Master Plans.
  - c. The Bend Transportation System Plan, Appendix C to the Comprehensive Plan, to amend eight (8) maps to reflect the Stevens Road Tract. These graphics include:
    - i. Figure 4.3, Roadway Functional Classification

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<sup>1</sup> 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.

- ii. Figure 5.1, Bicycle Low Stress Bike Network
  - iii. Figure 5.2, Transit Mobility Hubs and Primary Corridors
  - iv. Figure 5.3a, Near-Term Projects
  - v. Figure 5.3b, Key Walking and Bicycling Routes
  - vi. Figure 5.4, Mid-Term Projects
  - vii. Figure 5.5, Long-Term Projects
  - viii. Figure 5.6, Expansion Area Projects
- d. The Bend Comprehensive Plan map to change the plan designation of the Stevens Road Tract from Urbanizable Area to plan designations that reflect Alternative 3 of the Stevens Road Tract Concept Plan. These plan designations include:
- i. Residential High Density, 30 acres
  - ii. Residential Medium Density, 24 acres
  - iii. Residential Medium/Standard Density, 93 acres
  - iv. Commercial, 5 acres
  - v. Mixed Employment, 7 acres
  - vi. Public Facilities, 29 acres

**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:

- a. Draft amendments to the text of Chapter 11, Growth Management, of the Bend Comprehensive Plan
- b. Draft amendments to the text of Chapter 4.9, Annexations, of the Bend Development Code
- c. Draft amendments to eight (8) graphics in Appendix C, the Bend Transportation System Plan, of the Bend Comprehensive Plan
- d. Draft amendments to the Bend Comprehensive Plan map
- e. The Stevens Road Tract Concept Plan (2022)
- f. Alternative 3 of the Stevens Road Tract Concept Plan
- g. The Technical Appendices to the Stevens Road Tract Concept Plan (2022)
- h. Cultural Resources Survey and Assessment for the City of Bend Stevens Road Tract, Deschutes County, Oregon (2023)

#### **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. The Planning Commission will hold a public hearing on the proposed amendments on November 27, 2023. Public notice was provided as required by BDC 4.1.500 and Section 8 of HB 3318 (2021). Notice of the public hearings before the Bend Planning Commission was published in the Bend Bulletin newspaper on November 5, 2023. The Planning Commission will conduct at least one public hearing will be asked 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.

#### ***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:** Staff conducted a work session with the Planning Commission at their November 13, 2023 meeting and gave a presentation about the proposed amendments. The Planning Commission will conduct a public hearing on November 27, 2023. The City Council will review the proposed amendments and hold a final public hearing at a date to be determined, prior to adoption.

#### ***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 of the November 27, 2023 public hearing was published in the Bend Bulletin newspaper on November 5, 2023. The notice stated the hearing would take place in person at the City Hall Council Chambers and that there would a virtual option for participation on November 27, 2023 at 5:30 pm. Staff also provided notice of the public hearing before the Planning Commission through electronic mail on November 7, 2023 to the Larkspur, Old Farm, and Southeast Bend neighborhood associations.

#### ***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.<sup>2</sup> This bill is now Chapter 552 of the 2021 Oregon Laws. City Council set a goal to include the Stevens Road Tract within the Bend UGB, which was completed in September through Council's adoption of Ordinance 2482. The last step or phase to plan for the development of the Stevens Road Tract are the planning amendments required under Section 9 of HB 3318.

#### **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:** The proposal will meet this criterion because the Planning Commission has conducted a work session on November 13, 2023 and will conduct a public hearing on the proposed amendments on November 27, 2023. Subsequently, the City Council will review the proposed amendments and hold a final public hearing prior to adoption.

#### **4.1.530 Final Decision**

***All legislative changes shall be adopted by ordinance.***

**FINDING:** If approved, the proposed amendments will be adopted by ordinance. The adopting ordinance will be drafted to list the amendments to be enacted through adoption, including the amendments to the text of the Comprehensive Plan, the Development Code, and the Transportation System Plan as well as the amendment to the Bend Comprehensive Plan Map.

### **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.***

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

**FINDING:** The City finds that the proposed amendments are legislative despite being focused on one property and one property owner. The proposal involves the Stevens Road Tract and proposes amendments to the text and map of the City's Comprehensive Plan, and the text of the Development Code and Transportation System Plan (Appendix C to the Comprehensive Plan). The purpose of the proposed amendments is to establish policies against which a proposed master plan for development of the Stevens Road Tract would be reviewed. There are no pre-existing approval criteria that involve the exercise of discretion. In addition, while the proposal will be presented to the City Council for adoption, there are no decision making criteria that obligate the Council to make a final decision. This proposed set of findings addresses the legislative approval criteria to demonstrate the proposed amendments satisfy all applicable criteria for approval.

**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 Sections 8 and 9 of HB 3318. Section 8 provides the procedural requirements the City must follow for public review and adoption of the proposed amendments. Section 9 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. These amendments will ensure future master planning of the Stevens Road Tract will address the requirements in Section 9(1) and (2) of HB 3318 and the master plan requirements of Bend Development Code Chapter 4.5, Master Plans. The proposed policies for Chapter 11 of the Comprehensive Plan will implement the 2022 Concept Plan which provides for a variety of neighborhoods that are walkable and include a community park and open spaces. The proposed amendments will require 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 proposed policies for Chapter 11 provide for 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 amendments require 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.

#### **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 will implement the 2022 Concept Plan. The proposed amendments to Chapter 11 require 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. The proposed policies are based on the work approved by the City Council with the 2022 Concept Plan.



## ***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 to the Comprehensive Plan, Development Code, and Transportation System Plan, 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.

The City has followed the requirements of Section 8 of HB 3318 to ensure the public can participate and provided comments on the proposed amendments. These opportunities for participation have included a public comment period that opened on October 19, 2023, a public open house held on October 19, 2023, and the public hearing before the Planning Commission on November 27, 2023. The City Council will also hold a public hearing on the proposed amendments before taking any action. .

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. The proposed policies include the addition of Figure 11-9 and Policy 11-168 to ensure the natural features of the site are considered and protected through a master plan. In addition, Figure 11-8 and Policy 11-165 will ensure the system of trails will be established throughout the development.

## **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). These elements have been reflected in the policies proposed for Chapter 11 of the Comprehensive Plan, including Policy 11-168 and Figure 11-8.

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 include adoption of policies 11-153 through 11-170 in Chapter 11 of the Comprehensive Plan to guide future master planning of the Stevens Road Tract. These amendments implement the 2022 Concept Plan through the following policies that show the consistency with the goal of Chapter 3 of the Comprehensive Plan. The record includes a 2023 pedestrian archaeological survey completed by Caldera Archaeology. Policies 11-166 and 11-167 are proposed to address one potential historic resource identified in the survey and ensure that any potential resources discovered through development can be evaluated. The proposed amendments include the addition of Figure 11-8, the planning concept for the Stevens Road Tract and Policies 11-165 and 11-169 regarding the community park, open spaces, and the green-loop trail system.

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 proposed amendments are consistent with these goals because they will implement the Concept Plan for the Stevens Road Tract. 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. These goals are reflected in Policies 11-155 through 11-159. The areas along the extension of Wilderness Way include commercial areas that are accessible by pedestrian and bicycle travel throughout the Tract. This is capture in Policies 11-162, 11-163, and 11-165. 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. These elements are addressed and required under Policies 11-165 and 11-169. 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). Policies 11-155 through 11-159 are included to ensure the desired mix of housing, including deed-restricted affordable housing.

### ***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 proposed policies 11-153 through 11-170 require access to commercial services, employment, and open spaces in the Stevens Road Tract. The proposed amendments to the Comprehensive Plan and Transportation System plan 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 27<sup>th</sup> 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. These elements are required and addressed through Policies 11-163 through 11-165.

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, and reflected in Policies 11-160 and 11-162 and the amendments to the Comprehensive Plan map. These proposed amendments will ensure a future master plan for the Stevens Road Tract contributes to a vital, diverse, and sustainable economy. The concept planning for the Stevens Road Tract, also reflected on the amendments to the Comprehensive Plan map, 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 proposed policies 11-160 and 11-162 and the proposed amendments to the Comprehensive Plan map propose 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 and Technical Appendix I) 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 (See Policies 11-160 and 11-162, and proposed Figure 11-8). Commercial land within the Tract has been planned to function as a neighborhood center but will also allow for easy access from nearby neighborhoods. The location of the commercial land has also been proposed on the amendments to the Comprehensive Plan map.

**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. The transportation infrastructure required for the Stevens Road Tract is outlined in Policies 11-164 and 11-165 and the proposed amendments to the graphics in the Transportation System Plan. The Concept Plan (See Chapter 4) and supporting appendices (See Appendices L, M, and N) 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 proposed policies 11-153 through 11-170 are intended to support master planning of a completed community within the Stevens Road Tract. These policies are intended to implement the 2022 Concept Plan that includes both mixed

employment areas and commercial areas located to support mixed use development. The proposed amendments to the Comprehensive Plan propose 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. 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.

### ***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 proposed plan policies for the Stevens Road Tract require locating commercial areas adjacent to medium and high density residential areas. Policies 11-160 and 11-162 require the location of commercial designations south of the proposed community park on the extension of Wilderness Way. These policies are intended to implement the Concept Plan (See proposed Figure 11-8) that identifies the locations of residential, commercial, parks and open spaces, and mixed employment areas. The proposed comprehensive plan amendments propose 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 goals because they will implement the Stevens Road Concept Plan, which has been designed to achieve these goals. The proposed plan policies 11-163, 11-164, and 11-165, require the future master plan for the Stevens Road Tract to implement the Concept Plan elements for a multi-modal transportation network. The transportation network, as outlined in proposed Figure 11-8, include 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 plan policies identified above and amendments to the Transportation System Plan will ensure a future master plan for the Stevens Road Tract includes the following elements. The

proposed network 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. Proposed policies 11-164 and 11-165 will implement the Concept Plan with respect to transportation and ensure a future master plan for the Stevens Road Tract will satisfy these policies. 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 future master plan will have a land use pattern 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. The proposed policies for Chapter 11, 11-153 to 11-170, are intended to implement Alternative 3 of the Stevens Road Tract Concept Plan (See proposed Figure 11-8). The master planning for the Stevens Road Tract, based on the proposed policies for Chapter 11 and the existing master plan standards under BDC 4.5, will be supported 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 27<sup>th</sup> 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. The proposed amendments, particularly Policies 11-164 and 11-165, along with Figure 11-8, outline the key elements of a multi-modal transportation network for the Tract. The master planning under proposed policies 11-153 through 11-170 will ensure the Tract will be connected to the rest of the City through transit. These policies will implement the Concept Plan for the Stevens Road Tract, which 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 27<sup>th</sup> 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, particularly Policies 11-163, 11-164, and 11-165, are consistent with these policies because they will ensure a future master plan for the Stevens Road Tract implements the transportation network of the 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, based on these plan policies and the proposed amendments to Chapter 4.9 of the Bend Development Code. 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 proposed amendments are consistent with these goals of Chapter 8 because they will require a future master plan for the Stevens Road Tract to include plans for sanitary sewer, water, and transportation infrastructure. The proposed amendments to Chapter 4.9, Annexations, include amendments to Table 4.9.300 and Figure 4.9.300 that require a master plan for the Stevens Road Tract that satisfies Chapter 4.5 of the Development Code, Master Plans. These amendments will ensure that a future master plan must satisfy the infrastructure planning requirements of Chapter 4.5. The Concept Plan for the Stevens Road Tract, to be implemented through Policies 11-153 through 11-170, are based on 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. The proposed amendments to Chapter 4.9, Annexation, of the Bend Development Code will require master plan approval for the Stevens Road Tract. The master plan approval will need to demonstrate consistency with proposed policies 11-153 through 11-170, and the master plan requirements under Chapter 4.5, Master Plan. The proposed plan policies implement the Stevens Road Tract Concept Plan, which 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 because they will implement the Stevens Road Tract Concept Plan. The proposed plan policies include Policy 11-168 and Figure 11-9 that refer to the City's inventory of natural features. These features include significant trees and rock outcrops and will support development of a master plan that will meet Section 9 of HB 3318. A master plan will need to demonstrate consistency with Policy 11-168 and show how the features identified in Figure 11-9 will be preserved.

### **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 Policy 11-168 and Figure 11-9 which will require a future master plan to show how the Tract's natural features are preserved.

**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 methods for public engagement 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. In addition to this work on the Concept Plan, the City initiated a public comment period on October 19, 2023 and on the same date held a public open house to solicit comments on the proposed plan amendments. The Public Comments submitted between September 28 and November 17, 2023 include comments that recommend the site's features be protected.

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 proposed amendments are consistent with these goals because the proposed plan policies 11-153 through 11-170 implement the adopted Concept Plan for the Stevens Road Tract. The development of a future master plan for development of the Stevens Road Tract will need to comply with these policies based on the proposed amendments to Chapter 4.9, Annexations, of the Bend Development Code. 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). In addition Policy 11-169 and Figure 11-9 require that the significant trees and rock outcrops inventoried in Summer 2022 be preserved.

### **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 proposed policy 11-170 requires that a master plan for the Stevens Road Tract demonstrated that the risk of wildfire will be mitigated. This policy is based on Appendix F, which is a technical memorandum that was developed to address Section 9(1)(d) of HB 3318. The bill 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 potential mitigation actions include, but are not limited to, creation of defensible space, the arrangement of land uses, construction and building materials, and development pattern.

Therefore, the proposed 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 proposed policies, text changes to the Development Code, and plan map amendments will require that the Stevens Road Tract be master planned to ensure urban scale development that supports a walkable and mixed use community. The proposed policies 11-153 through 11-170 are intended to implement the Stevens Road Tract Concept Plan. The Stevens Road Tract was identified as an appropriate location to accommodate urban development, amenities, and services. The Concept Plan supports the development of a new walkable, mixed-use, and complete community that will support the existing development in east Bend. Additionally, the proposed amendments include provisions for preservation of natural features including significant rock outcroppings and significant trees (See Policy 11-168 and Figure 11-9). 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 will require a future master plan for the Stevens Road Tract to include compact development and integration of land uses within the Stevens Road Tract. Proposed policies 11-153 through 11-170 are intended to implement the Concept Plan and are crafted to implement Alternative 3 specifically (See Figure 11-8). The record includes the adopted Concept Plan and Technical Appendices for the Stevens Road Tract. Alternative 3 (See Chapter 4) encourages a mix of uses, 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 proposed policies will require a master plan for the Stevens Road Tract plan for appropriate types of pedestrian, bicycling and transit amenities and infrastructure to ensure safety, access, and mobility. The proposed amendments include plan policies 11-163, 11-164, and 11-165, which will require a master plan for the Stevens Road Tract to provide for a multi-modal transportation network throughout the Tract.

The transportation network planning for the Stevens Road Tract is included in this record in Technical Appendix N. The planning for Alternative 3 (See proposed Figure 11-8) 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 27<sup>th</sup> Street. This same extension also provides for transit access from 27<sup>th</sup> 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 include proposed plan policies 11-160 through 11-163, which will require that a future master plan for the Stevens Road Tract provide commercially designated areas. These proposed policies are based upon and will implement the Stevens Road Tract Concept Plan (See proposed Figure 11-8). These amendments will require new commercially designated areas that will support a mixed-use center in the Stevens Road Tract. The amendments require five (5) acres of commercial designations on the extension of SE Wilderness Way through the Stevens Road Tract. In addition, the proposed plan policies require 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 proposed plan policies will require a master plan to locate a proposed community park close to a school site in the Stevens Ranch Master Plan. Proposed policies 11-153 through 11-170 will be applied to a future master plan proposal for the Stevens Road Tract, and through the proposed amendments to Chapter 4.9 of the Development Code (Annexations). The plan policies are intended to implement the Concept Plan for the Stevens Road Tract (See Policy 11-153). Figure 11-8 proposes development of a new park adjacent to a Future School site in the Stevens Ranch Master Plan. This figure implements Alternative 3 of the Concept

Plan, which 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. These elements will be required of a future master plan through policies 11-153 through 11-165 and Policy 11-169.

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 to the Comprehensive Plan, Development Code, and Transportation System Plan 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 a future master plan that satisfies proposed plan policies 11-153 through 11-170 and the master plan requirements of Chapter 4.5 of the Development Code. These proposed amendments are intended to implement Alternative 3 of the Stevens Road Tract Concept Plan. Alternative 3 of the Concept Plan (See Proposed Figure 11-8) 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 proposed plan policies require 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)

### FINDINGS REGARDING COMPLIANCE WITH SECTION 8, CITY PROCEDURAL REQUIREMENTS TO APPROVE STEVENS ROAD PLANNING AMENDMENTS

#### ***SECTION 8. City procedural requirements to approve Stevens Road planning amendments.***

***(1) Stevens Road planning amendments may be approved only by an ordinance adopted by the city's council under this section.***

**FINDING:** The proposed amendments will meet this criterion because the City Council will adopt the amendments by an ordinance. The City is treating these proposed amendments as legislative changes and conducting the public review process according to BDC Section 4.1.500, Type IV Legislative Changes. Section 4.1.530 requires all legislative changes shall be adopted by ordinance.

***(2) At least 20 days before each opportunity for public participation under subsection (3) of this section, the city must provide broad public notice of the opportunity, including notice through the city's newsletter, online social media, website and electronic mail lists and any other form of public notice commonly used by the city for land use matters.***

**FINDING:** The City provided public notice of the November 27, 2023 hearing at least 20 days prior to the hearing. Notice was published in the Bend Bulletin newspaper on November 5, 2023. Notice was provided to interested parties, several public agencies, and three neighborhood associates on November 7, 2023. Notice of an open house held on October 19, 2023 along with a public comment that opened on that same date was sent to interested parties, public agencies, and the three neighborhood associations on September 28, 2023.

***(3) Before consideration of an ordinance under this section, the city must provide opportunities for public participation, including at least:***

***(a) A public open house;***

***(b) A meeting of the city's planning commission where public testimony is considered;***

***(c) A meeting of the city's council where public testimony is considered;***

***(d) A public comment period; and***

***(e) Any other opportunity for public participation required by city ordinance or regulation before adoption of amendments to a comprehensive plan or enactment of land use regulations.***

**FINDING:** The City has provided or will provide the opportunities for public participation under Section 8 of HB 3318. A public open house was held on October 19, 2023 at Caldera High School. The Planning Commission will hold a public hearing on November 27, 2023 to take public testimony on the proposed amendments. A public comment period was opened on October 19, 2023 and will continue through the City Council's adoption of the amendments. The City Council will also conduct a public hearing on the proposed amendments that this tentatively scheduled for January 3, 2024. The adoption of the proposed amendments will satisfy Section 8(3) above.

***(4) At least seven days before consideration of an ordinance under this section, the city's council must receive written recommendations from the city's planning commission on the Stevens Road planning amendments.***

**FINDING:** The recommendation of the City Planning Commission will be forwarded to the City Council at

least a week before the City Council's consideration of the amendments.

***(5) Before consideration of an ordinance under this section, the city must consult with, and provide opportunity for written comment from:***

***(a) Any owner of the Stevens Road tract;***

***(b) The Department of Land Conservation and Development;***

***(c) Deschutes County;***

***(d) The Bend Park and Recreation District; and***

***(e) Any other local government or special district with jurisdiction over the Stevens Road tract or whose service is likely to be impacted by development of the Stevens Road tract.***

**FINDING:** The City has solicited comments from those agencies and local governments cited above under (5)(a) through (5)(d). On November 7, 2023 the city provided notice of the Planning Commission's November 27, 2023 public hearing by electronic mail. The notice was sent to contacts at the Oregon Department of State Lands and the Department of Land Conservation and Development. The City also provided notice and requested comments from Deschutes County and the Bend Park and Recreation District through this same electronic mail message. The City also sent notice of the hearing to the Bend-LaPine School District, Central Oregon Intergovernmental Council, Central Electric Cooperative, the Oregon Department of Transportation, and the Avion Water Company.

***(6) Within 10 days after adoption of an ordinance under this section, the city shall submit a copy of the ordinance and any supporting information to the department.***

**FINDING:** The City will satisfy Section 8(6) after City Council adopts and final ordinance approving the amendments.

## **FINDINGS REGARDING COMPLIANCE WITH SECTION 9, STANDARDS IN LIEU OF GOALS, OF HB 3318**

***SECTION 9. Standards in lieu of goals. (1) Notwithstanding ORS 197.250 or 197.612 or any statewide land use planning goal, the Department of Land Conservation and Development shall approve Stevens Road planning amendments provided the department determines, in its discretion, that the Stevens Road planning amendments, with respect to the Stevens Road tract, include:***

***(a) An inventory of significant historical artifacts, cultural sites and natural resources.***

**FINDING:** The proposed amendments meet this criterion because they are based on completed inventories of significant historical artifacts, cultural sites, and natural resources. The record includes the Technical Appendices of the Stevens Road Tract Concept Plan that include a memorandum outlining the inventory work to date on historic, cultural, and natural resources (See Technical Appendix E). This work is summarized in Chapter 2 of the Concept Plan and relies on: 1) prior archaeological surveys by the DSL, and 2) resource inventories incorporated in the Deschutes County Comprehensive Plan. The record also includes a 2023 pedestrian archaeological survey completed by Caldera Archaeology for the entire tract. This survey found several small lithic isolates, several large historic garbage disposal areas, and a potential historic road. The proposed plan policies include policies 11-166 and 11-167, which will require a future master plan applicant to address the historic road if required by the State Historic Preservation Office (SHPO) and also develop an inadvertent discovery plan that will outline how any artifacts or



remains will be protected during development.

***(b) Areas designated for recreational and open space.***

**FINDING:** The proposed amendments meet this criterion because they include policies that will require the designation of areas for recreational and open space. The proposed plan policies are intended to implement Alternative 3 of the Stevens Road Tract Concept Plan (See Figure 11-8). Specifically, policies 11-153, 11-154, and 11-169 require the location of a community park, green-loop trail system, and open spaces with a master plan for the Stevens Road Tract. These policies will be required to be met by a master plan through the proposed amendments to Table 4.9.300 and Figure 4.9.300 of the Bend Development Code.

***(c) Land use regulations for the protection and preservation of significant resources and designated areas identified in paragraphs (a) and (b) of this subsection.***

**FINDING:** The proposed amendments meet this criterion because they included proposed regulations for the protection and preservation of significant resources and designated areas under (a) and (b). With respect to historic, cultural, and natural resources identified under (a), the adopted Bend Development Code includes regulations for the protection of Upland Areas of Special Interest (See BDC 2.7.700 and Historic Resources under BDC 10.20). The City had a pedestrian archaeological survey completed to identify potential cultural resources. The proposed amendments include Policies 11-166 and 11-167 that will apply to review of a master plan, based on the proposed amendments to Table 4.9.300 and Figure 4.9.300 of the Bend Development Cod. With respect to recreational and open spaces under (b), the City already has master planning requirements for preservation of trails and parks under BDC Chapter 4.5. Neighborhood parks are a use permitted outright in residential districts; community parks are allowed as conditional use in residential districts. The protection of natural features is required under proposed plan Policy 11-168 and Figure 11-9.

***(d) 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.***

**FINDING:** The proposed amendments meet this criterion because they include proposed policy language to require mitigation of wildfire risk with an application for a master plan. The proposed amendments to Chapter 11 of the Comprehensive Plan include a proposed Policy 11-170 that requires a master plan for the Stevens Road Tract to demonstrate how wildfire risk will be mitigated through one or more methods. These methods include, but are not limited to, creation of defensible space, arrangement of land uses, construction and/or building materials, and development pattern. This policy would apply to an application for a master plan through the proposed amendments to Table 4.9.300 and Figure 4.9.300 of Chapter 4.9 of the Bend Development Code. This policy was based on the work reported in a technical memorandum that outlines both applicable wildfire requirements and resources for mitigating wildfire risk (See Technical Appendix F). The applicable requirements include 2021 SB 762, which is currently being implemented through wildfire hazard mapping and rulemaking. The requirements also include Statewide Planning Goal 7, Areas Subject to Natural Hazards. The Technical Memorandum further identifies resources that outline best practices for mitigating wildfire risk. These practices include, but are not limited to, defensible space, development patterns, construction materials, and land uses.

***(e) Areas designated for adequate employment lands that account for the city's most recent economic opportunity analysis, including consideration of subsequent economic development activities and trends.***

**FINDING:** The proposed amendments meet this criterion because they include proposed plan policies that designate areas for adequate employment lands based on the Concept Plan and Technical Appendices for the Stevens Road Tract. The proposed plan policies 11-153 through 11-170 are based on and intended to implement the Stevens Road Tract Concept Plan, and Alternative 3 of the plan (See Figure 11-8). The Concept Plan proposed to designate areas for adequate employment lands that also account for the City's most recent Economic Opportunities Analysis (EOA). Chapter 4 of the Concept Plan outlines the land use programs for Alternatives 1 through 3 (See also Table 1 above). This same chapter identifies the amounts of commercial, mixed employment, and light industrial lands considered under each alternative. The proposed mix of employment lands addresses the requirements for commercial and industrial land identified in the City's most recent EOA, as modified through the adoption of the Southeast Area Plan and the Easton Master Plan<sup>3</sup>. Finally, the allocation of employment lands is based on a Market Analysis (See Technical Appendix I), which considered subsequent economic development activities and trends.

The proposed plan policies 11-153, 11-154, and 11-160 to 11-163 will require a master plan for the Stevens Road Tract to provide at least five acres of Commercial designated land and seven acres of Mixed Employment land with the master plan. These policies require the location of the Commercial land on the south side of the Wilderness Way extension, in part so that it's accessible to those households and families living in one of the affordable housing units adjacent to this property or the Community Park. The Mixed Employment land is proposed to be located in the southwest corner of the Tract so that it's adjacent to the natural gas pipeline and the industrial lands to the west in the Stevens Ranch Master Plan.

***(f) Within areas zoned for residential purposes, without counting the lands designated under subsection (2) of this section, land use regulations for housing that:***

***(A) Ensure adequate opportunities for the development of all needed housing types, sizes and densities of market-rate housing, including middle housing as defined in ORS 197.758;***

**FINDING:** This finding addresses (f)(A) and shows that the proposed amendments meets this criterion because it includes a number of residential zones (without counting the lands designated for affordable housing under HB 3318 Section 9 subsection (2)), that allow for a variety of housing types, including middle housing as defined in ORS 197.758. These amendments are based upon Alternative 3 of the Stevens Road Tract Concept Plan. Table 4 of the Concept Plan outlines the acres and number of housing units of this alternative:

- The amount of land for housing is 146.9 acres:
- The amount of land for market rate housing is 126.9 acres.
- The number of potential housing units is 2,487 units:
- The potential market rate units possible under Alternative 3 is 1,728.
- The amount of land designated for multi-family housing is 30 acres, with potential for 1,200 units.
- With respect to multi-family housing, the alternative outlines the potential units affordable to households at both 60% and 80% AML.

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<sup>3</sup> For reference, please see File No. PZ-20-0479 for the Southeast Area Plan, File No. PLMOD20210482 for the Easton Master Plan Modification.

The proposed plan policies require a master plan for the Stevens Road Tract to provide land for housing based on these designations in Alternative 3. The key policies proposed are Policies 11-153, 11-154, and 11-155 through 11-159. These policies require the designation of land for High Density, Medium Density, and Standard Density designations, and the provides further direction on the creation of the parcels of land for affordable housing under Section 9(2) of HB 3318. These policies will apply to a master plan proposal based on the proposed amendments to Table 4.9.300 and Figure 4.300 of Chapter 4.9 of the Bend Development Code.

***(B) Exceed the proportions of single-family attached and multifamily housing called for in the city's most recently adopted housing needs analysis under ORS 197.296 (3);***

**FINDING:** The proposed amendments meet this criterion because the proposed amounts of housing planned for can exceed the proportions of single family attached and multifamily housing called for in the City's most recently adopted Housing Needs Analysis (HNA). The proposed plan policies 11-153 through 11-157 direct the amount of land to be included in three (3) residential plan designations on a master plan for the Stevens Road Tract. These policies were developed based on Alternative 3 of the Stevens Road Tract Concept Plan.

The City's HNA was adopted in 2016 (See Appendix K to the City's adopted and acknowledged Comprehensive Plan). This 2016 analysis concluded that for the City to meet its housing needs, greater proportions of attached single family and multifamily attached housing were needed. The needed housing mix was changed to include 10% of needed units as single family attached housing and 35% of needed units as multi-family attached housing. At that time, middle housing was included in the proportion of multi-family attached housing. Table 5 of the Concept Plan includes the following data for Alternative 3 with respect to land designated for housing:

- The estimated capacity for market rate housing is 1,728 units
- The estimated proportion of these units that would be attached single family is 10.2%
- The estimated proportion of these units that would be multiple family attached is 35.1%

Based on this data from the Concept Plan, and proposed policies 11-153 through 11-157, the proposed amendments meet this criterion.

***(C) Exceed a minimum density standard of nine residential units per gross residential acre; and***

**FINDING:** The proposed amendments meet this criterion because they include policy language that requires the market rate housing must be developed to exceed nine units per gross acres. The proposed amendments to Chapter 11 of the Comprehensive Plan includes a proposed policy 11-155 that requires the density of land zoned for residential purposes, not including those designated for affordable housing, must exceed nine (9) residential units per gross residential acre. The Concept Plan includes analysis that found the housing planned under Alternative 3 of the Concept Plan would meet a minimum density of 11.3 units per gross residential acre (See Table 5 of the Concept Plan).

***(D) On the date the Stevens Road planning amendments are approved, comply with land use regulations adopted by the city, or any minimum applicable rules adopted by the department, to implement ORS 197.758 and the amendments to ORS 197.312 by section 7, chapter 639, Oregon Laws 2019.***

**FINDING:** The proposed amendments meet this criterion because the City has already implemented the requirements of ORS 197.758. ORS 197.758 was created by the passage of HB 2001 in the 2019 Legislative Session (aka Chapter 639, Oregon Laws 2019). The City has already adopted ordinances to comply with HB 2001. The City adopted Ordinance NS-2389 on October 21, 2020. This was the first of two ordinances adopted to amend the Bend Comprehensive Plan and the Bend Development Code to comply with the requirements of HB 2001. On October 6, 2021, the City adopted Ordinance 2423, which adopted the bulk of the changes to the Development Code and Comprehensive Plan to comply with ORS 197.758. The City's land use regulations comply with the changes made to ORS 197.312 by section 7, chapter 639, Oregon Laws 2019, and do not include owner-occupancy or off-street parking requirements for accessory structures.

***(g) Sufficient areas designated for mixed use development to support and integrate viable commercial and residential uses along with transportation options, including walking, bicycling and transit use.***

**FINDING:** The proposed amendments meet this criterion because they include proposed policies that require sufficient areas designated for mixed use development to support and integrate viable commercial and residential uses along with transportation options. The proposed plan policies are based on and intended to implement Alternative 3 of the Stevens Road Tract Concept Plan (See policies 11-153 through 11-170 and Figure 11-8). In particular, proposed policies 11-162, 11-163, 11-165, and 11-165 direct a master plan for the Stevens Road Tract to provide for a mixed use development that is supported by the multi-modal transportation network of the Stevens Road Tract. These policies would apply to review of a master plan for the Stevens Road Tract based on the proposed amendments to Table 4.9.300 and Figure 4.9.300 of Chapter 4.9 of the Bend Development Code.

To support the evaluation of alternatives, the team conducted a Market Analysis (See Technical Appendix I), to evaluate the needs for commercial, mixed employment, and industrial land for the Stevens Road Tract. The results of the Market Analysis are summarized in Chapter 3 of the Concept Plan. With respect to mixed use development, the alternatives presented in Chapter 5 propose the location of mixed use and commercial designations in locations that are also accessible by walking, bicycling, and future transit use. Alternative 3, includes commercially designated land, two blocks long, on Wilderness Way, that is also adjacent to land designated Medium and High Density Residential. Additional Medium and High Density Residential are designated to the north and can access the commercial areas by the Future Transit Route on the north-south road. The residential areas to the east and the south can also access this commercial corridor on Wilderness Way through a conceptual trail alignment. The proposed plan policies implement the Stevens Road Concept Plan (See Policy 11-153) and are based on Alternative 3 (See Figure 11-8).

***(h) Land use regulations ensuring that:***

***(A) Adequate capacity is available, or feasible with development, for water, sewer and storm water services; and***

***(B) Adequate consideration is given to the financing, scheduling and development of urban services, as defined in ORS 195.065.***

**FINDING:** The proposed amendments meet this criterion because the proposed amendments to Chapter 4.9, Annexations, of the Development Code will require a master plan for the Stevens Road Tract to show adequate capacity is available for feasible for the infrastructure listed under (h)(A). The proposed amendments to Table 4.9.300 and Figure 4.9.300 will require a master plan to be approved for the Stevens Road Tract that satisfies the requirements of Chapter 4.5 of the Development Code, Master

Plans. The alternatives considered under the Concept Plan, including Alternative 3, were evaluated to verify whether adequate capacity is available, or is feasible with development, for water, sewer, and stormwater services. The City evaluated the capacity and identified the needed improvement for providing the site with water, sewer, and stormwater services. Sewer service will be provided by the City and water service will be provided by Avion Water Company, an Oregon corporation and private water utility whose territory includes the Stevens Road Tract. Chapter 3 of the Concept Plan outlines the work to date on water, sewer, and stormwater for the Stevens Road Tract. This chapter relies on water and sewer findings that are included in the record (See Technical Appendices L and M). Avion Water Company provided the City with comments on what infrastructure improvements they will need to provide water for development of the Tract. The City's Engineering and Infrastructure Planning Division has prepared a technical memorandum (See Technical Appendix M) that outlines the required sewer infrastructure improvements needed to serve development of the Tract. The City anticipates these improvements will be provided with development of the Tract and will be scheduled so that the required infrastructure is provided at the time development occurs. The master plan process that will be required under the Bend Development Code prior to annexation, and any necessary development agreements with the City will ensure adequate consideration is given to the financing, scheduling, and development of urban services as required by the bill. With respect to stormwater, the City's Code on stormwater (Title 16 of the Bend City Code) requires that stormwater be retained on site, and that improvements for retention of stormwater be constructed according to the Central Oregon Stormwater Manual.

With respect to criterion (h)(B), the proposed amendments meet this criterion because adequate consideration has been given to the financing, scheduling and development of urban services, as defined in ORS 195.065. There are no special districts that provide water, sewer, or stormwater services to the Tract. The City has developed and obtained acknowledgement of public facility plans for the water infrastructure that serves the UGB (2021), transportation (2020), and wastewater collection (2018). The City has coordinated with the following districts regarding the proposed amendments and will also coordinate with them during review of a master plan for the Stevens Road Tract.

- Bend Park and Recreation District, for ongoing coordination for parks and trails planning, and annexation of the Tract into the District.
- Cascades East Transit, for ongoing coordination for extension of transit service south on 27<sup>th</sup> Street to the Tract.
- City of Bend Fire Department/Deschutes County Fire Protection District No. 2, for ongoing coordination regarding wildfire risk mitigation and eventual annexation to the City of Bend.

***(i) Land use regulations for transportation that:***

***(A) Ensure the development of adequate infrastructure to support walking, bicycling, public transit and motor vehicle movement; and***

***(B) Give adequate consideration to transportation networks that connect the Stevens Road tract to other areas within the urban growth boundary of the city.***

**FINDING:** The proposed amendments meet criterion (i) because the City has completed a level of transportation planning to ensure Alternative 3 presented in the Concept Plan shows transportation networks that include walking, bicycling, public transit, and motor vehicle infrastructure, and connect to other areas within Bend's urban growth boundary. The proposed amendments include proposed plan policies 11-153 through 11-170 that are intended to implement the Stevens Road Tract Concept Plan, with a focus on Alternative 3. As proposed, these policies would apply to review of a master plan for the Stevens Road Tract based on the proposed amendments to Figure 4.9.300 and Table 4.9.300 of Chapter

#### 4.9 of the Development Code.

With respect to criterion (i)(A), the proposed policies are based on Alternative 3 of the Stevens Road Tract of the Concept Plan Report. This alternative includes a land use pattern combined with trails, a green loop system, and future transit routes to support walking, bicycling and public transit. Development of the interior roads and road extensions will require construction to City standards, which will include sidewalks on both sides of the street. In addition, the roadway system has been designed so that drivers can make shorter trips to key destinations such as the parks and commercial areas. As mentioned above,

With respect to criterion (i)(B), Alternative 3 was designed so the transportation network for the Stevens Road Tract connects to the other areas within the UGB and the City. These network extensions and connections include 1) extension of Stevens Road to the east, for the Reed Market Road corridor; 2) extension of Ferguson Road east, providing the connection to the Stevens Ranch Master Plan and 27<sup>th</sup> street, and; 3) an extension of Wilderness Way to the east. The transportation planning also relies on east to west connections to a north-south collector through the Stevens Ranch Master Plan (development area adjacent and to the west of the Stevens Road tract) connecting Stevens Road to Ferguson Road. This approved location for the collector street satisfies the City's spacing standards for new collectors for the Stevens Road Tract. Finally, the transportation planning includes active transportation corridors with the TransCanada trail alignment, and "green loop" trail system around the perimeter of the tract. These elements are reflected under Policies 11-163, 11-164 and 11-165 of the proposed policies for Chapter 11 of the Comprehensive Plan.

***(j) The adequate consideration of the recommendations and comments received under section 8 (3) to (5) of this 2021 Act.***

**FINDING:** The proposal will meet this criterion because the City is documenting and has considered the recommendations and comments received under Section 8 (3) to (5) of HB 3318. Section 8 (3) refers to public comments submitted during a public open house, public meetings of the City's Planning Commission and City Council, and public comments submitted to the City. These comments are included in the Public Comments submitted between September 28 and December 11, 2023 file, included in documents uploaded to the City's Online Permit Center Portal with each file number. The comments submitted so far have raised concerns with respect to transportation, growth in the city and surrounding area, and the caves that exist on the Stevens Ranch Master Plan.

With respect to section 8 (5), this language requires the City to consult with and provide opportunity for written comment the parties listed under (a) through e) of the bill, including the DSL. As indicated under forgoing findings, the City has been coordinating directly with the DSL. In addition, the City has received written comments from the Bend Parks and Recreation District dated November 17, 2023. The City has incorporated most, but not all, of the District's recommended edits to the plan policies.

***(2) The department may not approve the planning amendments under subsection (1) of this section unless the planning amendments designate at least 20 net acres of land to be:***

***(a) Restricted so the area may be zoned, planned, sited or developed only for residential housing units at a minimum density of nine residential units per gross acre;***

**FINDING:** The proposed amendments meet this criterion because the proposed policies show development on the Stevens Road Tract is capable of meeting (2)(a) because the amount of land proposed to be zoned, planned, sited or developed for housing under (2)(a) exceeds a minimum density of

nine units per gross acre. The proposed plan policies include 11-153 through 11-170 to be added to Chapter 11 of the Comprehensive Plan. In particular, proposed policies 11-158 and 11-159 address and require at least 20 acres of land be designated for affordable housing. The City also completed analysis under the Concept Plan for Alternative 3 to confirm that the development of affordable housing would exceed nine (9) residential units per gross acre. These policies would apply to review of a master plan of the Stevens Road Tract through the proposed amendments to Figure 4.9.300 and Table 4.9.300 of Chapter 4.9 of the Development Code.

***(b) Conveyed to the city at a price per acre established under section 4 (2)(b) of this 2021 Act; and***

**FINDING:** The proposed amendments are capable of meeting this criterion because both the City and the Department of State Lands have entered into an intergovernmental agreement for the purchase of the land under HB 3318. The City and the Department entered into this agreement after City Council approved the agreement on July 20, 2022. The agreement was executed between the city and the Department on August 30, 2022.

***(c) Notwithstanding ORS 91.225 or 197.309, preserved for a period of no less than 50 years as affordable to own or rent as follows:***

***(A) At least 12 net acres made affordable to:***

***(i) Households with incomes of 60 percent or less of the area median income, as defined in ORS 456.270; or***

***(ii) If part of an income-averaging program approved by the Housing and Community Services Department, households whose incomes average 60 percent or less of the area median income.***

***(B) At least six net acres:***

***(i) Made affordable to households with incomes of 80 percent or less of the area median income; and***

***(ii) Made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.***

***(C) At least two net acres in which at least 80 percent of the units in each contiguous development tract are made affordable to households with 80 percent or less of the area median income, of which at least one net acre is made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.***

**FINDING:** The proposed amendments meet this criterion because they incorporate these requirements as policies in the amendments to Chapter 11 of the Comprehensive Plan. The proposed plan policies 11-153 through 11-170 that would apply to review of a master plan for the Stevens Road Tract based on the proposed amendments to Figure 4.9.300 and Table 4.9.300 of Chapter 4.9 of the Development Code. Proposed policy 11-158 includes the requirements listed above under (c)(A) through (c)(C), including three lots or parcels, at least six (6) acres each, designated RH and two lots or parcels, each at least one (1) acre in size, and designated RM. Policy 11-159 includes the required language for (c)(C) regarding priority to households in which at least one individual is employed by an education service provider.

***(3) Upon a partition or subdivision of the Stevens Road tract following the approval of the planning amendments under subsection (1) of this section establishing one or more lots or parcels described in subsection (2) of this section, the owner shall transfer those lots or parcels to the city. For a period of 99 years after the purchase of property under this section, if the city resells any lot or parcel, the city may recover only the city's costs of the purchase and resale of the property.***

**FINDING:** This criterion is not applicable to the review of the Proposal. This criterion is applicable at the time a subdivision or partition of the Tract is proposed.

***(4) Neither the city nor the Department of Land Conservation and Development is obligated to adopt any specific findings or evaluate any specific criteria in exercising its discretion with respect to any Stevens Road planning amendments under this section and may receive, solicit or consider information from any source.***

**FINDING:** This criterion is not applicable to the review and action on the Proposal.

***(5) As used in this section, "education provider" means a school district as defined in ORS 332.002, an educational program under the Youth Corrections Education Program or Juvenile Detention Education Program as both are defined in ORS 326.695, or an education service district as defined in ORS 334.003.***

**FINDING:** This criterion is not applicable to review and action on the Proposal. This paragraph provides a definition for interpreting prior language under this section.

## **VI. CONCLUSIONS:**

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



**SUPPLEMENTAL FINDINGS REPORT  
PLTEXT20230635 and PLCPMA20230636  
DECEMBER 4, 2023**



CITY OF BEND

## **I. PURPOSE**

This report presents supplemental findings to the Bend Planning Commission for project file nos. PLTEXT20230635 and PLCPMA20230636. These land use project files propose amendments to the text of the Bend Comprehensive Plan, Development Code, and Transportation System Plan and the Bend Comprehensive Plan map. All of the proposed amendments are proposed to demonstrate compliance with the applicable criteria in the Bend Development Code and Sections 8 and 9 of HB 3318 (2021).

## **II. BACKGROUND**

The proposed amendments to the text of the Comprehensive Plan, Development Code, and Transportation System Plan, and to the map of the Comprehensive Plan, are designed to achieve the goals of HB 3318. They were drafted to balance legislative priorities for housing, including deed-restricted affordable housing, and return to the Common School Fund. HB 3318 provides a process designed for the City and DSL to use to amend the Bend urban growth boundary (UGB) in less time and with more legal certainty than would be possible without the bill. Without HB 3318, and the planning amendments required by Section 9 of the bill, and an uncertain future time when the City completes a standard UGB expansion process, the Stevens Road Tract could not be developed to urban standards and would retain its value as Multiple Use Agricultural Land under the Deschutes County Zoning Ordinance. Under the terms of the County's Zoning Ordinance, it would not be eligible for urbanization.

On November 27, 2023, the Bend Planning Commission held a public hearing on the amendments proposed under PLTEXT20230635 and PLCPMA20230636. The Planning Commission received written comments that were submitted under Attachment C of their meeting materials, and received a November 27, 2023, letter from the Oregon Department of State Lands (DSL), and a November 27, 2023 written comment from Diane Hodiak, 350 Deschutes, who also provided oral testimony. At the end of the hearing the Planning Commission continued the hearing to their December 11, 2023, meeting for the purpose of providing staff time to address several issues raised in public comments from DSL.

The findings presented in this report supplement those addressing Section 9(1)(j) of HB 3318 (2021) found on page 30 of the “Proposed Findings in Support of Amendments to the Text of the Comprehensive Plan, Development Code, and Transportation System Plan, and Amendments to the Bend Comprehensive Plan Map for the Stevens Road Tract” (Findings Report). That document is also attached to the November 20, 2023 Staff Report as Exhibit A.

### **III. PROPOSED SUPPLEMENTAL FINDINGS**

#### ***SECTION 8. City procedural requirements to approve Stevens Road planning amendments.***

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***(3) Before consideration of an ordinance under this section, the city must provide opportunities for public participation, including at least:***

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***(b) A meeting of the city’s planning commission where public testimony is considered;***

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***(5) Before consideration of an ordinance under this section, the city must consult with, and provide opportunity for written comment from:***

***(a) Any owner of the Stevens Road tract;***

***(b) The Department of Land Conservation and Development;***

***(c) Deschutes County;***

***(d) The Bend Park and Recreation District; and***

***(e) Any other local government or special district with jurisdiction over the Stevens Road tract or whose service is likely to be impacted by development of the Stevens Road tract.***

**FINDING:** The City has complied with Section 8 (3) and (5) of HB 3318 to provide the opportunity for (1) a meeting of the city’s planning commission where public testimony is considered and (2) written comment from those departments and local governments listed under (5)(a) through (5)(e).

With respect to Section 8(3), the city notified interested persons of the November 27, 2023 Planning Commission hearing through a notice sent by electronic mail on September 28, 2023.

With respect to Section 8(5), the City notified the parties listed above under (5)(a) through (5)(e) through a notice sent by electronic mail on September 28, 2023. This notice was sent more than 20 days in advance of the public comment period as required by Section 8(2) of HB 3318. The DSL provided comments in writing through a letter dated November 27, 2023.

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***SECTION 9. Standards in lieu of goals. (1) Notwithstanding ORS 197.250 or 197.612 or any statewide land use planning goal, the Department of Land Conservation and Development shall approve Stevens Road planning amendments provided the department determines, in its discretion, that the Stevens Road planning amendments, with respect to the Stevens Road tract, include:***

\*\*\*

***(j) The adequate consideration of the recommendations and comments received under section 8 (3) to (5) of this 2021 Act.***

**FINDING:** This finding supplements the findings at page 30 of 32 of the Findings Report where Staff presented findings addressing Section 9(1)(j) of HB 3318.

Section 8(5) requires the City to consult with and provide opportunity for written comment from several parties under (5)(a) through (5)(d). These parties include DSL, the owner of the Stevens Road Tract, who provided their written comments through a November 27, 2023, letter. DSL also participated on the project team that developed the Concept Plan approved by City Council in June 2022, and approved by DLCD in August 2022.

Section 9(1)(j) of HB 3318 requires the City to demonstrate adequate consideration was given to the recommendations and comments received under Section 8 (3) to (5) of HB 3318. Section 8(3) addresses the comments provided by Diane Hodiak on behalf of 350 Deschutes. Section 8(5) includes those written comments from DSL. The Findings Report dated November 20, 2023, did not address the comments from either the DSL or Diane Hodiak. The findings presented below address DSL's comments from their November 27, 2023, letter and from Diane Hodiak's November 27, 2023 written comments.

## **Responses to DSL's November 27, 2023 written comments**

### **1. Response to comments on Policy 11-163.**

The proposed policies 11-153 through 11-170 are based on the 2022 Concept Plan for the Stevens Road Tract. They were specifically created to implement the elements of Alternative 3 of the Concept Plan (See Policies 11-153 and 11-154). The concept plan was intended to guide master planning for a complete, mixed use community, that included 20-acres of land for deed-restricted affordable housing, and that also satisfied the requirements of Section 9 (1) and (2) of HB 3318. The goal was to craft policies that would be used in conjunction with the existing code language on master plans in Chapter 4.5 of the Bend Development Code, Master Plans.

The City responds that Policy 11-163 provides a foundation upon which a master plan can be developed, while still meeting the requirements of HB 3318 and the legislative priorities for development of the land and the justification for a streamlined UGB expansion process for the Stevens Road Tract. Chapter 4.5 of the Bend Development Code allows for changes in plan designations and rearranging of zoning so long as the changes maintain the same total area of all plan designations on the subject site or within one percent of the same total acreage and the density/housing numbers, and provided that a master plan satisfies the other policies that are applicable to the expansion area. The City proposes to delete the last sentence of Policy 11-163 to rely on Figure 11-8 more clearly as an illustration rather than as an additional standard.

### **2. Response to comments on Policy 11-168**

The City concurs that this policy needs more clarity to ensure development of the complete community contemplated under the Concept Plan. The City recognizes that not every significant feature will be able to be preserved in its entirety for the development of housing, commercial buildings, and transportation infrastructure. Staff recommends modifying Policy 11-168 accordingly:

- Significant features shown in Figure 11-9 must be preserved on the Community Park and in any open spaces distributed throughout the Tract
- Protection of trees must occur according to City's land use regulations for landscape conservation or under standards proposed with the master plan code that would preserve more significant features than would be preserved under the standards Bend Development Code provisions in effect at the time.

### **3. Response to Comment on Policy 11-169**

The City and the Bend Park and Recreation District coordinated closely on the planning for a community park in the Stevens Road Tract. Section 9(1)(b) of HB 3318 requires the planning amendments include areas designated for recreation and open space.

Section 8(5) requires the City to provide an opportunity for written comment from the Bend Park and Recreation District, who reiterated their support for and intent to develop the Community Park in the proposed location

The location of the community park north of the Wilderness Way extension and adjacent to the Tract's western boundary was intentional to support a mixed use community (See Section 9(1)(g)). The additional elements intended to support this concept include the proposed commercial designation to the south of Wilderness Way. Both the park and the commercial area are within walking distance of the school site in the Stevens Ranch Master Plan (See Section 9(1)(g)); this was also intentional to provide easiest access to households and families living in the parcels designated for affordable housing under Section 9(2) of HB 3318.

Staff proposes to modify Policy 11-169 to refer to the Park District's definition of a community park in their 2018 Comprehensive Plan, clarify that locating the park must be centrally located but clarify that to Figure 11-8 is illustrative and not binding, and that coordination with the Park District is required to locate the park and trails. These changes still require a minimum of 39-acres to be developed as park, open space, and trails, but removes the minimum required acreage for a community park. Rather, the community park size would be subject to discussions between the master plan developer and BPRD, to create a community park consistent with the 2018 BPRD Comprehensive Plan.

#### **4. Response to Comment on Section 1.3 of the Purchase and Sale Agreement.**

Staff responds that specifying potential locations for residential land is necessary at this time for the following reasons. First, the City needs to show DLCD that the proposed planning amendments include policies and plan designations applied to the Stevens Road Tract, can satisfy Section 9(2) of HB 3318. This includes providing the required 20 acres of land for deed-restricted affordable housing. In addition, the City must apply designations to the Tract to show that land will be available for both market-rate and affordable housing that is required under Section 9(1)(f). The City's master plan code (See Chapter 4.5) does allow the master plan to change the location of plan designations provided that a master plan provide the amount of land in each designation as required by applicable plan policies.

Finally, the proposed policies are based upon the 2022 Concept Plan, which has been approved by the City Council and DLCD, and which also went through an extensive public engagement process to support its development. One of the outcomes sought for developing and approving a Concept Plan was to show the public, stakeholders, and DLCD what could be expected from development of the Stevens Road Tract. The proposed Comprehensive Plan policies, with these modifications, recognize and respond to the comments from DSL, while continuing to comply with the provisions of HB 3318 and fulfill community expectations set by the concept plan.

## **Response to Diane Hodiak, 350 Deschutes, November 27, 2023 written comments**

These comments addressed the potential health and safety risks of locating future housing adjacent to the TC Energy Pipeline (e.g. TransCanada). These comments refer to the UGB expansion, which has already been approved by the City Council and the Board of County Commissioners. The issues raised in this comment are outside the scope of what's required under Section 9 of HB 3318 for the planning amendments. Staff suggests that if the Planning Commission is interested in taking this up in a future code update package, the Planning Commission may do so as part of a recommendation to the City Council. Such changes to the development code would affect not only the Stevens Road Tract but also, potentially, the Stevens Ranch Master Plan, High Desert Middle School, High Desert Park, and several private properties in the Southeast Expansion Area.

Stevens Road Tract Planning Amendments

EXHIBIT B

Amendments to Chapter 11 of the Bend  
Comprehensive plan and to Chapter 4.9 of the  
Bend Development Code

PLTEXT20230635 and PLCPMA20230636.

**DRAFT**  
**Comprehensive Plan Text Update**  
**December 11, 2023**

Prepared by: Community and Economic Development Department

Note:

Text in underlined typeface is proposed to be added

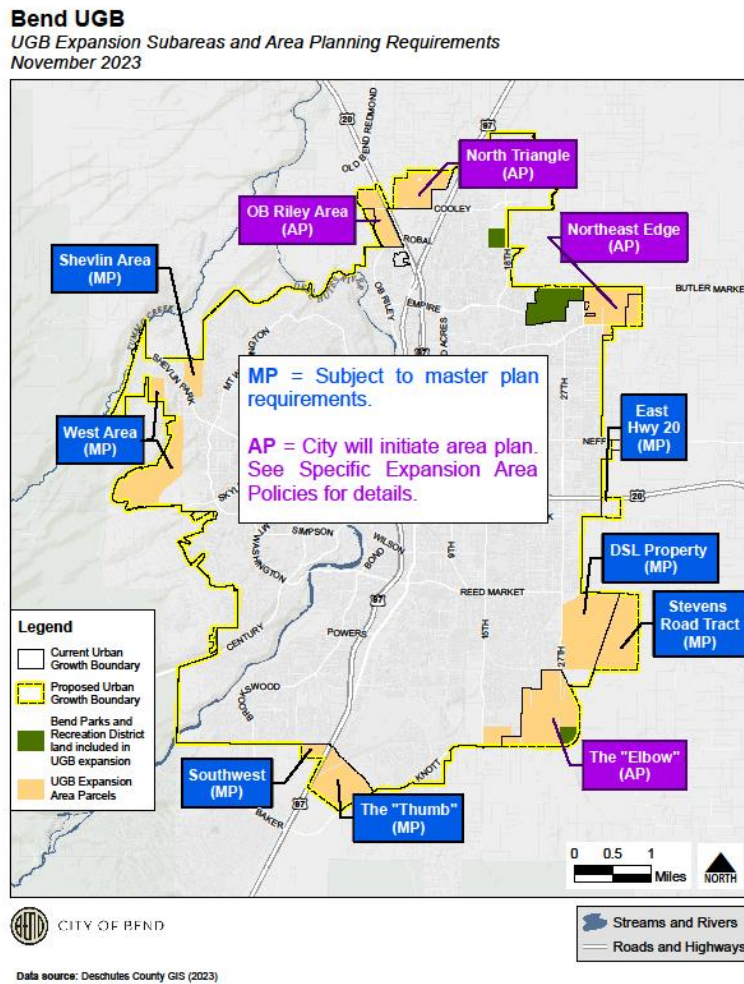
Text in ~~strikethrough~~ typeface is proposed to be deleted.

\*\*\*Indicates where text from the existing code has been omitted because it will remain unchanged.

Bend Comprehensive Plan  
Chapter 11, Growth Management

\*\*\*

**Figure 11-7: UGB Expansion Subareas and Area Planning Requirements**  
(Replaces existing Figure 11-7)





11-153 The City approved a Concept Plan for the Stevens Road Tract, on June 1, 2022, consistent with Oregon House Bill (HB) 3318 (2021), now Oregon Laws 2021 Chapter 552. The Concept Plan addresses the requirements of Oregon Laws 2021 Chapter 552. The master plan must be consistent with both the applicable master plan standards in the Bend Development Code and Policies 11-154 through 11-170, below, which implement the Concept Plan.

11-154 The overall planning concept for the Stevens Road Tract property as identified in Figure 11-8 is for a new complete community that accommodates dense development focused primarily on providing affordable and market-rate housing in a mixed-use, multi-modal community.

11-155 Within areas zoned for residential purposes, not counting the lands identified for affordable housing as required by Policy 11-158 below,

- the density must exceed nine (9) residential units per gross residential acre,
- more than 10 percent of the total number of market-rate units must be single-unit attached (e.g. townhome) dwellings, and
- more than 35 percent of the total number of market-rate units must be duplex, triplex, quadplex, or multi-unit residential units.

11-156 In order to provide adequate opportunities for the development of all needed housing types, sizes, and densities of market-rate housing, the Master Plan must demonstrate that this area will provide capacity for a minimum of 2,487 total residential units (including the affordable housing units required by Policy 11-158 below) with the following specific plan designation and market rate residential unit requirements:

- Urban High Density (RH): A minimum of 30 total net acres of RH designation of which, 18 net acres must be identified for affordable housing as outlined in Policy 11-158 below, and a minimum of 12 net acres must be used to accommodate a minimum of 480 market- rate units.
- Urban Medium Density (RM): A minimum of 24 total net acres of RM designation of which, two (2) net acres must be identified for affordable housing as outlined in Policy 11-158 below, and a minimum of 22 net acres must be used to accommodate a minimum of 440 market-rate units.
- Urban Standard Density (RS): A maximum of 92.9 net acres of RS designation to accommodate a minimum of 808 market-rate units.
- The RM and RH designations may be increased, and the RS designation decreased proportionally, above the minimum sizes established in this policy in order to accommodate additional density if approved as part of a Master Plan.

11-157 In order to meet the minimum unit density requirements in Policy 11-155 above, the densities may exceed the maximum densities in BDC 2.1.600.

11-158 As required by Oregon Laws 2021 Chapter 552, in order to provide affordable housing, the master plan must include a minimum of 20 net acres of residential land for deed-restricted

affordable housing consistent with the Purchase and Sale Agreement between the City and the Department of State Lands, recorded against the Stevens Road Tract, and configured as follows:

- Three (3) lots or parcels, each at least six (6) acres in size with an RH designation
- Two (2) lots or parcels, each at least one (1) acre in size, with an RM designation

The applicant for the master plan must coordinate with the City's Housing Department to identify the final locations of these parcels.

11-159 The lots or parcels for affordable housing identified in Policy 11-158 above, are to be transferred to the City following the recording of a final land division plat. They must be platted and transferred to the City in phases so that the lots or parcels for affordable housing identified in Policy 11-158 and market-rate lots or parcels are platted over time and in a ratio similar to the ratio of affordable and market-rate lots or parcels within the master plan as a whole. They must be subject to deed restrictions recorded by the City on a form agreed to between the City and the Department of State Lands that set the affordability levels and, for one of the six-acre lots or parcels and one of the one-acre lots or parcels, made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.

11-160 In order to provide adequate employment lands, the employment land plan designations must include a minimum of five (5) gross acres of Commercial plan designations and seven (7) gross acres of Mixed Employment or Industrial plan designations.

11-161 In order to create a complete community with primarily neighborhood-serving commercial uses, the master plan must prohibit auto-oriented commercial uses.

11-162 Commercial plan designations and at least one of the six-acre lots or parcels for deed-restricted affordable housing must be located adjacent to the community park.

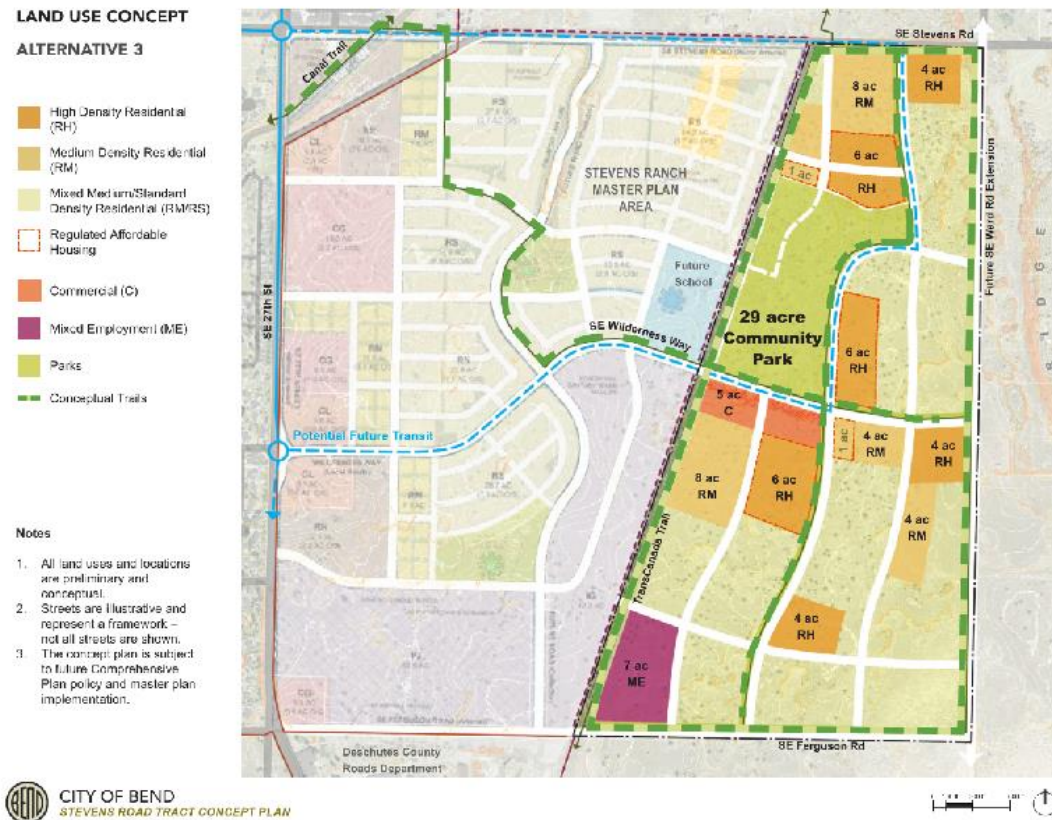
11-163 In order to provide sufficient areas designated for mixed-use development and to support equitable, integrated and viable commercial and residential uses along with transportation options (including walking, bicycling, and transit use), land use designations must be located as follows:

- The affordable housing required in Policy 11-158 above, must be located within a block of the community park, and within one-quarter mile of the commercial land or SE Wilderness Way, providing equitable access to transit, open space, planned trails, and commercial uses. This does not apply to the affordable housing lot or parcel described above under Policy 11-162.
- Market-rate medium- and high-density housing will be dispersed throughout the master plan, integrated adjacent to the affordable housing and located on planned transit routes adjacent to the community park, SE Wilderness Way, and near SE Stevens Road.
- The required five acres of Commercial plan designation will be configured as a main street and must be located on the future western portion of the extension of SE

Wilderness Way, abutting the TransCanada Trail and adjacent to the future community park.

Figure 11-8 illustrates the above requirements.

Figure 11-8: Stevens Road Tract Planning Concept



11-164 The street, path, and bikeway network must provide connectivity throughout the Stevens Road Tract, connect to existing and planned extensions of abutting roads, and provide opportunities for connections to adjacent undeveloped land both inside and outside the UGB. The transportation network must be consistent with the Bend Transportation System Plan. The white dashed line shown through the park on Figure 11-8 is intended to provide for a non-vehicular pedestrian connection through the park. The master plan must show a pedestrian route through the park that provides access to the future school site and residential designations adjacent to the park.

11-165 In order to ensure the development of adequate infrastructure to support walking, bicycling, public transit, and motor vehicle movement, and to ensure transportation networks connect the Stevens Road Tract to other areas within the Bend UGB, the future master plan must include:

- A “green loop” of off-street trails in 20’ wide trail easements or multi-use trails around or near the perimeter of the master plan area with a centrally located path adjacent to SE Wilderness Way and a trail located in the TransCanada trail easement. Trails may be

hard- or soft-surfaced. The trail surfacing for the TransCanada trail will be determined in collaboration with the City Engineer, Bend Parks and Recreation District, and TC Energy.

- The extensions of SE Stevens Road (minor arterial), SE Ferguson Road (minor arterial), and SE Wilderness Way (neighborhood route) to the eastern edge of the Tract. Given the proximity of these roads near the edge of the current city limits, future master plan developers may coordinate with the City of Bend on interim roadway improvements for these facilities. Such improvements must build towards adopted City of Bend roadway standards and provide right-of-way consistent with functional classification requirements.
- Plans to address the future potential extension of the SE Ward Road Alignment. The functional classification for SE Ward Road is a Minor Collector based on the City of Bend roadway spacing requirements. This designation will be confirmed and intersection type for the SE Ward/Stevens and SE Ward/Ferguson intersections shall be determined through the review of the master plan.
- Construction of a new North-South street within the master plan area that provides a connection between SE Stevens Road to the north with SE Ferguson to the south.

Figure 11-8 illustrates the above requirements.

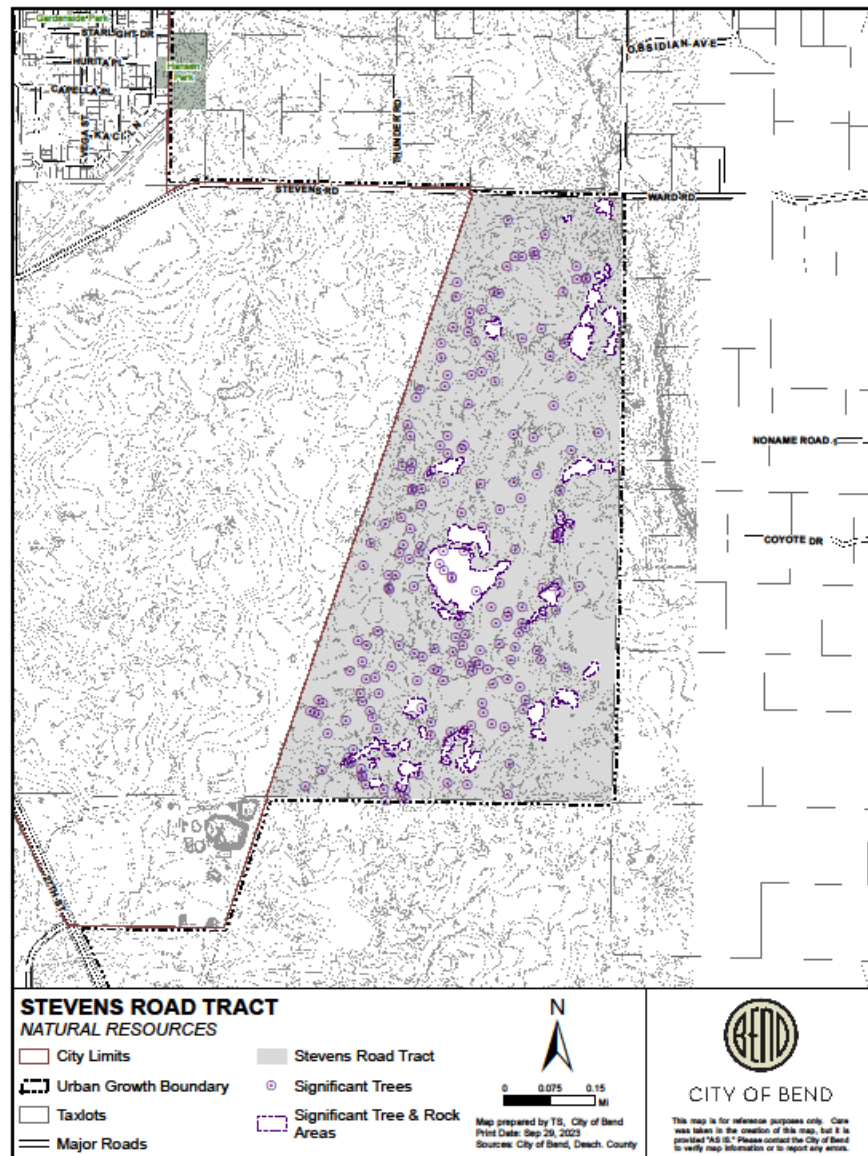
11-166 The City had a pedestrian archaeological survey completed for the Stevens Road Tract that identified a potential historic road identified as McGilvray Road. The road's location is identified in a May 2023 report from Caldera Archaeology, and this report has also been provided to the State Historic Preservation Office (SHPO). The master plan must be accompanied by documentation that the master plan developer has coordinated with SHPO and will comply with their requirements, if any, for protection of, or mitigation of any impacts to, McGilvray Road. The master plan must also show that the unit mix, counts, and density in Policies 11-155 and 11-156 will be met if SHPO requires preservation of McGilvray Road. The City shall provide notice of the proposed master plan and solicit comments from the SHPO.

11-167 The master plan developer must coordinate and consult with the Confederated Tribes of Warm Springs prior to master plan approval and on-going, during development of the site

- A master plan for the Stevens Road Tract must include an inadvertent discovery plan (IDP) that outlines how any artifacts or remains found during excavation or earth movement will be protected or otherwise addressed.
- Applicable state and federal regulations regarding the discovery of artifacts or remains must be followed during construction activities
- The City shall provide notice of the proposed master plan and solicit comments from the Confederated Tribes of Warm Springs.

11-168 The City has completed an inventory of significant trees and rock outcrops shown in Figure 11-9. A master plan for the Stevens Road Tract must demonstrate how the significant trees and rock outcrops shown in Figure 11-9 located in the Community Park and open spaces distributed throughout the Tract as required under Policy 11-169 will be incorporated and preserved to the extent possible. Significant trees must be protected according to the City's regulations for tree preservation or under standards proposed with a master plan code that provide at least as much protection of significant trees as the generally applicable tree preservation regulations of the BDC.

Figure 11-9: Natural Resources



11-169 A master plan for the Stevens Road Tract must include preservation of at least 39 acres for recreational and open space (designated as Public Facility) as follows:

- A community park for active recreation and preservation of significant natural resources, must be centrally located and adjacent to the proposed pipeline trail and future school site planned in the neighboring Stevens Ranch Master Plan Area. Figure 11-8 illustrates

the above requirements. The park land must be dedicated to the District following the satisfaction of due diligence requirements for public property. As used in this policy, a "community park" has the meaning from the Bend Park and Recreation District 2018 Comprehensive Plan, and is a park intended to serve a wider area than neighborhood parks, and therefore are larger in size, averaging about 25 acres each. Due to their larger size, community parks include a greater variety of amenities, including one or more of the following: athletic fields, court sports, skate parks, bike skills courses, trails and natural areas.

- A minimum of 7 acres for trail corridors, and these trails may be located within public access easements or in public open space tracts that are a minimum of 20 feet in width.
- A minimum of 3 acres of open space to maximize preservation of natural features including significant trees and rock outcrops. These open spaces must be protected in a tract or tracts.
- Coordination with Bend Park and Recreation District is required to locate the community park and trails.

11-170 The master plan must show that wildfire risk will be mitigated through one or more of the following methods: creation of defensible space, arrangement of land uses, construction and building materials, and/ or development pattern. Any special planned district code proposed for regulating development of the land uses within the master plan must incorporate the proposed wildfire risk mitigation actions.

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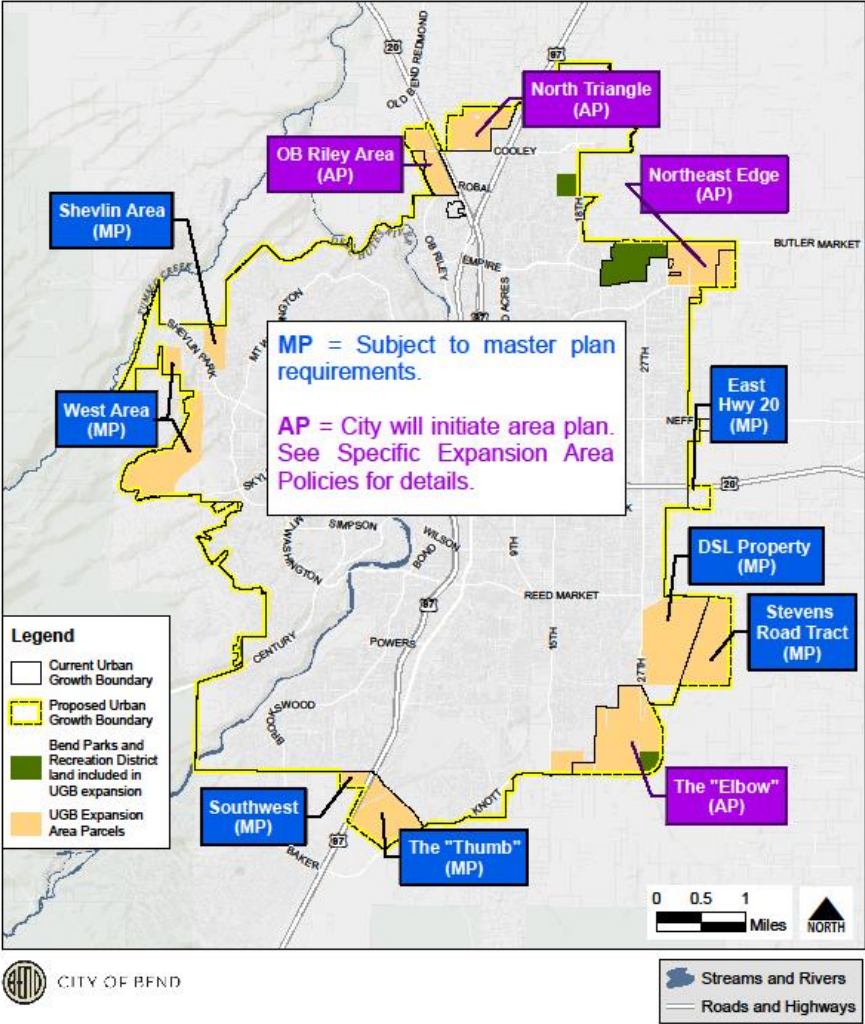
**DRAFT**  
**Development Code Text Update**  
**October 19, 2023**

Chapter 4.9, Annexations

\*\*\*

New Figure 4.9.300

**Bend UGB**  
*UGB Expansion Subareas and Area Planning Requirements*  
November 2023



\*\*\*

**Table 4.9.300 - Specific Expansion Area Policies and  
Land Use Approval Requirements**

<b>Expansion Area</b>	<b>Bend Comprehensive Plan Specific Expansion Area Policies</b>	<b>Land Use Approval Required Prior to or Concurrently with Annexation</b>
Northeast – Butler Market Village	11-74 through 11-81	See BDC <a href="#">4.9.300(B)(1)(a)(iv)</a>
East Highway 20	11-82	See BDC <a href="#">4.9.300(B)(1)(a)(i)</a>
DSL Property	11-83 through 11-92	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
The Elbow	11-93 through 11- 104	Southeast Area Plan approved. See BDC <a href="#">4.9.300(B)(2)</a>
The Thumb	11-105 through 11- 111	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
Southwest	11-112 through 11- 119	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
West Area	11-120 through 11- 128	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
Shevlin Area	11-129 through 11- 135	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans



<b>Expansion Area</b>	<b>Bend Comprehensive Plan Specific Expansion Area Policies</b>	<b>Land Use Approval Required Prior to or Concurrently with Annexation</b>
OB Riley Area	11-136 through 11-141	Area plan in compliance with BDC <a href="#">2.7.100</a> . Prior to completion of the area plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level area plan for the rest of the subarea. Following adoption of the area plan, annexation and development of individual properties or groups of properties of any size, consistent with the area plan, may be approved in compliance with the Bend Development Code
North Triangle	11-142 through 11-151	Area plan in compliance with BDC <a href="#">2.7.100</a> . Prior to completion of the area plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level area plan for the rest of the subarea. Following adoption of the area plan, annexation and development of individual properties or groups of properties of any size, consistent with the area plan, may be approved in compliance with the Bend Development Code
<u>Stevens Road Tract</u>	<u>11-153 through 11-170</u>	<u>Master plan in compliance with BDC Chapter <a href="#">4.5</a>, Master Plans</u>

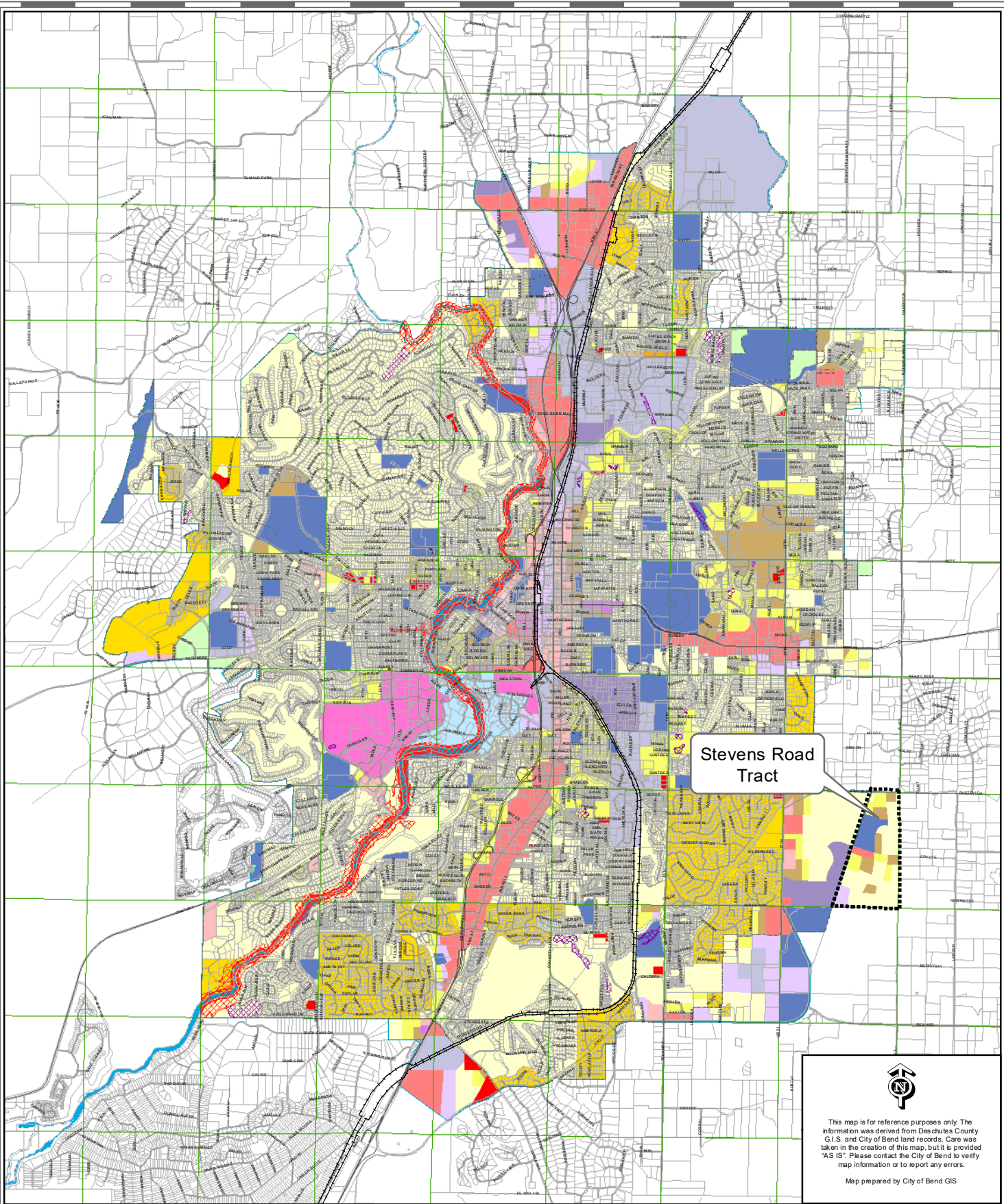
[Ord. NS-2463, 2023; Ord. NS-2434, 2022; Ord. NS-2405, 2021; Ord. NS-2302, 2018]

Stevens Road Tract Planning Amendments

EXHIBIT C

Amendments to the Bend Comprehensive Plan  
Map

PLTEXT20230635 and PLCPMA20230636.



Stevens Road Tract



This map is for reference purposes only. The information was derived from Deschutes County GIS and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Bend to verify map information or to report any errors.

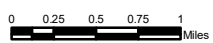
Map prepared by City of Bend GIS



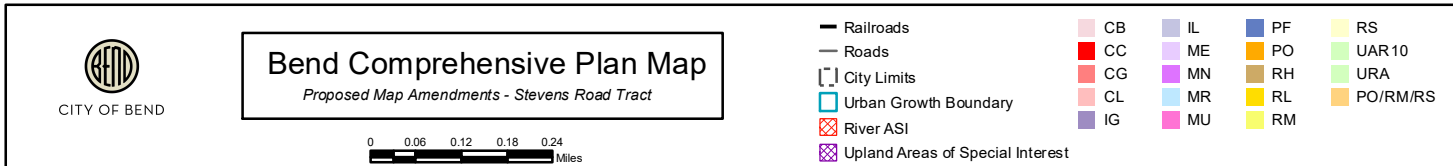
CITY OF BEND

# Bend Comprehensive Plan Map

Proposed Map Amendments - Stevens Road Tract



- |                                  |    |    |    |          |
|----------------------------------|----|----|----|----------|
| City Limits                      | CB | IL | PF | RS       |
| Urban Growth Boundary            | CC | ME | PO | UAR 10   |
| River ASI                        | CG | MN | RH | URA      |
| Upland Areas of Special Interest | CL | MR | RL | PO/RM/RS |
| Railroads                        | IG | MU | RM |          |
| Roads                            |    |    |    |          |



Stevens Road Tract Planning Amendments

EXHIBIT D

Amendments to the Bend Transportation  
System Plan

PLTEXT20230635 and PLCPMA20230636.





# Roadway Functional Classification

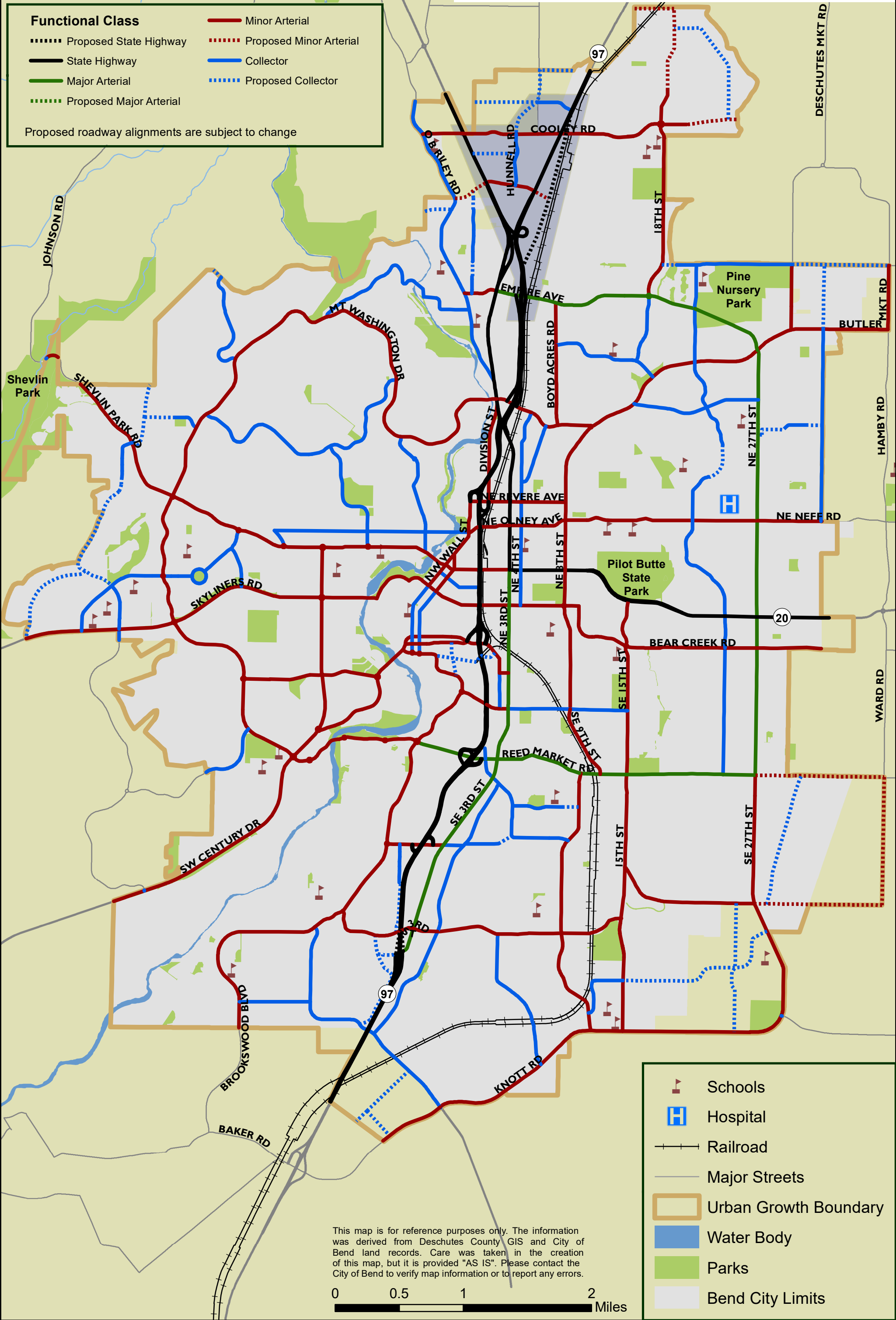


Bend's  
Transportation  
Plan

## Functional Class

- |                               |                         |
|-------------------------------|-------------------------|
| ..... Proposed State Highway  | Minor Arterial          |
| — State Highway               | Proposed Minor Arterial |
| — Major Arterial              | Collector               |
| ..... Proposed Major Arterial | Proposed Collector      |

Proposed roadway alignments are subject to change



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0 0.5 1 2 Miles

- |  |                       |
|--|-----------------------|
|  | Schools               |
|  | Hospital              |
|  | Railroad              |
|  | Major Streets         |
|  | Urban Growth Boundary |
|  | Water Body            |
|  | Parks                 |
|  | Bend City Limits      |



# Bicycle Low Stress Network



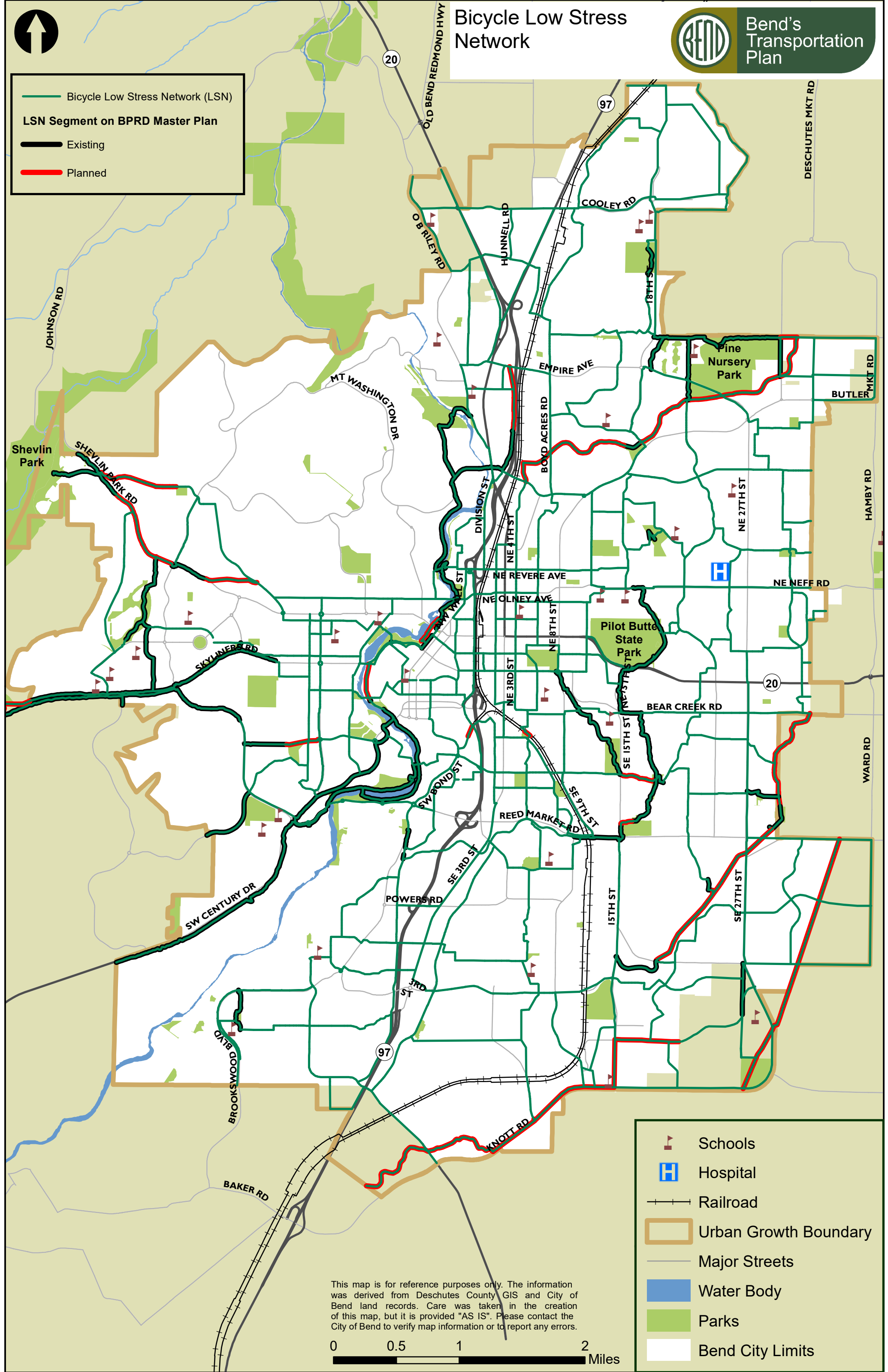
Bend's  
Transportation  
Plan

Bicycle Low Stress Network (LSN)

LSN Segment on BPRD Master Plan

Existing

Planned



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0 0.5 1 2 Miles

- Schools
- Hospital
- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits





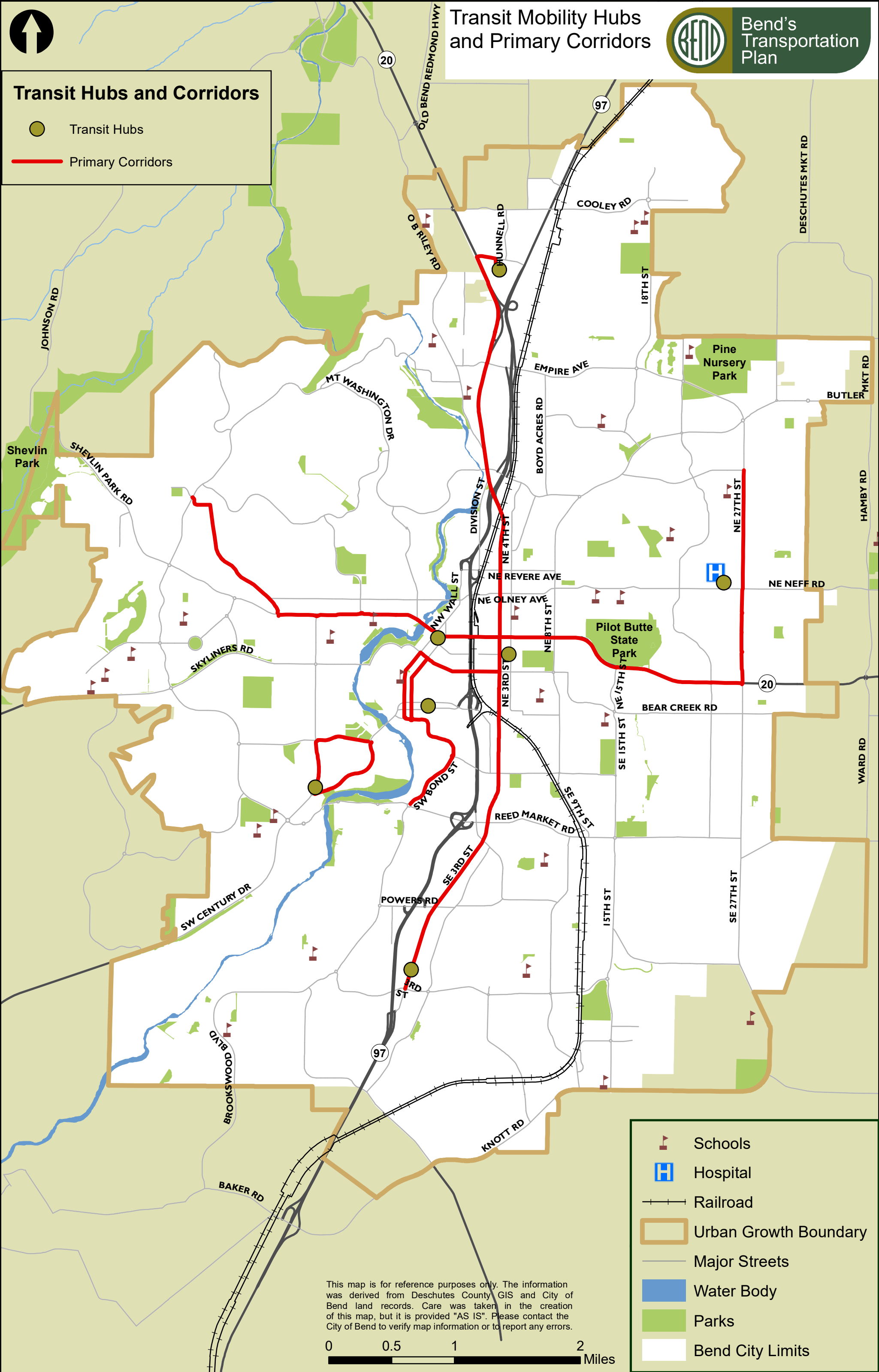
# Transit Mobility Hubs and Primary Corridors



Bend's  
Transportation  
Plan

## Transit Hubs and Corridors

- Transit Hubs
- Primary Corridors



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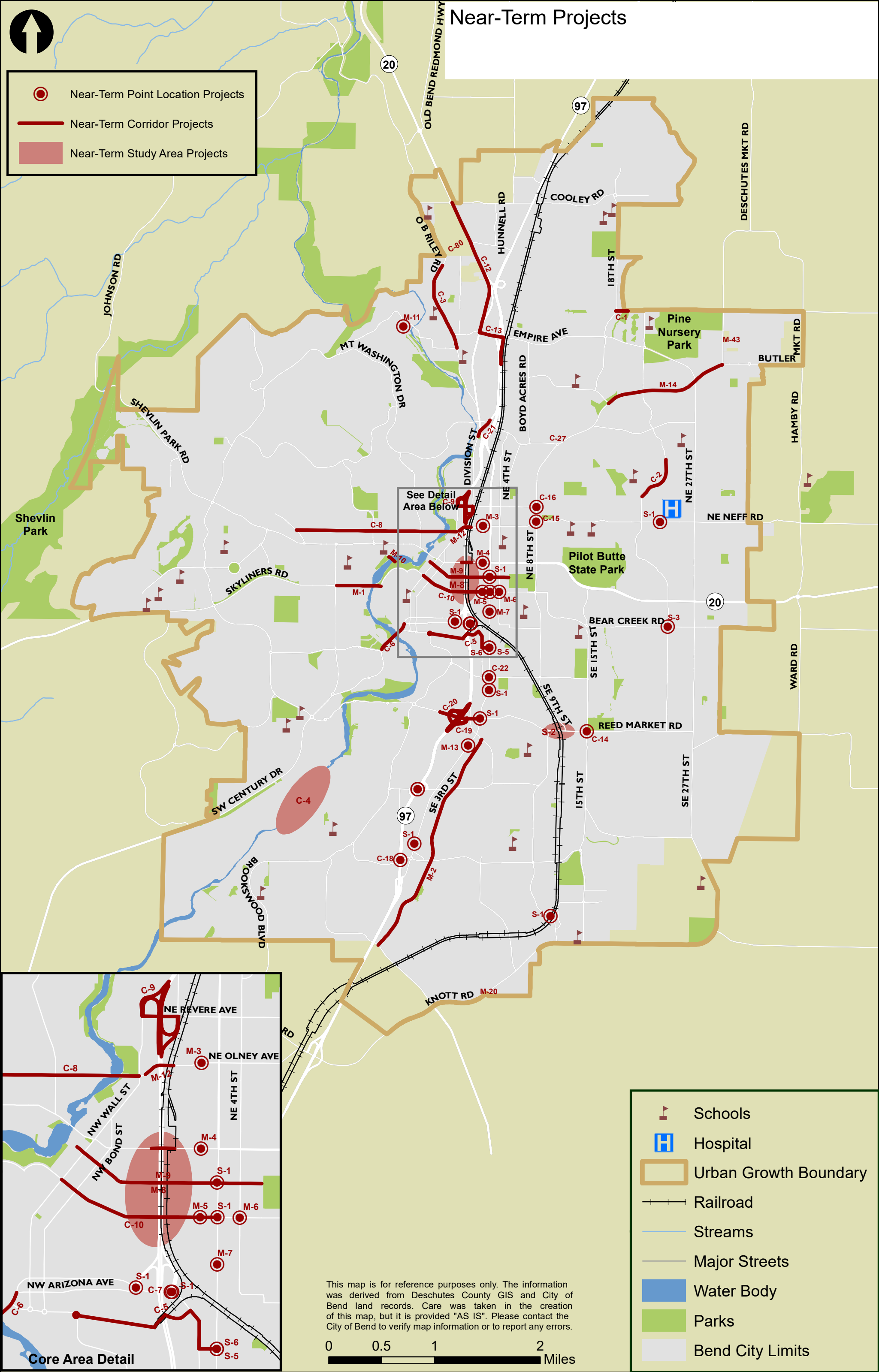
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- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits

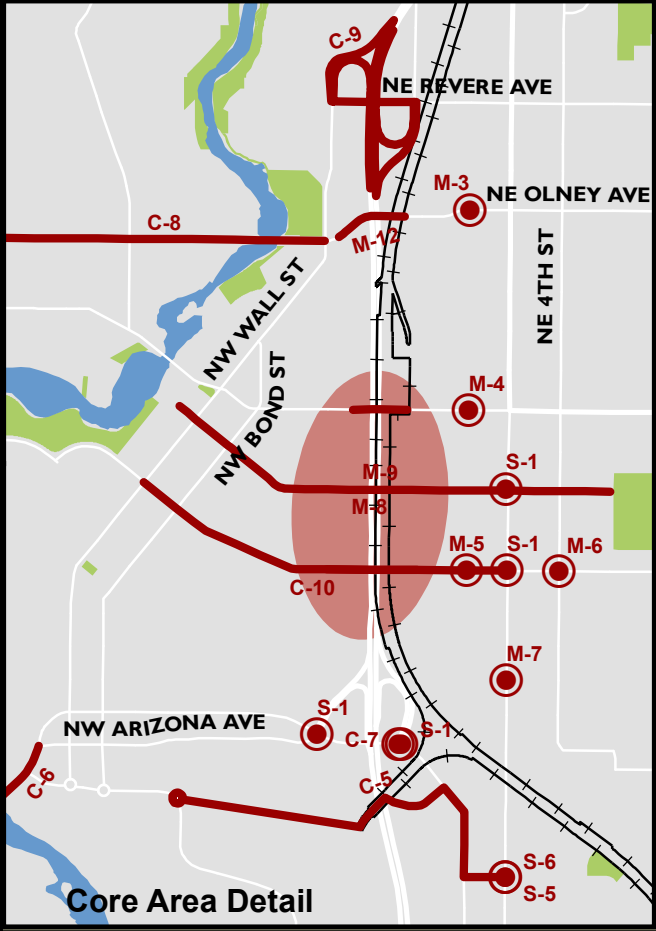


# Near-Term Projects

- Near-Term Point Location Projects
- Near-Term Corridor Projects
- Near-Term Study Area Projects



See Detail Area Below



This map is for reference purposes only. The information was derived from Deschutes County GIS and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Bend to verify map information or to report any errors.



- Schools
- Hospital
- Urban Growth Boundary
- Railroad
- Streams
- Major Streets
- Water Body
- Parks
- Bend City Limits

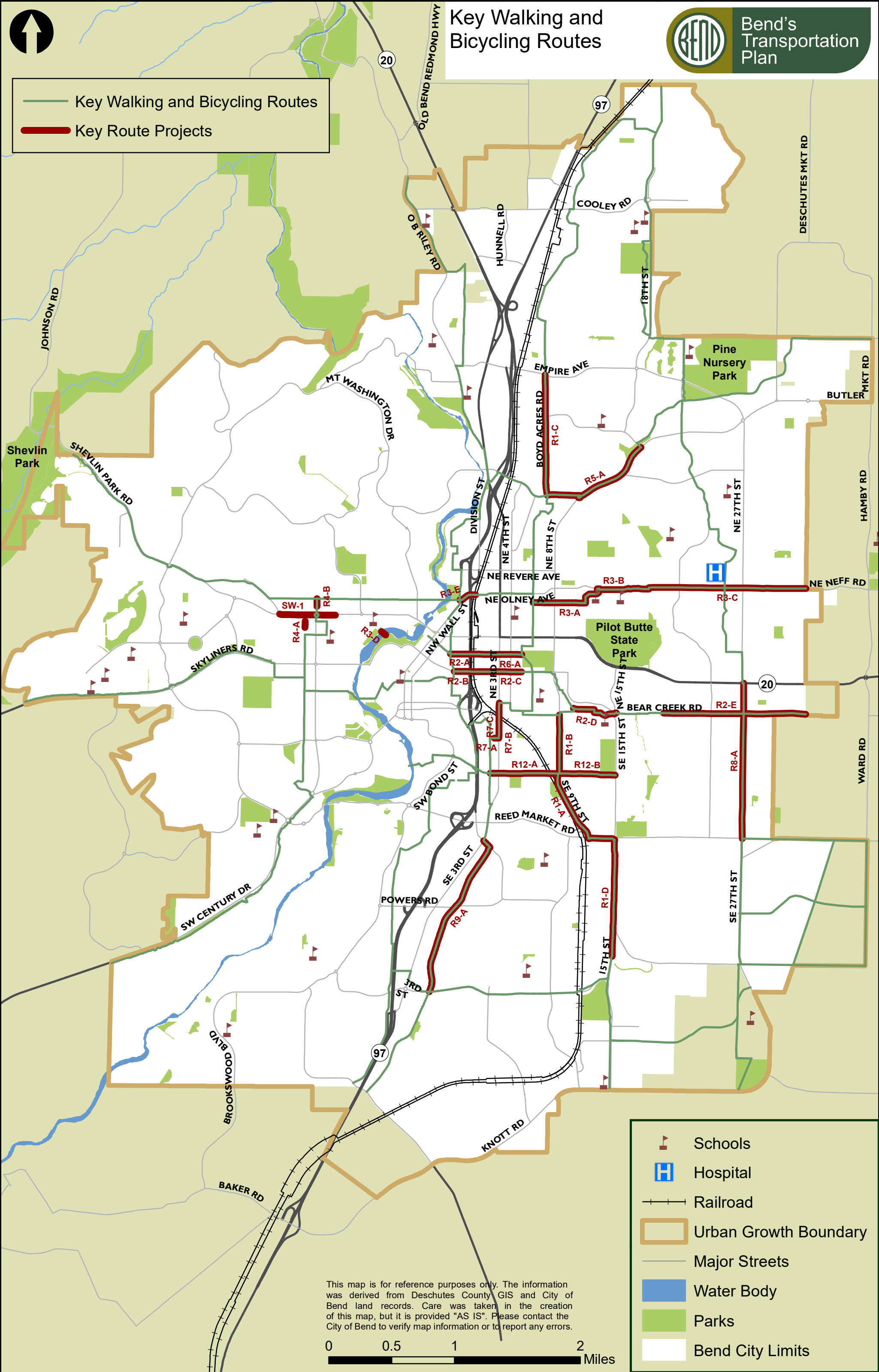


# Key Walking and Bicycling Routes



Bend's  
Transportation  
Plan

- Key Walking and Bicycling Routes
- Key Route Projects



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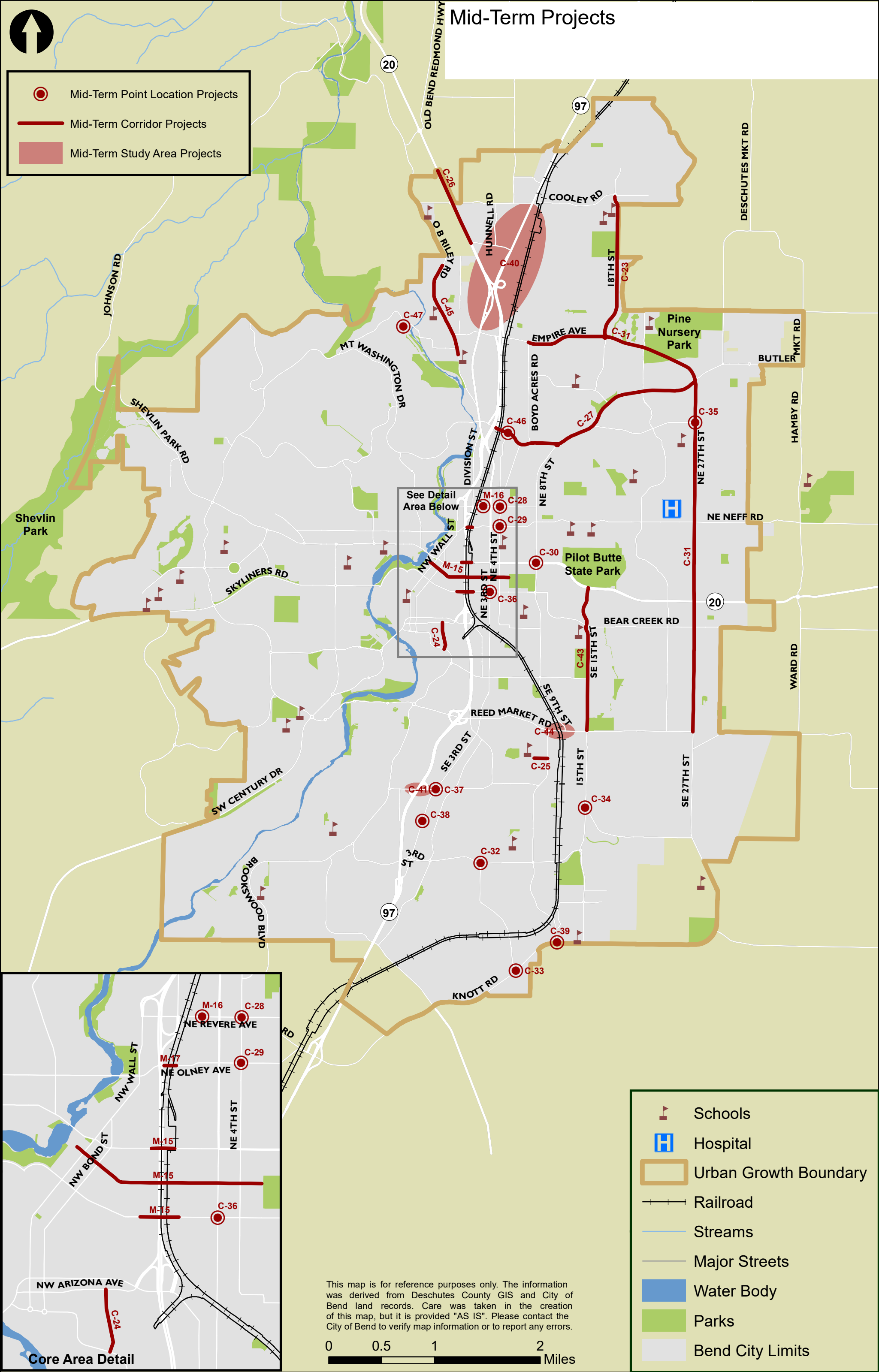
- Schools
- Hospital
- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits





# Mid-Term Projects

- Mid-Term Point Location Projects
- Mid-Term Corridor Projects
- Mid-Term Study Area Projects



See Detail Area Below



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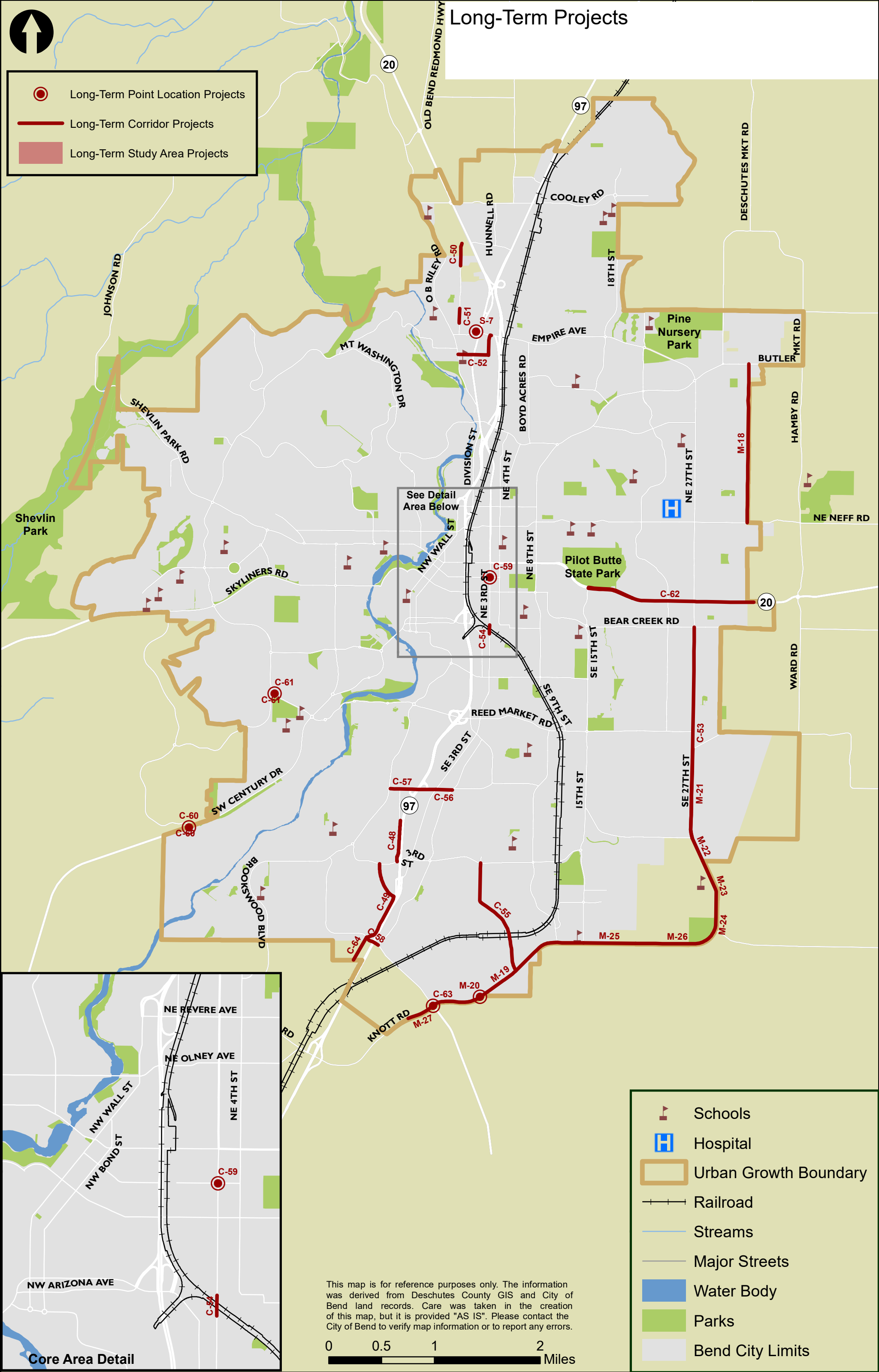
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- Schools
- Hospital
- Urban Growth Boundary
- Railroad
- Streams
- Major Streets
- Water Body
- Parks
- Bend City Limits



# Long-Term Projects

- Long-Term Point Location Projects
- Long-Term Corridor Projects
- Long-Term Study Area Projects



See Detail Area Below

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0 0.5 1 2 Miles

- Schools
- Hospital
- Urban Growth Boundary
- Railroad
- Streams
- Major Streets
- Water Body
- Parks
- Bend City Limits

Core Area Detail

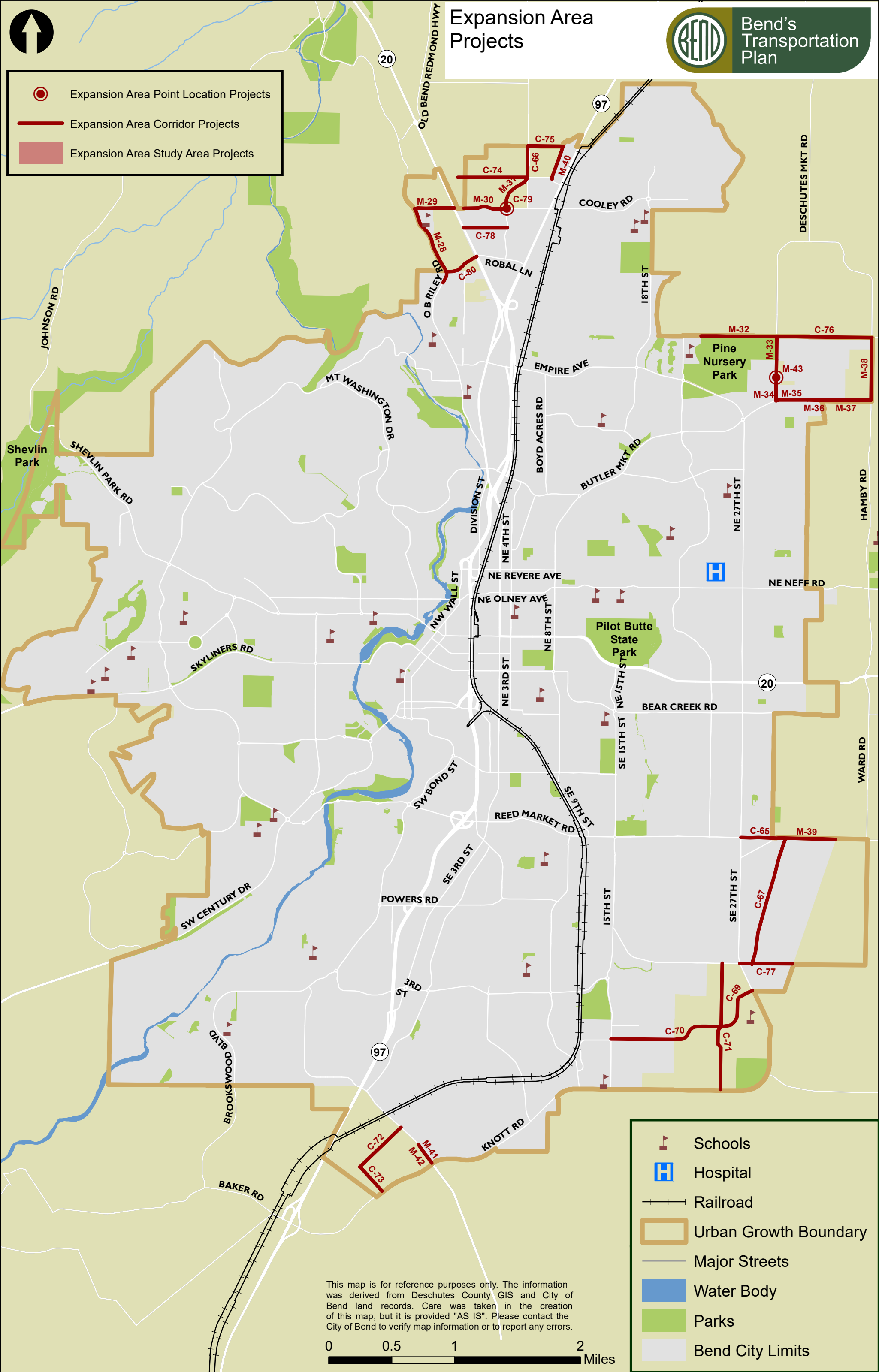


# Expansion Area Projects



Bend's  
Transportation  
Plan

- Expansion Area Point Location Projects
- Expansion Area Corridor Projects
- Expansion Area Study Area Projects



- Schools
- Hospital
- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits

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**BEFORE THE PLANNING COMMISSION  
OF THE CITY OF BEND**

STEVENS ROAD TRACT		
PLAN AND CODE TEXT AMENDMENTS	(PLTEXT20230635)	(
PLAN MAP AMENDMENTS	(PLCPMA20230636)	(
RECOMMENDATION TO THE CITY COUNCIL		(

**NATURE OF THE APPLICATION**

Type IV Legislative amendments to the text of Bend Comprehensive Plan, Bend Development Code, and Bend Transportation System Plan and to the map of the Bend Comprehensive Plan. PLTEXT20230635 proposes to: 1) amend the text of Chapter 11, Growth Management, of the Comprehensive Plan to add policies for review of a master plan for the Stevens Road Tract; 2) amend the text of Chapter 4.9, Annexations, of the Bend Development Code, by amending Figure 4.9.300 and Table 4.9.300 to add the Stevens Road Tract as an expansion area for which master plan approval is required according to the proposed policies and Chapter 4.5, Master plans, and; 3) amend eight (8) graphics in Appendix C, the Bend Transportation System Plan, to reflect the Stevens Road Tract is within the Bend urban growth boundary and the related extensions of transportation projects. PLCPMA20230636 proposes amendments to the Bend Comprehensive Plan map to change the plan designation of the Stevens Road Tract from Urbanizable Area to several plan designations based on Alternative 3 of the Stevens Road Concept Plan.

The application was processed in accordance with BDC 4.1.500.

1. Timely and sufficient notice of the public hearing was provided pursuant to BDC 4.1.515.
2. On November 13, 2023, the Planning Commission held a work session and reviewed the proposed amendments to the text of the Bend Comprehensive Plan, Development Code, and Transportation System Plan, and the amendments to the Bend Comprehensive Plan map.
3. On November 27, 2023, the Planning Commission held a public hearing on Project Numbers PLTEXT20230635 and PLCPMA20230636. The Commission continued the hearing to their December 11, 2023 meeting. The Planning Commission conducted the continued hearing on December 11, 2023 and began deliberation. The Planning Commission voted to recommend that the City Council approve the proposed Comprehensive Plan and Development Code text amendments as shown in Exhibit A, the Transportation System Plan text amendments as shown in Exhibit B, and the Comprehensive Plan map amendments as shown in Exhibit C.
4. The findings in support of this recommendation are contained in Exhibit D.
5. The Growth Management Division staff report, and recommendation have been considered and are part of the record of this proceeding.

**CONCLUSION**

The proposed amendments to the text of the Comprehensive Plan, Development Code, and Transportation System Plan and to the map of the Comprehensive Plan meet the applicable Development Code criteria of approval found at BDC 4.6.200.

## RECOMMENDATION

The Bend Planning Commission recommends that the City Council approve PLTEXT20230635 and PLCPMA20230636 by amending the text of the Comprehensive Plan and Development Code as proposed in Exhibit A, by amending the text of the Transportation System Plan as proposed in Exhibit B, by amending the Comprehensive Plan map as proposed in Exhibit C, and the findings in Exhibit D.

This RECOMMENDATION was approved by the Bend Planning Commission on December 11, 2023.

Attest -

Ayes: 6

Nays: 0

Absent: 0

Abstain:0



---

Planning Commissioner Chair



Stevens Road Tract Planning Amendments

EXHIBIT A to Bend Planning Commission  
December 11, 2023 Order

Amendments to Chapter 11, Growth  
Management, of the Bend Comprehensive  
Plan and to Chapter 4.9, Annexations, of the  
Bend Development Code

**DRAFT**  
**Comprehensive Plan Text Update**  
**December 11, 2023**

Prepared by: Community and Economic Development Department

Note:

Text in underlined typeface is proposed to be added

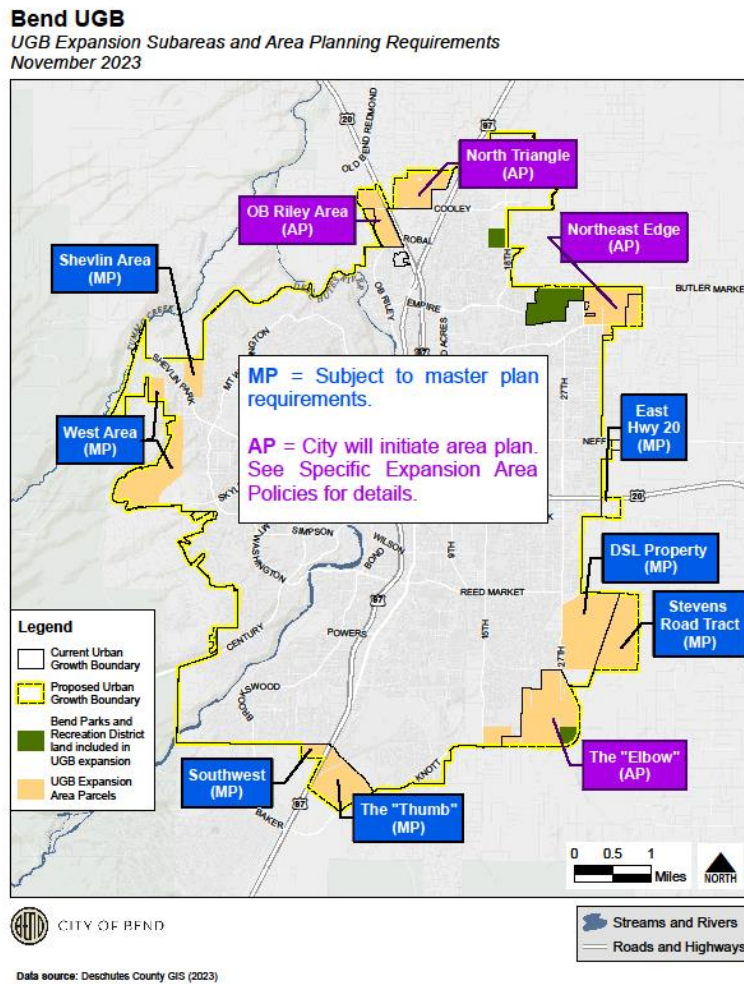
Text in ~~strikethrough~~ typeface is proposed to be deleted.

\*\*\*Indicates where text from the existing code has been omitted because it will remain unchanged.

Bend Comprehensive Plan  
Chapter 11, Growth Management

\*\*\*

**Figure 11-7: UGB Expansion Subareas and Area Planning Requirements**  
(Replaces existing Figure 11-7)



11-153 The City approved a Concept Plan for the Stevens Road Tract, on June 1, 2022, consistent with Oregon House Bill (HB) 3318 (2021), now Oregon Laws 2021 Chapter 552. The Concept Plan addresses the requirements of Oregon Laws 2021 Chapter 552. The master plan must be consistent with both the applicable master plan standards in the Bend Development Code and Policies 11-154 through 11-170, below, which implement the Concept Plan.

11-154 The overall planning concept for the Stevens Road Tract property as identified in Figure 11-8 is for a new complete community that accommodates dense development focused primarily on providing affordable and market-rate housing in a mixed-use, multi-modal community.

11-155 Within areas zoned for residential purposes, not counting the lands identified for affordable housing as required by Policy 11-158 below,

- the density must exceed nine (9) residential units per gross residential acre,
- more than 10 percent of the total number of market-rate units must be single-unit attached (e.g. townhome) dwellings, and
- more than 35 percent of the total number of market-rate units must be duplex, triplex, quadplex, or multi-unit residential units.

11-156 In order to provide adequate opportunities for the development of all needed housing types, sizes, and densities of market-rate housing, the Master Plan must demonstrate that this area will provide capacity for a minimum of 2,487 total residential units (including the affordable housing units required by Policy 11-158 below) with the following specific plan designation and market rate residential unit requirements:

- Urban High Density (RH): A minimum of 30 total net acres of RH designation of which, 18 net acres must be identified for affordable housing as outlined in Policy 11-158 below, and a minimum of 12 net acres must be used to accommodate a minimum of 480 market- rate units.
- Urban Medium Density (RM): A minimum of 24 total net acres of RM designation of which, two (2) net acres must be identified for affordable housing as outlined in Policy 11-158 below, and a minimum of 22 net acres must be used to accommodate a minimum of 440 market-rate units.
- Urban Standard Density (RS): A maximum of 92.9 net acres of RS designation to accommodate a minimum of 808 market-rate units.
- The RM and RH designations may be increased, and the RS designation decreased proportionally, above the minimum sizes established in this policy in order to accommodate additional density if approved as part of a Master Plan.

11-157 In order to meet the minimum unit density requirements in Policy 11-155 above, the densities may exceed the maximum densities in BDC 2.1.600.

11-158 As required by Oregon Laws 2021 Chapter 552, in order to provide affordable housing, the master plan must include a minimum of 20 net acres of residential land for deed-restricted affordable housing consistent with the Purchase and Sale Agreement between the City and the

Department of State Lands, recorded against the Stevens Road Tract, and configured as follows:

- Three (3) lots or parcels, each at least six (6) acres in size with an RH designation
- Two (2) lots or parcels, each at least one (1) acre in size, with an RM designation

The applicant for the master plan must coordinate with the City's Housing Department to identify the final locations of these parcels.

11-159 The lots or parcels for affordable housing identified in Policy 11-158 above, are to be transferred to the City following the recording of a final land division plat. They must be platted and transferred to the City in phases so that the lots or parcels for affordable housing identified in Policy 11-158 and market-rate lots or parcels are platted over time and in a ratio similar to the ratio of affordable and market-rate lots or parcels within the master plan as a whole. They must be subject to deed restrictions recorded by the City on a form agreed to between the City and the Department of State Lands that set the affordability levels and, for one of the six-acre lots or parcels and one of the one-acre lots or parcels, made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.

11-160 In order to provide adequate employment lands, the employment land plan designations must include a minimum of five (5) gross acres of Commercial plan designations and seven (7) gross acres of Mixed Employment or Industrial plan designations.

11-161 In order to create a complete community with primarily neighborhood-serving commercial uses, the master plan must prohibit auto-oriented commercial uses.

11-162 Commercial plan designations and at least one of the six-acre lots or parcels for deed-restricted affordable housing must be located adjacent to the community park.

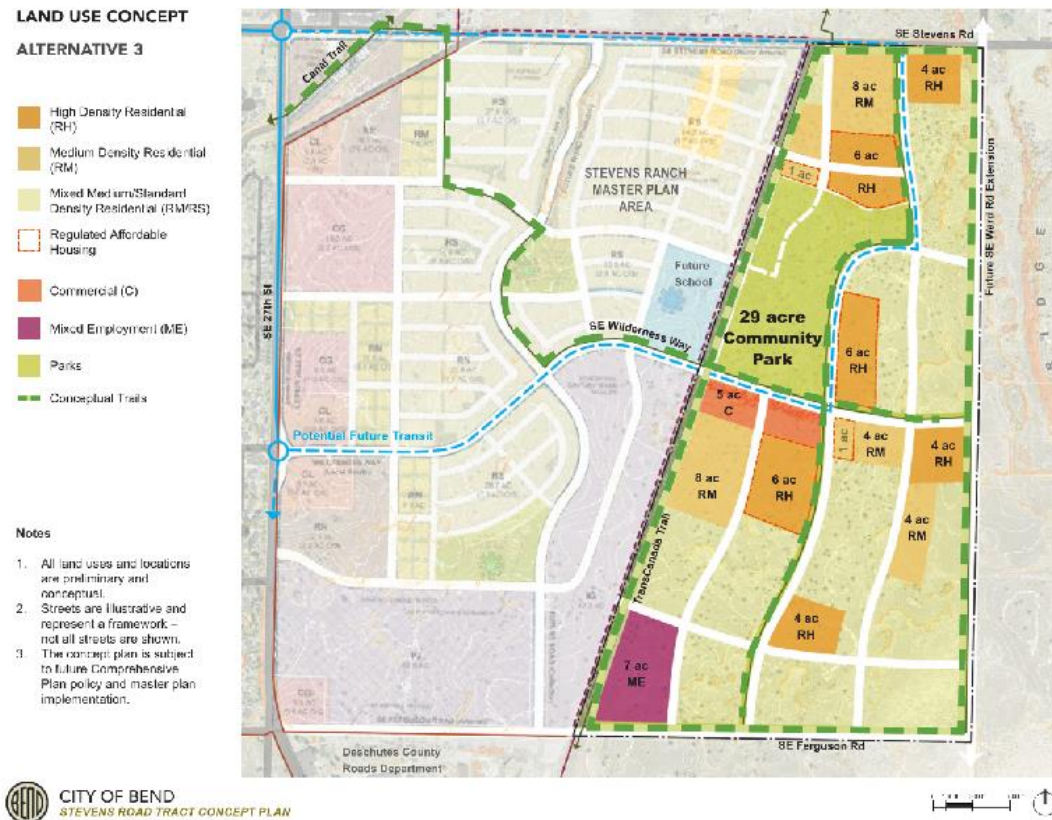
11-163 In order to provide sufficient areas designated for mixed-use development and to support equitable, integrated and viable commercial and residential uses along with transportation options (including walking, bicycling, and transit use), land use designations must be located as follows:

- The affordable housing required in Policy 11-158 above, must be located within a block of the community park, and within one-quarter mile of the commercial land or SE Wilderness Way, providing equitable access to transit, open space, planned trails, and commercial uses. This does not apply to the affordable housing lot or parcel described above under Policy 11-162.
- Market-rate medium- and high-density housing will be dispersed throughout the master plan, integrated adjacent to the affordable housing and located on planned transit routes adjacent to the community park, SE Wilderness Way, and near SE Stevens Road.
- The required five acres of Commercial plan designation will be configured as a main street and must be located on the future western portion of the extension of SE

Wilderness Way, abutting the TransCanada Trail and adjacent to the future community park.

Figure 11-8 illustrates the above requirements.

Figure 11-8: Stevens Road Tract Planning Concept



11-164 The street, path, and bikeway network must provide connectivity throughout the Stevens Road Tract, connect to existing and planned extensions of abutting roads, and provide opportunities for connections to adjacent undeveloped land both inside and outside the UGB. The transportation network must be consistent with the Bend Transportation System Plan. The white dashed line shown through the park on Figure 11-8 is intended to provide for a non-vehicular pedestrian connection through the park. The master plan must show a pedestrian route through the park that provides access to the future school site and residential designations adjacent to the park.

11-165 In order to ensure the development of adequate infrastructure to support walking, bicycling, public transit, and motor vehicle movement, and to ensure transportation networks connect the Stevens Road Tract to other areas within the Bend UGB, the future master plan must include:

- A “green loop” of off-street trails in 20’ wide trail easements or multi-use trails around or near the perimeter of the master plan area with a centrally located path adjacent to SE Wilderness Way and a trail located in the TransCanada trail easement. Trails may be

hard- or soft-surfaced. The trail surfacing for the TransCanada trail will be determined in collaboration with the City Engineer, Bend Parks and Recreation District, and TC Energy.

- The extensions of SE Stevens Road (minor arterial), SE Ferguson Road (minor arterial), and SE Wilderness Way (neighborhood route) to the eastern edge of the Tract. Given the proximity of these roads near the edge of the current city limits, future master plan developers may coordinate with the City of Bend on interim roadway improvements for these facilities. Such improvements must build towards adopted City of Bend roadway standards and provide right-of-way consistent with functional classification requirements.
- Plans to address the future potential extension of the SE Ward Road Alignment. The functional classification for SE Ward Road is a Minor Collector based on the City of Bend roadway spacing requirements. This designation will be confirmed and intersection type for the SE Ward/Stevens and SE Ward/Ferguson intersections shall be determined through the review of the master plan.
- Construction of a new North-South street within the master plan area that provides a connection between SE Stevens Road to the north with SE Ferguson to the south.

Figure 11-8 illustrates the above requirements.

11-166 The City had a pedestrian archaeological survey completed for the Stevens Road Tract that identified a potential historic road identified as McGilvray Road. The road's location is identified in a May 2023 report from Caldera Archaeology, and this report has also been provided to the State Historic Preservation Office (SHPO). The master plan must be accompanied by documentation that the master plan developer has coordinated with SHPO and will comply with their requirements, if any, for protection of, or mitigation of any impacts to, McGilvray Road. The master plan must also show that the unit mix, counts, and density in Policies 11-155 and 11-156 will be met if SHPO requires preservation of McGilvray Road. The City shall provide notice of the proposed master plan and solicit comments from the SHPO.

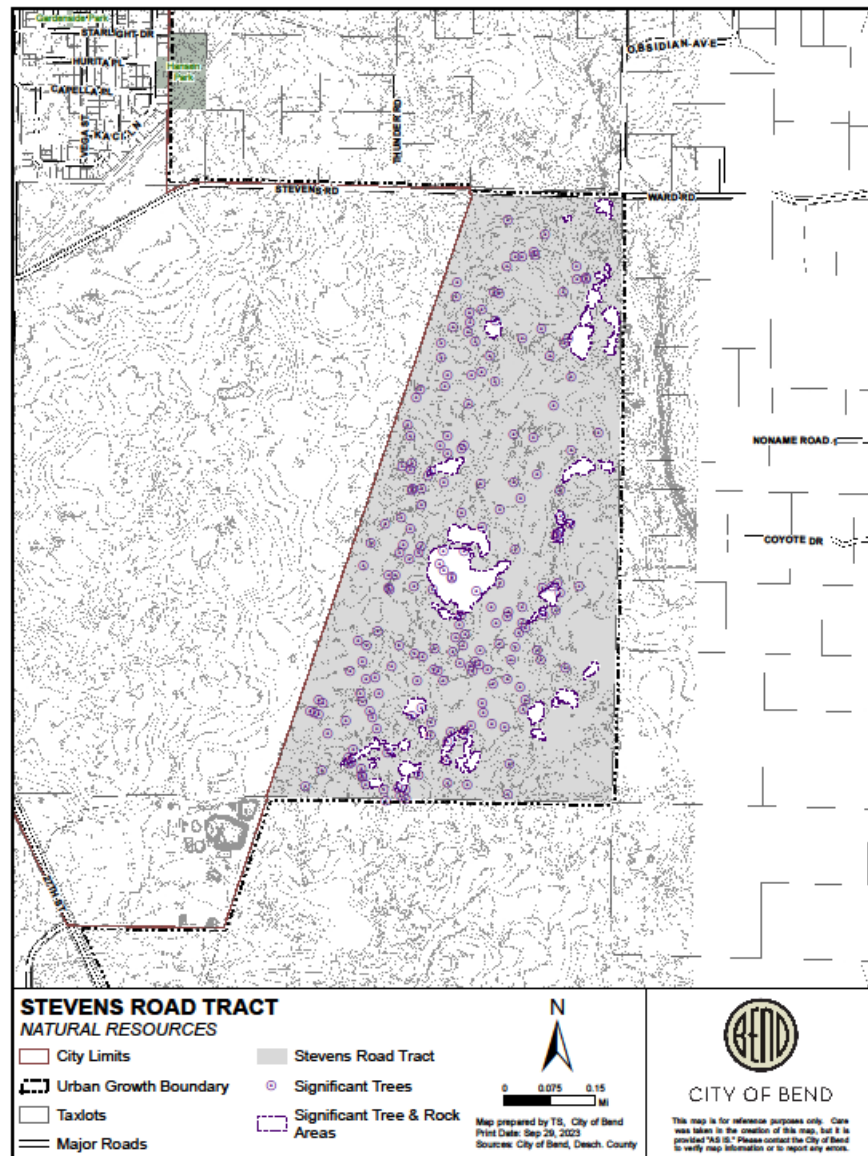
11-167 The master plan developer must coordinate and consult with the Confederated Tribes of Warm Springs prior to master plan approval and on-going, during development of the site

- A master plan for the Stevens Road Tract must include an inadvertent discovery plan (IDP) that outlines how any artifacts or remains found during excavation or earth movement will be protected or otherwise addressed.
- Applicable state and federal regulations regarding the discovery of artifacts or remains must be followed during construction activities
- The City shall provide notice of the proposed master plan and solicit comments from the Confederated Tribes of Warm Springs.

11-168 The City has completed an inventory of significant trees and rock outcrops shown in Figure 11-9. A master plan for the Stevens Road Tract must demonstrate how the significant trees and rock outcrops shown in Figure 11-9 located in the Community Park and open spaces distributed throughout the Tract as required under Policy 11-169 will be incorporated and preserved to the extent possible. Significant trees must be protected according to the City's regulations for tree preservation or under standards proposed with a master plan code that provide at least as much protection of significant trees as the generally applicable tree preservation regulations of the BDC.



Figure 11-9: Natural Resources



11-169 A master plan for the Stevens Road Tract must include preservation of at least 39 acres for recreational and open space (designated as Public Facility) as follows:

- A community park for active recreation and preservation of significant natural resources, must be centrally located and adjacent to the proposed pipeline trail and future school site planned in the neighboring Stevens Ranch Master Plan Area. Figure 11-8 illustrates the above requirements. The park land must be dedicated to the District following the satisfaction of due diligence requirements for public property. As used in this policy, a "community park" has the meaning from the Bend Park and Recreation District 2018 Comprehensive Plan, and is a park intended to serve a wider area than neighborhood parks, and therefore are larger in size, averaging about 25 acres each. Due to their

larger size, community parks include a greater variety of amenities, including one or more of the following: athletic fields, court sports, skate parks, bike skills courses, trails and natural areas.

- A minimum of 7 acres for trail corridors, and these trails may be located within public access easements or in public open space tracts that are a minimum of 20 feet in width.
- A minimum of 3 acres of open space to maximize preservation of natural features including significant trees and rock outcrops. These open spaces must be protected in a tract or tracts.
- Coordination with Bend Park and Recreation District is required to locate the community park and trails.

11-170 The master plan must show that wildfire risk will be mitigated through one or more of the following methods: creation of defensible space, arrangement of land uses, construction and building materials, and/ or development pattern. Any special planned district [code](#) proposed for regulating development of the land uses within the master plan must incorporate the proposed wildfire risk mitigation actions.

\*\*\*



**DRAFT**  
**Development Code Text Update**  
**October 19, 2023**

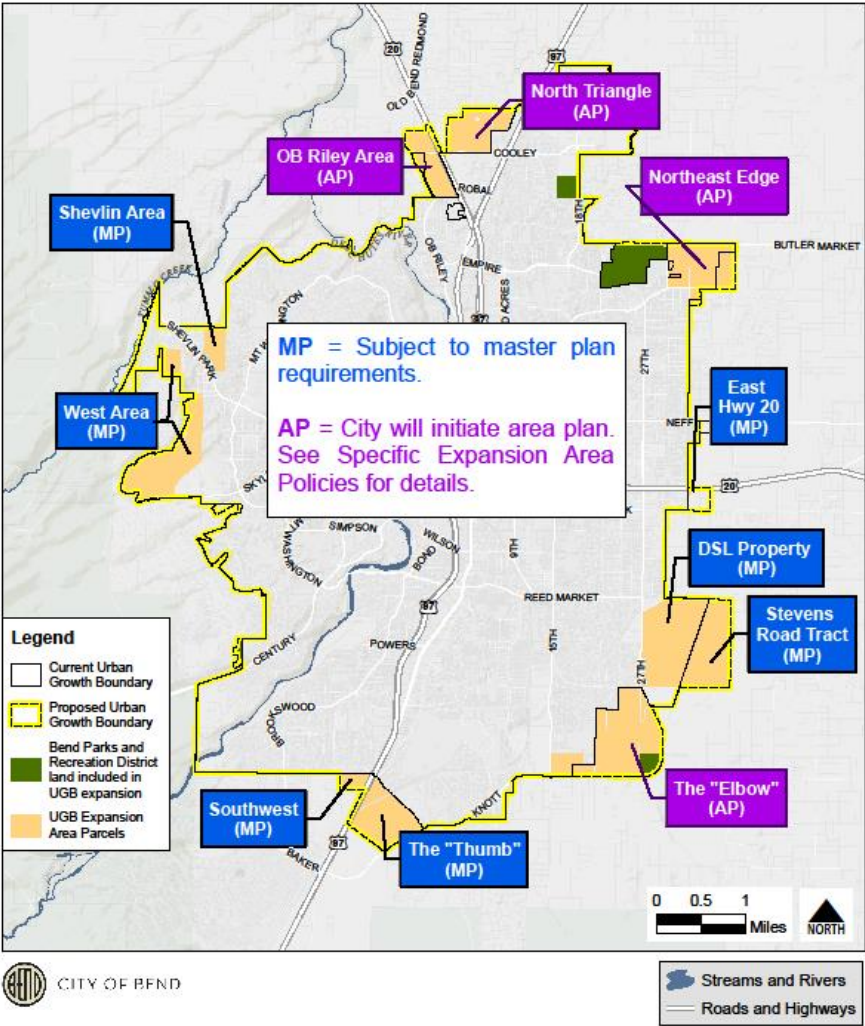
Chapter 4.9, Annexations

\*\*\*

New Figure 4.9.300

**Bend UGB**

*UGB Expansion Subareas and Area Planning Requirements*  
*November 2023*



\*\*\*

**Table 4.9.300 - Specific Expansion Area Policies and  
Land Use Approval Requirements**

<b>Expansion Area</b>	<b>Bend Comprehensive Plan Specific Expansion Area Policies</b>	<b>Land Use Approval Required Prior to or Concurrently with Annexation</b>
Northeast – Butler Market Village	11-74 through 11-81	See BDC <a href="#">4.9.300(B)(1)(a)(iv)</a>
East Highway 20	11-82	See BDC <a href="#">4.9.300(B)(1)(a)(i)</a>
DSL Property	11-83 through 11-92	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
The Elbow	11-93 through 11- 104	Southeast Area Plan approved. See BDC <a href="#">4.9.300(B)(2)</a>
The Thumb	11-105 through 11- 111	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
Southwest	11-112 through 11- 119	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
West Area	11-120 through 11- 128	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans
Shevlin Area	11-129 through 11- 135	Master plan in compliance with BDC Chapter <a href="#">4.5</a> , Master Plans

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies	Land Use Approval Required Prior to or Concurrently with Annexation
OB Riley Area	11-136 through 11-141	Area plan in compliance with BDC <a href="#">2.7.100</a> . Prior to completion of the area plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level area plan for the rest of the subarea. Following adoption of the area plan, annexation and development of individual properties or groups of properties of any size, consistent with the area plan, may be approved in compliance with the Bend Development Code
North Triangle	11-142 through 11-151	Area plan in compliance with BDC <a href="#">2.7.100</a> . Prior to completion of the area plan, annexations in this area must be a minimum of 40 contiguous acres and be the subject of a master plan application which includes a framework level area plan for the rest of the subarea. Following adoption of the area plan, annexation and development of individual properties or groups of properties of any size, consistent with the area plan, may be approved in compliance with the Bend Development Code
<u>Stevens Road Tract</u>	<u>11-153 through 11-170</u>	<u>Master plan in compliance with BDC Chapter <a href="#">4.5</a>, Master Plans</u>

[Ord. NS-2463, 2023; Ord. NS-2434, 2022; Ord. NS-2405, 2021; Ord. NS-2302, 2018]

Stevens Road Tract Planning Amendments

EXHIBIT B to Bend Planning Commission  
December 11, 2023 Order

Amendments to the text of the Bend  
Transportation System Plan



# Roadway Functional Classification

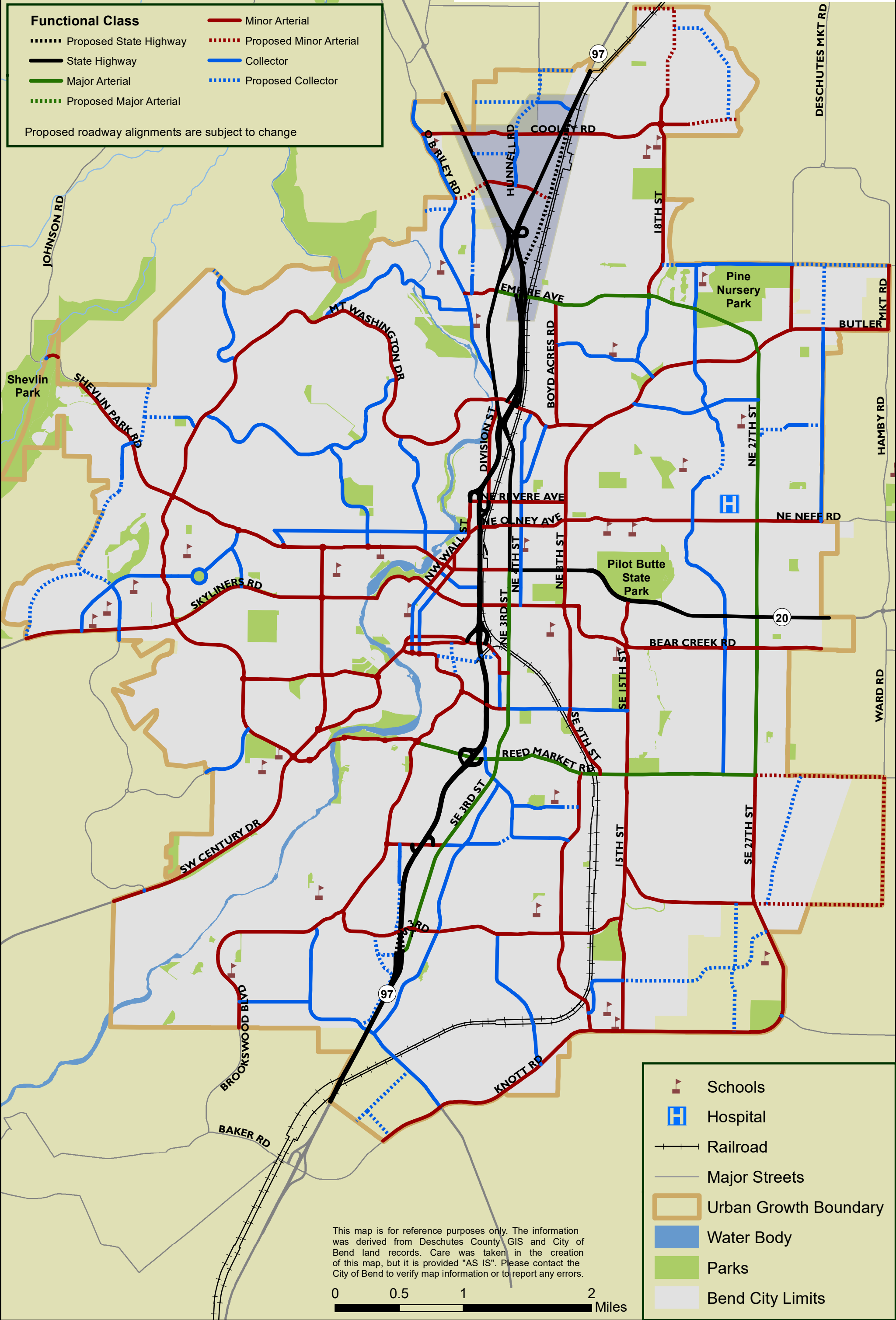


Bend's  
Transportation  
Plan

## Functional Class

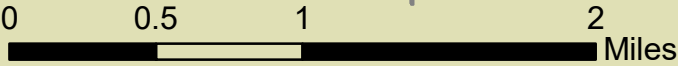
- |                               |                         |
|-------------------------------|-------------------------|
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| — State Highway               | Proposed Minor Arterial |
| — Major Arterial              | Collector               |
| ..... Proposed Major Arterial | Proposed Collector      |

Proposed roadway alignments are subject to change



- |  |                       |
|--|-----------------------|
|  | Schools               |
|  | Hospital              |
|  | Railroad              |
|  | Major Streets         |
|  | Urban Growth Boundary |
|  | Water Body            |
|  | Parks                 |
|  | Bend City Limits      |

This map is for reference purposes only. The information was derived from Deschutes County GIS and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Bend to verify map information or to report any errors.







# Bicycle Low Stress Network



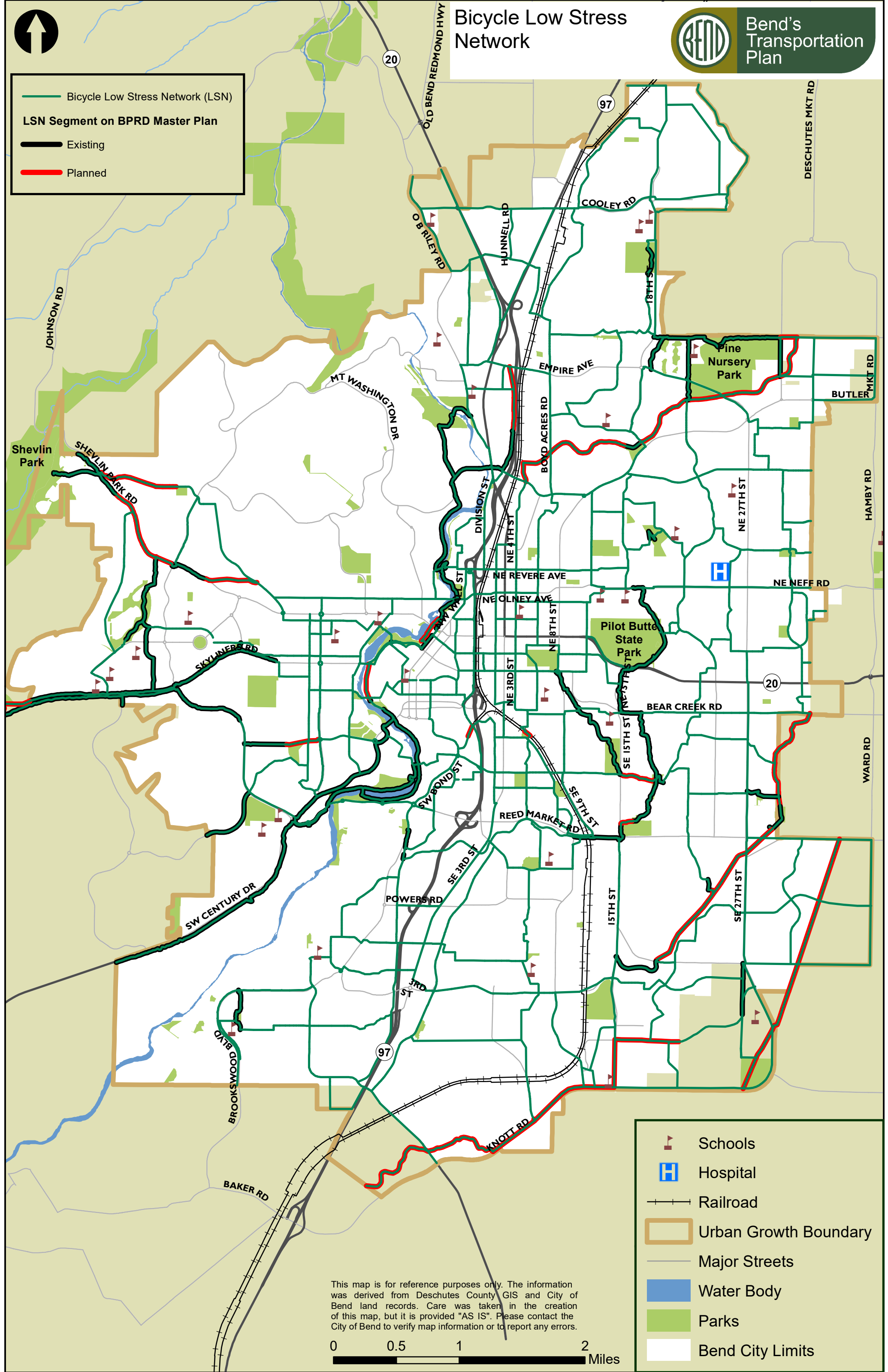
Bend's  
Transportation  
Plan

Bicycle Low Stress Network (LSN)

LSN Segment on BPRD Master Plan

Existing

Planned



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0 0.5 1 2 Miles

- Schools
- Hospital
- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits



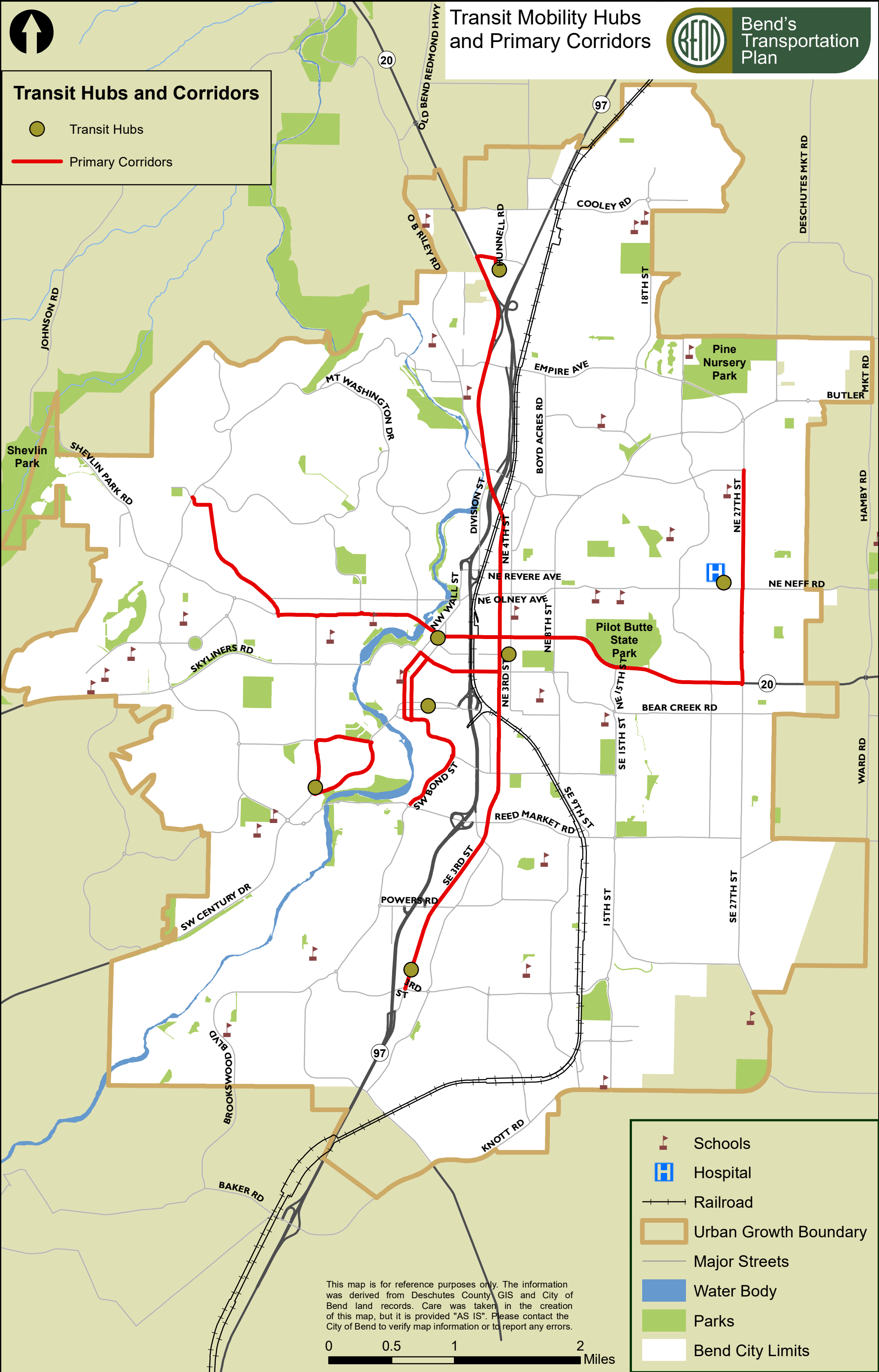
# Transit Mobility Hubs and Primary Corridors



Bend's  
Transportation  
Plan

## Transit Hubs and Corridors

- Transit Hubs
- Primary Corridors



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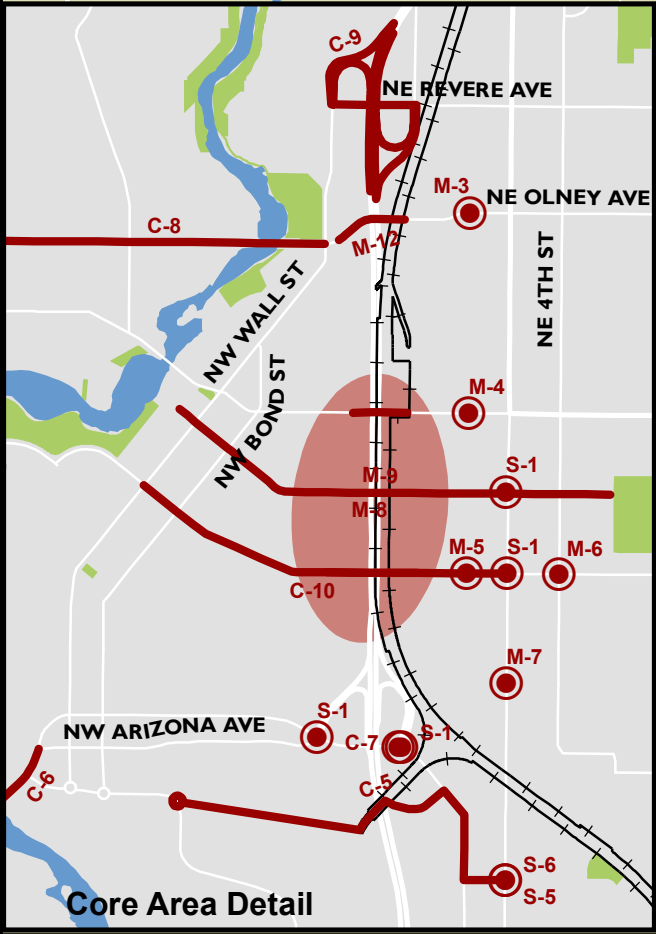
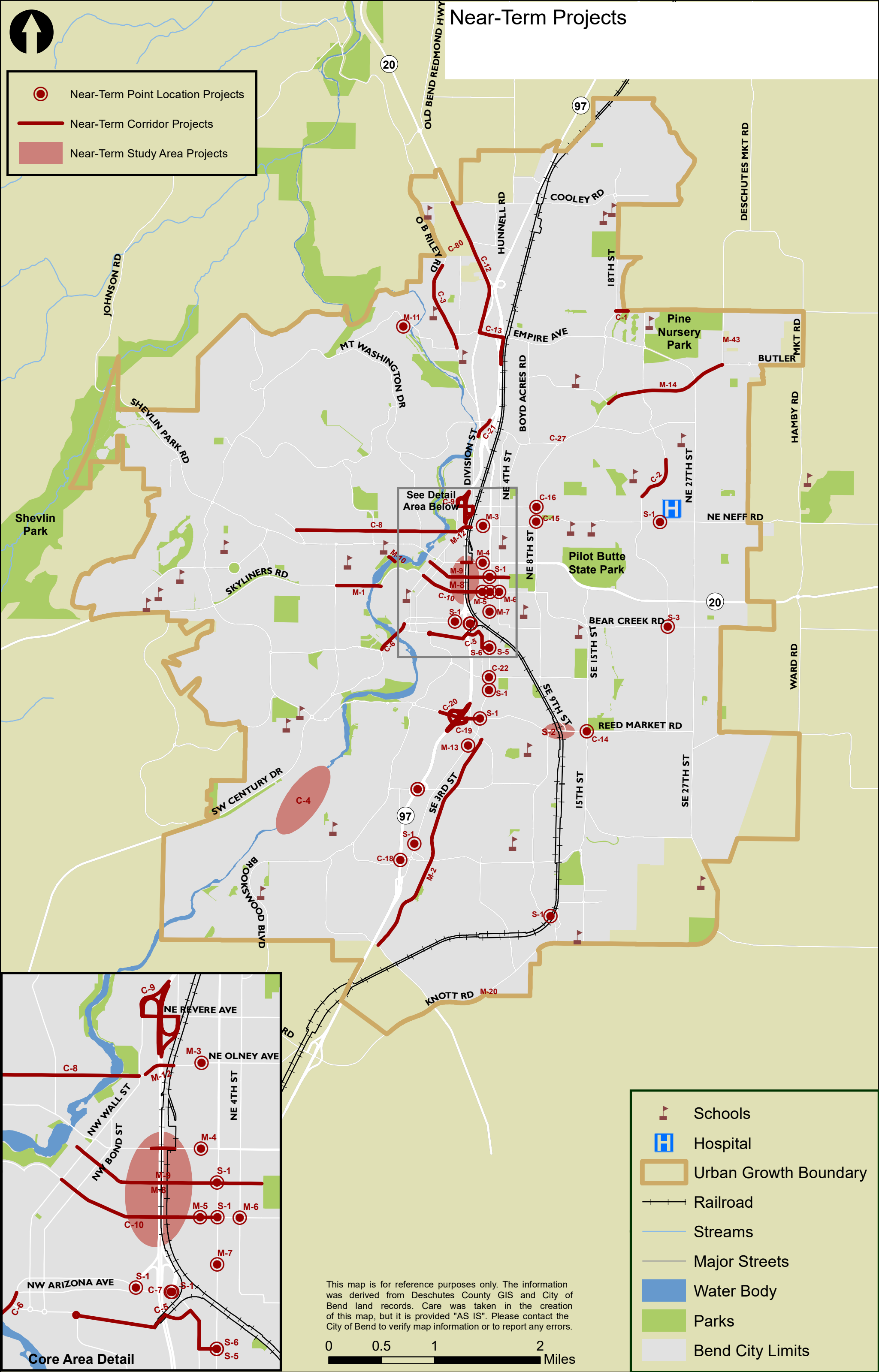
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- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits



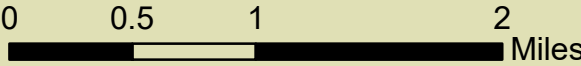


# Near-Term Projects

- Near-Term Point Location Projects
- Near-Term Corridor Projects
- Near-Term Study Area Projects



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- Schools
- Hospital
- Urban Growth Boundary
- Railroad
- Streams
- Major Streets
- Water Body
- Parks
- Bend City Limits

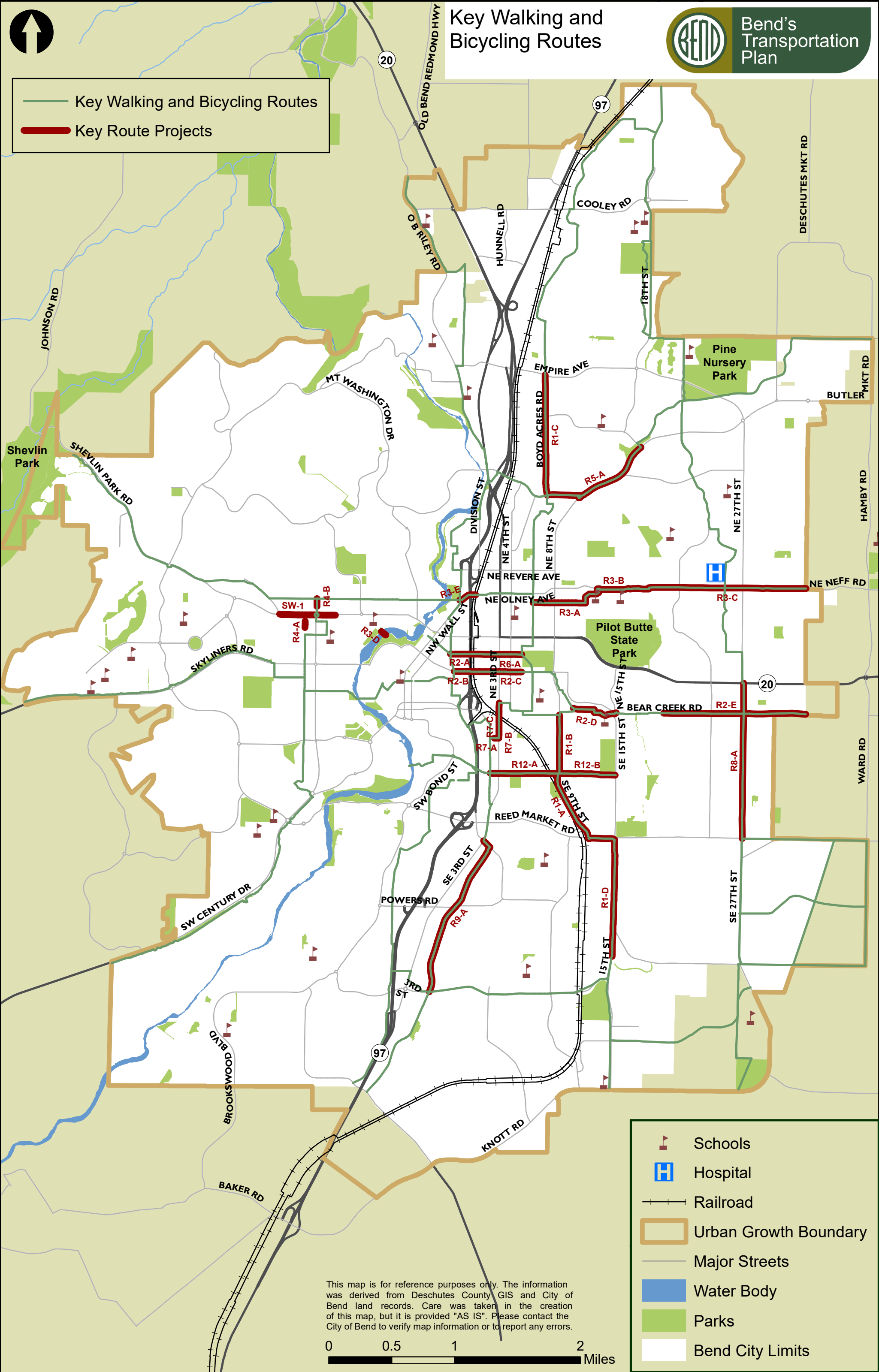


# Key Walking and Bicycling Routes



Bend's  
Transportation  
Plan

- Key Walking and Bicycling Routes
- Key Route Projects



This map is for reference purposes only. The information was derived from Deschutes County GIS and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Bend to verify map information or to report any errors.

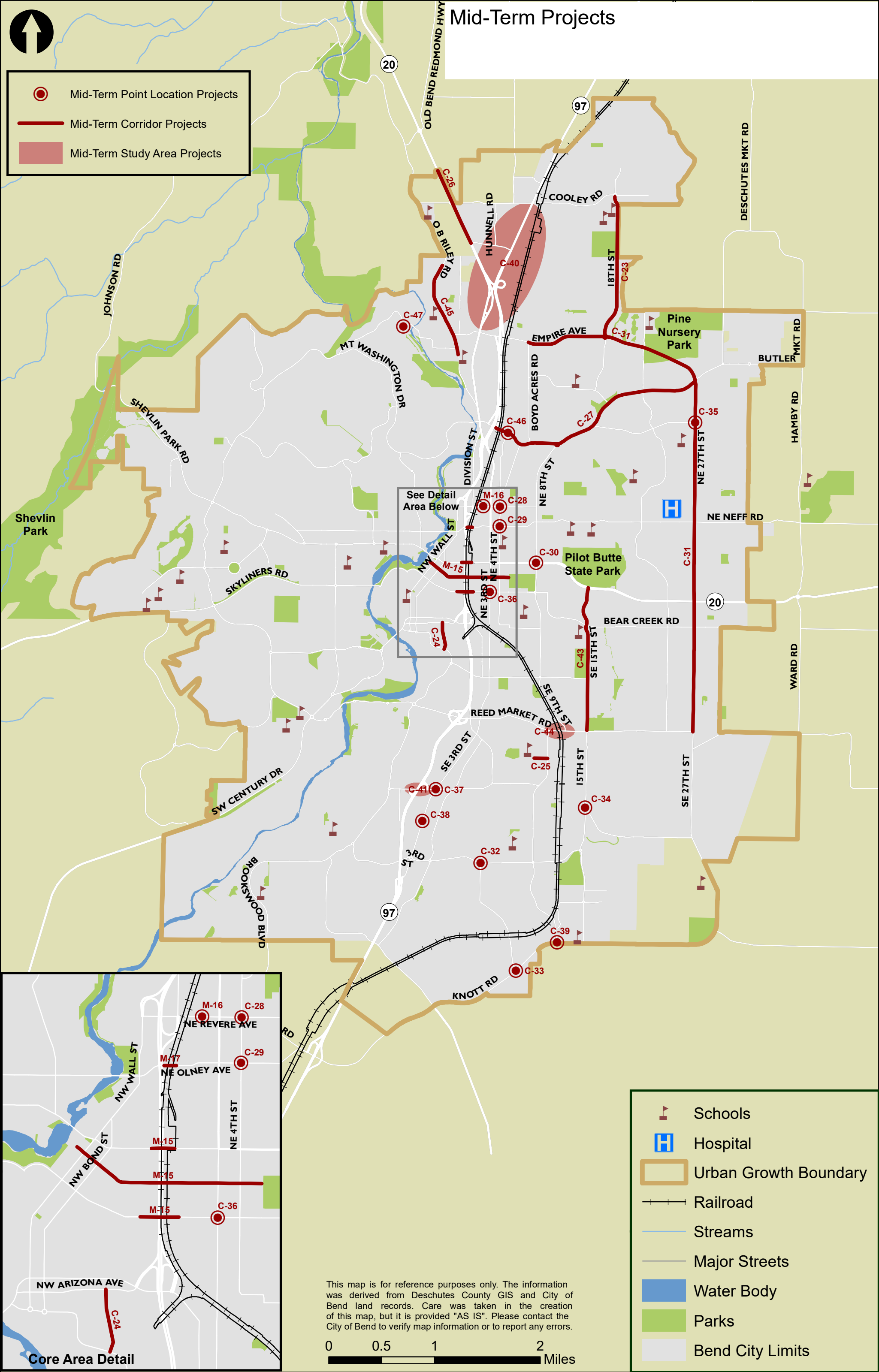
0 0.5 1 2 Miles

- Schools
- Hospital
- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits



# Mid-Term Projects

- Mid-Term Point Location Projects
- Mid-Term Corridor Projects
- Mid-Term Study Area Projects



See Detail Area Below



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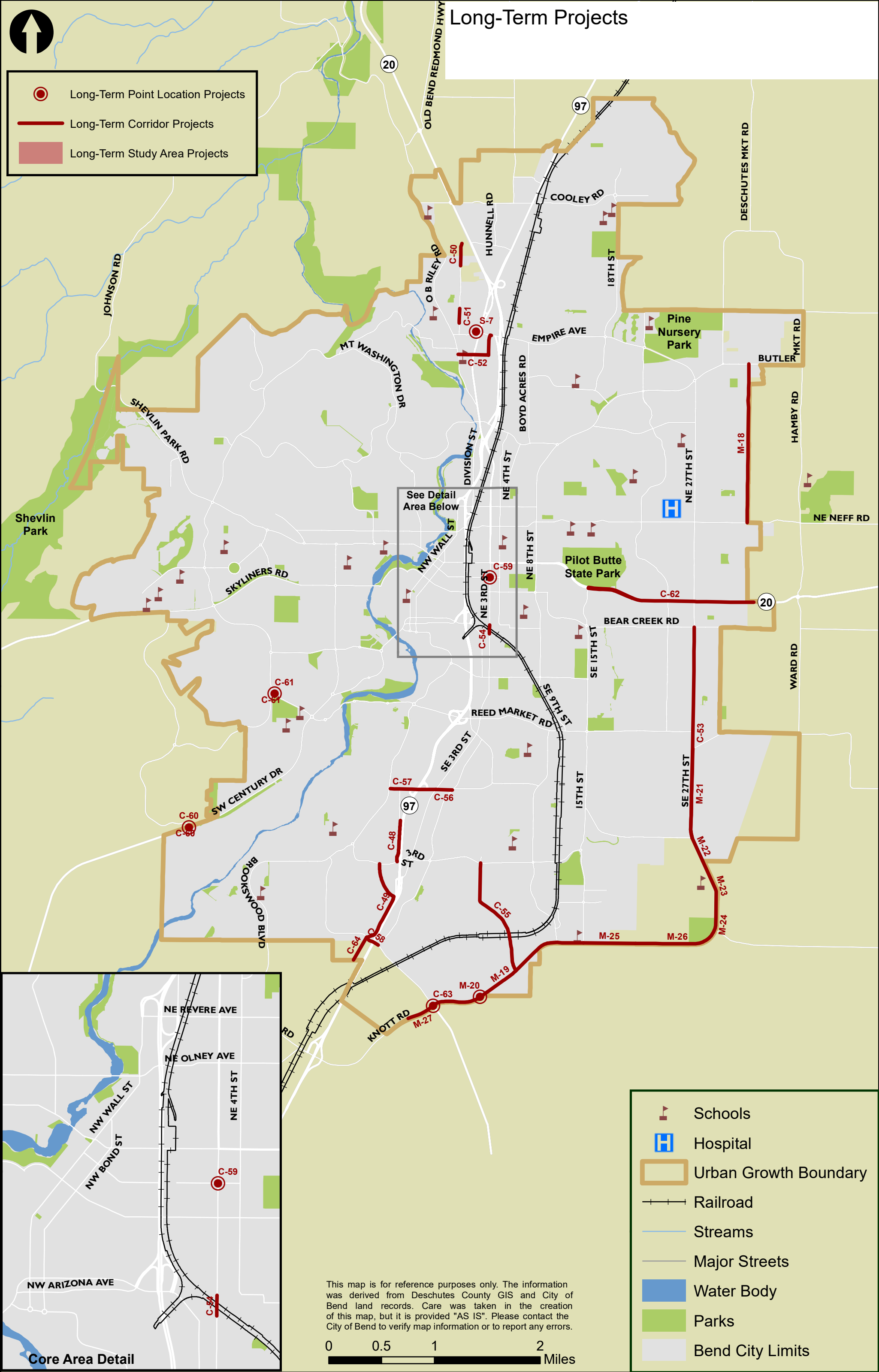
- Schools
- Hospital
- Urban Growth Boundary
- Railroad
- Streams
- Major Streets
- Water Body
- Parks
- Bend City Limits





# Long-Term Projects

- Long-Term Point Location Projects
- Long-Term Corridor Projects
- Long-Term Study Area Projects



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0 0.5 1 2 Miles

- Schools
- Hospital
- Urban Growth Boundary
- Railroad
- Streams
- Major Streets
- Water Body
- Parks
- Bend City Limits

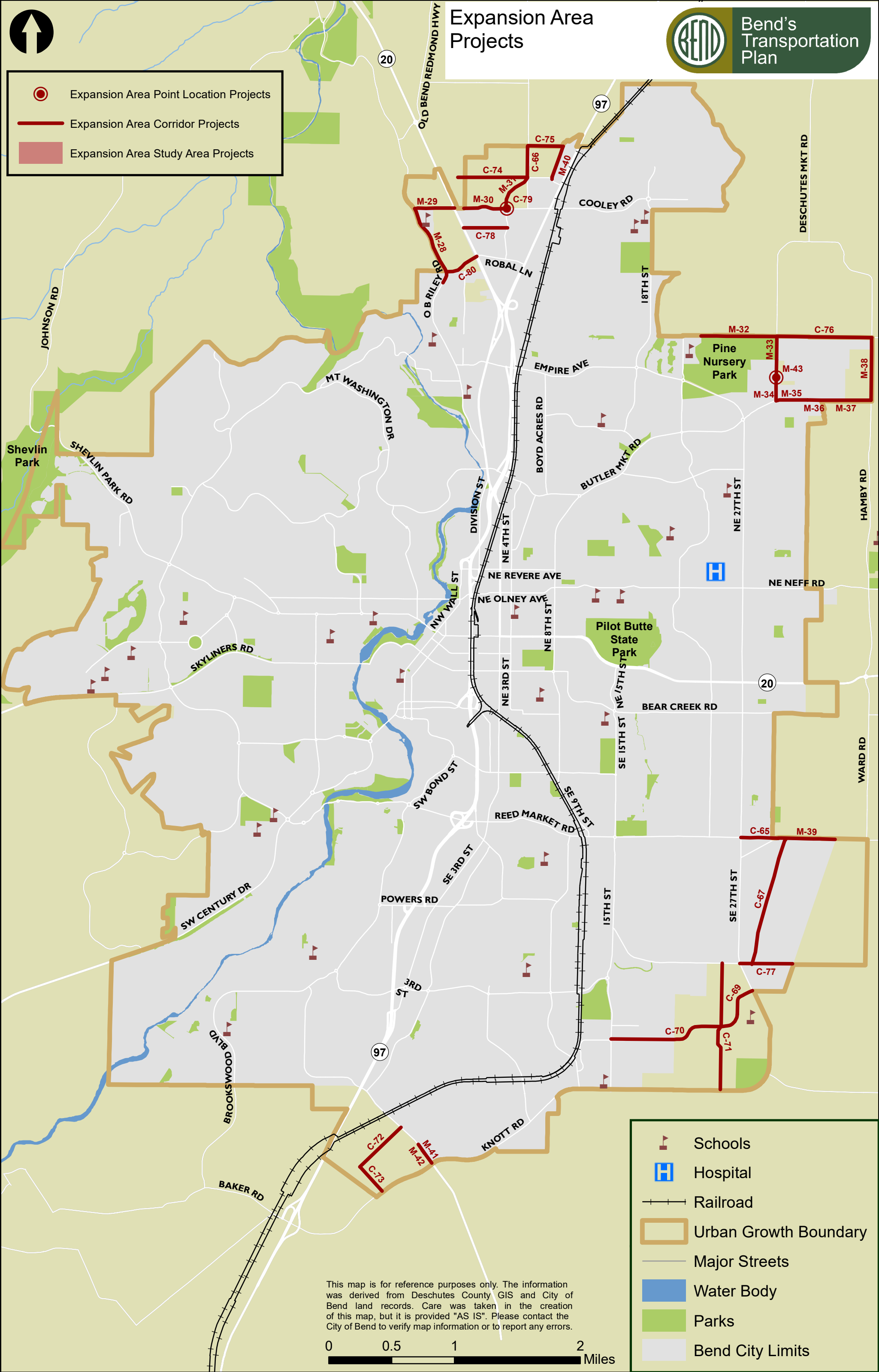


# Expansion Area Projects



Bend's  
Transportation  
Plan

- Expansion Area Point Location Projects
- Expansion Area Corridor Projects
- Expansion Area Study Area Projects



- Schools
- Hospital
- Railroad
- Urban Growth Boundary
- Major Streets
- Water Body
- Parks
- Bend City Limits

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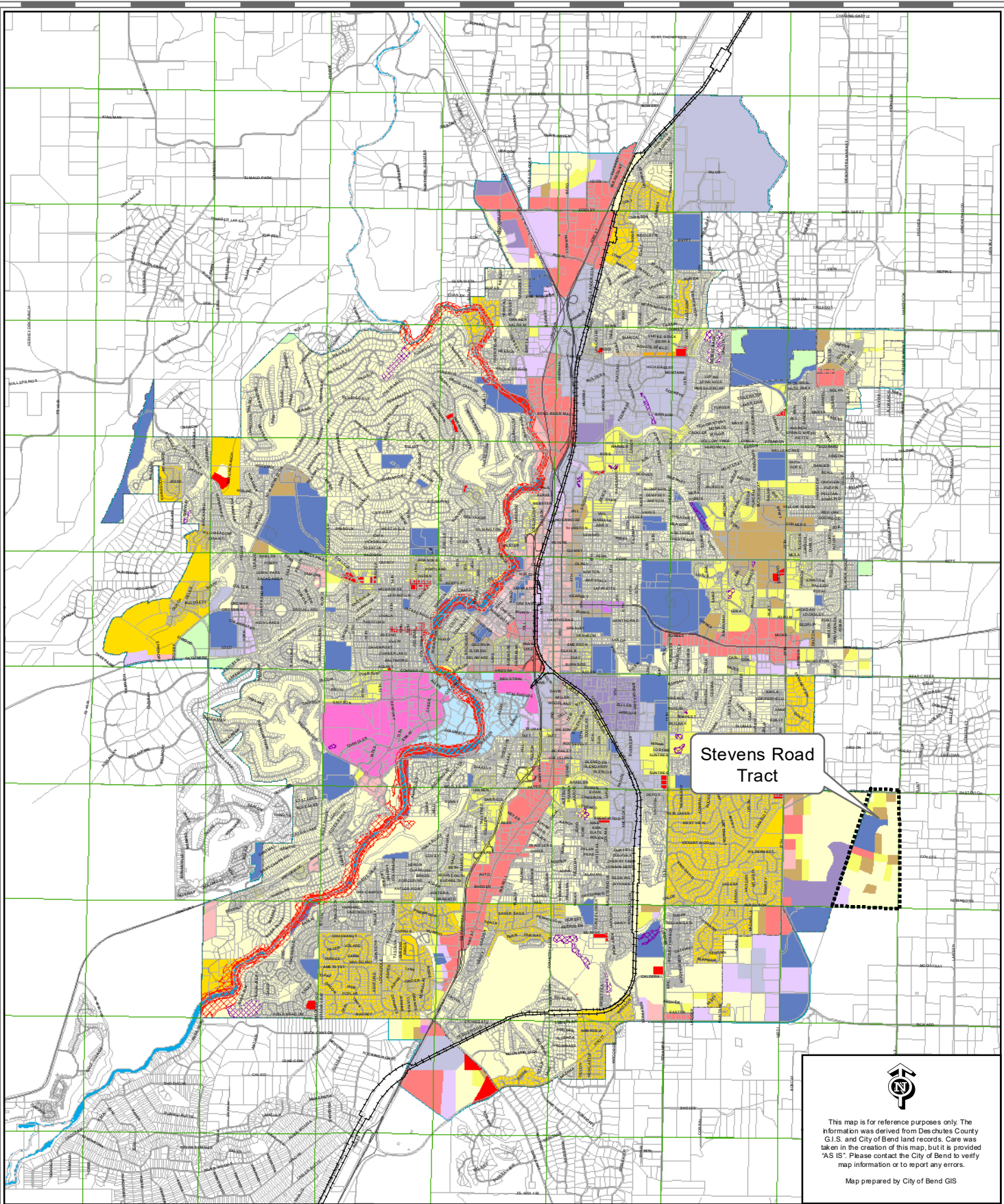
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Stevens Road Tract Planning Amendments

EXHIBIT C to Bend Planning Commission  
December 11, 2023 Order

Amendments to the Bend Comprehensive Plan  
Map





Stevens Road Tract



This map is for reference purposes only. The information was derived from Deschutes County GIS and City of Bend land records. Care was taken in the creation of this map, but it is provided "AS IS". Please contact the City of Bend to verify map information or to report any errors.

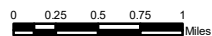
Map prepared by City of Bend GIS



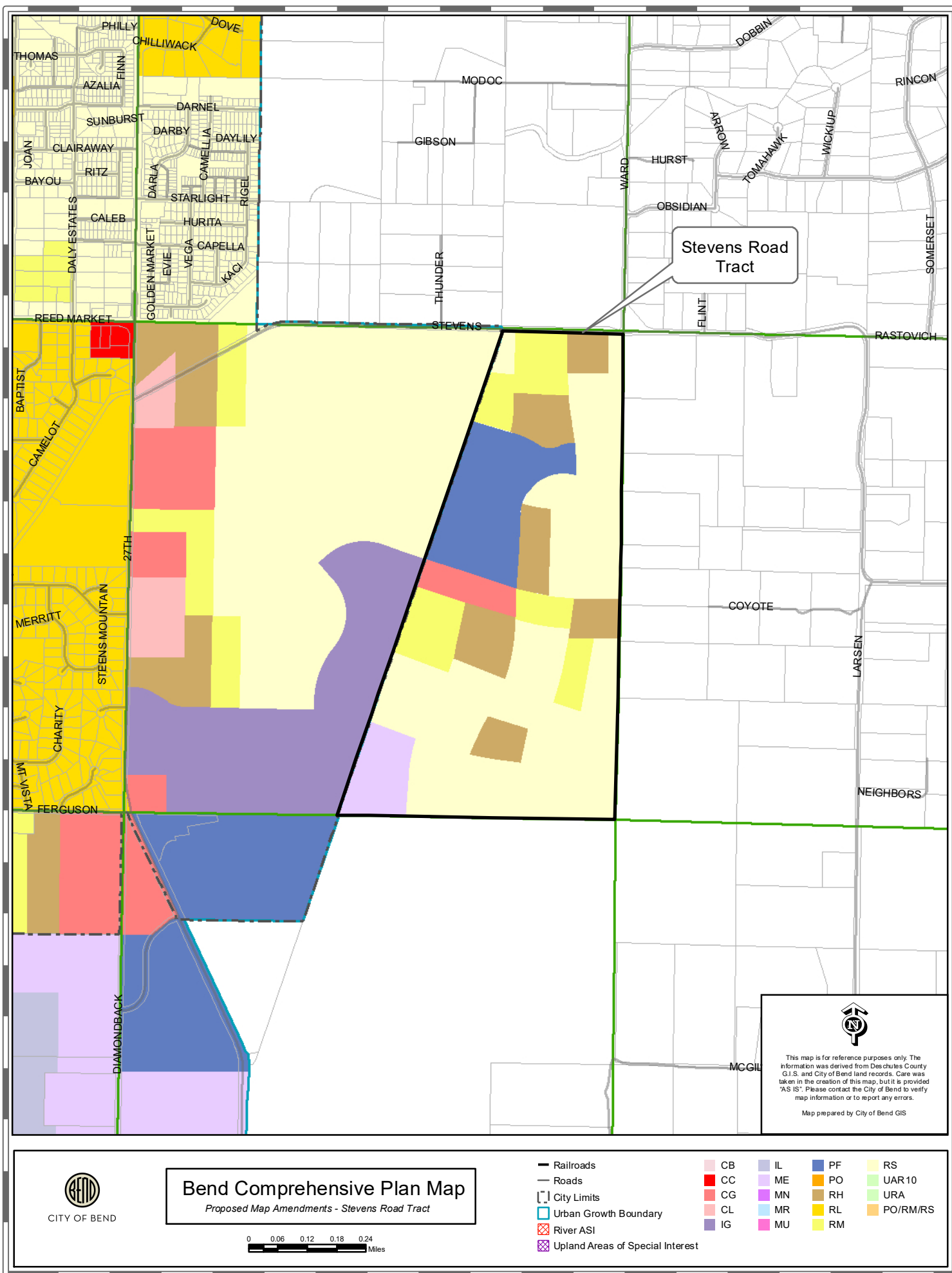
CITY OF BEND

## Bend Comprehensive Plan Map

Proposed Map Amendments - Stevens Road Tract



- |                                  |    |    |    |          |
|----------------------------------|----|----|----|----------|
| City Limits                      | CB | IL | PF | RS       |
| Urban Growth Boundary            | CC | ME | PO | UAR 10   |
| River ASI                        | CG | MN | RH | URA      |
| Upland Areas of Special Interest | CL | MR | RL | PO/RM/RS |
| Railroads                        | IG | MU | RM |          |
| Roads                            |    |    |    |          |





Stevens Road Tract Planning Amendments

EXHIBIT D to Bend Planning Commission  
December 11, 2023 Order

Findings:

1. PROPOSED FINDINGS IN SUPPORT OF  
AMENDMENTS TO THE TEXT OF THE  
BEND COMPREHENSIVE PLAN,  
DEVELOPMENT CODE, AND  
TRANSPORTATION SYSTEM PLAN, AND  
AMENDMENTS TO THE BEND  
COMPREHENSIVE PLAN MAP FOR THE  
STEVENS ROAD TRACT
2. SUPPLEMENTAL FINDINGS REPORT  
PLTEXT20230635 and PLCPMA20230636  
DECEMBER 4, 2023

**PROPOSED FINDINGS IN SUPPORT OF AMENDMENTS TO  
THE TEXT OF THE BEND COMPREHENSIVE PLAN,  
DEVELOPMENT CODE, AND TRANSPORTATION SYSTEM  
PLAN, AND AMENDMENTS TO THE BEND COMPREHENSIVE  
PLAN MAP FOR THE STEVENS ROAD TRACT**



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 recently added to the Bend Urban Growth Boundary (UGB) through PLCPMA20230307 and PLTEXT20230308 and identified as the Stevens Road Tract.

**REQUESTS:** **PLTEXT20230636**, proposed amendments to the text of:

- Chapter 11, Growth Management, of the Bend Comprehensive Plan to add Policies 11-153 to 11-170 for the Stevens Road Tract Expansion Area.
- Chapter 4.9, Annexations, of the Bend Development Code to amend Table 4.9.300 and Figure 4.9.300 to recognize the Stevens Road Tract as an expansion area and require master plan approval.
- The Bend Transportation System Plan (Appendix C) to update eight (8) maps to reflect the Stevens Road Tract.

**PLCPMA20230636**, an amendment to the Bend Comprehensive Plan map change the plan designation of the Stevens Road Tract from Urbanizable Area to a combination of designations based on Alternative 3 of the Stevens Road Tract Concept Plan.

**STAFF  
CONTACT:** Damian Syrnyk, AICP, Senior Planner  
[dsyrnyk@bendoregon.gov](mailto:dsyrnyk@bendoregon.gov)

**I. APPLICABLE CRITERIA:**

**(1) 2021 HB 3318**

Section 8. City procedural requirements to approve Stevens Road  
Planning Amendments

Section 9. Standards in lieu of goals

**(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 proposed amendments would affect one property, located at 61200 27<sup>th</sup> Street, The property is identified as Tax Lot 100 on Deschutes County Assessor's map 18-12-11. This report refers to the property as either the Site, the Stevens Road Tract, or simply the Tract.
- 2. ZONE AND PLAN DESIGNATION:** The Site is located within the Bend urban growth boundary and designated Urbanizable Area under the Bend Comprehensive Plan. The Site is not within the City of Bend, and zoned UA, Urbanizable Area under Title 19A of the Deschutes County Code.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The site is 261.66 acres in size and 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. 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.<sup>1</sup> 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 27<sup>th</sup> 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:** The proposal consists of several proposed amendments to the text of the Comprehensive Plan and Development Code, and amendments to the map of the Comprehensive Plan. The proposed amendments would change:
- a. Chapter 11 of the Bend Comprehensive Plan, Growth Management, to add Policies 11-153 through 11-170 for the Stevens Road Tract expansion area.
  - b. Chapter 4.9 of the Bend Development Code, Annexations, to amend Figure 4.9.300 and Table 4.9.300 to recognize the Stevens Road Tract as an expansion area subject to master plan approval under BDC Chapter 4.5, Master Plans.
  - c. The Bend Transportation System Plan, Appendix C to the Comprehensive Plan, to amend eight (8) maps to reflect the Stevens Road Tract. These graphics include:
    - i. Figure 4.3, Roadway Functional Classification

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<sup>1</sup> 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.

- ii. Figure 5.1, Bicycle Low Stress Bike Network
  - iii. Figure 5.2, Transit Mobility Hubs and Primary Corridors
  - iv. Figure 5.3a, Near-Term Projects
  - v. Figure 5.3b, Key Walking and Bicycling Routes
  - vi. Figure 5.4, Mid-Term Projects
  - vii. Figure 5.5, Long-Term Projects
  - viii. Figure 5.6, Expansion Area Projects
- d. The Bend Comprehensive Plan map to change the plan designation of the Stevens Road Tract from Urbanizable Area to plan designations that reflect Alternative 3 of the Stevens Road Tract Concept Plan. These plan designations include:
- i. Residential High Density, 30 acres
  - ii. Residential Medium Density, 24 acres
  - iii. Residential Medium/Standard Density, 93 acres
  - iv. Commercial, 5 acres
  - v. Mixed Employment, 7 acres
  - vi. Public Facilities, 29 acres

**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:

- a. Draft amendments to the text of Chapter 11, Growth Management, of the Bend Comprehensive Plan
- b. Draft amendments to the text of Chapter 4.9, Annexations, of the Bend Development Code
- c. Draft amendments to eight (8) graphics in Appendix C, the Bend Transportation System Plan, of the Bend Comprehensive Plan
- d. Draft amendments to the Bend Comprehensive Plan map
- e. The Stevens Road Tract Concept Plan (2022)
- f. Alternative 3 of the Stevens Road Tract Concept Plan
- g. The Technical Appendices to the Stevens Road Tract Concept Plan (2022)
- h. Cultural Resources Survey and Assessment for the City of Bend Stevens Road Tract, Deschutes County, Oregon (2023)

#### **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. The Planning Commission will hold a public hearing on the proposed amendments on November 27, 2023. Public notice was provided as required by BDC 4.1.500 and Section 8 of HB 3318 (2021). Notice of the public hearings before the Bend Planning Commission was published in the Bend Bulletin newspaper on November 5, 2023. The Planning Commission will conduct at least one public hearing will be asked 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.

#### ***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:** Staff conducted a work session with the Planning Commission at their November 13, 2023 meeting and gave a presentation about the proposed amendments. The Planning Commission will conduct a public hearing on November 27, 2023. The City Council will review the proposed amendments and hold a final public hearing at a date to be determined, prior to adoption.

#### ***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 of the November 27, 2023 public hearing was published in the Bend Bulletin newspaper on November 5, 2023. The notice stated the hearing would take place in person at the City Hall Council Chambers and that there would a virtual option for participation on November 27, 2023 at 5:30 pm. Staff also provided notice of the public hearing before the Planning Commission through electronic mail on November 7, 2023 to the Larkspur, Old Farm, and Southeast Bend neighborhood associations.

#### ***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.<sup>2</sup> This bill is now Chapter 552 of the 2021 Oregon Laws. City Council set a goal to include the Stevens Road Tract within the Bend UGB, which was completed in September through Council's adoption of Ordinance 2482. The last step or phase to plan for the development of the Stevens Road Tract are the planning amendments required under Section 9 of HB 3318.

#### **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:** The proposal will meet this criterion because the Planning Commission has conducted a work session on November 13, 2023 and will conduct a public hearing on the proposed amendments on November 27, 2023. Subsequently, the City Council will review the proposed amendments and hold a final public hearing prior to adoption.

#### **4.1.530 Final Decision**

***All legislative changes shall be adopted by ordinance.***

**FINDING:** If approved, the proposed amendments will be adopted by ordinance. The adopting ordinance will be drafted to list the amendments to be enacted through adoption, including the amendments to the text of the Comprehensive Plan, the Development Code, and the Transportation System Plan as well as the amendment to the Bend Comprehensive Plan Map.

### **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.***

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

**FINDING:** The City finds that the proposed amendments are legislative despite being focused on one property and one property owner. The proposal involves the Stevens Road Tract and proposes amendments to the text and map of the City's Comprehensive Plan, and the text of the Development Code and Transportation System Plan (Appendix C to the Comprehensive Plan). The purpose of the proposed amendments is to establish policies against which a proposed master plan for development of the Stevens Road Tract would be reviewed. There are no pre-existing approval criteria that involve the exercise of discretion. In addition, while the proposal will be presented to the City Council for adoption, there are no decision making criteria that obligate the Council to make a final decision. This proposed set of findings addresses the legislative approval criteria to demonstrate the proposed amendments satisfy all applicable criteria for approval.

**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 Sections 8 and 9 of HB 3318. Section 8 provides the procedural requirements the City must follow for public review and adoption of the proposed amendments. Section 9 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. These amendments will ensure future master planning of the Stevens Road Tract will address the requirements in Section 9(1) and (2) of HB 3318 and the master plan requirements of Bend Development Code Chapter 4.5, Master Plans. The proposed policies for Chapter 11 of the Comprehensive Plan will implement the 2022 Concept Plan which provides for a variety of neighborhoods that are walkable and include a community park and open spaces. The proposed amendments will require 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 proposed policies for Chapter 11 provide for 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 amendments require 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.

#### **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 will implement the 2022 Concept Plan. The proposed amendments to Chapter 11 require 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. The proposed policies are based on the work approved by the City Council with the 2022 Concept Plan.

## **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 to the Comprehensive Plan, Development Code, and Transportation System Plan, 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.

The City has followed the requirements of Section 8 of HB 3318 to ensure the public can participate and provided comments on the proposed amendments. These opportunities for participation have included a public comment period that opened on October 19, 2023, a public open house held on October 19, 2023, and the public hearing before the Planning Commission on November 27, 2023. The City Council will also hold a public hearing on the proposed amendments before taking any action. .

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. The proposed policies include the addition of Figure 11-9 and Policy 11-168 to ensure the natural features of the site are considered and protected through a master plan. In addition, Figure 11-8 and Policy 11-165 will ensure the system of trails will be established throughout the development.

## **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). These elements have been reflected in the policies proposed for Chapter 11 of the Comprehensive Plan, including Policy 11-168 and Figure 11-8.

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 include adoption of policies 11-153 through 11-170 in Chapter 11 of the Comprehensive Plan to guide future master planning of the Stevens Road Tract. These amendments implement the 2022 Concept Plan through the following policies that show the consistency with the goal of Chapter 3 of the Comprehensive Plan. The record includes a 2023 pedestrian archaeological survey completed by Caldera Archaeology. Policies 11-166 and 11-167 are proposed to address one potential historic resource identified in the survey and ensure that any potential resources discovered through development can be evaluated. The proposed amendments include the addition of Figure 11-8, the planning concept for the Stevens Road Tract and Policies 11-165 and 11-169 regarding the community park, open spaces, the green-loop trail system, and;

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 proposed amendments are consistent with these goals because they will implement the Concept Plan for the Stevens Road Tract. 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. These goals are reflected in Policies 11-155 through 11-159. The areas along the extension of Wilderness Way include commercial areas that are accessible by pedestrian and bicycle travel throughout the Tract. This is capture in Policies 11-162, 11-163, and 11-165. 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. These elements are addressed and required under Policies 11-165 and 11-169. 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). Policies 11-155 through 11-159 are included to ensure the desired mix of housing, including deed-restricted affordable housing.

### ***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 proposed policies 11-153 through 11-170 require access to commercial services, employment, and open spaces in the Stevens Road Tract. The proposed amendments to the Comprehensive Plan and Transportation System plan 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 27<sup>th</sup> 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. These elements are required and addressed through Policies 11-163 through 11-165.

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, and reflected in Policies 11-160 and 11-162 and the amendments to the Comprehensive Plan map. These proposed amendments will ensure a future master plan for the Stevens Road Tract contributes to a vital, diverse, and sustainable economy. The concept planning for the Stevens Road Tract, also reflected on the amendments to the Comprehensive Plan map, 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 proposed policies 11-160 and 11-162 and the proposed amendments to the Comprehensive Plan map propose 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 and Technical Appendix I) 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 (See Policies 11-160 and 11-162, and proposed Figure 11-8). Commercial land within the Tract has been planned to function as a neighborhood center but will also allow for easy access from nearby neighborhoods. The location of the commercial land has also been proposed on the amendments to the Comprehensive Plan map.

**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. The transportation infrastructure required for the Stevens Road Tract is outlined in Policies 11-164 and 11-165 and the proposed amendments to the graphics in the Transportation System Plan. The Concept Plan (See Chapter 4) and supporting appendices (See Appendices L, M, and N) 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 proposed policies 11-153 through 11-170 are intended to support master planning of a completed community within the Stevens Road Tract. These policies are intended to implement the 2022 Concept Plan that includes both mixed

employment areas and commercial areas located to support mixed use development. The proposed amendments to the Comprehensive Plan propose 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. 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.

### ***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 proposed plan policies for the Stevens Road Tract require locating commercial areas adjacent to medium and high density residential areas. Policies 11-160 and 11-162 require the location of commercial designations south of the proposed community park on the extension of Wilderness Way. These policies are intended to implement the Concept Plan (See proposed Figure 11-8) that identifies the locations of residential, commercial, parks and open spaces, and mixed employment areas. The proposed comprehensive plan amendments propose 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 goals because they will implement the Stevens Road Concept Plan, which has been designed to achieve these goals. The proposed plan policies 11-163, 11-164, and 11-165, require the future master plan for the Stevens Road Tract to implement the Concept Plan elements for a multi-modal transportation network. The transportation network, as outlined in proposed Figure 11-8, include 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 plan policies identified above and amendments to the Transportation System Plan will ensure a future master plan for the Stevens Road Tract includes the following elements. The

proposed network 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. Proposed policies 11-164 and 11-165 will implement the Concept Plan with respect to transportation and ensure a future master plan for the Stevens Road Tract will satisfy these policies. 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 future master plan will have a land use pattern 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. The proposed policies for Chapter 11, 11-153 to 11-170, are intended to implement Alternative 3 of the Stevens Road Tract Concept Plan (See proposed Figure 11-8). The master planning for the Stevens Road Tract, based on the proposed policies for Chapter 11 and the existing master plan standards under BDC 4.5, will be supported 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 27<sup>th</sup> 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. The proposed amendments, particularly Policies 11-164 and 11-165, along with Figure 11-8, outline the key elements of a multi-modal transportation network for the Tract. The master planning under proposed policies 11-153 through 11-170 will ensure the Tract will be connected to the rest of the City through transit. These policies will implement the Concept Plan for the Stevens Road Tract, which 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 27<sup>th</sup> 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, particularly Policies 11-163, 11-164, and 11-165, are consistent with these policies because they will ensure a future master plan for the Stevens Road Tract implements the transportation network of the 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, based on these plan policies and the proposed amendments to Chapter 4.9 of the Bend Development Code. 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 proposed amendments are consistent with these goals of Chapter 8 because they will require a future master plan for the Stevens Road Tract to include plans for sanitary sewer, water, and transportation infrastructure. The proposed amendments to Chapter 4.9, Annexations, include amendments to Table 4.9.300 and Figure 4.9.300 that require a master plan for the Stevens Road Tract that satisfies Chapter 4.5 of the Development Code, Master Plans. These amendments will ensure that a future master plan must satisfy the infrastructure planning requirements of Chapter 4.5. The Concept Plan for the Stevens Road Tract, to be implemented through Policies 11-153 through 11-170, are based on 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. The proposed amendments to Chapter 4.9, Annexation, of the Bend Development Code will require master plan approval for the Stevens Road Tract. The master plan approval will need to demonstrate consistency with proposed policies 11-153 through 11-170, and the master plan requirements under Chapter 4.5, Master Plan. The proposed plan policies implement the Stevens Road Tract Concept Plan, which 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 because they will implement the Stevens Road Tract Concept Plan. The proposed plan policies include Policy 11-168 and Figure 11-9 that refer to the City's inventory of natural features. These features include significant trees and rock outcrops and will support development of a master plan that will meet Section 9 of HB 3318. A master plan will need to demonstrate consistency with Policy 11-168 and show how the features identified in Figure 11-9 will be preserved.

### **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 Policy 11-168 and Figure 11-9 which will require a future master plan to show how the Tract's natural features are preserved.

**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 methods for public engagement 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. In addition to this work on the Concept Plan, the City initiated a public comment period on October 19, 2023 and on the same date held a public open house to solicit comments on the proposed plan amendments. The Public Comments submitted between September 28 and November 17, 2023 include comments that recommend the site's features be protected.

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 proposed amendments are consistent with these goals because the proposed plan policies 11-153 through 11-170 implement the adopted Concept Plan for the Stevens Road Tract. The development of a future master plan for development of the Stevens Road Tract will need to comply with these policies based on the proposed amendments to Chapter 4.9, Annexations, of the Bend Development Code. 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). In addition Policy 11-169 and Figure 11-9 require that the significant trees and rock outcrops inventoried in Summer 2022 be preserved.

### **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 proposed policy 11-170 requires that a master plan for the Stevens Road Tract demonstrated that the risk of wildfire will be mitigated. This policy is based on Appendix F, which is a technical memorandum that was developed to address Section 9(1)(d) of HB 3318. The bill 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 potential mitigation actions include, but are not limited to, creation of defensible space, the arrangement of land uses, construction and building materials, and development pattern.

Therefore, the proposed 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 proposed policies, text changes to the Development Code, and plan map amendments will require that the Stevens Road Tract be master planned to ensure urban scale development that supports a walkable and mixed use community. The proposed policies 11-153 through 11-170 are intended to implement the Stevens Road Tract Concept Plan. The Stevens Road Tract was identified as an appropriate location to accommodate urban development, amenities, and services. The Concept Plan supports the development of a new walkable, mixed-use, and complete community that will support the existing development in east Bend. Additionally, the proposed amendments include provisions for preservation of natural features including significant rock outcroppings and significant trees (See Policy 11-168 and Figure 11-9). 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 will require a future master plan for the Stevens Road Tract to include compact development and integration of land uses within the Stevens Road Tract. Proposed policies 11-153 through 11-170 are intended to implement the Concept Plan and are crafted to implement Alternative 3 specifically (See Figure 11-8). The record includes the adopted Concept Plan and Technical Appendices for the Stevens Road Tract. Alternative 3 (See Chapter 4) encourages a mix of uses, 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 proposed policies will require a master plan for the Stevens Road Tract plan for appropriate types of pedestrian, bicycling and transit amenities and infrastructure to ensure safety, access, and mobility. The proposed amendments include plan policies 11-163, 11-164, and 11-165, which will require a master plan for the Stevens Road Tract to provide for a multi-modal transportation network throughout the Tract.

The transportation network planning for the Stevens Road Tract is included in this record in Technical Appendix N. The planning for Alternative 3 (See proposed Figure 11-8) 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 27<sup>th</sup> Street. This same extension also provides for transit access from 27<sup>th</sup> 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 include proposed plan policies 11-160 through 11-163, which will require that a future master plan for the Stevens Road Tract provide commercially designated areas. These proposed policies are based upon and will implement the Stevens Road Tract Concept Plan (See proposed Figure 11-8). These amendments will require new commercially designated areas that will support a mixed-use center in the Stevens Road Tract. The amendments require five (5) acres of commercial designations on the extension of SE Wilderness Way through the Stevens Road Tract. In addition, the proposed plan policies require 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 proposed plan policies will require a master plan to locate a proposed community park close to a school site in the Stevens Ranch Master Plan. Proposed policies 11-153 through 11-170 will be applied to a future master plan proposal for the Stevens Road Tract, and through the proposed amendments to Chapter 4.9 of the Development Code (Annexations). The plan policies are intended to implement the Concept Plan for the Stevens Road Tract (See Policy 11-153). Figure 11-8 proposes development of a new park adjacent to a Future School site in the Stevens Ranch Master Plan. This figure implements Alternative 3 of the Concept

Plan, which 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. These elements will be required of a future master plan through policies 11-153 through 11-165 and Policy 11-169.

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 to the Comprehensive Plan, Development Code, and Transportation System Plan 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 a future master plan that satisfies proposed plan policies 11-153 through 11-170 and the master plan requirements of Chapter 4.5 of the Development Code. These proposed amendments are intended to implement Alternative 3 of the Stevens Road Tract Concept Plan. Alternative 3 of the Concept Plan (See Proposed Figure 11-8) 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 proposed plan policies require 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)

### FINDINGS REGARDING COMPLIANCE WITH SECTION 8, CITY PROCEDURAL REQUIREMENTS TO APPROVE STEVENS ROAD PLANNING AMENDMENTS

#### ***SECTION 8. City procedural requirements to approve Stevens Road planning amendments.***

***(1) Stevens Road planning amendments may be approved only by an ordinance adopted by the city's council under this section.***

**FINDING:** The proposed amendments will meet this criterion because the City Council will adopt the amendments by an ordinance. The City is treating these proposed amendments as legislative changes and conducting the public review process according to BDC Section 4.1.500, Type IV Legislative Changes. Section 4.1.530 requires all legislative changes shall be adopted by ordinance.

***(2) At least 20 days before each opportunity for public participation under subsection (3) of this section, the city must provide broad public notice of the opportunity, including notice through the city's newsletter, online social media, website and electronic mail lists and any other form of public notice commonly used by the city for land use matters.***

**FINDING:** The City provided public notice of the November 27, 2023 hearing at least 20 days prior to the hearing. Notice was published in the Bend Bulletin newspaper on November 5, 2023. Notice was provided to interested parties, several public agencies, and three neighborhood associates on November 7, 2023. Notice of an open house held on October 19, 2023 along with a public comment that opened on that same date was sent to interested parties, public agencies, and the three neighborhood associations on September 28, 2023.

***(3) Before consideration of an ordinance under this section, the city must provide opportunities for public participation, including at least:***

***(a) A public open house;***

***(b) A meeting of the city's planning commission where public testimony is considered;***

***(c) A meeting of the city's council where public testimony is considered;***

***(d) A public comment period; and***

***(e) Any other opportunity for public participation required by city ordinance or regulation before adoption of amendments to a comprehensive plan or enactment of land use regulations.***

**FINDING:** The City has provided or will provide the opportunities for public participation under Section 8 of HB 3318. A public open house was held on October 19, 2023 at Caldera High School. The Planning Commission will hold a public hearing on November 27, 2023 to take public testimony on the proposed amendments. A public comment period was opened on October 19, 2023 and will continue through the City Council's adoption of the amendments. The City Council will also conduct a public hearing on the proposed amendments that this tentatively scheduled for January 3, 2024. The adoption of the proposed amendments will satisfy Section 8(3) above.

***(4) At least seven days before consideration of an ordinance under this section, the city's council must receive written recommendations from the city's planning commission on the Stevens Road planning amendments.***

**FINDING:** The recommendation of the City Planning Commission will be forwarded to the City Council at



least a week before the City Council's consideration of the amendments.

***(5) Before consideration of an ordinance under this section, the city must consult with, and provide opportunity for written comment from:***

***(a) Any owner of the Stevens Road tract;***

***(b) The Department of Land Conservation and Development;***

***(c) Deschutes County;***

***(d) The Bend Park and Recreation District; and***

***(e) Any other local government or special district with jurisdiction over the Stevens Road tract or whose service is likely to be impacted by development of the Stevens Road tract.***

**FINDING:** The City has solicited comments from those agencies and local governments cited above under (5)(a) through (5)(d). On November 7, 2023 the city provided notice of the Planning Commission's November 27, 2023 public hearing by electronic mail. The notice was sent to contacts at the Oregon Department of State Lands and the Department of Land Conservation and Development. The City also provided notice and requested comments from Deschutes County and the Bend Park and Recreation District through this same electronic mail message. The City also sent notice of the hearing to the Bend-LaPine School District, Central Oregon Intergovernmental Council, Central Electric Cooperative, the Oregon Department of Transportation, and the Avion Water Company.

***(6) Within 10 days after adoption of an ordinance under this section, the city shall submit a copy of the ordinance and any supporting information to the department.***

**FINDING:** The City will satisfy Section 8(6) after City Council adopts and final ordinance approving the amendments.

## **FINDINGS REGARDING COMPLIANCE WITH SECTION 9, STANDARDS IN LIEU OF GOALS, OF HB 3318**

***SECTION 9. Standards in lieu of goals. (1) Notwithstanding ORS 197.250 or 197.612 or any statewide land use planning goal, the Department of Land Conservation and Development shall approve Stevens Road planning amendments provided the department determines, in its discretion, that the Stevens Road planning amendments, with respect to the Stevens Road tract, include:***

***(a) An inventory of significant historical artifacts, cultural sites and natural resources.***

**FINDING:** The proposed amendments meet this criterion because they are based on completed inventories of significant historical artifacts, cultural sites, and natural resources. The record includes the Technical Appendices of the Stevens Road Tract Concept Plan that include a memorandum outlining the inventory work to date on historic, cultural, and natural resources (See Technical Appendix E). This work is summarized in Chapter 2 of the Concept Plan and relies on: 1) prior archaeological surveys by the DSL, and 2) resource inventories incorporated in the Deschutes County Comprehensive Plan. The record also includes a 2023 pedestrian archaeological survey completed by Caldera Archaeology for the entire tract. This survey found several small lithic isolates, several large historic garbage disposal areas, and a potential historic road. The proposed plan policies include policies 11-166 and 11-167, which will require a future master plan applicant to address the historic road if required by the State Historic Preservation Office (SHPO) and also develop an inadvertent discovery plan that will outline how any artifacts or

remains will be protected during development.

***(b) Areas designated for recreational and open space.***

**FINDING:** The proposed amendments meet this criterion because they include policies that will require the designation of areas for recreational and open space. The proposed plan policies are intended to implement Alternative 3 of the Stevens Road Tract Concept Plan (See Figure 11-8). Specifically, policies 11-153, 11-154, and 11-169 require the location of a community park, green-loop trail system, and open spaces with a master plan for the Stevens Road Tract. These policies will be required to be met by a master plan through the proposed amendments to Table 4.9.300 and Figure 4.9.300 of the Bend Development Code.

***(c) Land use regulations for the protection and preservation of significant resources and designated areas identified in paragraphs (a) and (b) of this subsection.***

**FINDING:** The proposed amendments meet this criterion because they included proposed regulations for the protection and preservation of significant resources and designated areas under (a) and (b). With respect to historic, cultural, and natural resources identified under (a), the adopted Bend Development Code includes regulations for the protection of Upland Areas of Special Interest (See BDC 2.7.700 and Historic Resources under BDC 10.20). The City had a pedestrian archaeological survey completed to identify potential cultural resources. The proposed amendments include Policies 11-166 and 11-167 that will apply to review of a master plan, based on the proposed amendments to Table 4.9.300 and Figure 4.9.300 of the Bend Development Cod. With respect to recreational and open spaces under (b), the City already has master planning requirements for preservation of trails and parks under BDC Chapter 4.5. Neighborhood parks are a use permitted outright in residential districts; community parks are allowed as conditional use in residential districts. The protection of natural features is required under proposed plan Policy 11-168 and Figure 11-9.

***(d) 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.***

**FINDING:** The proposed amendments meet this criterion because they include proposed policy language to require mitigation of wildfire risk with an application for a master plan. The proposed amendments to Chapter 11 of the Comprehensive Plan include a proposed Policy 11-170 that requires a master plan for the Stevens Road Tract to demonstrate how wildfire risk will be mitigated through one or more methods. These methods include, but are not limited to, creation of defensible space, arrangement of land uses, construction and/or building materials, and development pattern. This policy would apply to an application for a master plan through the proposed amendments to Table 4.9.300 and Figure 4.9.300 of Chapter 4.9 of the Bend Development Code. This policy was based on the work reported in a technical memorandum that outlines both applicable wildfire requirements and resources for mitigating wildfire risk (See Technical Appendix F). The applicable requirements include 2021 SB 762, which is currently being implemented through wildfire hazard mapping and rulemaking. The requirements also include Statewide Planning Goal 7, Areas Subject to Natural Hazards. The Technical Memorandum further identifies resources that outline best practices for mitigating wildfire risk. These practices include, but are not limited to, defensible space, development patterns, construction materials, and land uses.

***(e) Areas designated for adequate employment lands that account for the city's most recent economic opportunity analysis, including consideration of subsequent economic development activities and trends.***

**FINDING:** The proposed amendments meet this criterion because they include proposed plan policies that designate areas for adequate employment lands based on the Concept Plan and Technical Appendices for the Stevens Road Tract. The proposed plan policies 11-153 through 11-170 are based on and intended to implement the Stevens Road Tract Concept Plan, and Alternative 3 of the plan (See Figure 11-8). The Concept Plan proposed to designate areas for adequate employment lands that also account for the City's most recent Economic Opportunities Analysis (EOA). Chapter 4 of the Concept Plan outlines the land use programs for Alternatives 1 through 3 (See also Table 1 above). This same chapter identifies the amounts of commercial, mixed employment, and light industrial lands considered under each alternative. The proposed mix of employment lands addresses the requirements for commercial and industrial land identified in the City's most recent EOA, as modified through the adoption of the Southeast Area Plan and the Easton Master Plan<sup>3</sup>. Finally, the allocation of employment lands is based on a Market Analysis (See Technical Appendix I), which considered subsequent economic development activities and trends.

The proposed plan policies 11-153, 11-154, and 11-160 to 11-163 will require a master plan for the Stevens Road Tract to provide at least five acres of Commercial designated land and seven acres of Mixed Employment land with the master plan. These policies require the location of the Commercial land on the south side of the Wilderness Way extension, in part so that it's accessible to those households and families living in one of the affordable housing units adjacent to this property or the Community Park. The Mixed Employment land is proposed to be located in the southwest corner of the Tract so that it's adjacent to the natural gas pipeline and the industrial lands to the west in the Stevens Ranch Master Plan.

***(f) Within areas zoned for residential purposes, without counting the lands designated under subsection (2) of this section, land use regulations for housing that:***

***(A) Ensure adequate opportunities for the development of all needed housing types, sizes and densities of market-rate housing, including middle housing as defined in ORS 197.758;***

**FINDING:** This finding addresses (f)(A) and shows that the proposed amendments meets this criterion because it includes a number of residential zones (without counting the lands designated for affordable housing under HB 3318 Section 9 subsection (2)), that allow for a variety of housing types, including middle housing as defined in ORS 197.758. These amendments are based upon Alternative 3 of the Stevens Road Tract Concept Plan. Table 4 of the Concept Plan outlines the acres and number of housing units of this alternative:

- The amount of land for housing is 146.9 acres:
- The amount of land for market rate housing is 126.9 acres.
- The number of potential housing units is 2,487 units:
- The potential market rate units possible under Alternative 3 is 1,728.
- The amount of land designated for multi-family housing is 30 acres, with potential for 1,200 units.
- With respect to multi-family housing, the alternative outlines the potential units affordable to households at both 60% and 80% AMI.

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<sup>3</sup> For reference, please see File No. PZ-20-0479 for the Southeast Area Plan, File No. PLMOD20210482 for the Easton Master Plan Modification.

The proposed plan policies require a master plan for the Stevens Road Tract to provide land for housing based on these designations in Alternative 3. The key policies proposed are Policies 11-153, 11-154, and 11-155 through 11-159. These policies require the designation of land for High Density, Medium Density, and Standard Density designations, and the provides further direction on the creation of the parcels of land for affordable housing under Section 9(2) of HB 3318. These policies will apply to a master plan proposal based on the proposed amendments to Table 4.9.300 and Figure 4.300 of Chapter 4.9 of the Bend Development Code.

***(B) Exceed the proportions of single-family attached and multifamily housing called for in the city's most recently adopted housing needs analysis under ORS 197.296 (3);***

**FINDING:** The proposed amendments meet this criterion because the proposed amounts of housing planned for can exceed the proportions of single family attached and multifamily housing called for in the City's most recently adopted Housing Needs Analysis (HNA). The proposed plan policies 11-153 through 11-157 direct the amount of land to be included in three (3) residential plan designations on a master plan for the Stevens Road Tract. These policies were developed based on Alternative 3 of the Stevens Road Tract Concept Plan.

The City's HNA was adopted in 2016 (See Appendix K to the City's adopted and acknowledged Comprehensive Plan). This 2016 analysis concluded that for the City to meet its housing needs, greater proportions of attached single family and multifamily attached housing were needed. The needed housing mix was changed to include 10% of needed units as single family attached housing and 35% of needed units as multi-family attached housing. At that time, middle housing was included in the proportion of multi-family attached housing. Table 5 of the Concept Plan includes the following data for Alternative 3 with respect to land designated for housing:

- The estimated capacity for market rate housing is 1,728 units
- The estimated proportion of these units that would be attached single family is 10.2%
- The estimated proportion of these units that would be multiple family attached is 35.1%

Based on this data from the Concept Plan, and proposed policies 11-153 through 11-157, the proposed amendments meet this criterion.

***(C) Exceed a minimum density standard of nine residential units per gross residential acre; and***

**FINDING:** The proposed amendments meet this criterion because they include policy language that requires the market rate housing must be developed to exceed nine units per gross acres. The proposed amendments to Chapter 11 of the Comprehensive Plan includes a proposed policy 11-155 that requires the density of land zoned for residential purposes, not including those designated for affordable housing, must exceed nine (9) residential units per gross residential acre. The Concept Plan includes analysis that found the housing planned under Alternative 3 of the Concept Plan would meet a minimum density of 11.3 units per gross residential acre (See Table 5 of the Concept Plan).

***(D) On the date the Stevens Road planning amendments are approved, comply with land use regulations adopted by the city, or any minimum applicable rules adopted by the department, to implement ORS 197.758 and the amendments to ORS 197.312 by section 7, chapter 639, Oregon Laws 2019.***

**FINDING:** The proposed amendments meet this criterion because the City has already implemented the requirements of ORS 197.758. ORS 197.758 was created by the passage of HB 2001 in the 2019 Legislative Session (aka Chapter 639, Oregon Laws 2019). The City has already adopted ordinances to comply with HB 2001. The City adopted Ordinance NS-2389 on October 21, 2020. This was the first of two ordinances adopted to amend the Bend Comprehensive Plan and the Bend Development Code to comply with the requirements of HB 2001. On October 6, 2021, the City adopted Ordinance 2423, which adopted the bulk of the changes to the Development Code and Comprehensive Plan to comply with ORS 197.758. The City's land use regulations comply with the changes made to ORS 197.312 by section 7, chapter 639, Oregon Laws 2019, and do not include owner-occupancy or off-street parking requirements for accessory structures.

***(g) Sufficient areas designated for mixed use development to support and integrate viable commercial and residential uses along with transportation options, including walking, bicycling and transit use.***

**FINDING:** The proposed amendments meet this criterion because they include proposed policies that require sufficient areas designated for mixed use development to support and integrate viable commercial and residential uses along with transportation options. The proposed plan policies are based on and intended to implement Alternative 3 of the Stevens Road Tract Concept Plan (See policies 11-153 through 11-170 and Figure 11-8). In particular, proposed policies 11-162, 11-163, 11-165, and 11-165 direct a master plan for the Stevens Road Tract to provide for a mixed use development that is supported by the multi-modal transportation network of the Stevens Road Tract. These policies would apply to review of a master plan for the Stevens Road Tract based on the proposed amendments to Table 4.9.300 and Figure 4.9.300 of Chapter 4.9 of the Bend Development Code.

To support the evaluation of alternatives, the team conducted a Market Analysis (See Technical Appendix I), to evaluate the needs for commercial, mixed employment, and industrial land for the Stevens Road Tract. The results of the Market Analysis are summarized in Chapter 3 of the Concept Plan. With respect to mixed use development, the alternatives presented in Chapter 5 propose the location of mixed use and commercial designations in locations that are also accessible by walking, bicycling, and future transit use. Alternative 3, includes commercially designated land, two blocks long, on Wilderness Way, that is also adjacent to land designated Medium and High Density Residential. Additional Medium and High Density Residential are designated to the north and can access the commercial areas by the Future Transit Route on the north-south road. The residential areas to the east and the south can also access this commercial corridor on Wilderness Way through a conceptual trail alignment. The proposed plan policies implement the Stevens Road Concept Plan (See Policy 11-153) and are based on Alternative 3 (See Figure 11-8).

***(h) Land use regulations ensuring that:***

***(A) Adequate capacity is available, or feasible with development, for water, sewer and storm water services; and***

***(B) Adequate consideration is given to the financing, scheduling and development of urban services, as defined in ORS 195.065.***

**FINDING:** The proposed amendments meet this criterion because the proposed amendments to Chapter 4.9, Annexations, of the Development Code will require a master plan for the Stevens Road Tract to show adequate capacity is available for feasible for the infrastructure listed under (h)(A). The proposed amendments to Table 4.9.300 and Figure 4.9.300 will require a master plan to be approved for the Stevens Road Tract that satisfies the requirements of Chapter 4.5 of the Development Code, Master

Plans. The alternatives considered under the Concept Plan, including Alternative 3, were evaluated to verify whether adequate capacity is available, or is feasible with development, for water, sewer, and stormwater services. The City evaluated the capacity and identified the needed improvement for providing the site with water, sewer, and stormwater services. Sewer service will be provided by the City and water service will be provided by Avion Water Company, an Oregon corporation and private water utility whose territory includes the Stevens Road Tract. Chapter 3 of the Concept Plan outlines the work to date on water, sewer, and stormwater for the Stevens Road Tract. This chapter relies on water and sewer findings that are included in the record (See Technical Appendices L and M). Avion Water Company provided the City with comments on what infrastructure improvements they will need to provide water for development of the Tract. The City's Engineering and Infrastructure Planning Division has prepared a technical memorandum (See Technical Appendix M) that outlines the required sewer infrastructure improvements needed to serve development of the Tract. The City anticipates these improvements will be provided with development of the Tract and will be scheduled so that the required infrastructure is provided at the time development occurs. The master plan process that will be required under the Bend Development Code prior to annexation, and any necessary development agreements with the City will ensure adequate consideration is given to the financing, scheduling, and development of urban services as required by the bill. With respect to stormwater, the City's Code on stormwater (Title 16 of the Bend City Code) requires that stormwater be retained on site, and that improvements for retention of stormwater be constructed according to the Central Oregon Stormwater Manual.

With respect to criterion (h)(B), the proposed amendments meet this criterion because adequate consideration has been given to the financing, scheduling and development of urban services, as defined in ORS 195.065. There are no special districts that provide water, sewer, or stormwater services to the Tract. The City has developed and obtained acknowledgement of public facility plans for the water infrastructure that serves the UGB (2021), transportation (2020), and wastewater collection (2018). The City has coordinated with the following districts regarding the proposed amendments and will also coordinate with them during review of a master plan for the Stevens Road Tract.

- Bend Park and Recreation District, for ongoing coordination for parks and trails planning, and annexation of the Tract into the District.
- Cascades East Transit, for ongoing coordination for extension of transit service south on 27<sup>th</sup> Street to the Tract.
- City of Bend Fire Department/Deschutes County Fire Protection District No. 2, for ongoing coordination regarding wildfire risk mitigation and eventual annexation to the City of Bend.

***(i) Land use regulations for transportation that:***

***(A) Ensure the development of adequate infrastructure to support walking, bicycling, public transit and motor vehicle movement; and***

***(B) Give adequate consideration to transportation networks that connect the Stevens Road tract to other areas within the urban growth boundary of the city.***

**FINDING:** The proposed amendments meet criterion (i) because the City has completed a level of transportation planning to ensure Alternative 3 presented in the Concept Plan shows transportation networks that include walking, bicycling, public transit, and motor vehicle infrastructure, and connect to other areas within Bend's urban growth boundary. The proposed amendments include proposed plan policies 11-153 through 11-170 that are intended to implement the Stevens Road Tract Concept Plan, with a focus on Alternative 3. As proposed, these policies would apply to review of a master plan for the Stevens Road Tract based on the proposed amendments to Figure 4.9.300 and Table 4.9.300 of Chapter

#### 4.9 of the Development Code.

With respect to criterion (i)(A), the proposed policies are based on Alternative 3 of the Stevens Road Tract of the Concept Plan Report. This alternative includes a land use pattern combined with trails, a green loop system, and future transit routes to support walking, bicycling and public transit. Development of the interior roads and road extensions will require construction to City standards, which will include sidewalks on both sides of the street. In addition, the roadway system has been designed so that drivers can make shorter trips to key destinations such as the parks and commercial areas. As mentioned above,

With respect to criterion (i)(B), Alternative 3 was designed so the transportation network for the Stevens Road Tract connects to the other areas within the UGB and the City. These network extensions and connections include 1) extension of Stevens Road to the east, for the Reed Market Road corridor; 2) extension of Ferguson Road east, providing the connection to the Stevens Ranch Master Plan and 27<sup>th</sup> street, and; 3) an extension of Wilderness Way to the east. The transportation planning also relies on east to west connections to a north-south collector through the Stevens Ranch Master Plan (development area adjacent and to the west of the Stevens Road tract) connecting Stevens Road to Ferguson Road. This approved location for the collector street satisfies the City's spacing standards for new collectors for the Stevens Road Tract. Finally, the transportation planning includes active transportation corridors with the TransCanada trail alignment, and "green loop" trail system around the perimeter of the tract. These elements are reflected under Policies 11-163, 11-164 and 11-165 of the proposed policies for Chapter 11 of the Comprehensive Plan.

***(j) The adequate consideration of the recommendations and comments received under section 8 (3) to (5) of this 2021 Act.***

**FINDING:** The proposal will meet this criterion because the City is documenting and has considered the recommendations and comments received under Section 8 (3) to (5) of HB 3318. Section 8 (3) refers to public comments submitted during a public open house, public meetings of the City's Planning Commission and City Council, and public comments submitted to the City. These comments (submitted to date) are included in the Public Comments submitted between September 28 and November 17, 2023 file, included in documents uploaded to the City's Online Permit Center Portal with each file number. The comments submitted so far have raised concerns with respect to transportation, growth in the city and surrounding area, and the caves that exist on the Stevens Ranch Master Plan.

With respect to section 8 (5), this language requires the City to consult with and provide opportunity for written comment the parties listed under (a) through e) of the bill, including the DSL. As indicated under forgoing findings, the City has been coordinating directly with the DSL. In addition, the City has received written comments from the Bend Parks and Recreation District dated November 17, 2023. The City has incorporated most, but not all, of the District's recommended edits to the plan policies.

***(2) The department may not approve the planning amendments under subsection (1) of this section unless the planning amendments designate at least 20 net acres of land to be:***

***(a) Restricted so the area may be zoned, planned, sited or developed only for residential housing units at a minimum density of nine residential units per gross acre;***

**FINDING:** The proposed amendments meet this criterion because the proposed policies show development on the Stevens Road Tract is capable of meeting (2)(a) because the amount of land proposed to be zoned, planned, sited or developed for housing under (2)(a) exceeds a minimum density of

nine units per gross acre. The proposed plan policies include 11-153 through 11-170 to be added to Chapter 11 of the Comprehensive Plan. In particular, proposed policies 11-158 and 11-159 address and require at least 20 acres of land be designated for affordable housing. The City also completed analysis under the Concept Plan for Alternative 3 to confirm that the development of affordable housing would exceed nine (9) residential units per gross acre. These policies would apply to review of a master plan of the Stevens Road Tract through the proposed amendments to Figure 4.9.300 and Table 4.9.300 of Chapter 4.9 of the Development Code.

***(b) Conveyed to the city at a price per acre established under section 4 (2)(b) of this 2021 Act; and***

**FINDING:** The proposed amendments are capable of meeting this criterion because both the City and the Department of State Lands have entered into an intergovernmental agreement for the purchase of the land under HB 3318. The City and the Department entered into this agreement after City Council approved the agreement on July 20, 2022. The agreement was executed between the city and the Department on August 30, 2022.

***(c) Notwithstanding ORS 91.225 or 197.309, preserved for a period of no less than 50 years as affordable to own or rent as follows:***

***(A) At least 12 net acres made affordable to:***

***(i) Households with incomes of 60 percent or less of the area median income, as defined in ORS 456.270; or***

***(ii) If part of an income-averaging program approved by the Housing and Community Services Department, households whose incomes average 60 percent or less of the area median income.***

***(B) At least six net acres:***

***(i) Made affordable to households with incomes of 80 percent or less of the area median income; and***

***(ii) Made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.***

***(C) At least two net acres in which at least 80 percent of the units in each contiguous development tract are made affordable to households with 80 percent or less of the area median income, of which at least one net acre is made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.***

**FINDING:** The proposed amendments meet this criterion because they incorporate these requirements as policies in the amendments to Chapter 11 of the Comprehensive Plan. The proposed plan policies 11-153 through 11-170 that would apply to review of a master plan for the Stevens Road Tract based on the proposed amendments to Figure 4.9.300 and Table 4.9.300 of Chapter 4.9 of the Development Code. Proposed policy 11-158 includes the requirements listed above under (c)(A) through (c)(C), including three lots or parcels, at least six (6) acres each, designated RH and two lots or parcels, each at least one (1) acre in size, and designated RM. Policy 11-159 includes the required language for (c)(C) regarding priority to households in which at least one individual is employed by an education service provider.



***(3) Upon a partition or subdivision of the Stevens Road tract following the approval of the planning amendments under subsection (1) of this section establishing one or more lots or parcels described in subsection (2) of this section, the owner shall transfer those lots or parcels to the city. For a period of 99 years after the purchase of property under this section, if the city resells any lot or parcel, the city may recover only the city's costs of the purchase and resale of the property.***

**FINDING:** This criterion is not applicable to the review of the Proposal. This criterion is applicable at the time a subdivision or partition of the Tract is proposed.

***(4) Neither the city nor the Department of Land Conservation and Development is obligated to adopt any specific findings or evaluate any specific criteria in exercising its discretion with respect to any Stevens Road planning amendments under this section and may receive, solicit or consider information from any source.***

**FINDING:** This criterion is not applicable to the review and action on the Proposal.

***(5) As used in this section, "education provider" means a school district as defined in ORS 332.002, an educational program under the Youth Corrections Education Program or Juvenile Detention Education Program as both are defined in ORS 326.695, or an education service district as defined in ORS 334.003.***

**FINDING:** This criterion is not applicable to review and action on the Proposal. This paragraph provides a definition for interpreting prior language under this section.

## **VI. CONCLUSIONS:**

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

**SUPPLEMENTAL FINDINGS REPORT  
PLTEXT20230635 and PLCPMA20230636  
DECEMBER 4, 2023**



CITY OF BEND

## **I. PURPOSE**

This report presents supplemental findings to the Bend Planning Commission for project file nos. PLTEXT20230635 and PLCPMA20230636. These land use project files propose amendments to the text of the Bend Comprehensive Plan, Development Code, and Transportation System Plan and the Bend Comprehensive Plan map. All of the proposed amendments are proposed to demonstrate compliance with the applicable criteria in the Bend Development Code and Sections 8 and 9 of HB 3318 (2021).

## **II. BACKGROUND**

The proposed amendments to the text of the Comprehensive Plan, Development Code, and Transportation System Plan, and to the map of the Comprehensive Plan, are designed to achieve the goals of HB 3318. They were drafted to balance legislative priorities for housing, including deed-restricted affordable housing, and return to the Common School Fund. HB 3318 provides a process designed for the City and DSL to use to amend the Bend urban growth boundary (UGB) in less time and with more legal certainty than would be possible without the bill. Without HB 3318, and the planning amendments required by Section 9 of the bill, and an uncertain future time when the City completes a standard UGB expansion process, the Stevens Road Tract could not be developed to urban standards and would retain its value as Multiple Use Agricultural Land under the Deschutes County Zoning Ordinance. Under the terms of the County's Zoning Ordinance, it would not be eligible for urbanization.

On November 27, 2023, the Bend Planning Commission held a public hearing on the amendments proposed under PLTEXT20230635 and PLCPMA20230636. The Planning Commission received written comments that were submitted under Attachment C of their meeting materials, and received a November 27, 2023, letter from the Oregon Department of State Lands (DSL), and a November 27, 2023 written comment from Diane Hodiak, 350 Deschutes, who also provided oral testimony. At the end of the hearing the Planning Commission continued the hearing to their December 11, 2023, meeting for the purpose of providing staff time to address several issues raised in public comments from DSL.

The findings presented in this report supplement those addressing Section 9(1)(j) of HB 3318 (2021) found on page 30 of the “Proposed Findings in Support of Amendments to the Text of the Comprehensive Plan, Development Code, and Transportation System Plan, and Amendments to the Bend Comprehensive Plan Map for the Stevens Road Tract” (Findings Report). That document is also attached to the November 20, 2023 Staff Report as Exhibit A.

### **III. PROPOSED SUPPLEMENTAL FINDINGS**

#### ***SECTION 8. City procedural requirements to approve Stevens Road planning amendments.***

**\*\*\***

***(3) Before consideration of an ordinance under this section, the city must provide opportunities for public participation, including at least:***

**\*\*\***

***(b) A meeting of the city’s planning commission where public testimony is considered;***

**\*\*\***

***(5) Before consideration of an ordinance under this section, the city must consult with, and provide opportunity for written comment from:***

***(a) Any owner of the Stevens Road tract;***

***(b) The Department of Land Conservation and Development;***

***(c) Deschutes County;***

***(d) The Bend Park and Recreation District; and***

***(e) Any other local government or special district with jurisdiction over the Stevens Road tract or whose service is likely to be impacted by development of the Stevens Road tract.***

**FINDING:** The City has complied with Section 8 (3) and (5) of HB 3318 to provide the opportunity for (1) a meeting of the city’s planning commission where public testimony is considered and (2) written comment from those departments and local governments listed under (5)(a) through (5)(e).

With respect to Section 8(3), the city notified interested persons of the November 27, 2023 Planning Commission hearing through a notice sent by electronic mail on September 28, 2023.

With respect to Section 8(5), the City notified the parties listed above under (5)(a) through (5)(e) through a notice sent by electronic mail on September 28, 2023. This notice was sent more than 20 days in advance of the public comment period as required by Section 8(2) of HB 3318. The DSL provided comments in writing through a letter dated November 27, 2023.

\*\*\*

***SECTION 9. Standards in lieu of goals. (1) Notwithstanding ORS 197.250 or 197.612 or any statewide land use planning goal, the Department of Land Conservation and Development shall approve Stevens Road planning amendments provided the department determines, in its discretion, that the Stevens Road planning amendments, with respect to the Stevens Road tract, include:***

\*\*\*

***(j) The adequate consideration of the recommendations and comments received under section 8 (3) to (5) of this 2021 Act.***

**FINDING:** This finding supplements the findings at page 30 of 32 of the Findings Report where Staff presented findings addressing Section 9(1)(j) of HB 3318.

Section 8(5) requires the City to consult with and provide opportunity for written comment from several parties under (5)(a) through (5)(d). These parties include DSL, the owner of the Stevens Road Tract, who provided their written comments through a November 27, 2023, letter. DSL also participated on the project team that developed the Concept Plan approved by City Council in June 2022, and approved by DLCD in August 2022.

Section 9(1)(j) of HB 3318 requires the City to demonstrate adequate consideration was given to the recommendations and comments received under Section 8 (3) to (5) of HB 3318. Section 8(3) addresses the comments provided by Diane Hodiak on behalf of 350 Deschutes. Section 8(5) includes those written comments from DSL. The Findings Report dated November 20, 2023, did not address the comments from either the DSL or Diane Hodiak. The findings presented below address DSL's comments from their November 27, 2023, letter and from Diane Hodiak's November 27, 2023 written comments.

## **Responses to DSL's November 27, 2023 written comments**

### **1. Response to comments on Policy 11-163.**

The proposed policies 11-153 through 11-170 are based on the 2022 Concept Plan for the Stevens Road Tract. They were specifically created to implement the elements of Alternative 3 of the Concept Plan (See Policies 11-153 and 11-154). The concept plan was intended to guide master planning for a complete, mixed use community, that included 20-acres of land for deed-restricted affordable housing, and that also satisfied the requirements of Section 9 (1) and (2) of HB 3318. The goal was to craft policies that would be used in conjunction with the existing code language on master plans in Chapter 4.5 of the Bend Development Code, Master Plans.

The City responds that Policy 11-163 provides a foundation upon which a master plan can be developed, while still meeting the requirements of HB 3318 and the legislative priorities for development of the land and the justification for a streamlined UGB expansion process for the Stevens Road Tract. Chapter 4.5 of the Bend Development Code allows for changes in plan designations and rearranging of zoning so long as the changes maintain the same total area of all plan designations on the subject site or within one percent of the same total acreage and the density/housing numbers, and provided that a master plan satisfies the other policies that are applicable to the expansion area. The City proposes to delete the last sentence of Policy 11-163 to rely on Figure 11-8 more clearly as an illustration rather than as an additional standard.

### **2. Response to comments on Policy 11-168**

The City concurs that this policy needs more clarity to ensure development of the complete community contemplated under the Concept Plan. The City recognizes that not every significant feature will be able to be preserved in its entirety for the development of housing, commercial buildings, and transportation infrastructure. Staff recommends modifying Policy 11-168 accordingly:

- Significant features shown in Figure 11-9 must be preserved on the Community Park and in any open spaces distributed throughout the Tract
- Protection of trees must occur according to City's land use regulations for landscape conservation or under standards proposed with the master plan code that would preserve more significant features than would be preserved under the standards Bend Development Code provisions in effect at the time.

### **3. Response to Comment on Policy 11-169**

The City and the Bend Park and Recreation District coordinated closely on the planning for a community park in the Stevens Road Tract. Section 9(1)(b) of HB 3318 requires the planning amendments include areas designated for recreation and open space.

Section 8(5) requires the City to provide an opportunity for written comment from the Bend Park and Recreation District, who reiterated their support for and intent to develop the Community Park in the proposed location

The location of the community park north of the Wilderness Way extension and adjacent to the Tract's western boundary was intentional to support a mixed use community (See Section 9(1)(g)). The additional elements intended to support this concept include the proposed commercial designation to the south of Wilderness Way. Both the park and the commercial area are within walking distance of the school site in the Stevens Ranch Master Plan (See Section 9(1)(g)); this was also intentional to provide easiest access to households and families living in the parcels designated for affordable housing under Section 9(2) of HB 3318.

Staff proposes to modify Policy 11-169 to refer to the Park District's definition of a community park in their 2018 Comprehensive Plan, clarify that locating the park must be centrally located but clarify that to Figure 11-8 is illustrative and not binding, and that coordination with the Park District is required to locate the park and trails. These changes still require a minimum of 39-acres to be developed as park, open space, and trails, but removes the minimum required acreage for a community park. Rather, the community park size would be subject to discussions between the master plan developer and BPRD, to create a community park consistent with the 2018 BPRD Comprehensive Plan.

#### **4. Response to Comment on Section 1.3 of the Purchase and Sale Agreement.**

Staff responds that specifying potential locations for residential land is necessary at this time for the following reasons. First, the City needs to show DLCD that the proposed planning amendments include policies and plan designations applied to the Stevens Road Tract, can satisfy Section 9(2) of HB 3318. This includes providing the required 20 acres of land for deed-restricted affordable housing. In addition, the City must apply designations to the Tract to show that land will be available for both market-rate and affordable housing that is required under Section 9(1)(f). The City's master plan code (See Chapter 4.5) does allow the master plan to change the location of plan designations provided that a master plan provide the amount of land in each designation as required by applicable plan policies.

Finally, the proposed policies are based upon the 2022 Concept Plan, which has been approved by the City Council and DLCD, and which also went through an extensive public engagement process to support its development. One of the outcomes sought for developing and approving a Concept Plan was to show the public, stakeholders, and DLCD what could be expected from development of the Stevens Road Tract. The proposed Comprehensive Plan policies, with these modifications, recognize and respond to the comments from DSL, while continuing to comply with the provisions of HB 3318 and fulfill community expectations set by the concept plan.

## **Response to Diane Hodiak, 350 Deschutes, November 27, 2023 written comments**

These comments addressed the potential health and safety risks of locating future housing adjacent to the TC Energy Pipeline (e.g. TransCanada). These comments refer to the UGB expansion, which has already been approved by the City Council and the Board of County Commissioners.

That said, the issues raised in these comments are valid regarding the potential risks for an explosion and offer potential suggestions for incorporating standards in a development code to reduce this risk. This particular topic is outside the scope of what's required under Section 9 of HB 3318. Staff suggests that if the Planning Commission is interested in taking this up in a future code update package, the Planning Commission may do so as part of a recommendation to the City Council. Such changes to the development code would affect not only the Stevens Road Tract but also, potentially, the Stevens Ranch Master Plan, High Desert Middle School, High Desert Park, and several private properties in the Southeast Expansion Area.

PLTEXT20230635 and PLCPMA20230636

Public Comments submitted between September 28, 2023 and December 11, 2023

1. September 28, 2023 email message from Jacob Feuerman
2. October 16, 2023 email message from Dennis Shrader
3. October 17 2023 electronic mail message from Cynthia Westphal
4. October 17, 2023 electronic mail message from Tom and Beth Lomax
5. October 18, 2023 electronic mail message from Kathleen McDonald
6. October 19, 2023 electronic mail message from Carolyn Casey
7. October 23, 2023 electronic mail message from Kathleen McDonald
8. October 25, 203 electronic mail message from Robin Vora
9. October 26, 2023 electronic mail message from Jacob Feuerman
10. November 2, 2023 electronic mail message from Cindi Dale
11. November 7, 2023 electronic mail message from Dennis Shrader
12. November 7, 2023 electronic mail message from Robin Vora
13. November 17, 2023 letter from Sara Anselment, Bend Park and Recreation District
14. November 27, 2023 letter from Amber McKernan, Oregon Department of State Lands
15. November 27, 2023 written comment from Diane Hodiak, 350Deschutes
16. December 6, 2023 letter from Bend YIMBY
17. December 11, 2023 letter from Katy Brooks, Bend Chamber of Commerce
18. December 11, 2023 letter from Bill Ryan, Oregon Department of State Lands
19. December 11, 2023 letter from Morgan Greenwood, Central Oregon Builders Association



**From:** [Jacob Feuerman](#)  
**To:** [Damian Syrnnyk](#)  
**Subject:** Stevens Road Tract - October 19th Open House and Public Comment Period on Planning Amendments  
**Date:** Thursday, September 28, 2023 9:10:59 AM

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Hi Damian,

I am requesting that as part of the plan roundabouts be added at the intersections of Reed Market Rd and SE 27th St, SE Bear Creed Rd and SE 27th St. Also, I am requesting that a middle turn lane be added to SE 27th St between SE Bear Creek Rd and Reed Market Rd to increase safety for people who live in these neighborhoods due to the extra traffic on SE 27th St especially with this new development.

Best,  
Jacob

**From:** [dennis shrader](#)  
**To:** [Damian Syrnnyk](#)  
**Date:** Monday, October 16, 2023 12:25:50 PM

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Steven's tract development, should be planned with knowledge of what the carrying capacity to human occupation is. To do otherwise is not accurate planning but a guess blowing in the wind. Carrying capacity defined upon knowledge of water resources, wildlife displacement and habitat destruction, air quality/ greenhouse gas capacity to human and wildlife health. A farmer knows how many cows he can graze for how long to keep his pastures and cows healthy. I don't believe you have even established a baseline before your planning thus you are negligence already, prior to planning. Good luck with that, politics and developer influence directs your planning and the public is not dumb about that!!!

**From:** [cynthiawestphal234](#)  
**To:** [Damian Syrnnyk](#)  
**Subject:** Steven's Rd Tract.  
**Date:** Tuesday, October 17, 2023 8:04:10 PM

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What is your plan for traffic moving east and west?

Reed Mkt is already packed with traffic backed up because of housing on 15th and off of 27th. Also Caldera HS. There is also a train that stops traffic regularly.

Do you do much travel on Reed Mkt?

I do, and the infrastructure on the eastside doesn't match the increase in housing that we already have.

How in the world are we going to add that many more cars.

Don't tell me to take a bus or ride a bike. It's not happening. I'm 71 years old and have lived in Orion Estates for over 30 years.

I'm a taxpayer and I'm not happy.

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Tom and Beth Lomax](#)  
**To:** [Damian Syrnnyk](#)  
**Subject:** Comments on Stevens Road Tract  
**Date:** Tuesday, October 17, 2023 8:00:06 PM

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Hello Damion. Thank you for taking our comments on this project. My wife and I have lived at 21470 Stevens rd for 30 years. We have several comments on the project and the changes coming to the Stevens Road area. Our comments in no particular order.

With the Stevens Ranch project on the adjacent property the impacts of these projects need to be looked at together for thier cummulative impact. This is particularily important for traffic on Stevens, 27th, and Reed Market roads.

In Designing the Stevens Rd tract we believe that open space and the existing natural features needs to be prioritized.

This would include trails paved and natural surface throught the project.

An off leash dog park should be considered as the next closest would be Big Sky or Alpen Glow with both being out of walking range.

With the purchase by Parks and Rec of the property south of Rickard road a plan should be considered to connect this park by paths to the Stevens Tract. This could also connect to the south of the Bend Parks land to the USFS land and with new trails the Horse Butte trail system. This type of recreational connectivity would be a great benifit to these new communities.

Currently the Stevens Road area is a very natural dark sky area. This should be preserved as best as possible in the new developement.

Lastly the change that these 2 projects combined will have on the existing Stevens Rd community needs to be considered. There are currently less than 20 homes on the north side of Stevens rd. Probly less that 50 residents. The new develoements will push the south side of the road to 5000 ( just from what I have read). This will change the rural characture of Stevens road tremendously. Traffic, noise and thousands of neighbors. For these reasons the city should consider why the north side of Stevens rd between the road and the canal has not been brought into the growth boundary. To us it seems like the role of zoning is to keep similar uses together to reduce use conflict. With the new developements coming and as an existing resident it feels like there has not been consideration of this. Bringing the rest of the Stevens road land into the growth boundary would increase the oportunities for the existing residents to do something with thier lands in the area that extremly restricted by the current MUA zoning. Some of this could even be more affordable housing.

Thank you for considering these comments.

Tom and Beth Lomax  
21470 Stevens Rd  
Bend OR  
97702  
541-410-0122

**From:** [Kathleen McDonald](#)  
**To:** [Damian Syrnys](#)  
**Subject:** Stevens Road area development  
**Date:** Wednesday, October 18, 2023 9:15:48 AM

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[You don't often get email from dawglover08@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION: External Email. Use caution when opening attachments, clicking links, or responding to this email.

Hello Damian,

I've been a resident of Bend since the mid 70's. As we've grown I've seen so many open spaces and natural plants/vegetation disappear.

Progress is inevitable, but doesn't have to be destructive.

One of my biggest concerns with this development is the areas caves. (I have photos of about 10) Someone told me they would be protected but I know of several on the west that have been filled in, bulldozed over.

It's doubtful their preservation is on most people's minds nor important to them.

As the Senior Planner, do you have any intention of leaving them in their natural state and not destroying the remaining ones?

I look forward to your response and appreciate your reading this.

Kate McDonald

541-815-2737

Sent from my iPhone

**From:** [Carolyn Casey](#)  
**To:** [Damian Syrnys](#)  
**Subject:** StevensTractAmendments  
**Date:** Thursday, October 19, 2023 12:11:58 PM

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You don't often get email from ccaseypdx@gmail.com. [Learn why this is important](#)

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Hello Damian,

Thanks for the public meeting tonight on the amendment as for this community. I am very interested in seeing more Requirements for developers to keep trees and trails as they excavate for housing that Bend certainly needs.

I was heartened to see in the amendment talk of inventorying of trees and rock outcroppings that developers would “consider.”

My question is — what will that really accomplish? Considering trees/outcrops is one thing, preserving them is another. This amendment does not seem to have any teeth to it — no accountability/mandate. Can you help me understand the real impact of this amendment?

Also will the “inventory of natural resources” be a requirement? Who will conduct and pay for it?

Are these Amendments legally binding on a developer? Or do they merely “consider” them? Is there any accountability and if so, who monitors to ensure what developers agree to in say Master Plans actually happen?

Many thanks - am very curious to learn more from you. Am hoping we find policies and laws that preserve Bend’s magnificent natural resources for all to enjoy as we manage the City’s growth.

Look forward to the meeting tonight!

Best,  
Carolyn (Carrie) Casey  
Bend resident

**From:** [Kathleen McDonald](#)  
**To:** [Damian Syrnnyk](#)  
**Subject:** Caves again  
**Date:** Monday, October 23, 2023 9:00:42 AM

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I went out to the Stevens area on Saturday, noticed the new signage and so parked where the gas line structure is. (I do know where that is, previously said I didn't.)

I don't know of any caves east of that line.

I'm sure you're at least aware of the cave in this photo next to the road, very close to the "ADOPT A ROAD" "Reese The Dog" sign.

As I was driving home, west, along Stevens I saw vehicles parked in all the pullouts, even with those new signs; lots of ppl walk out there and likely will continue.

The caves are an invaluable asset and are of geological/historical significance.

Please consider them in your planning!

Sent from my iPhone



**From:** [Robin Vora](#)  
**To:** [Damian Syrnnyk](#); [CouncilAll](#); [TBOCShared](#); [Garrett Sabourin](#); [Mary Packebush](#)  
**Subject:** Stevens Road Tract concept plan, higher priced single family housing, and traffic congestion in SE Bend  
**Date:** Wednesday, October 25, 2023 8:57:18 PM

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Thank you for the opportunity to comment on the proposed Stevens Road Tract concept plan. I think the concept is better than classic American single family home sprawl. It is good to see the community park, trails, commercial and mixed employment, affordable housing, and medium to high density residential.

I do, however, see two major problems with this project as well as with the adjacent section 11 and the SE Bend plan developments:

1. The majority of the area in all these plans is planned for higher priced single family residential standard density. This will only serve to bring in more people from elsewhere where they can sell their homes for more to come to Bend to increase the cost of living of present local residents and increase traffic congestion. This has been painfully obvious to locals over the past 20 years or more. Despite a much greater housing supply, the price of houses in Bend has quadrupled in the 22 years I have lived in Bend and the city's population has doubled. Traffic congestion is much worse. The city keeps approving projects that make housing less affordable for the average middle income family in Bend. The projections for the types of housing in the Bend Urban Growth Boundary Expansion Plan were just projections. The city planners I spoke with seem to take those projections as a mandate; I don't believe that was the intent. I would like to see more affordable and middle-income housing in the city's core where people can walk or take a bus to more jobs, stores, restaurants, etc. and not have continued urban sprawl.

I recommend a suspension or moratorium on approval of new projects to build single family homes in new subdivisions if the homes will likely cost more than \$350,000 to purchase, and even that price would be difficult for many middle income residents of Bend who presently rent and are not funded through inheritance. None of the land should be used to provide housing not affordable to a family earning \$100,000/ year, which at today's prices would mean small single-family homes perhaps less than 1200 ft<sup>2</sup>. Leave the areas with proposed zoning for standard or low density single family homes as open space for now.

2. These developments have been blind to the actual vehicle traffic that all this development in SE Bend has created, and will continue to make worse. The cumulative effects of all this development in a short time has not been properly evaluated. The more affluent people that will come from elsewhere to these subdivisions will not likely be taking the bus; they are often used to traffic jams and will just make that congestion more significant driving more cars, and also increasing overall vehicle miles driven and greenhouse gas emissions that need to be reduced, not increased. Reed Market, including its intersection with 3<sup>rd</sup> Street, and 27<sup>th</sup> Street are already failed roads during peak travel hours and that traffic nightmare will be increased dramatically by all this development. Traffic to the new central library will also exacerbate the problem. There is no real practical and realistic solution to the traffic problem on these roads. I spent 10 minutes getting from Wilson to Reed Market on 15<sup>th</sup> Street to get to the Stevens Road Tract open house Oct. 19, 2023. I spent a similar amount of time waiting to turn left from 9<sup>th</sup> going east onto Reed Market one morning. We need for the majority of people who live in Stevens Road Tract to shop, work and play within Stevens Road Tract or else the added traffic congestion in the city and greenhouse gas emissions will be unacceptable.

Put a hold on higher priced standard or low density single family home subdivisions, at least until the traffic congestion is somehow mitigated.

Robin Vora

1679 NE Daphne Ct., Bend, OR 97701

ps. Damian, could you please reply that you received this. Thank you.

**From:** [Jacob Feuerman](#)  
**To:** [Damian Syrnnyk](#)  
**Subject:** Stevens Road Tract - Comments  
**Date:** Thursday, October 26, 2023 6:17:00 PM

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[You don't often get email from [jfeuerman1@me.com](mailto:jfeuerman1@me.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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Hi Damien,

We'd like to see a middle turn lane on the 27th between SE Bear Creek Rd and Reed Market Road. We'd also like to see a round about at the intersections of SE Bear Creek Rd and 27th, Reed Market Road and the 27th. These areas have a lot of traffic and accidents due to the over crowding and lack of infrastructure to support the current homes. The additional development will add more homes and people than the current set up or plans could support causing potentially more accidents and traffic without these much needed improvements to make our neighborhoods safer.

Best,  
Jacob

**From:** [Cindi Dale](#)  
**To:** [Damian Syrnnyk](#)  
**Subject:** Comment: Stevens Road Tract  
**Date:** Thursday, November 2, 2023 11:36:06 AM

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You don't often get email from cindidale@me.com. [Learn why this is important](#)

**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

Please let my comments be added to the discussion.

**Please for added safety and flow, add roundabouts at:**

**Reed Market Road and SE 27th, plus SE Bear Creek Road and SE 27th.**

The many Bend westside roundabouts, prove how successful they are for safety and increased flow.

**Remove stop lights outside of the 3rd street core, let the expansion of SE Bend be more user friendly and do it NOW while all of this new expansion is happening.**

**Thank you  
Cindi Dale  
Bend Homeowner**

**From:** [dennis shrader](#)  
**To:** [Damian Syrnnyk](#)  
**Subject:** STEVEN'S TRACT AND GREATER  
**Date:** Tuesday, November 7, 2023 7:07:21 PM

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You don't often get email from dkshrader1@gmail.com. [Learn why this is important](#)

**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

You have planned the development of the Seven's Tract prior to not knowing what the land base "Carrying Capacity" of human occupation is: in regards to water use capacity, wildlife displacement, current and past open space recreational displacement, archeological destruction (all ready happening without survey), greenhouse gas expansions without prior off set mediation currently and into the future, increased noise, and light pollution levels without recognizing wildlife damage and human negative reflection outside Bend City limits onto adjoining rural residences and Bend City residences, damage and destruction of cave resources, this is to name a few. You carry on urban sprawl planning without recognizing or giving a dam. Your planning is like a rancher placing two hundred head of cattle on and acre of land without a baseline to support water, soil, feed, or healthy herd behavior. (The hundred of rats in one cage planning theory.) I do not expect this email will change anything because your planning is being conducted to the pandering of developers who support the campaigns of local and state politicians and not for the citizens and a healthy environment of Bend and Dechutes County. I would recommend across the board building moratorium until the county and city determine the "Carrying Capacity" of this area!!

Sincerely: Dennis Shrader.  
Burns Tribal Council

CC: Confederate Tribes of Warm Springs

**From:** [Robin Vora](#)  
**To:** [CityPlanningCommissionAll](#)  
**Cc:** [Damian Syrnky](#)  
**Subject:** Stevens Road Tract Planning Amendments PLTEXT20230635, PLCPMA20230636  
**Date:** Tuesday, November 7, 2023 9:22:47 PM

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**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

Please see my comments below on the proposed Stevens Road Tract developments. I understand the Bend Planning Commission will hold a public hearing on this on November 27, 2023. Please accept my comments below and consider my concerns.

Robin Vora  
1679 NE Daphne Ct.  
Bend, OR 97701

----- Forwarded message -----

From: **Robin Vora** <[robinvora1@gmail.com](mailto:robinvora1@gmail.com)>  
Date: Wed, Oct 25, 2023 at 8:56 PM  
Subject: Stevens Road Tract concept plan, higher priced single family housing, and traffic congestion in SE Bend  
To: Damian Syrnky <[dsyrnyk@bendoregon.gov](mailto:dsyrnyk@bendoregon.gov)>, <[council@bendoregon.gov](mailto:council@bendoregon.gov)>, <[tboc@bendoregon.gov](mailto:tboc@bendoregon.gov)>, <[gsabourin@bendoregon.gov](mailto:gsabourin@bendoregon.gov)>, <[mpackebush@bendoregon.gov](mailto:mpackebush@bendoregon.gov)>

Thank you for the opportunity to comment on the proposed Stevens Road Tract concept plan. I think the concept is better than classic American single family home sprawl. It is good to see the community park, trails, commercial and mixed employment, affordable housing, and medium to high density residential.

I do, however, see two major problems with this project as well as with the adjacent section 11 and the SE Bend plan developments:

1. The majority of the area in all these plans is planned for higher priced single family residential standard density. This will only serve to bring in more people from elsewhere where they can sell their homes for more to come to Bend to increase the cost of living of present local residents and increase traffic congestion. This has been painfully obvious to locals over the past 20 years or more. Despite a much greater housing supply, the price of houses in Bend has quadrupled in the 22 years I have lived in Bend and the city's population has doubled. Traffic congestion is much worse. The city keeps approving projects that make housing less affordable for the average middle income family in Bend. The projections for the types of housing in the Bend Urban Growth Boundary Expansion Plan were just projections. The city planners I spoke with seem to take those projections as a mandate; I don't believe that was the intent. I would like to see more affordable and middle-income housing in the city's core where people can walk or take a bus to more jobs, stores, restaurants, etc. and not have continued urban sprawl.

I recommend a suspension or moratorium on approval of new projects to build single family homes in new subdivisions if the homes will likely cost more than \$350,000 to purchase, and even that price would be difficult for many middle income residents of Bend who presently rent and are not funded through inheritance. None of the land should be used to provide housing not affordable to a family earning \$100,000/ year, which at today's prices would mean small single-family homes perhaps less than 1200 ft<sup>2</sup>. Leave the areas with proposed zoning for standard or low density single family homes as open space for now.

2. These developments have been blind to the actual vehicle traffic that all this development in SE Bend has created, and will continue to make worse. The cumulative effects of all this development in a short time has not been properly evaluated. The more affluent people that will come from elsewhere to these subdivisions will not likely be taking the bus; they are often used to traffic jams and will just make that congestion more significant driving more cars, and also increasing overall vehicle miles driven and greenhouse gas emissions that need to be reduced, not increased. Reed Market, including its intersection with 3<sup>rd</sup> Street, and 27<sup>th</sup> Street are already failed roads during peak travel hours and that traffic nightmare will be increased dramatically by all this development. Traffic to the new central library will also exacerbate the problem. There is no real practical and realistic solution to the traffic problem on these roads. I spent 10 minutes getting from Wilson to Reed Market on 15<sup>th</sup> Street to get to the Stevens Road Tract open house Oct. 19, 2023. I spent a similar amount of time waiting to turn left from 9<sup>th</sup> going east onto Reed Market one morning. We need for the majority of people who live in Stevens Road Tract to shop, work and play within Stevens Road Tract or else the added traffic congestion in the city and greenhouse gas emissions will be unacceptable.

Put a hold on higher priced standard or low density single family home subdivisions, at least until the traffic congestion is somehow mitigated.

Robin Vora

1679 NE Daphne Ct., Bend, OR 97701

ps. Damian, could you please reply that you received this. Thank you.



November 17, 2023

SUBJECT: Bend Park & Recreation District Agency Comments for the Bend Comprehensive Plan Text and Map Amendments for the Stevens Road Tract, City files PLTEXT20230635 and PLCPMA20230636.

Dear Damian,

Thank you for the opportunity to provide agency comments on the City of Bend's Stevens Road Tract text and map amendments. District staff has reviewed the proposal and offers the following comments:

**Policy 11-165**

**"...Trails may be hard or soft surfaced."**

The district has a planned trail, the TransCanada Trail, along the western boundary of the site. The district prefers that this trail is paved; however, the trail will be located within TC Energy's pipeline easement, therefore additional coordination may be required. The district requests that this policy is modified to include that trail surfacing will be determined in collaboration with the City of Bend Engineer, Bend Park and Recreation District, and TC Energy when applicable.

**Policy 11-168**

**"...must incorporate and preserve the significant natural resources shown..."**

The district supports this policy and encourages preservation of trees and other significant features of the site to the maximum extent practicable.

**Policy 11-169**

**"A minimum of 29 contiguous acres to be used as a community park..."**

The district's 2018 Comprehensive Plan targets a level of service of 7.85 acres of neighborhood and community parks per 1,000 residents, as well as a park within one-half mile of most homes. The inclusion of a community park will assist in meeting these targets and will provide close-to-home recreation opportunities for residents of the surrounding areas. The district intends to construct and operate the community park but requests that the text clarify that the park land is dedicated to the district without a fee, and to the satisfaction of due diligence requirements for public property.

**"A minimum of 7 acres for trail corridors"**

The district suggests clarifying that trails may be located within public access easements or in public open space tracts that are a minimum of 20 feet in width. At this time, the district is unsure if it would prefer to own the property containing the TransCanada

*play for life*

District Office | Don Horton, Executive Director

799 SW Columbia St., Bend, Oregon 97702 | [www.bendparksandrec.org](http://www.bendparksandrec.org) | (541) 389-7275



Trail, or if an easement is preferred. Therefore, flexibility is requested to allow this determination to be made with the development of the property.

**Figure 11:- Stevens Road Tract Planning Concept**

The concept map illustrates a white, dashed line through the park (shown by the red arrow on the image below). The district requests clarification in the document to indicate that the dashed line is intended to show the general alignment of a non-vehicular, pedestrian connection through the park. The final alignment will be determined with the development of the park.



**Transportation System Plan graphic amendments**

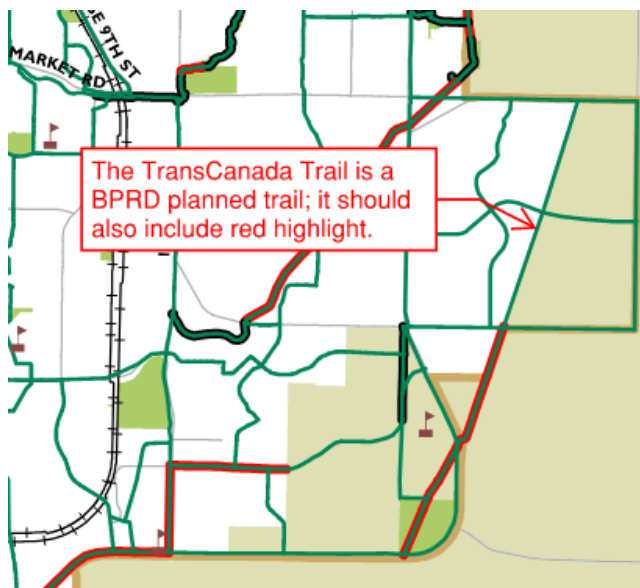
**Bicycle Low Stress Network map**

The TransCanada Trail is a BPRD planned trail. It should be highlighted in red, as shown in the image on the next page.



District Office | Don Horton, Executive Director

799 SW Columbia St., Bend, Oregon 97702 | [www.bendparksandrec.org](http://www.bendparksandrec.org) | (541) 389-7275



If you have any questions regarding these comments, please don't hesitate to contact me at 541-706-6118, or [saraa@bendparksandrec.org](mailto:saraa@bendparksandrec.org).

Sincerely,

A handwritten signature in blue ink that reads "Sara Anselment".

Sara Anselment, Park Planner  
Bend Park and Recreation District

A logo with the words "play for life" in a stylized, lowercase, handwritten font. The word "play" is in a darker grey, and "for life" is in a lighter grey.



# Oregon

Tina Kotek, Governor

## Department of State Lands

951 SW Simpson Ave., Suite #104

Bend, OR 97702

(541) 388-6112

FAX (541) 388-6480

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

State Land Board

November 27, 2023

City of Bend Community Development

Attn: Damian Syrnyk

710 NW Wall St.

Bend, OR 97703

Tina Kotek  
Governor

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

RE: Stevens Road Tract, City of Bend Comprehensive Plan Amendment Text

Greetings,

The Department of State Lands (DSL) is submitting official comment regarding the draft Comprehensive Plan amendment text relating to the Stevens Road Tract.

While the Department agrees with the zoning designations and densities identified in Alternative Three of the Concept Plan approved by Bend City Council on June 1, 2022, the Department is concerned that the amendment text as written will be considered too restrictive by prospective developers and therefore will result in a significant reduction in value of the property and a reduction of the potential buyer pool. As you are aware, the Stevens Road Tract is an asset of the Common School Fund, and any returns generated from the sale of the property will accrue to the Common School Fund which provides semi-annual funding distributions to Oregon K-12 schools.

Policy 11-163 of the amendment text requires that "The master plan must demonstrate substantial conformance with figure 11-8 with respect to the elements identified under Policy 11-163." Policy 11-165 of the amendment text also requires substantial conformance to the map in figure 11-8. The Department does not agree with prescribing the locations of specific parcels or infrastructure within the Comprehensive Plan amendment text. The decision on where to locate each parcel, road, or trail, should be made during the master planning process involving the developer of the property in consultation with the City of Bend.

Policy 11-168 requires that a master plan must incorporate and preserve the significant natural resources shown in Figure 11-9. The Department is concerned with the number of "significant" trees and natural resources identified for preservation. The requirement to preserve every resource identified in figure 11-9 will be far too restrictive for prospective developers and will result in a reduction in the value of the property.

Policy 11-169 prescribes the location of the 29-acre park. This should be decided through the master planning process and not in Comprehensive Plan.

Section 1.3 of the Purchase and Sale Agreement between DSL and the City of Bend states that the property to be conveyed will be established following expansion of the City's UGB and with the platting of the Stevens Road Tract. The Purchase and Sale Agreement does not specify where the parcels to be conveyed to the City of Bend shall be located. Specifying the locations of affordable housing and the park location are not necessary at this time, and doing so prematurely will have a negative effect on the marketability and price of the property.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Amber McKernan". The signature is fluid and cursive, with the first name "Amber" and last name "McKernan" clearly distinguishable.

*Amber McKernan*

Real Property Program Manager | Operations Division  
Oregon Department of State Lands  
951 SW Simpson Ave., Suite 104 | Bend, OR 97702  
Office: 541-388-6355 | Cell: 541-480-5327  
[www.oregon.gov/dsl](http://www.oregon.gov/dsl)



**To: The Planning Commission**

**From: Diane Hodiak, Executive Director, 350Deschutes**

Good evening to staff and members of the planning commission.

I'm Diane Hodiak, Executive Director of 350Deschutes, a nonprofit working in climate policy, actions, and education. Thank you for the opportunity to speak.

Stephens Tract borders the TC Energy pipeline, better known as GTN Express. It is a 60+ year old pipeline, approved in October 2023 by the Federal Energy Regulatory Commission for the expansion of fracked gas through Central Oregon. Oregon's two senators and governor Kotek oppose this expansion which will significantly increase the amount of compressed gas in this aging pipeline. The health and safety risks, primarily from explosions and their associated wildfire risk greatly affects Stephens Tract. I am opposed to this UGB expansion unless the City mitigates these explosion risks through ordinances and electrification requirements.

I recognize the great need for affordable and workforce housing. But consider this: the dangers this pipeline poses will once again put low income and vulnerable communities at risk. Every other day over the past decade, a gas leak in the United States has destroyed property, hurt or killed someone. A recent explosion occurred in Virginia in a similar aging TC Energy pipeline. The Pipeline and Hazardous Materials Safety Administration, a federal oversight agency states that more than 300 deaths and 1200 injuries have been caused by fossil gas pipeline incidents. One of main causes of these explosions is aging pipelines like this one close to Stephens Tract. (1)

The City of Bend can follow the example of other City and County jurisdictions to marginally mitigate these risks through planning ordinances. Development safety prescriptions vary, but generally prescribe the

proximity in feet, where building can and cannot occur in proximity to the pipeline. Development restrictions can be anywhere from 25 to 1000 feet. Information is available through the Pipeline Safety Trust which discusses egress, safe exits, inspections and more. (1)

Lastly, since explosion risk is related to the amount of gas pressure within the pipeline, reduced gas use should marginally reduce explosion risk. Requiring that all buildings be electrified within the development would certainly minimize hazard at every dwelling. Still, the overall risk would remain from the larger pipeline. Studies show that electrification can be done at lower cost than building gas infrastructure.

Lastly, even the industry itself has stated the need for safe development near pipelines. Unfortunately, we cannot count on the gas industry to upgrade their aging pipelines, to fix hazardous leaks and there is no regulation that requires them to do it unless the pipes are attached to a building. (2) The City of Bend, however, has an opportunity to mitigate risks through development ordinances. Thank you.

1. *New Natural Gas Pipelines and Proximity to Homes*. 2015.

<https://pstrust.org/trust-initiatives-programs/planning-near-pipelines/planning-ordinances/>

2. *PIPA, the Pipeline and Informed Planning Alliance*) it is prudent to design buildings and related facilities in a manner that mitigates the potential impacts on people and property from a transmission pipeline incident. Locating structures away from the pipeline right-of-way (ROW), incorporating more stringent building fire safety measures are examples of mitigation *techniques* that may improve public safety and limit damage to buildings or infrastructure in the event of a transmission pipeline incident.”

<https://pstrust.org/new-natural-gas-pipelines-and-proximity-to-homes/>

December 6, 2023

Chair Swander, Commissioners,

We are writing to support the current plans for the Stevens Road tract (PLTEXT20230635 and PLCPMA20230636). They reflect a lot of work and input from various parties and should not be delayed. "Housing delayed is housing denied", and while it's true this housing won't be ready *that* soon, sending the whole thing back to the drawing board is going to cost a lot of time and money, leading to the housing being delivered later than it could have been, at a higher cost.

Thank you,

John Heylin, Nathan Nelson, Kathryn Olney, Jim Roberts, David Welton

Bend YIMBY



[www.bendyimby.com](http://www.bendyimby.com)



December 11, 2023

Whitney Swander, Chair  
Planning Commission  
City of Bend  
710 NW Wall Street  
Bend, OR 97702

Chair Swander and Commission Members,

On behalf of the Bend Chamber's 1,600 members and 8,500 businesses in Central Oregon, thank you for the opportunity to provide comments related to Item 4 on your agenda: *Amendments to the Bend Comprehensive Plan for the Stevens Road Tract*.

During the 2021 Legislative Session, the Chamber supported House Bill 3318, which provided the statutory ability to bring the Stevens Road Tract into the UGB and provide much needed housing in the southeast area of our city. We supported the bill for several reasons:

1. **HB 3318 increased affordable and workforce housing in our community.** As is too familiar in many communities, Bend has limited inventory, skyrocketing prices and key segments of our workforce have been pushed out to other communities. Employers are reporting qualified candidates declining job opportunities due to the inability to find affordable housing options.

In a survey of Bend Chamber members, conducted by ECONorthwest in October 2022, 91 percent of the over 200 respondents stated the high cost of housing limits their growth and strains their existing workforce. This is untenable for our community and requires collaborative approaches to create more housing units.

2. **The Stevens Road Tract is a key element of the City's southeast development and complete communities plan.** The plan will add hundreds of workforce housing units to our inventory. The inclusion of dedicated acreage for AMI limited housing and the diversity of housing mix will create a unique, new livable community in the southeast area of Bend. This area is essential to helping resolve Bend's housing shortage and create a walkable, livable area for people and businesses.

The economic development opportunities related to HB 3318 are also important to recognize. The city stands to bring in not only housing development but also related commercial development expanding the commercial footprint and providing much needed retail, dining and other services to residents.

Creating an environment where businesses, their employees and our community excel together through collaboration, advocacy, resources and leadership to meet Bend's business challenges.



Throughout our involvement in both the legislative and subsequent regulatory processes, our members in the development community have been collaborators. They have been partners with the city and other agencies and are enthusiastic about the attainable housing goals of the city and building the Stevens Road Tract as an equitable and livable community. We urge you to pass the proposed amendments without delay and continue to move forward with this important project.

Best Regards,

A handwritten signature in black ink, appearing to read "Katy Brooks", is positioned to the left of a thin vertical line.

Katy Brooks  
President & CEO  
Bend Chamber of Commerce

CC: Renee Brooke, Planning Manager, City of Bend  
Lynne McConnell, Housing Director, City of Bend

Creating an environment where businesses, their employees and our community excel together through collaboration, advocacy, resources and leadership to meet Bend's business challenges.



# Oregon

Tina Kotek, Governor

## Department of State Lands

951 SW Simpson Ave., Suite #104

Bend, OR 97702

(541) 388-6112

FAX (541) 388-6480

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)  
State Land Board

December 11, 2023

Tina Kotek  
Governor

City of Bend Growth Management Division  
Attn: Damian Syrnyk  
710 NW Wall St.  
Bend, OR 97703

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

RE: Stevens Road Tract, City of Bend Comprehensive Plan Amendment Text

Greetings,

The Department of State Lands (DSL) is submitting official comment regarding the draft Comprehensive Plan amendment text relating to the Stevens Road Tract.

On November 27, 2023, the Department provided comment stating that certain language in the amendment text would be too restrictive for prospective developers and would affect the saleability and value of the property. Since that time, the City of Bend has worked diligently and cooperatively with DSL to address our concerns.

On Monday, December 4, 2023, revised text was added to the Bend Planning Commission website and agenda for this December 11 meeting. DSL and the City of Bend's Planning staff worked through additional edits that are being provided to the commission for consideration today. With these additional edits the concerns DSL voiced regarding sections 11-163, 11-168, and 11-169 have been agreeably addressed and DSL sees no further issues.

The Department is fully supportive of the work that the City Planners have done and urges the Planning Commission to consider and accept these new recommendations. DSL sincerely values and appreciates all of the hard work the City of Bend has put into making the vision for this property a reality.

Thank you for your time and attention to this matter.

Sincerely,

Deputy Director, Operations  
Oregon Department of State Lands



December 11, 2023

Planning Commission  
Bend City Hall  
710 NW Wall Street  
Bend, OR 97702

Dear Chair Swander and Commissioners,

On behalf of Central Oregon Builders Association's 767 members, thank you for the opportunity to provide comments related to the Amendments to the Bend Comprehensive Plan for the Stevens Road Tract. During the 2021 Legislative Session, the COBA worked in close coordination with the Oregon Home Builders Association to support House Bill 3318, a bill unique to Bend that recognized the city's crisis of housing affordability, and allowed for a UGB expansion for Stevens Road Tract. This will allow for the development of workforce homes that are crucial to our community, and to the city's ability to ensure that local employers can hire local employees. Too much of Bend's workforce has been priced out of the city, and the limited supply of affordable housing is a significant impediment to employer recruitment and retention.

The Stevens Road Tract provides the opportunity for the southeast region of the city to develop as a complete community, addressing the city's goals of walkability, parks and outdoor access, and reduced vehicle miles traveled. Additionally, dedicated land for income-restricted housing and increased diversity of housing type will create a thriving neighborhood of diverse ages, household compositions, and backgrounds. The development of the southeast area of Bend is essential to addressing Bend's housing shortage and creating economic development in the associated commercial districts.

COBA is very pleased to support the necessary amendments to the Bend Comprehensive Plan for the Stevens Road Tract, and we look forward to seeing its development as an equitable and livable community. To that end, we respectfully request that you recommend that the proposed amendments be adopted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Morgan Greenwood".

Morgan Greenwood  
VP, Government Affairs  
Central Oregon Builders Association