Public Testimony received between July 22, 2016 and August 18, 2016

1. July 28, 2016 letter from Mike and Kathleen Kutansky
2. July 29, 2016 email message from Levi McClain, Lathan Excavation
3. August 8, 2016 letter from Therese Madrigal
4. August 11, 2016 letter from Katherine Austin, AIA
5. August 14, 2016 letter from Maria Rodgers
6. August 16, 2016 letter from Ethan Kollar
7. August 16, 2016 letter from Bill Galaway, Chairman of SBNA
8. August 16, 2016 letter from Gavin Hepp, Webfoot Painting
9. August 17, 2016 email message from Elwood and Denora Coslett
10. August 17, 2016 letter from David Lesher, Three Pines Owners Association
11. August 17, 2016 email message from John Warta, Cascade Divide
12. August 17, 2016 letter from Susan Sullivan, Larkspur NA
13. August 17, 2016 letter from Sarah Barnett
14. August 17, 2016 letter from Seth Anderson, Ascent Architecture
15. August 17, 2016 letter from Stacey Stemach, Architect
16. August 17, 2016 letter from Russell Horton
17. August 18, 2016 letter from Dave Feagans and Jack Zika, COAR
18. August 18, 2016 letter from Dan Goodrich, COBA

Mike and Kathleen Kutansky
19756 Buck Canyon Road
Bend, Oregon 9770

July 28, 2016

City of Bend Council and Staff:

Please add this letter to the record for the UGB expansion. We own the property at 19756 Buck Canyon Road. This parcel is located just south of the UGB line as shown on the attached map and described as T18-R12-S19A TL 200. This 5-acre property abuts the Baney property.

We have submitted letters throughout the UGB expansion process and want to continue to advocate for our property to be included to the new UGB, if possible. We understand that the UGB process is nearing completion and things can change. As you finalize your documents, should there be an opportunity to identify additional lands, please consider us a candidate.

We propose only residential uses and could easily transition density in this area of the Bend community. We would also agree to master planning concepts and work closely with you on development issues.

Moreover, as the City proceeds to develop an Urban Area Reserve we ask that you add our property to the land under consideration.

In summary, the southern edge of the UGB, north of Buck Canyon Road lends itself to urbanization and provides a good area for master planned developments and a buffer to lower density uses. Thus, we believe that lands in this area, including our property, can provide development areas at an urban level of development.

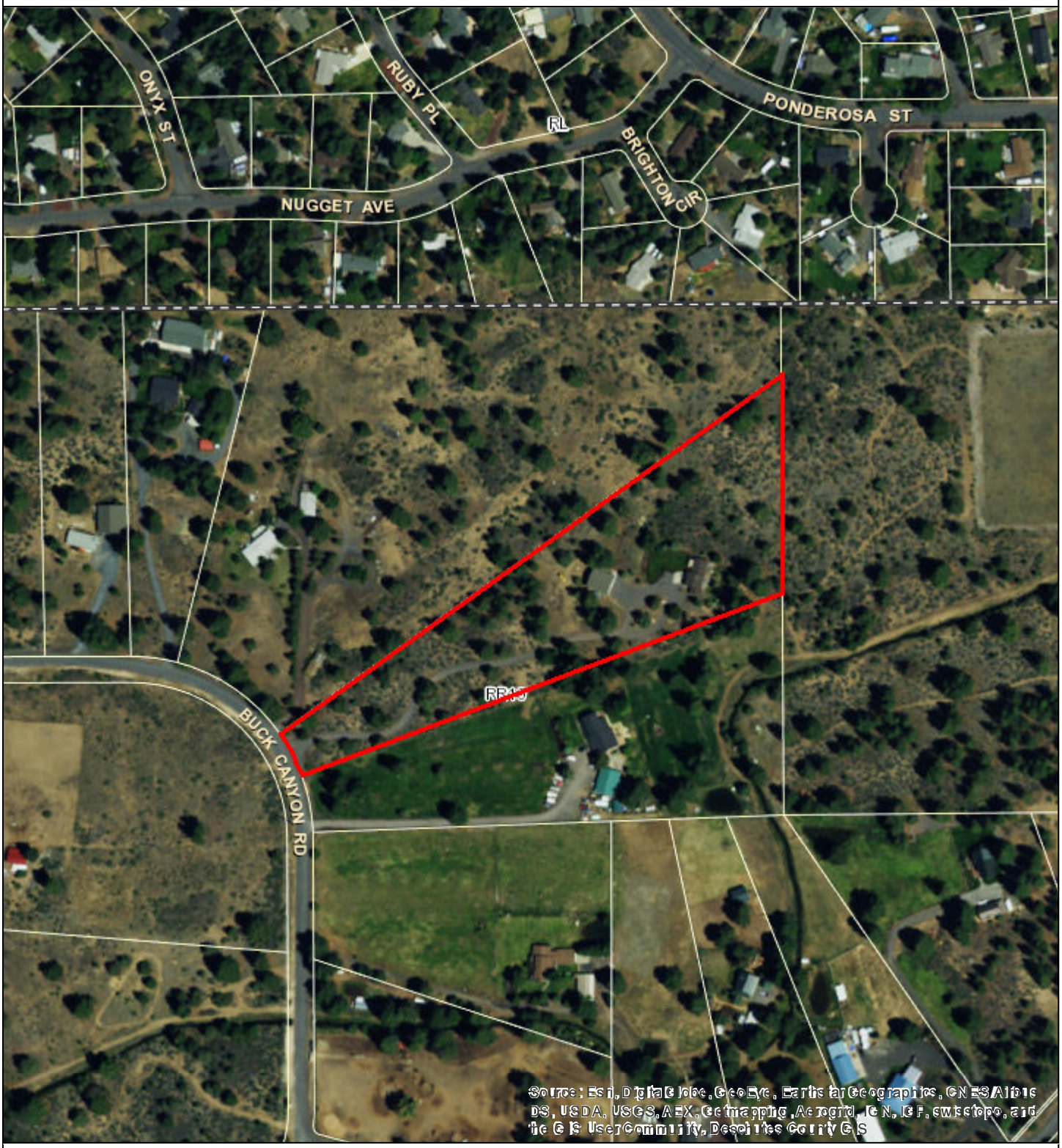
Thank you for your consideration of our request.

_____

Mike and Kathy Kutansky

Deschutes County Property Information - Dial

Zoning Map for account 110020



Map and Taxlot: 181219A000200

DESCHUTES COUNTY

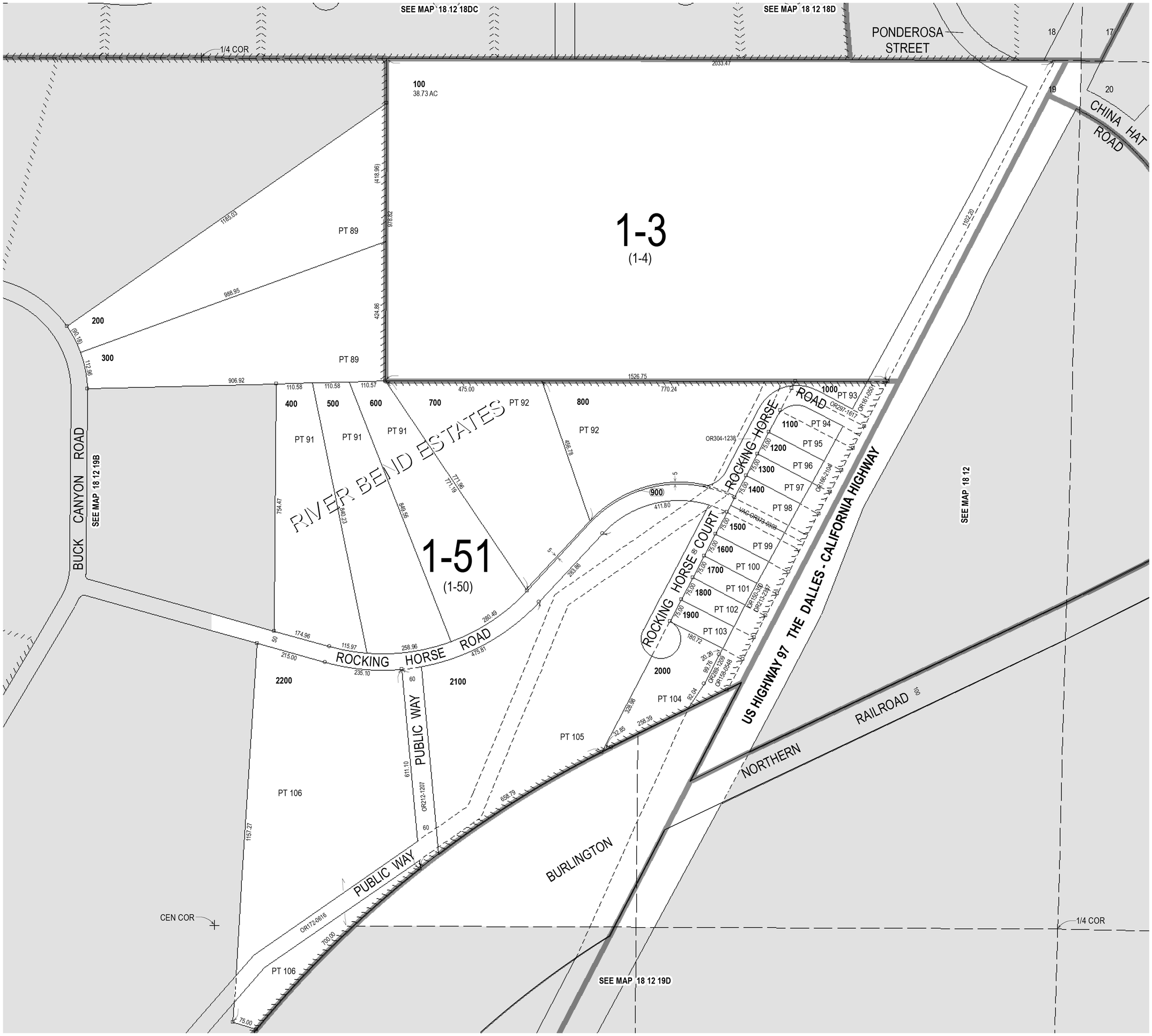
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

3/17/2016

N.E.1/4 SEC.19 T.18S. R.12E. W.M.
DESCHUTES COUNTY

1" = 200'

18 12 19A0



18 12 19A0

Mike and Kathleen Kutansky
19756 Buck Canyon Road
Bend, Oregon 97702

July 28, 2016

City of Bend Council and Staff:

Please add this letter to the record for the UGB expansion. We own the property at 19756 Buck Canyon Road. This parcel is located just south of the UGB line as shown on the attached map and described as T18-R12-S19A TL 200. This 5-acre property abuts the Baney property.

We have submitted letters throughout the UGB expansion process and want to continue to advocate for our property to be included to the new UGB, if possible. We understand that the UGB process is nearing completion and things can change. As you finalize your documents, should there be an opportunity to identify additional lands, please consider us a candidate.

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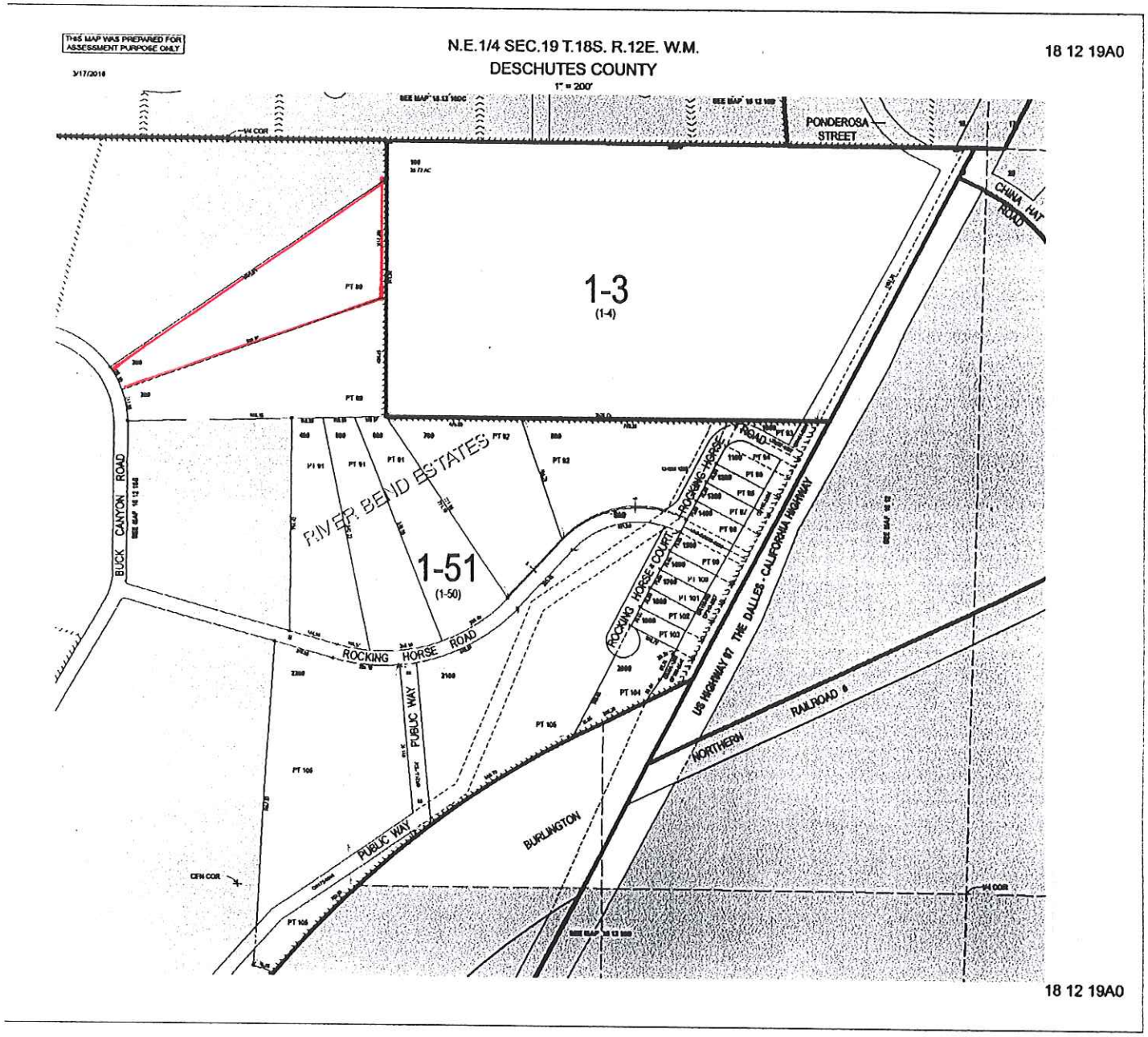
Thank you for your consideration of our request.

Mike Kutansky Kathy Kutansky

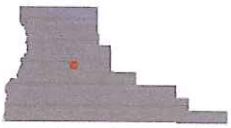
Mike and Kathy Kutansky


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY
3/17/2016
N.E.1/4 SEC.19 T.18S. R.12E. W.M.
DESCHUTES COUNTY
1" = 200'
18 12 19A0
PONDEROSA STREET
CHINA HAT ROAD
1-3
(1-4)
RIVER BEND ESTATES
1-51
(1-50)
BUCK CANYON ROAD
ROCKING HORSE ROAD
ROCKING HORSE COURT
US HIGHWAY 97 THE DALLES - CALIFORNIA HIGHWAY
RAILROAD
NORTHERN
BURLINGTON
PUBLIC WAY
PUBLIC WAY
CEN COR
1/4 COR
18 12 19A0

Deschutes County Property Information - Dial

Zoning Map for account 110020

Map and Taxlot: 181219A000200



DESCHUTES COUNTY

Damian Syrnyk

From: Levi McClain <Levi@lathamexcavation.com>
Sent: Friday, July 29, 2016 6:59 AM
To: Damian Syrnyk
Subject: UGB Follow up for Becky

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Damian,

I was at the open house last night and spoke with Becky Hammond. We discussed a few items specifically on the Westside expansion. She was going to get back to me to clarify the Swisher property, adjacent to Anderson Ranch and South of Shevlin Ridge. There is a 2.5 acre piece that was designated open space from Skyline Ranch Rd up to the first house (roughly triangular shaped). I see that this piece is included in the in UGB. It was my understanding that this open space was tied to the county approved PUD associated with the 4 approved parcels that houses are currently on in Anderson Ranch. Please clarify what can be done with this piece.

Also, she mentioned that the 40 acre piece west of the new Three pines ridge subdivision owned by Rio Lobo will be zoned RL. What is the max density available under this zoning, my understanding was 20000-40000 sq ft lots? Will there need to be additional sewer capacity for this to be feasible? How would the city allow access to this site? McClain Drive is only partially approved, and I'm sure that the Three Pines and Shevlin Commons citizens will throw a fit if proposed access is through their subdivisions.

Thank you,

Levi McClain |Latham Excavation
☎: 541-382-8267| F: 541-382-4367 | C: 541-480-9694
84 SE 5th St. #100 | Bend, OR 97702
✉: levi@lathamexcavation.com

Damian Syrnyk

From: Therese Madrigal <theresemadrigal@gmail.com>
Sent: Wednesday, August 10, 2016 5:01 PM
To: Damian Syrnyk
Subject: UGB testimony
Attachments: no to ordinance 2271.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please see attached PDF and include in the City Council packet. Thank you.

Therese Madrigal
541-280-4874

August 8, 2016

Damian Syrnyk, Senior Planner
City of Bend Growth Management Department
709 NW Wall Street, Suite 102
Bend, OR 97701

RE: UGB Testimony

I'm responding to the notice I've received as a property owner in an area likely to be affected by the proposed UGB expansion, and specifically City of Bend Ordinance Number 2271. In my neighborhood, an opportunity area, Ordinance 2271 would change land use zoning and designation to allow for higher density housing, primarily by increasing the allowable number of homes from 2 to 4 dwellings/acre and provide outright permitting, instead of the current Conditional Use Permitting, of "Single Family Courtyard Housing, Single Family Attached Townhomes, Duplex and Triplex units."

As a 20 year Bend resident, I've witnessed the incredible surge in population and popularity of our community. Along with the increase in people have come the inevitable challenges that fast-growing small towns face; heavy traffic, lack of parking, more crime, a higher cost of living, etc. As a community, we are already experiencing these problems and as indicated in recent news articles on this topic, are quickly becoming disillusioned with the lack of strategic planning by City leaders to balance future growth with livability and quality of life.

It is in this context that I oppose Ordinance 2271. It is more of the same careless land use and transportation planning that has plagued Bend for the last 10 years and allowed for rampant growth without the necessary infrastructure to mitigate accompanying problems.

The fact that Ordinance 2271 has made it this far in the adoption process is simply added evidence of the complete ignorance or more likely, monetary influence, that is overshadowing good judgment and common sense decision-making by City leaders. It's time to stop saying yes to a bigger Bend and instead, begin thoughtfully planning for a better Bend.

I say, "Absolutely NO," to Ordinance 2271.

Therese Madrigal

Therese Madrigal
541-280-4874

Damian Syrnyk

From: Katherine Austin <kaaustin@pacbell.net>
Sent: Thursday, August 11, 2016 5:57 PM
To: Damian Syrnyk
Subject: UGB Testimony
Attachments: Pacwest Builders.pdf

Follow Up Flag: FollowUp
Flag Status: Flagged

Dear Mr Syrnyk,

I have attached a one page letter regarding the request from Mr. Carl W. Hopp, Jr to annex 2.5 ac into the UGB for the Porter/Kelly Burns Land Holdings, LLC. Would you please enter this into the public record? My concerns are for the canal and pond on the larger property to be preserved as amenities and hopefully retained as Bend City Park area and public path along the canal. I am not opposed to the annexation for affordable housing but am concerned about the conceptual plan proposed that appears to pave over the canal and pond. Thank you for your consideration.

Sincerely

Katherine Austin, AIA, Architect
179 SE Rice Way
Bend, OR 97702
P 707-529-5565
kaaustin@pacbell.net
www.austinaia.com

August 11, 2016

Mr. Damian Syrnyk
Senior Planner
City of Bend, OR

Re: UGB Testimony on the Porter/Kelly Burns Land Holdings, LLC, & Pacwest Development proposed on Highway 20.

I have read the letter from Attorney Carl W. Hopp, Jr. dated April 19, 2016 regarding the annexation of 2.5 ac of the approximately 40 acre parcel on the east side of Bend which is designated Urban Area Reserve and is located to the west of the canal that diagonally crosses the property. I also understand that it is the desire of the applicants to eventually bring the rest of the 40 acres into the UGB at a future date and at that time develop affordable housing per a document they have submitted showing a conceptual site design of multifamily and single family homes.

I have no argument against using the 2.5 ac parcel for affordable housing but I caution the City to carefully consider the overall plan for the site with regards to recognizing unique natural features that should be preserved and provide a needed park amenity to the east side of Bend should this parcel be developed.

The canal that divides the proposed 2.5 ac parcel from the rest of the site as well as the continuation of that canal to the south should be preserved and become part of the trail system of Bend administered by the Parks Department. The existing larger pond that is just south of the extension of Livingston Drive should also be preserved and integrated into the path system and be deeded to the Bend Parks District to provide an amenity to the existing and future development there. While this would change the conceptual site plan of Pacwest Builders, it would create a tremendous amenity for that future development and add value. It is possible to convert some of the single family homes to town homes and increase the density on the south west part of the site to help make up the difference in density lost to the pond/park.

I am concerned about the conflict between the site plan presented and the triangular shape of the UAR and the fact that their plan appears to pave over the canal. I do not believe that is in the best interests of the City, Water District or Parks District. Should you decide to allow the annexation of the 2.5 ac I request that you stipulate that the canal be preserved and that the site plan be revised to show a different design that responds to the natural conditions present. I thank you for your consideration.

Katherine Austin, AIA, Architect

179 SE Rice Way, Bend, OR 97702
kaaustin@pacbell.net 707-529-5565

August 14, 2016

Maria Rodgers
P. O. Box 9485
Bend, Oregon 97708

Mr. Victor Chudowski, Bend City Council

Dear Mr. Chudowski:

I am writing to you for direction on an issue recently brought to my and my neighbor's attention. Your honesty in voicing the truth about our recent gas tax issues respectfully draws me to you for help. Thank you for expanding the citizen's knowledge.

So, with trust in you, I am asking you for help and will attempt to keep on point. My neighbors and I received notices of two issues. One from the City regarding a 2-acre late addition to the UGB on which 60 Affordable Housing units may be built. This is located on a triangle shaped piece of land bounded by Highway 20, Landsystems Nursery and a fast moving irrigation canal as borders. This late addition was included in the Steering Committee Approval of preferred Scenario dated May 2016.

I am having difficulty making sense of this approval. Down the street there is a Brewery. A little further down the street there is a Pot Dispensary. There is no public transportation to the site. Shopping requires getting in a car or walking along Highway 20. There are no parks or play areas. Schools are a ways away. A school bus stop will have to be on Highway 20. The posted speed limit on Highway 20 is 55mph at that location and, although the road is straight in that area, there is reduced line of sight visibility because of a slight crown in the road. This will create a highly dangerous entry onto Highway 20.

This last minute addition of the 2-acre addition did not come to the attention of the surrounding landowners until July 29, 2016, the day after the Open House. The access issues from Highway 20 will certainly lead the Affordable Housing residents to seek an alternate access. That could only be through the adjoining neighborhood to the south. The streets in that neighborhood are designed for a minimal amount of traffic. The streets are so narrow parking is only allowed on one side of the streets. Adding traffic to those streets will overwhelm the neighborhood.

We believe the City can find a better place to put high-density housing than at that 2-acre parcel with all of its drawbacks.

Regarding the County issue, after the 2 acres are split off, the Developer is proposing to the County for a change in zoning for the rest of the Lot, Tax Lot 1500, from EFU to MUA-10. Although that is not significant, the cumulative effect will have significant effects. Neighbors have been told that, although it will take time, the goal of the Developer is to again rezone, fill the large pond, and build 160 homes. A large number of nesting birds and waterfowl rely on that pond. The pond is significant enough that it is identified and listed in the Federal Wetland Inventory.

There needs to be a strategy to protect areas like this. I realize this is outside of City's authority, but we could use some ideas on how to redirect the development.

So, back to my request. It would be very much appreciated if you would take the time to drive by this location so as to view my concerns. Please feel free to call if you have any questions for me.

Thank you
Sincerely,

Maria Rodgers

Maria Rodgers
541-948-6997

Damian Syrnyk

From: Wendy Robinson
Sent: Tuesday, August 16, 2016 12:24 PM
To: Damian Syrnyk
Subject: FW: Testimony for August 25, 2016 hearing

Received Testimony for hearing.

From: Ethan L [mailto:ethan_l@live.com]
Sent: Tuesday, August 16, 2016 12:23 PM
To: Wendy Robinson <wrobinson@bendoregon.gov>
Cc: ethan_l@live.com
Subject: Testimony for August 25, 2016 hearing

Hi Wendy,

Thanks for the information. One of the main reasons I purchased a home in the Orchard District neighborhood (Shepard Ave north of Neff) is for the larger lots with smaller single family homes on them. There is relatively little traffic, very few cars parked on the street and it's quiet. This is an older neighborhood with older homes dating to the 1960's. Allowing duplexes, triplexes and homes that can occupy up to 50% of the lot will inevitably ruin this quaint neighborhood. It will turn into the west side of Bend, with people jammed in together, traffic, noise, higher crime and no street parking.

I understand and can empathize that Bend has a housing shortage. Prior to moving here, I looked at several other small towns in the Pacific Northwest, one of which at that time had a severe housing shortage as well. I chose not to move there because there was nowhere to live. That is how small towns stay small. If there isn't enough housing, people will stop moving here. Not everyone is in favor of Bend growing any larger, especially with the growth that has already taken place in the past decade or so. The town's infrastructure can't handle it. The roads and traffic can't handle it. Bigger is not always better. Perhaps rather than trying to push more people into a smaller space, simply let it settle into where it is. If the city keeps making every attempt to accommodate the rapidly growing population, it will reach a critical state where those of us who live here because it's a small town will start leaving at an alarming rate. That will potentially cause another type of crisis all together. Again, not everyone is in favor of Bend becoming larger and faster paced.

Thank you for your time,
Ethan

To: UGB Steering Committee

From: Bill Galaway, Chairman, Southeast Bend Neighborhood Association

Copy: Brian Rankin, Joe Dills

Subject: Southeast Bend UGB Expansion and TSP

As Chairman of the Southeast Bend Neighborhood Association, it is my responsibility to look out for the interests of those who live in our neighborhoods. I have concerns about the UGB expansion plans and the current TSP, on which the expansion plans are presumed to be built upon.

Over 45% of the total UGB expansion will be added in the southeast portion of Bend, including the areas known as the Thumb, the Elbow, and the DSL property. The basis for adding these areas into the UGB is predicated on the current Transportation System Plan, which incorporates a huge amount of infrastructure improvements in the area, including but not limited to:

- Murphy Road and Highway 97 offramps
- Murphy Road extension and upgrades
- Parrell Road reconstruction
- China Hat Road reconstruction and upgrades
- 15th Street reconstruction and upgrades
- Knott Road upgrades

The southeast portion of Bend was originally annexed without a plan to improve and upgrade the infrastructure. As a consequence we have major roads in the area that are in such a state of disrepair that the city will not spend maintenance dollars on them, instead they are waiting to be reconstructed. After many years of accidents we finally got the Murphy/Parrell intersection rebuilt, for which we are thankful.

As we add these 1,100 acres into the city we ask that we do not repeat the past. We have a plan to improve the infrastructure. We are asking the city to commit to building out the infrastructure prior to or coinciding with the development in the Thumb, the Elbow, and the DSL property.

Will the city make this commitment?

Regards,

Bill Galaway

August 16, 2016

Mr. Damian Syrnyk
Senior Planner
City of Bend, OR

Gavin Hepp, Webfoot Painting Co
63004 Layton Ave Ste 100
Bend, OR 97710

Re: UGB Testimony on the Porter/Kelly Burns Land Holdings, LLC, & Pacwest Development proposed on Highway 20.

I have read the letter from Attorney Carl W. Hopp, Jr. dated April 19, 2016 regarding the annexation of 2.5 acre of the approximately 40 acre parcel on the east side of Bend which is designated Urban Area Reserve and is located to the west of the canal that diagonally crosses the property. I also understand that the applicants wishes to eventually bring the rest of the 40 acres into the UGB, after a country approval to rezone as Rural Residential Exception Area, and develop affordable housing per a document they have submitted showing a conceptual site design of multifamily and single family homes. Since these plans were submitted with the UGB expansion effort and are featured in the minutes of that meeting, I feel it is an acceptable time to comment on this future development as well.

I met with my fellow neighbors on August 6th and discussed the UGB expansion as well as the future development of the lot. I wanted to hear their concerns and see if there were commonalities. Surprisingly only 2 main concerns were voiced. The first issue was regarding the UGB expansion titled East Hwy 20. The common concern heard was about the rear exit traffic of the 60-unit planned RH complex. The neighborhood does not have a clear path towards a main thoroughfare and the added cars would overwhelm this very small neighborhood that lacks even full sidewalks. See attached Exhibit A. Without the traffic relief of the future lot development, there needs to be traffic study factoring in this 60 unit RH complex into the current road system.

The second concern that was voiced by all participants regarded the fate of the irrigation lake that resides on the lot. From aerial photos of the area this irrigation lake has stood there as far back as when the home was built in 1940. It is fed through the ground by the canal, has no pump facilities, and maintains a water level throughout the year that does not freeze over. This lake has very mature grounds and is home to countless birds and wildlife including osprey, hawks, deer, and huge families of ducks and other fowl. The overwhelming voice of the group was concerned with protecting this natural feature. Within the plans of development, this natural beauty gets covered with a couple small homes and the entire area loses this natural landmark. We all agreed that the smaller lake could be developed but the larger should be protected. See attached pictures and development overlay (Exhibit B).

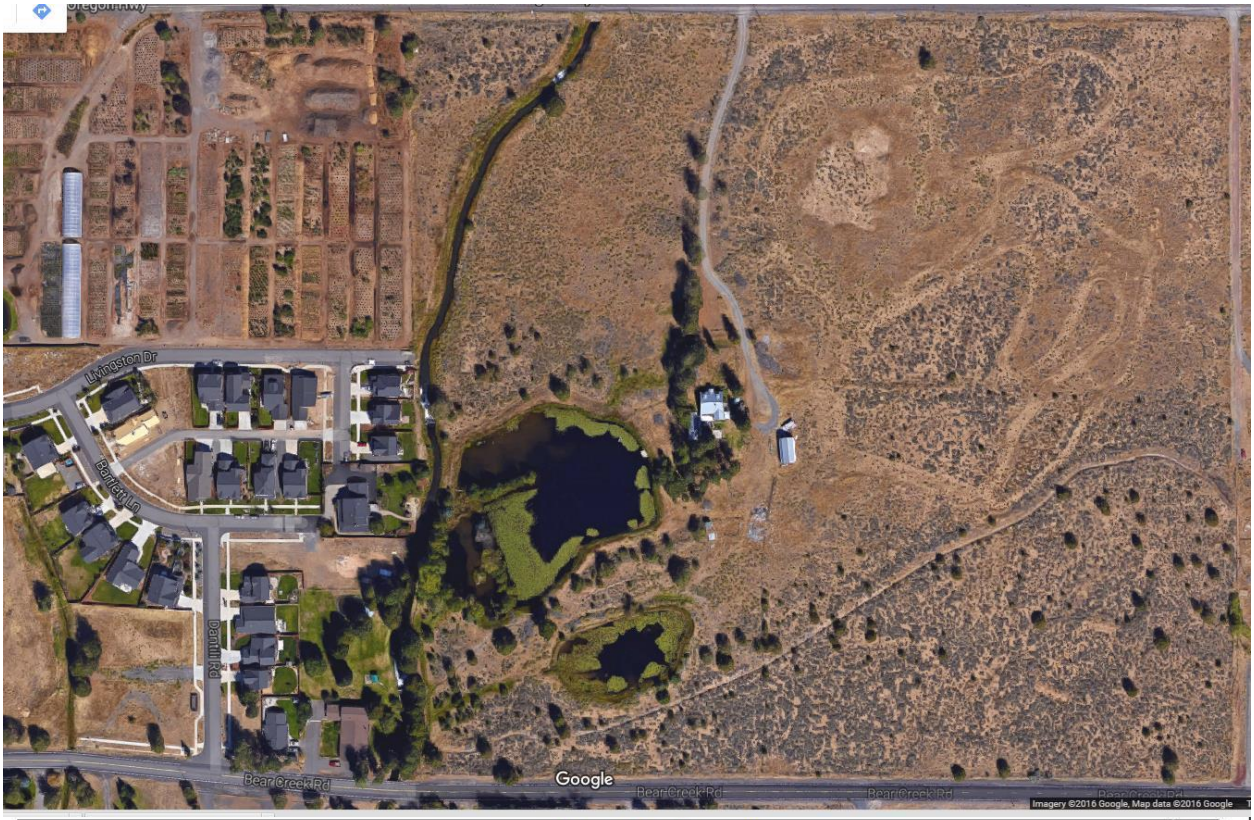
Within the MetroQuest Survey about the growth and development of Bend, the top concern voiced by the community was the importance of **a quality natural environment and preservation of areas with unique natural features, habitat, waterways and wetlands**. The number three concern was connections to recreation and nature. By addressing our small community's concerns and taking into account the wishes of the community as a whole, we can still develop the area and bring new affordable housing into Bend. This lake should be preserved and integrated into the path system and be deeded to the Bend Parks District to provide an amenity to the existing and future development there. How much was spent on Discovery Park in Northwest Crossing for their water feature? Why can't affordable homes also have beautiful features like this lake? It's a tremendous benefit to the area, this region of Bend will need more parks with this new development, and the maintenance costs for the parks would be very low for the Parks District. Our community is reasonable and willing to work with this new development to help our community grow in a healthy way.

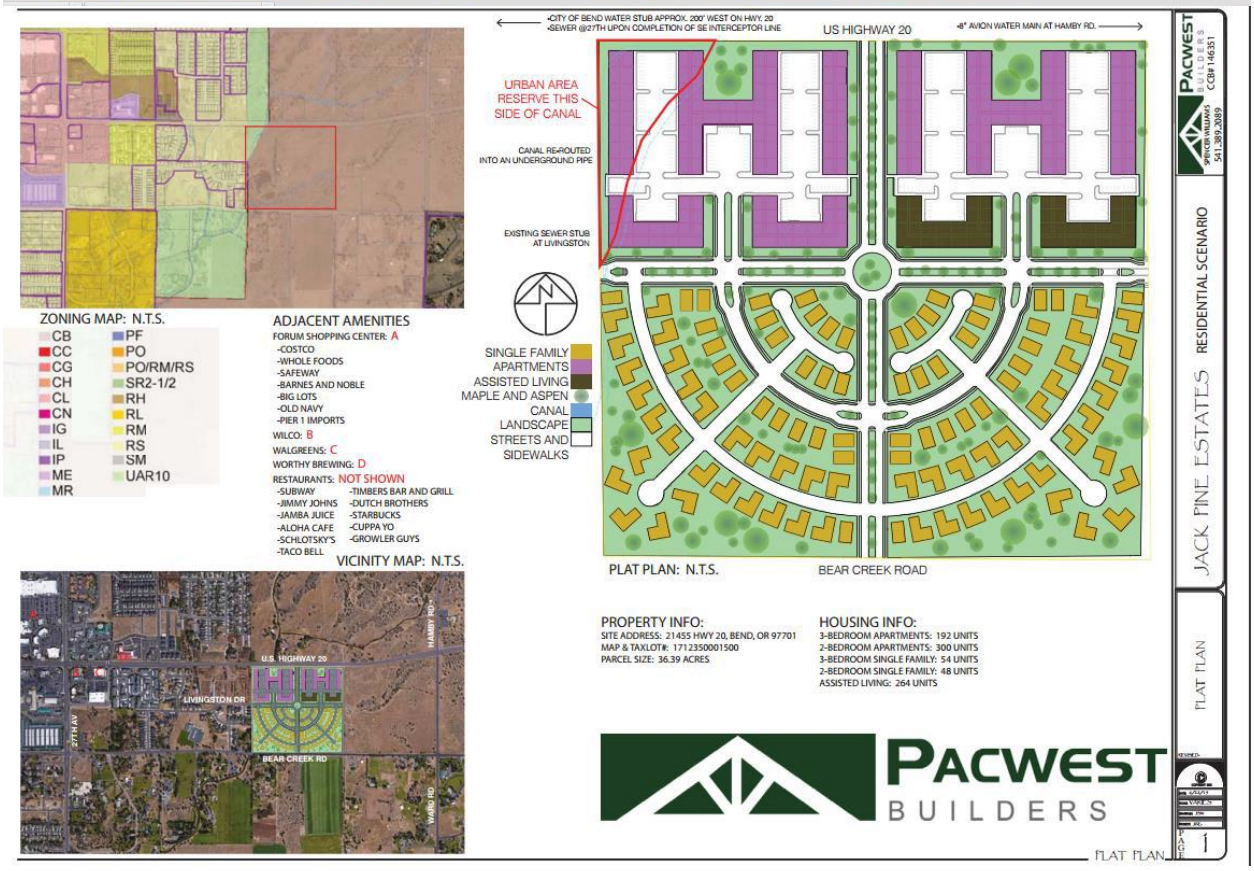
I thank you for your consideration.

Gavin Hepp
Owner of Webfoot Painting Co
Resident at 21380 Bartlett Lane, Bend, OR 97701
gavin@webfootpainting.com
541-420-4140

Exhibit A

Exhibit B


Livingston Dr
Bartlett Ln
Bandit Rd
Bear Creek Rd
Google
Imagery ©2016 Google, Map data ©2016 Google


ZONING MAP: N.T.S.
CB
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CG
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MR
PF
PO
PO/RM/RS
SR2-1/2
RH
RL
RM
RS
SM
UAR10
ADJACENT AMENITIES
FORUM SHOPPING CENTER: A
-COSTCO
-WHOLE FOODS
-SAFEWAY
-BARNES AND NOBLE
-BIG LOTS
-OLD NAVY
-PIER 1 IMPORTS
WILCO: B
WALGREENS: C
WORTHY BREWING: D
RESTAURANTS: NOT SHOWN
-SUBWAY
-JIMMY JOHNS
-JAMBA JUICE
-ALOHA CAFE
-SCHLOTSKY'S
-TACO BELL
-TIMBERS BAR AND GRILL
-DUTCH BROTHERS
-STARBUCKS
-CUPPA YO
-GROWLER GUYS
VICINITY MAP: N.T.S.
U.S. HIGHWAY 20
LIVINGSTON DR
BEAR CREEK RD
27TH AV
HAMBY RD
•CITY OF BEND WATER STUB APPROX. 200' WEST ON HWY. 20
•SEWER @27TH UPON COMPLETION OF SE INTERCEPTOR LINE
US HIGHWAY 20
•8" AVION WATER MAIN AT HAMBY RD.
URBAN AREA RESERVE THIS SIDE OF CANAL
CANAL RE-ROUTED INTO AN UNDERGROUND PIPE
EXISTING SEWER STUB AT LIVINGSTON
SINGLE FAMILY
APARTMENTS
ASSISTED LIVING
MAPLE AND ASPEN
CANAL
LANDSCAPE
STREETS AND SIDEWALKS
PLAT PLAN: N.T.S.
BEAR CREEK ROAD
PROPERTY INFO:
SITE ADDRESS: 21455 HWY 20, BEND, OR 97701
MAP & TAXLOT#: 1712350001500
PARCEL SIZE: 36.39 ACRES
HOUSING INFO:
3-BEDROOM APARTMENTS: 192 UNITS
2-BEDROOM APARTMENTS: 300 UNITS
3-BEDROOM SINGLE FAMILY: 54 UNITS
2-BEDROOM SINGLE FAMILY: 48 UNITS
ASSISTED LIVING: 264 UNITS
PACWEST BUILDERS
PACWEST BUILDERS CCB# 146551
SPENCER WILLIAMS 541.389.2089
JACK PINE ESTATES RESIDENTIAL SCENARIO
FLAT PLAN
FLAT PLAN
1

Damian Syrnyk

From: Wendy Robinson
Sent: Wednesday, August 17, 2016 9:25 AM
To: Damian Syrnyk
Subject: FW: Testimonial for the August 25th UGB Hearing

From: Elwood Coslett [mailto:elwood.coslett@gmail.com]
Sent: Wednesday, August 17, 2016 9:18 AM
To: Wendy Robinson <wrobinson@bendoregon.gov>; elwood.coslett@gmail.com
Subject: Testimonial for the August 25th UGB Hearing

Hi Wendy,

Below is a brief testimonial in support of the proposed CG area in Northeast Bend. I give my permission to use and/or publish any (or all) portion of this testimonial as you see fit. Denora and I wanted to be at the hearing but we have a prior commitment the next morning to walk in the Portland to Coast race in support of cancer research.

I've lived in the NE side of Bend for 16 years and have watched the city integrate several new commercial areas that have positively transformed not only the surrounding neighborhoods but have created attractive areas for all of us to enjoy. As a resident of the Bend's east side however, enjoying the new restaurants, shops, and open areas has always involved the need to travel across town. For this reason, I applaud and support the City's plan to include the new commercial area proposed in northeast Bend. I strongly believe this is an incredible opportunity to establish an attractive master planned development that integrates new commercial businesses with the Pine Nursery Park, into a desirable neighborhood that all Bend residents, especially those on the east side, can enjoy for many years to come.

Regards,
Elwood & Denora Coslett
Property owner: 21350 NE Butler Market Road

THREE PINES OWNERS ASSOCIATION
P.O. Box 235
Bend, OR 97709
541 419-2971

August 17, 2016

City of Bend
City Council
709 NW Wall Street
Bend, OR 97709

Re: Urban Growth Boundary Hearing on August 25, 2016

Dear Members of the City Council:

I am writing this letter as the president of, and on behalf of the Three Pines Owners Association ("Three Pines OA"). This letter concerns the recent inclusion of the 40 acre rectangular parcel of property depicted in Scenario 2.1G as the northern (rectangular) part of the "West 344 Acres". This "40 Acre Parcel" is owned by Rio Lobo Investments ('Rio Lobo"), and is situated directly to the south of Three Pines P.U.D. ("Three Pines") and east of Shevlin Park.

According to recent news reports, Central Oregon Land Watch worked with Rio Lobo to create a buffer zone between this 40 Acre Parcel and Shevlin Park. Further, news reports indicate that Rio Lobo had committed to include "affordable housing" in the properties it owned that would be newly added to the UGB. As a result of Rio Lobo agreeing to the buffer zone and to the addition of affordable housing to its properties, the 40 Acre Parcel was added to the other Rio Lobo property included in the "West 344 Acres" that is now within the proposed UGB under scenario 21.G.

The concern of Three Pines OA has to do with roads that will serve to access the 40 Acre Parcel and the 116 homes contemplated for those 40 acres. Presently the *only access* to and from the 40 Acre Parcel is via the private roads of Three Pines, the most direct route being along Mount Hood Drive, a road which runs along the boundary between Three Pines and the neighboring Shevlin Commons neighborhood. All of the roads in Three Pines are private roads, designed only to accommodate the vehicle traffic generated within the 72 home sites comprising Three Pines. These roads were neither designed nor constructed to the standards of Bend's city streets, and are *privately maintained at the sole cost of the homeowners of Three Pines.* These roads were neither designed nor constructed to accommodate the heavy equipment involved in preparing the infrastructure and then constructing as many as 116 homes within the 40 Acre Parcel. Further, Three Pines' roads were not designed or constructed to accommodate the increased homeowner traffic that will occur once the 40 Acre Parcel is built out.

Three Pines has already seen deterioration of its roads resulting from construction traffic coming through Three Pines to construct the 31 homes being built in the "Three Pines Ridge" development which was approved by the city a couple of years ago without requiring upgrading of most of McClain Drive. Three Pines OA is

concerned that the damage to its privately maintained roads will be considerably worse once development of the adjoining 40 Acre Parcel begins, since that is a much larger project.

Of equal, if not greater, importance is that if, as a result of wildfire or other emergency, an immediate evacuation for these newly constructed 116 homes and for Three Pines homes were called, the Three Pines roads are and would be incapable of facilitating such an emergency evacuation. Given the location of the Three Pines homes and these newly constructed homes there is a high probably of such an emergency evacuation being mandated.

Left out of the news reports about inclusion of the 40 Acre Parcel within the UGB is any mention of whether there will be other roads created or extended for primary access to that parcel. We have heard mention that McClain Drive would be improved and extended in a westward direction to reach the 40 Acre Parcel from the east; that there is a road contemplated that would connect the 40 Acre Parcel with the rest of the "West 344 Acres"; and, that Skyline Ranch Road would be extended in a northward direction to reach the 40 Acre Parcel from the South. But while these roads have been mentioned we are unaware of any commitment from Rio Lobo or from the city of Bend that new primary access roads serving the 40 Acre Parcel will be constructed, or that Three Pines' private roads will not be used for principal access, especially during the construction process or later during an emergency evacuation.

Just to be clear, *we are not objecting out of hand to the inclusion of the 40 Acre Parcel* inside the latest rendition of the Urban Growth Boundary. We simply are concerned that allowing development of the 40 Acre Parcel without creating adequate roads for principal access to that parcel will place undue hardship and expense on the homeowners in Three Pines, will damage the quiet enjoyment of our homes that Three Pines homeowners presently enjoy, and may well place Three Pines homeowners as well as homeowners within the 40 Acre Parcel in unmanageable physical jeopardy during an emergency evacuation.

Accordingly the Three Pines OA urges the Council and the Steering Committee to require Rio Lobo to develop/extend sufficient new roads to access the 40 Acre Parcel so as to render Three Pines' roads as, at most, secondary access to the parcel as a condition to inclusion of the 40Acre Parcel within the UGB.

Very truly yours,

Three Pines Owners Association

By: _____
David Leshner, President

Damian Syrnyk

From: Karen Swirsky
Sent: Wednesday, August 17, 2016 1:04 PM
To: Damian Syrnyk
Subject: Testimony for the record

From: John Warta [mailto:john.warta@cascadedivide.com]
Sent: Wednesday, August 17, 2016 1:00 PM
To: Karen Swirsky <kswirsky@bendoregon.gov>
Subject: Bend Westside Plan

Karen,

Thank you so very much for your time today to explain the process for approval of the Bend Westside Plan. I strongly support the plan, your work and community effort to prepare it. I have read through the 700+ pages, and am very excited about what you and the City have accomplished in creating this plan.

I am the principal owner and Chairman of Cascade Divide Data Centers, and we own 3.1 acres at 213 SW Columbia Street. I understand that the Council is considering updating the Comprehensive Plan designation in this area to Mixed Use as part of the UGB expansion effort. I am very supportive of this land use change, as it will allow us the opportunity to create a Bend Tech Center where people can live and work near our brand new Data Center.

Again, thank you, and please add our support to your plan for Bend's Westside!

John Warta
Chairman, Cascade Divide

Damian Syrnyk

From: Susan Sullivan <suesulliwat@gmail.com>
Sent: Wednesday, August 17, 2016 4:18 PM
To: Damian Syrnyk
Subject: UGB testimony

To: Damian Syrnyk, Senior Planner, City of Bend:

I am a resident of Bend on the east side, south of Highway 20 and east of 27th, and I would like to submit a few comments about the addition of two acres south of Highway 20 to the new UGB proposal.

First of all, I recognize the need for affordable housing in Bend, and I have no objections to putting affordable housing in my neighborhood. I live within two blocks of a 192-unit apartment complex on five acres with approximately 500 people, and have had no issues with traffic, parking, or noise. These people are good neighbors. I expect that, if done properly, affordable housing at the scale that is being proposed (60 units) would have minimal impact on the neighborhood.

My main concerns around this addition to the UGB are more around the process that was followed in deciding to add this piece and how it fits in with a bigger picture of a plan for the East side.

I am the Land Use Chair for the Larkspur Neighborhood Association, and in this role have been following the UGB discussion in the news and in city publications, and was pretty sure I was on top of what was happening. I was surprised to find this two-acre addition in the most recent proposal, when it had not appeared in any previous discussion and was not on any previous maps. I dug into on-line documentation to find where it came into the picture, and it appears that there was no talk about adding this property until the April 21, 2016 UGB Steering Committee meeting. There appeared to be no discussion at this meeting about how this might fit into a bigger picture of a plan for development on the east side.

As anyone who has followed land use on the East side of town is aware, development here has been piecemeal. It would be great to have a coherent vision of how this side of town will be developed. My concern about adding this property to the UGB is: how does this fit in with a vision for what will happen to Highway 20's commercial development, and plans for housing to the south? This does not seem an obvious choice for addition to the UGB, as it is small and isolated from all other areas being added. If the only reason this property is being added is because the landowner has shown willingness to put in affordable housing, then my conclusion is that there is no bigger picture in mind.

I am hearing comments from neighbors who are concerned about isolating our single-family residential neighborhood by commercial and high density development on all sides. I think people would be reassured if there were some master plan we were working from.

From having participated in many public meetings on land use, it is natural for people who live near proposed development to have concerns about development that will change the character of their neighborhoods. I get that. However, in this case, I think neighbors seem open to affordable housing - even close by - but just want to be sure it makes sense in terms of having a plan for what happens next.

Sincerely,

Susan Sullivan
21339 Livingston Drive

8/17/2016 (4:30 pm)

UGB Testimony

Attention: Damian Syrnyk, Senior Planner,

I do not agree with the proposed changes to the Residential Zones and Comprehensive Plan Designations. Particular the RS changes to both the Increased Density as well as allowing certain Housing Types without a Conditional Use permit or review.

For the City of Bend or the County to allow even more dense housing that is already in place is not conducive to our Bend Neighborhoods. Already families are packed on top of each other within current and new neighborhood developments. The city streets are already packed to capacity and now there are daily traffic jams from 6 am to 8 pm along most of the main roads within Bend.

The UGB is proposing to allow another 1100 homes in NE Bend. IF you figure 3 cars per home, that means an additional 3,000 plus cars driving on Butler Market, Purcell, 27th st, Empire, and Deschutes Market Rd. Currently, the traffic on these streets are already over capacity. How can the City propose to knowingly add an additional 3,000+ cars of daily traffic? There is no infrastructure to support what we already have. The roads are already full of pot holes, snow plowing is barely provided, traffic is backed up for miles because roads are only 2 lines wide total with no room to expand, Sewer smells almost daily along Purcell and Empire near the Canal, Schools over crowed, etc. The list goes on.

How can the City knowingly allow the unconditional use of housing types within certain and current and traditional single home neighborhoods, just because there are a few vacant lots? With no review. If the unconditional use of housing types is allowed to pass, many of our property values would be greatly impacted. Will the city then reduce my property taxes by the $20,000 that my home will lose in value? Families want to live in neighborhoods that are stable. Allowing apartments, townhouses, and condos would invite a high turnover of families and rentals. As well as the typical problems that come along with rentals and people moving in and out all the time. Less pride of ownership and the more likelihood of crime and transient people. I don't want to live in an area of apartments, condos, townhouses. Which is WHY I bought a house in a neighborhood that are single family homes. We do have several vacant lots that are in my neighborhood as well as several lots that are of 4 acres in size. I and my neighbors want a stable family neighborhood made up of stable families that live and take care of their property and raise their families. We do not want Rentals, more traffic, higher crime, people trashing the neighborhood, just because these folks usually don't stay in rentals for years and are more likely to cause problems than someone that is invested in our neighborhood by owning a home. I would not have bought my house if I had known that there was a good chance that apartments,

townhouses or condos would be allowed without a conditional use to be built. Our property values would drop over 20%.

No! I do not agree with the RS, RL, RM, RH changes. Nor do we want unconditional permitting of conditional use. The people of Bend do not want more traffic due to apartments, condos, townhouses etc. buildings built in traditional single family home neighborhoods. Our streets can't handle the current usage in both the NW or NE sides of Bend with the proposed changes to Residential areas. No one wants their property value to drop significantly nor to live beside or near an area of apartments/condos/townhouses where there will be a large influx of transient tenets and rentals.

I suggest that the City of Bend look to Develop Juniper Ridge for housing and business. Build it up or the land that is between bend and Redmond. The answer is not to allow developers to build what they want, where they want.

Plus, has anyone thought about the safety issues? If the traffic is bumper to bumper already, then adding 3000 more cars to it daily, how are Emergency vehicles or Responders going to get through? How about fires? Can people evacuate? What about these new densely populated areas? 1 house catches on fire, and then because traffic is so bad ER and fire department can't get there in time, pretty soon you lose 5 or 6 houses because they are so packed together and no ER responder can get there in time.

Just because we live in Bend and other folks want to live here too, does not entitle everyone to have their own home in the heart of Bend. There comes a point where you can't put anyone folks into one area. Besides just safety. I've lived here for over 12 years. I've seen many changes. Some change is for good, others are not so much. But it is beyond foolish to encourage more development in areas of Bend such as the NE (27th st, Butler Market and Deschutes Market) where the streets can't be enlarged and are already beyond capacity for daily traffic. The NW side of town is the same.

Thank you,

Sarah Barnett

2895 NE Marea Dr.

Bend, OR 97701

collaborate » create » elevate

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Office: 541-647-5675 • ascent-architecture.com

August 17, 2016

Dear Bend City Council:

As a local architect and business owner, I support the city's proposed UGB expansion, the proposed amendments to the Bend Comprehensive Plan and Zoning Maps, and proposed text amendments to the Bend Development Code. Specifically, I believe strongly that the proposed changes will allow for the successful urbanization of targeted opportunity areas by bringing redevelopment to underutilized areas of our community. If executed correctly, these areas will become vibrant, walkable places with unique character – the types of places that tourists and residents will enjoy, whether they are there to live, work or play. Additionally, the loosening of parking requirements in these areas will reduce one of the major obstacles to creating a financially viable infill project. As part of the architecture and development community, I believe the proposals are well written, well thought-out, and will adequately address the possible negative outcomes of urbanization and infill development.

I've spoken to several developers who have already begun to see the potential in creating quality mixed-use buildings in the new Bend Central District Overlay Zone and the new Mixed-use Urban zones. They are just waiting for the process to be complete so they can have certainty in the new regulations.

Having reviewed the proposed changes to the Development Code Text Amendments, I would like to offer a few recommended changes to improve or clarify the language on the following pages.

Sincerely,

Seth E Anderson

Seth Anderson, AIA, NCARB, LEED AP
Principal Architect

Recommended Changes to Development Code Text Amendments.

Inserted language is **bold** font. Deleted language is ~~crossed out.~~

2.3.300 Subsection C. Residential Density

1. ME and PO Zoning Districts. The minimum residential density standard in the ME and PO zoning districts is as follows:
   a. Where residential uses are part of a mixed use development in which non-residential uses occupy at least the floor area equivalent to the entire ground-floor area of the development, there is no minimum residential density standard except that for properties located within 660 feet of a transit route, the minimum residential density standards of the RM zone shall apply.
   b. Where residential uses are part of a mixed use development in which non-residential uses occupy less than the floor area equivalent to the entire ground-floor area of the development, **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area**, the minimum density standards of the RM zone apply.

Reason for recommended change:

The plain reading of the text as it is proposed suggests that the area of any space on the ground floor attributable to the residential uses would need to be offset by commercial areas on an upper level of the building. In a vertical mixed-use projects, where the residential units are placed over the commercial uses on the ground floor, resident areas – such as lobbies, mailboxes, and other circulation like elevators, stairs, etc. – are still needed on the ground floor. Commercial spaces on upper levels, especially in a mixed-use building, are difficult to lease and create additional complications in terms of building code requirements.

2.3.300 Subsection D. Other Requirements

2. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters shall be architecturally screened from view. ~~Heating, ventilation and air conditioning units shall have a noise attenuating barrier to protect adjacent Residential Districts from mechanical noise.~~

Reason for recommended change:

This section attempts to limit the impact between the more dense mixed-use zoning districts and adjacent residential zoned districts. The requirement to provide noise attenuating barrier for HVAC equipment is not a standard construction practice. Since there is no quantifiable standard, this requirement will lead to create undue complications for the designers and developers to ensure compliance. Suggest removing the noise attenuating barrier requirement entirely. If not acceptable to remove completely, suggest using a quantifiable standard based on readily available information from equipment manufacturers such as decibel level measured at a distance from the equipment.

2.7.3220 Subsection D. Limitations

1. New residential uses. In order to ensure that the subdistricts retain their established employment focused character, new residential uses in the 1st/2nd St and 3rd St subdistricts are limited as follows:

   a. Residential uses that are part of a mixed use development in which non-residential uses occupy at least the floor area equivalent to the entire ground floor area of the development, **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area,** area permitted.

   b. Residential uses that are part of a mixed use development in which non-residential uses occupy less than the floor area equivalent to the entire ground floor area of the development area, **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area,** are conditional.

Reason for recommended change:

The plain reading of the text as it is proposed suggests that the area of any space on the ground floor attributable to the residential uses would need to be offset by commercial areas on an upper level of the building. In a vertical mixed-use projects, where the residential units are placed over the commercial uses on the ground floor, resident areas – such as lobbies, mailboxes, and other circulation like elevators, stairs, etc. – are still needed on the ground floor. Commercial spaces on upper levels, especially in a mixed-use building, are difficult to lease and create additional complications in terms of building code requirements.

3.3.300 Subsection C. Parking Location and Shared Parking

4. Mixed-Use Developments. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be 95 percent of the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly. (See subsection (C)(5) of this section, Shared Parking.) **This reduction is in addition to the reductions allowed by subsection (D) of this section, Exceptions and Special Standards for Parking, and shall be applied after the reduction allowed by subsection (D) of this section.**

Reason for recommended change:

This addition clarifies how the mixed-use reduction shall be applied. Since the reductions allowed by subsection (D) are for measures that encourage alternative transportation to the site and the mixed use reduction allowed by subsection (C) is for mix of use types, these two reductions should be cumulative.

3.6.200 Subsection I. Residential Uses within Commercial Districts

5. The commercial or public/institutional uses shall occupy at least the floor area equivalent to the entire ground-floor area of the development **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area**. The commercial or public/institutional uses shall be constructed prior to or concurrently with the residential uses

Reason for recommended change:

The plain reading of the text as it is proposed suggests that the area of any space on the ground floor attributable to the residential uses would need to be offset by commercial areas on an upper level of the building. In a vertical mixed-use projects, where the residential units are placed over the commercial uses on the ground floor, resident areas – such as lobbies, mailboxes, and other circulation like elevators, stairs, etc. – are still needed on the ground floor. Commercial spaces on upper levels, especially in a mixed-use building, are difficult to lease and create additional complications in terms of building code requirements.

August 17, 2016

Damian Syrnyk
City of Bend
Bend, OR 97703

Dear Damian,

I wanted to give some input into the draft Development Code for your and the City Council's consideration.

I would like to express support for the development code alterations which Brooks Resources, Central Oregon LandWatch and Katherine Schultz have recommended. I believe these alterations will greatly help achieve a complete, urban community within the Central Bend District.

I would like to recommend the modification of section 2.2.600.C.1.e: Roofs from the Commercial Architectural Standards. Section 2.2.600.C.1.e makes it impossible to build a building to match the traditional parapet design of zero lot line buildings which are typically found in downtowns across the country, including Central Oregon. This section REQUIRES at least 70% of the publicly facing frontage be a sloped roof, there are no exceptions or trade-offs to this. A traditional parapet fronted design (such as a traditional brick or wood framed building found in Downtown Bend) would not allowed under these standards, nor would any of the newer modern designs with horizontal parapet designs as architectural elements. This is a significant design constraint for development and compact urban design in creating human-scale, urban communities. In combination with a height limit, this section severely limits what can be done in the last 10' or so of a building's allowable height, effectively removing or severely limiting that top buildable floor.

(For example, as currently written this section prohibits the design of a building like the one found at 1005 NW Galveston Avenue, the former home of Westside Bakery. For hundreds of years, humans have built beautiful zero-lot-line buildings with flat parapets side by side in urban areas. As we define more areas of Bend to be higher density, and allow for zero setbacks in these zones, this traditional architectural form should be permitted.)

I suggest the following language for this section:

e. ~~Roofs~~ **The top of building** should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of a building enough to

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cast a shadow on the ground are highly encouraged. ~~Architectural methods shall be used to conceal flat rooftops; however, a maximum of 30 percent of the building elevations visible from the adjacent right-of-way may include flat roof components.~~ **Flat or low slope roof membranes and rooftop equipment shall be concealed from view from the adjacent public right-of-way.** Overhanging eaves, sloped roofs, parapet walls that have variations vertically and horizontally with decorative features, and multiple roof elements are highly encouraged. ~~Mansard style roofs are discouraged.~~

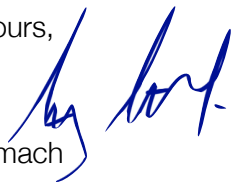
Additionally, I recommend alterations to the applicability of Vehicle Aisle widths as described in BCD Table 3.3.300.E.1. For smaller, commercial and mixed use developments within developed areas of the city (downtown, the new Bend Central District and all the older properties along the 3rd St corridor), these aisle widths standards represent a hurdle to development of smaller lots, lots with limited right-of-way access and lots with smaller lot dimensions.

Many commercial lots in the downtown and 3rd St corridor are less than 75' wide, and many do not have alley access. According to the vehicle access standards, as soon as a site requires 2-way vehicle traffic, a 24' wide drive aisle is required. With a 24' wide drive aisle and a 20' deep parking space, a minimum of 44' of lot width is required. For many of the smaller commercial lots, this immediately devotes 50% or more of the property area to vehicular maneuvering, despite many of these lots requiring as few as 3 or 4 parking spaces on site.

In traditional urban areas, it is not uncommon to find very tight vehicle access in in-fill buildings, as these parking spaces are typically used for tenants/owners/operators of the building, not members of the general public. These users become familiar with the vehicle access of their building which allow for tighter tolerances for the vehicles. For smaller developments, it is reasonable to expect vehicle users familiar with the property to be able to negotiate a narrower drive aisle to access the site and its parking. A property with 3 or 4 parking spaces won't typically have cars entering and leaving continuously at the same time, and so a narrower drive aisle can help give more buildable land to the building, rather than parking.

I suggest that for smaller lots (less than 15,000 sq ft, or with an overall dimension less than 80' in width or length (parallel or perpendicular to the street frontage) that the aisle width standards of Table 3.3.300.E.1 either do not apply, or are allowed to be substantially reduced to give a development greater flexibility to provide parking on a site with limited space, as long as the design professional can demonstrate that the standard model design "Composite Passenger Vehicle" can access the site and the provided on-site parking.

Sincerely yours,



Stacey Stemach
Architect

1134 NW Clark Court
Bend, OR 97703
August 4, 2016

Mr. Casey Roats, City Councilor
City of Bend
710 NW Wall St.
Bend, OR 97701

Re: Ordinance 2271

Dear Councilor Roats,

I trust that you, or a competent independent consultant of your choosing, have carefully read and fully understand the impact and potential ramifications of proposed Bend Ordinance 2271 especially as relates to the provisions of Exhibit O thereto.

Assuming this to be the case, are you 100 percent satisfied that each of the proposed changes/additions to Bend's residential and commercial zoning laws and regulations is indeed prudent, necessary or otherwise desirable, and will ultimately enhance the character and quality of life in our community?

The written notice sent to potentially affected property owners by the City of Bend concerning the proposed residential zoning changes contains the following generalities:

> "Increases maximum allowed density (for new housing)"
>
> "Increases minimum density for new housing"
>
> "Decreases or eliminates minimum lot size for some housing types"
>
> "Changes to how (housing) density is calculated and applied"

All of these clauses lead to the same result – the construction of more housing units of various types on existing lots regardless of current zoning designations and restrictions with the possible change (reduction?) in the fair market values of neighboring properties.

Who really stands to benefit from the majority of these proposed changes – (a) the community, or (b) the developers, outside investors, banks, realtors, title companies, etc.? I submit that it is the latter.

Are these proposed zoning changes consistent with the City's motto of "Making Bend Even Better"? In my opinion, they are not.

Have you personally observed any of the new housing construction that is currently ongoing in Bend? Even in areas with large single-family dwellings such as the River's Edge development off of Mt. Washington Drive, the homes are on such small lots that one owner can lean out of his bedroom window and shake his neighbor's hand – and this kind of (over) development is being done under currently zoning laws and restrictions! Do you really want to approve a broad-brushed increase in housing density throughout the City of Bend to a greater level than is already allowable?

Over the past 20 years, due is no small part to the nationwide publicity it has received, Bend's urban growth has been unprecedented. Certainly, the amount and various forms of new housing construction that has taken place during this period has been sufficient to satisfy any state or Federal mandates in this regard. If not, then the City of Bend has put itself in the position where the more homes it builds, the more homes it is required to build. This, of course, is ludicrous.

One of the primary goals of the city fathers (and mothers) in any community should be in maintaining the delicate balance between urban growth and the community's ability to absorb and support such growth without overspending the city's budget or overtaxing its citizenry, while at the same time preserving and/or improving the quality of life in the community.

On page 8 of Ordinance 2271 Exhibit O, it states that real estate developers will be granted incentives in the form of "density bonuses" if they maximize the number of housing units built on any particular lot. This does not sound like a balanced approach to urban growth and thoughtfully configured neighborhoods to me.

New home construction cannot continue to feed upon itself indefinitely in any geographic location. Depending on the ever fluctuating status of the national economy, there will come a point in time when Bend's housing bubble will burst, and the majority of the men and women employed in the construction trades will, by necessity, either move on to greener pastures or go onto state or local welfare rolls for lack of work. This will put hundreds of homes on the market, and drive Bend home values over a cliff.

In summary, if the full intent and long term impact of any of the proposed changes to the City of Bend's existing residential and commercial zoning laws is unclear in your mind or otherwise objectionable, then I urge you to reject Ordinance 2271 as currently drafted.

This is not to say that a modified version of Ordinance 2271 cannot or should not be approved. Consistent with the severability clause contained in the four-page summary of Ordinance 2271, the Bend City Council should have the prerogative to approve certain provisions of the proposed Ordinance while rejecting or tabling others for a vote at a later date. Amendments and can always be added. Once approved, it is much more difficult to repeal or change something that you subsequently discover you didn't really want.

Thank you for your thoughtful consideration in the above regard.

Russell M. Horton

Central Oregon Association of REALTORS® &
Multiple Listing Service of Central Oregon
2112 NE 4th Street, Bend OR 97701
Phone: 541.382.6027
Fax: 541.383.3020
Email: info@coar.com

August 18, 2016

Bend City Council
710 NW Wall Street
Bend, OR 97701

Dear Mayor and Councilors,

We are writing on behalf of the Central Oregon Association of REALTORS® (COAR) in regards to the City of Bend's Urban Growth Boundary (UGB) expansion plan. COAR appreciates and recognizes the significant amount of time and effort that City Councilors, staff and Steering Committee members have put into the current proposal.

As you know, COAR is an advocate of reasonable policies and incentives to improve the availability of affordable housing in Central Oregon. As such, the relatively small proposed expansion is of particular concern to our members.

We recognize the exceedingly stringent limits the State of Oregon places on Bend and other cities attempting to expand their UGBs. But unfortunately, the relatively small expansion proposed by the City will do little to alleviate Bend's housing shortage and corresponding high prices.

Bend's primary problem with regard to housing affordability is a lack of inventory at price points that can be achieved by working people in Bend. This issue is not limited to low-income residents; it affects highly skilled workers and professionals with relatively high incomes as well. If Bend wishes to continue to develop as a technology and business hub, more attention must be paid to the scarcity of housing for people who work in these sectors.

A recent example of the impact of housing scarcity is the difficulty the Bend Police Department is having in recruiting new officers. As reported in *The Bulletin*, some highly qualified candidates have turned down positions with Bend PD due to the scarcity of housing.

The City's plan should ensure that various property zone types and uses are dispersed equally throughout the expansion areas, providing affordable options for working people in Bend. Careful attention should also be given to accessibility in order to ensure that services and amenities are not out of reach for those living in affordable housing. Allowing for affordable housing options near the City's core will provide such access.

A significant amount of additional housing supply is needed to address the problem of inventory. Some of that supply will come from "infill," but the capacity for infill is limited due to existing development patterns and restrictions on subdividing lots, as well as neighborhood objections to re-development. Before pursuing infill projects, the City should consider updates and revisions to its existing infill code. The current code is causing a multitude of issues for developers and real estate professionals. For example, the compatibility standard prevents the creation of higher density within the city where larger lots border

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infill. If the property is zoned RS and the larger neighboring parcels are also RS, the standard should be removed. The City must also be careful not to view infill projects as opportunities to improve failing infrastructure at the cost of the developer.

As a result, much of the needed supply must come via UGB expansion. And that is where the proposed expansion ultimately comes up short. While acknowledging the role that the State of Oregon plays in making expansion excruciatingly difficult, it is also of paramount importance that the City of Bend move quickly to begin the next round of expansion.

There will surely be resistance to another expansion on the heels of this long, costly and difficult process. However, it should be remembered that, when the current process began some 10 years ago, Bend was already then in desperate need of additional housing supply. Things have not improved in the intervening decade.

Until there is an improvement in the regulatory system in Salem, Bend must do the best it can in the current, overly restrictive environment. The city owes its current and future residents continued attention to the overriding need to increase housing supply via a host of means, including additional expansion. If it does not do so, Bend may well become a community where only the wealthy can afford to live.

We do not believe that is an outcome desired by the City Council. COAR appreciates your service to Bend, as well as your consideration of the concerns of the local real estate industry. Should you have any questions, please feel free to contact us at 541-382-6027 or info@coar.com.

Sincerely,

Dave Feagans
2016 President
Central Oregon Association of REALTORS® &
MLS of Central Oregon

Jack Zika
Chair, Government Affairs Committee
Central Oregon Association of REALTORS® &
MLS of Central Oregon

COBA
CENTRAL OREGON BUILDERS ASSOCIATION
Building | CENTRAL OREGON

ph: 541-389-1058
fax: 541-389-1545
www.coba.org

1051 NE 4th Street
Bend, OR 97701

August 18, 2016

Deschutes Services Center
1300 NW Wall Street
Bend, OR 97701

Dear Bend City Councilors and Deschutes County Board of Commissioners:

The Central Oregon Builders Association (COBA), which represents 650 member companies, requests an adjustment to the proposed City of Bend Development Code, which has been altered in conjunction with the City of Bend Urban Growth Boundary (UGB) Remand process.

Section 2.1.400(A) of the proposed development code, states, "Floor area Ratio. The floor area ratio as defined in Chapter 1.2 Definitions, shall not exceed 0.55 for all buildings on site, cumulatively." This expectation aims to impact nearly all residential development within the RL, RS, and RM zones. Lot coverage standards, for all zones in the City of Bend, are scheduled to be eliminated.

Instead, COBA recommends to retain compliance with the existing City of Bend Development Code. In present scenarios, lot coverage methods (.50 for one-story dwellings, and .35 for two-story dwellings) includes garage area in the overall building footprint. As the height of the dwelling increases, the building footprint shrinks and the dwelling accommodates additional square footage. That said, the current development code also allows for a garage exemption. Section 2.1.400(B)(2) states, "Only garage floor area that exceeds 480 square feet in size on lots or parcels 4,000 square feet or greater and only garage floor area that exceeds 325 square feet in size for lots or parcels less than 4,000 square feet. The first 480 square feet or 325 square feet, respectively, of the garage are excluded from floor area."

As an example, under the existing development code, a 4,000 square foot lot that contains a two-story dwelling, at maximum, would yield 1,400 square feet on the main floor (this includes an absolute minimum 400 square foot garage and 1,000 square feet of living space on the main floor.) With the inclusion of a maxed out 1,400 square foot second floor, the total square footage of the dwelling is 2,400 square feet. Under the proposed development code, on the same 4,000 square foot lot, a two-story dwelling would yield 2,200 square feet or 1,800 square feet of maximum living area (this includes an absolute minimum 400 square foot two-car garage). In comparison (2,400 square feet versus 1,800 square feet), the dwelling is reduced by 25% in size. .55 FAR is equivalent to half that in lot coverage, or .275; and, since there will be more land available with the expansion of the UGB, the lot becomes instantly less desirable. In a value scenario, on smaller products and lots, a builder will still stack a majority of the upper and lower walls in order to keep the costs and prices down.

In fact, the existing development code promotes the infill market much more than the newly proposed code. The infill market is predicated on value, and two-story dwellings are important in order to create density. The more valuable the item, the more likely the market will demand the product and the desire for infill will be met. Specifically, the .35 lot coverage standard, for two-story dwellings, encourages the potential to grow that particular market.

A primary requirement throughout the City of Bend's UGB Remand process has been to strengthen the overall capacity of the city. The preservation of the existing parameters of lot area coverage neither affects minimum density nor the capacity of Bend.

Compliance with existing development code will allow for competitive, attractive, and functional dwellings. Therefore, COBA respectfully requests that the Bend City Council and the Deschutes County Commissioners retracts the proposal for an FAR of .55 as the new standard for all building mass and scale. Instead, maintain the existing development code requirement, and utilize lot coverage methods to improve the viability and livability of the community.

Sincerely,

Dan Goodrich
President
Central Oregon Builders Association

THREE PINES OWNERS ASSOCIATION
P.O. Box 235
Bend, OR 97709
541 419-2971

August 17, 2016

City of Bend
City Council
709 NW Wall Street
Bend, OR 97709

Re: Urban Growth Boundary Hearing on August 25, 2016

Dear Members of the City Council:

I am writing this letter as the president of, and on behalf of the Three Pines Owners Association ("Three Pines OA"). This letter concerns the recent inclusion of the 40 acre rectangular parcel of property depicted in Scenario 2.1G as the northern (rectangular) part of the "West 344 Acres". This "40 Acre Parcel" is owned by Rio Lobo Investments ('Rio Lobo"), and is situated directly to the south of Three Pines P.U.D. ("Three Pines") and east of Shevlin Park.

According to recent news reports, Central Oregon Land Watch worked with Rio Lobo to create a buffer zone between this 40 Acre Parcel and Shevlin Park. Further, news reports indicate that Rio Lobo had committed to include "affordable housing" in the properties it owned that would be newly added to the UGB. As a result of Rio Lobo agreeing to the buffer zone and to the addition of affordable housing to its properties, the 40 Acre Parcel was added to the other Rio Lobo property included in the "West 344 Acres" that is now within the proposed UGB under scenario 21.G.

The concern of Three Pines OA has to do with roads that will serve to access the 40 Acre Parcel and the 116 homes contemplated for those 40 acres. Presently the *only access* to and from the 40 Acre Parcel is via the private roads of Three Pines, the most direct route being along Mount Hood Drive, a road which runs along the boundary between Three Pines and the neighboring Shevlin Commons neighborhood. All of the roads in Three Pines are private roads, designed only to accommodate the vehicle traffic generated within the 72 home sites comprising Three Pines. These roads were neither designed nor constructed to the standards of Bend's city streets, and are *privately maintained at the sole cost of the homeowners of Three Pines.* These roads were neither designed nor constructed to accommodate the heavy equipment involved in preparing the infrastructure and then constructing as many as 116 homes within the 40 Acre Parcel. Further, Three Pines' roads were not designed or constructed to accommodate the increased homeowner traffic that will occur once the 40 Acre Parcel is built out.

Three Pines has already seen deterioration of its roads resulting from construction traffic coming through Three Pines to construct the 31 homes being built in the "Three Pines Ridge" development which was approved by the city a couple of years ago without requiring upgrading of most of McClain Drive. Three Pines OA is

concerned that the damage to its privately maintained roads will be considerably worse once development of the adjoining 40 Acre Parcel begins, since that is a much larger project.

Of equal, if not greater, importance is that if, as a result of wildfire or other emergency, an immediate evacuation for these newly constructed 116 homes and for Three Pines homes were called, the Three Pines roads are and would be incapable of facilitating such an emergency evacuation. Given the location of the Three Pines homes and these newly constructed homes there is a high probably of such an emergency evacuation being mandated.

Left out of the news reports about inclusion of the 40 Acre Parcel within the UGB is any mention of whether there will be other roads created or extended for primary access to that parcel. We have heard mention that McClain Drive would be improved and extended in a westward direction to reach the 40 Acre Parcel from the east; that there is a road contemplated that would connect the 40 Acre Parcel with the rest of the "West 344 Acres"; and, that Skyline Ranch Road would be extended in a northward direction to reach the 40 Acre Parcel from the South. But while these roads have been mentioned we are unaware of any commitment from Rio Lobo or from the city of Bend that new primary access roads serving the 40 Acre Parcel will be constructed, or that Three Pines' private roads will not be used for principal access, especially during the construction process or later during an emergency evacuation.

Just to be clear, *we are not objecting out of hand to the inclusion of the 40 Acre Parcel* inside the latest rendition of the Urban Growth Boundary. We simply are concerned that allowing development of the 40 Acre Parcel without creating adequate roads for principal access to that parcel will place undue hardship and expense on the homeowners in Three Pines, will damage the quiet enjoyment of our homes that Three Pines homeowners presently enjoy, and may well place Three Pines homeowners as well as homeowners within the 40 Acre Parcel in unmanageable physical jeopardy during an emergency evacuation.

Accordingly the Three Pines OA urges the Council and the Steering Committee to require Rio Lobo to develop/extend sufficient new roads to access the 40 Acre Parcel so as to render Three Pines' roads as, at most, secondary access to the parcel as a condition to inclusion of the 40Acre Parcel within the UGB.

Very truly yours,

Three Pines Owners Association

By: _____
David Leshner, President

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 23, 2016 3:22 PM
To: Damian Syrnyk
Subject: FW: I support the UGB Proposal
Attachments: Ken Brinich.vcf

From: Ken Brinich [mailto:Ken@hxbri.com]
Sent: Monday, August 22, 2016 12:30 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject: I support the UGB Proposal

Dear Council members:

I write to you provide written testimony regarding the proposed UGB expansion application. I was a member of the Employment TAC. I was on the BMPO Citizen advisory committee for transportation.

Planning to make Bend BIGGER will make Bend bigger. It will not make Bend better.

Planning to make Bend BETTER will probably make it better. No guaranties. If it also makes Bend bigger, so be it.

Planning for bigger without planning to make Bend better will lead to sprawl.

A characteristic of what has made Bend a wonderful place to live is its modest size. In that sense bigger is counterproductive.

Bend will accommodate increased population while maintaining excellence when it commits to reducing reliance on car traffic. Cars take up a lot of room and strangle what is good about Bend. The UGB expansion plan comes up short on reducing reliance on cars.

Bridges across the river are a pinch point for west side development and existing neighborhood circulation. Expanding the UGB on the west side to accommodate residence and business growth aggravates traffic issues. The city needs to commit to a plan to reduce car traffic city wide, but more particularly on the west side.

Bicycles and pedestrians can play a large part in this. ODOT and OSU should help with designing a city with improved circulation. ODOT's Parkway separates the east and west sides for bicycles and pedestrians. OSU campus is attracting many additional people to the west side, without providing them access to cheaper land on the east side of Bend.

The UGB expansion plan needs one or more bicycle, pedestrian, and public transit corridors crossing the Parkway and the river to connect the east and west sides. The Franklin and Greenwood underpasses work for public transit, but are terrible designs for pedestrians and bicycles. The Drake Park footbridge is convenient for pedestrians but inadequate and inappropriate for bicycles and handicapped access. The plan provides nothing to encourage more public transit, bicycle and pedestrian traffic. It offers only increased motor vehicle congestion to discourage car use.

If we are going to sprawl, do it on the east side where land is cheaper and there is room to put in roads, and no river crossings. If we are going to make Bend better, then reducing car traffic is a necessity. Just planning to make Bend bigger is a mediocre result for the efforts put into this project.

Ken Brinich

Central Oregon Association of REALTORS® &
Multiple Listing Service of Central Oregon
2112 NE 4th Street, Bend OR 97701
Phone: 541.382.6027
Fax: 541.383.3020
Email: info@coar.com

August 18, 2016

Bend City Council
710 NW Wall Street
Bend, OR 97701

Dear Mayor and Councilors,

We are writing on behalf of the Central Oregon Association of REALTORS® (COAR) in regards to the City of Bend's Urban Growth Boundary (UGB) expansion plan. COAR appreciates and recognizes the significant amount of time and effort that City Councilors, staff and Steering Committee members have put into the current proposal.

As you know, COAR is an advocate of reasonable policies and incentives to improve the availability of affordable housing in Central Oregon. As such, the relatively small proposed expansion is of particular concern to our members.

We recognize the exceedingly stringent limits the State of Oregon places on Bend and other cities attempting to expand their UGBs. But unfortunately, the relatively small expansion proposed by the City will do little to alleviate Bend's housing shortage and corresponding high prices.

Bend's primary problem with regard to housing affordability is a lack of inventory at price points that can be achieved by working people in Bend. This issue is not limited to low-income residents; it affects highly skilled workers and professionals with relatively high incomes as well. If Bend wishes to continue to develop as a technology and business hub, more attention must be paid to the scarcity of housing for people who work in these sectors.

A recent example of the impact of housing scarcity is the difficulty the Bend Police Department is having in recruiting new officers. As reported in *The Bulletin*, some highly qualified candidates have turned down positions with Bend PD due to the scarcity of housing.

The City's plan should ensure that various property zone types and uses are dispersed equally throughout the expansion areas, providing affordable options for working people in Bend. Careful attention should also be given to accessibility in order to ensure that services and amenities are not out of reach for those living in affordable housing. Allowing for affordable housing options near the City's core will provide such access.

A significant amount of additional housing supply is needed to address the problem of inventory. Some of that supply will come from "infill," but the capacity for infill is limited due to existing development patterns and restrictions on subdividing lots, as well as neighborhood objections to re-development. Before pursuing infill projects, the City should consider updates and revisions to its existing infill code. The current code is causing a multitude of issues for developers and real estate professionals. For example, the compatibility standard prevents the creation of higher density within the city where larger lots border

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infill. If the property is zoned RS and the larger neighboring parcels are also RS, the standard should be removed. The City must also be careful not to view infill projects as opportunities to improve failing infrastructure at the cost of the developer.

As a result, much of the needed supply must come via UGB expansion. And that is where the proposed expansion ultimately comes up short. While acknowledging the role that the State of Oregon plays in making expansion excruciatingly difficult, it is also of paramount importance that the City of Bend move quickly to begin the next round of expansion.

There will surely be resistance to another expansion on the heels of this long, costly and difficult process. However, it should be remembered that, when the current process began some 10 years ago, Bend was already then in desperate need of additional housing supply. Things have not improved in the intervening decade.

Until there is an improvement in the regulatory system in Salem, Bend must do the best it can in the current, overly restrictive environment. The city owes its current and future residents continued attention to the overriding need to increase housing supply via a host of means, including additional expansion. If it does not do so, Bend may well become a community where only the wealthy can afford to live.

We do not believe that is an outcome desired by the City Council. COAR appreciates your service to Bend, as well as your consideration of the concerns of the local real estate industry. Should you have any questions, please feel free to contact us at 541-382-6027 or info@coar.com.

Sincerely,

Dave Feagans
2016 President
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Jack Zika
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1051 NE 4th Street
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August 18, 2016

Deschutes Services Center
1300 NW Wall Street
Bend, OR 97701

Dear Bend City Councilors and Deschutes County Board of Commissioners:

The Central Oregon Builders Association (COBA), which represents 650 member companies, requests an adjustment to the proposed City of Bend Development Code, which has been altered in conjunction with the City of Bend Urban Growth Boundary (UGB) Remand process.

Section 2.1.400(A) of the proposed development code, states, "Floor area Ratio. The floor area ratio as defined in Chapter 1.2 Definitions, shall not exceed 0.55 for all buildings on site, cumulatively." This expectation aims to impact nearly all residential development within the RL, RS, and RM zones. Lot coverage standards, for all zones in the City of Bend, are scheduled to be eliminated.

Instead, COBA recommends to retain compliance with the existing City of Bend Development Code. In present scenarios, lot coverage methods (.50 for one-story dwellings, and .35 for two-story dwellings) includes garage area in the overall building footprint. As the height of the dwelling increases, the building footprint shrinks and the dwelling accommodates additional square footage. That said, the current development code also allows for a garage exemption. Section 2.1.400(B)(2) states, "Only garage floor area that exceeds 480 square feet in size on lots or parcels 4,000 square feet or greater and only garage floor area that exceeds 325 square feet in size for lots or parcels less than 4,000 square feet. The first 480 square feet or 325 square feet, respectively, of the garage are excluded from floor area."

As an example, under the existing development code, a 4,000 square foot lot that contains a two-story dwelling, at maximum, would yield 1,400 square feet on the main floor (this includes an absolute minimum 400 square foot garage and 1,000 square feet of living space on the main floor.) With the inclusion of a maxed out 1,400 square foot second floor, the total square footage of the dwelling is 2,400 square feet. Under the proposed development code, on the same 4,000 square foot lot, a two-story dwelling would yield 2,200 square feet or 1,800 square feet of maximum living area (this includes an absolute minimum 400 square foot two-car garage). In comparison (2,400 square feet versus 1,800 square feet), the dwelling is reduced by 25% in size. .55 FAR is equivalent to half that in lot coverage, or .275; and, since there will be more land available with the expansion of the UGB, the lot becomes instantly less desirable. In a value scenario, on smaller products and lots, a builder will still stack a majority of the upper and lower walls in order to keep the costs and prices down.

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A primary requirement throughout the City of Bend's UGB Remand process has been to strengthen the overall capacity of the city. The preservation of the existing parameters of lot area coverage neither affects minimum density nor the capacity of Bend.

Compliance with existing development code will allow for competitive, attractive, and functional dwellings. Therefore, COBA respectfully requests that the Bend City Council and the Deschutes County Commissioners retracts the proposal for an FAR of .55 as the new standard for all building mass and scale. Instead, maintain the existing development code requirement, and utilize lot coverage methods to improve the viability and livability of the community.

Sincerely,

Dan Goodrich
President
Central Oregon Builders Association

Allen L. Johnson and Susan E. Brody
2522 NW Crossing Drive
Bend, OR 97703

August 24, 2016

Bend City Council and Deschutes Board of Commissioners
c/o Damian Syrnyk, Senior Planner
Bend Growth Management Dept.
709 NW Wall Street, Suite 102
Bend, OR 97701 **via e-mail to: dsyrnyk @bendoregon.gov**

Dear Councilors and Commissioners:

We are writing to express our strong support for the proposed urban growth boundary update package before you. One of us served on the boundary technical advisory committee and the other served on the residential lands committee. We have been deeply impressed by the people, both citizen and professional, that we encountered over the two years spent developing the proposals before you. We want to extend our thanks and appreciation to them all.

We have also been impressed by the well-designed and executed planning process that has brought us all to this point. It has been inclusive, with a variety of workshops, open houses, and presentations to community organizations. It has been very well covered by the local press. Crucially, it has included regular check-ins with a UGB steering committee of city and county elected officials. As a result, you come to these hearings well-informed.

We understand that the proposal before you won't satisfy everyone. It can't. It does, however, strike a reasonable, workable, and equitable balance among the values and objectives expressed in Oregon's statewide land use goals. These values often compete. They range from economic development and recreation through protection of open space and resource lands to transportation efficiency, energy conservation, and affordable housing. Increases in urban densities inside the current UGB are critical to striking this kind of balance.

Oregon's first urban growth boundaries were designed to accommodate 20 years of future growth. A number of cities, including Redmond, have successfully brought their boundaries up to date with fresh 20-year land supplies. Portland Metro is required by state law to update its 20-year land supply every 5 years.

Bend, except for a few very minor tweaks, has lived with its first UGB for 35 years. During that time Bend's population has more than quadrupled. For a variety of reasons, the proposed boundary now before you is for just over 10 years, ending in 2028. That makes it all the more important to get it approved and implemented as soon as possible. It will also be important to begin looking forward to adoption of a full 20-year boundary, as contemplated by state land use laws, as soon as possible. Approval of the proposed package will provide a strong foundation for that effort.

Thank you for the opportunity to comment and to be part of this important step in planning for Bend's future growth, livability, and affordability.

Susan Brody

Al Johnson

Damian Syrnyk

From: Lisa Ellefson <lisa@neverlandponyco.com>
Sent: Monday, August 22, 2016 4:26 PM
To: Damian Syrnyk
Subject: RE: Bend UGB Remand Project - Public Hearing Notice
Attachments: Issues with farming in the city.pdf

Importance: High

Hi Damian,
Here is our testimony for the hearing. I hope it's OK. We tried to keep to statements of fact.

Thanks so much for your help!

Lisa Ellefson
http://www.ironsinthefire.us/?cat=4

From: Damian Syrnyk [mailto:dsyrnyk@bendoregon.gov]
Sent: Friday, August 5, 2016 1:17 PM
To: bim@bendcable.com
Subject: Bend UGB Remand Project - Public Hearing Notice

Hi Lisa,

I'm enclosing the text of the public hearing notice in this email. You'll also find attached a Project Update from May that includes the UGB expansion maps.

Please let me know if you have further questions.
Thanks, Damian

CITY OF BEND
Damian Syrnyk, AICP | Senior Planner
O: 541-312-4919 |

BEND UGB REMAND PROJECT
NOTICE OF AUGUST 25, 2016 PUBLIC HEARING

The Bend City Council and the Deschutes County Board of Commissioners will hold a joint public hearing on Thursday, August 25, 2016 in the Barnes/Sawyer Room of the Deschutes Services Building, located at 1300 NW Wall Street, Bend. The purpose of the hearing is for the City Council and Board of Commissioners to receive evidence and testimony regarding proposed amendments to the comprehensive plans, land use regulations, and planning and zoning maps of the City and the County that would approve an expansion of the Bend Urban Growth Boundary (UGB).

The public hearing will be held in two sessions. An afternoon session will start at 1:00 pm. An evening session will start at 6:00 pm. Attendance at both hearings is not required. The Staff Report will be available one (1) week

before this hearing. Interested persons will be able to download the Staff Report from the City of Bend's website using this URL: www.bendoregon.gov/bendugb.

For more information, please visit the project website at www.bendoregon.gov/bendugb or contact either Brian Rankin at brankin@bendoregon.gov or Damian Syrnyk at dsyrnyk@bendoregon.gov.

PUBLIC RECORDS LAW DISCLOSURE: Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others. Thank you.

With the city's current plan to complete the expansion of the urban growth boundary, our property, located at 63661 Scenic Drive on the north end of Bend, will be incased on three sides by city lands rezoned for high density building. At present, we are zoned UAR10, which the county designates as agricultural land with some exceptions. We have been farming this property for 14 years now, but find ourselves being edged out by serious dangers that come into play by having increased traffic, people largely uneducated in matters pertaining to livestock and agriculture in general. We've briefly listed some of our struggles to maintain our farming use below.

Agriculture (green) issues

Non-farming neighbors sold off irrigation rights leaving behind an oversized ditch with inadequate flow. This stretch is ¼ mile long. It is too big to service a single five-acre parcel (as it was designed to service more than twice that amount). As a result, the water allotted for our property at the head gate is scarcely able to reach our irrigation pond (and does so at a trickle when it succeeds). This is due to evaporation, improper ditch dimensions and scope for a single property. In addition, being the sole recipient of the irrigation water leaves responsible for the entirety of the maintenance of the ditch between our property and the head gate.

Non-farming neighbors have severely damaged the irrigation ditch that flows through their property by allowing cave ins, tree falls, large rocks and obscene amounts of garbage to obstruct the flow of water to our property. Their land use as a church, involving a much higher human traffic than usual to agricultural areas, has led to the children from the church digging, playing and building in the ditch. The damage is extensive.

Poultry Farming Issues:

Non-farming neighbors have repeatedly harassed our poultry by throwing rocks and bottles at the chickens, feeding them non-approved foods and breaking down the fence between our two properties. Our coupe fence has been completely knocked down on several occasions by the neighboring church attendees.

Live Stock Issues:

Non-farming neighbors have done major construction (commercial parking lots, etc.), staging huge boulder mounds above our property on the south west corner. Several boulders have fallen onto our fence line resulting in livestock getting loose onto US Highway 20 and putting both human and equine lives at risk.

Breeding horses is a rather graphic process and can be offensive to non-farm minded people. Due to the high occupancies in the rentals on our road, we have constant fanfare during these breeding operations – not always with positive results. We are continually having to modify our hours and strategy to permit the horses to breed in peace.

Horses are by nature a flight animal (programmed to run from any perceived danger rather than attack). We have a constant flow of people from town using our driveway for a turnaround – we've even had cars drive a circle on our front lawn to turn around /w out our consent. Recently there was a bike race

that used our private road (because the cyclists did not want to ride on Highway 20). All this traffic and fanfare frightened the herd to the point of near injury.

When boarding horses in our front paddocks (on a private road), we have people constantly stopping to pet them and feed them “treats”. While well intended, people are feeding the horses inappropriately. Many of the horses in the paddocks are there to lose weight and having passersby feed them unknown quantities of unknown sweets is both dangerous and counterproductive.

We have been inconvenienced and harassed by well-meaning city dwellers calling the sheriff’s department because one of our horses “looked like it was depressed”. We are on excellent terms with the sheriff’s department who are apologetic when having to come investigate things like “there was horse laying down / looking depressed / standing by itself”, etc. There has never been any finding of wrongdoing on our part or suffering on any animal’s part (our horses are very well kept). The calls continue to happen. We have been informed by the sheriff's department that many of the calls come from joggers using our private road or people driving by.

We are attempting to run a horse breeding / boarding operation. We can’t in good conscience have horses on our property when we can’t guarantee their safety. We have suffered serious setbacks to the point of failure with the already encroaching city and the associated traffic, both vehicle and foot. If we end up surrounded by residential (especially high density residential) or businesses, farming will become simply impossible. Imagine attempting to run a horse farm /w no irrigation, fences under constant peril, bike races, petting zoo minded people interacting with the horses - and all of this between a Fred Meyer fueling station and a busy US Highway!

This property will not be fit for farming if proposes zoning goes through as is and our lifestyle and livelihood will be lost. We would ask that this property be included in the city expansion where it can better serve the community by providing more usable acreage for housing, parks, etc., while allowing us to move to another area where we can farm in peace with our animals.

Damian Syrnyk

From: Wendy Robinson
Sent: Tuesday, August 16, 2016 12:24 PM
To: Damian Syrnyk
Subject: FW: Testimony for August 25, 2016 hearing

Received Testimony for hearing.

From: Ethan L [mailto:ethan_l@live.com]
Sent: Tuesday, August 16, 2016 12:23 PM
To: Wendy Robinson <wrobinson@bendoregon.gov>
Cc: ethan_l@live.com
Subject: Testimony for August 25, 2016 hearing

Hi Wendy,

Thanks for the information. One of the main reasons I purchased a home in the Orchard District neighborhood (Shepard Ave north of Neff) is for the larger lots with smaller single family homes on them. There is relatively little traffic, very few cars parked on the street and it's quiet. This is an older neighborhood with older homes dating to the 1960's. Allowing duplexes, triplexes and homes that can occupy up to 50% of the lot will inevitably ruin this quaint neighborhood. It will turn into the west side of Bend, with people jammed in together, traffic, noise, higher crime and no street parking.

I understand and can empathize that Bend has a housing shortage. Prior to moving here, I looked at several other small towns in the Pacific Northwest, one of which at that time had a severe housing shortage as well. I chose not to move there because there was nowhere to live. That is how small towns stay small. If there isn't enough housing, people will stop moving here. Not everyone is in favor of Bend growing any larger, especially with the growth that has already taken place in the past decade or so. The town's infrastructure can't handle it. The roads and traffic can't handle it. Bigger is not always better. Perhaps rather than trying to push more people into a smaller space, simply let it settle into where it is. If the city keeps making every attempt to accommodate the rapidly growing population, it will reach a critical state where those of us who live here because it's a small town will start leaving at an alarming rate. That will potentially cause another type of crisis all together. Again, not everyone is in favor of Bend becoming larger and faster paced.

Thank you for your time,
Ethan

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 23, 2016 10:32 AM
To: Damian Syrnyk
Subject: FW: I support the UGB Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

From: judi [mailto:judileeg@hotmail.com]
Sent: Monday, August 22, 2016 4:17 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject: I support the UGB Proposal

Damian Syrnyk

From: Mary Winters
Sent: Monday, August 22, 2016 1:39 PM
To: Damian Syrnyk
Subject: Fwd: UGB Comments

Sent from my iPhone

Begin forwarded message:

> **From:** <d.morman@bendbroadband.com>
> **Date:** August 22, 2016 at 1:16:32 PM PDT
> **To:** <councilall@bendoregon.gov>
> **Subject: UGB Comments**
>
> Hello Councilors,
>
> Please consider my comments below as to consider the Urban Growth Boundary Remand Proposal during your hearing this week. I sent a hard copy of these same comments to Damian Syrnyk, Senior Planner in the City of Bend Growth Management Department, last week but I don't believe I met the deadline for inclusion in your pre-hearing packets.
>
> Thank-you for your service to our community.
>
> David Morman
> 21352 Bartlett Lane
> Bend
>
> **********
> August 19, 2016
>
> Damian Syrnyk, Senior Planner
> City of Bend Growth Management Department
> 709 NW Wall Street, Suite 102
> Bend, OR 97701
>
> Re: Testimony the Urban Growth Boundary Remand proposed inclusion of the "East Highway 20" parcel.
>
> Mr. Syrnyk:
>
> Please include the following comments in the public record for consideration by the Bend City Council and Deschutes County Commissioners and for a response by you and your staff prior to finalizing the Bend Urban Growth Boundary (UGB) remand process.

My wife and I are residents of 21352 Bartlett Lane in Bend. I watched the early stages of the UGB remand process with interest, especially as a large area south of Bear Creek Road, adjacent to our single family, standard density residential neighborhood was initially being considered for UGB inclusion. When that area was withdrawn from consideration, I spent less time tracking the issue. But I did regularly look at the maps and news articles published in The Bulletin as the process progressed. I was therefore very surprised to learn in late July only through an alert neighbor that the two-acre "East Highway 20" parcel had been added to the UGB expansion process through a decision made at the April 21, 2016 UGB Steering Committee meeting. I reviewed the notes from that April 21 but I found very little information on the logic for this addition so late in the process.

Some immediate questions came to mind: Why was this smallest of all the additions to the UGB added in April with very little public vetting compared to the other UGB additions? Why were residents in my neighborhood not given prior notice of a possible April decision by the Steering Committee to add the East Highway 20 parcel to the UGB process? Why were we not informed by mail about the July 28 open house?

The City's UGB Remand website provides no justification for the addition or other explanation of why this two-acre parcel only came up for formal consideration for the first time in April. From my perspective, the motivation for doing so seems to primarily be the desire of the parcel's landowner to expedite development of the property. The City and County seemed to have obliged this landowner by proposing a high density residential designation, again without documented justification, that would allow up to 70 housing units on these two acres.

I understand Bend needs to grow and I understand the need for more medium and high density residential housing. There is already a large supply of such housing along both sides of Highway 20 between 27th Street and the East Highway 20 parcel either already built or currently under construction. Just look north from Worthy Brewing. I would argue that this part of Bend already supports a disproportionately higher share of the city's medium and high density residential housing.

East Bend is also already plagued with an accumulation of years of piecemeal development. Unlike the other proposed UGB expansion areas ranging in size from 57 to 479 acres, this two-acre proposed East Highway 20 addition is just another piecemeal development action with no larger plan in place on how it will contribute to a "complete neighborhood." Decision-makers have been given no information establishing how such a tiny addition is a logical contribution to the overall strategy for the development of East Bend and its neighborhoods.

My biggest fear is that my small standard density residential neighborhood is at risk of becoming an island surrounded by higher density residential and commercial development and isolated from other standard density residential neighborhoods. Where is the "complete neighborhood" in that scenario?

I request that the East Highway 20 parcel be removed from consideration for UGB inclusion until a larger scale development and transportation strategy is in place for the area east of 27th Street between Bear Creek Road and Highway 20. Critical information in such a plan will be details on the inevitable future development of the Landsystems nursery property bordering both sides of Highway 20 just west of two-acre parcel and how development of the two acres and the nursery property will contribute to the already established neighborhoods, such as my own.

The currently undeveloped nursery property is already within the UGB and designated for standard density residential. Can the residential neighbors living to the south and west of the nursery property be assured that this nursery property zoning will not be changed to higher density residential or commercial use in the future? Will the addition of high density housing adjacent to the nursery property's on the East Highway 20 parcel make it more likely for the nursery property to also be developed as something other than its current zoning as standard density residential?

If the East Highway 20 parcel must remain in the UGB process then I request it either be zoned as standard density residential designation consistent with the adjacent nursery property and with my neighborhood or change the zoning to commercial development facing Highway 20 with no traffic connection to Livingston Drive allowed.

If the decision is made to keep the East Highway 20 parcel as a UGB addition zoned for high density residential use then prior to final approval please provide a City of Bend transportation plan that supports this UGB expansion and documents how traffic flow in and out of this two-acre parcel will occur.

The residents of the Stonebrier Apartment complex just to the west on the south side of Highway 20 are only allowed to turn right (east) on to Highway 20. Therefore, many of these apartment residents needing to travel south, west, or north exit the complex via Quail Run Place through a single family standard density neighborhood on a road not designed to handle this volume of traffic. Would right turns also only be allowed onto Highway 20 from the two-acre parcel? Would secondary access be constructed connecting to Livingston Drive resulting in high traffic volume in this standard density residential neighborhood? Note that Livingston Drive east of its junction with Bartlett Lane is narrow with parking only allowed on one side the street. Please provide assurances to the residents living on Livingston Drive, Bartlett Lane, Dantili Road, and Witherspoon Place that traffic from a two-acre high-density residential East Highway 20 development will not be given road access to our neighborhood to access Bear Creek Road.

Thank you for your work on this important topic and for considering my comments and including them in the public record.

Sincerely,

David Morman

21352 Bartlett Lane
Bend, Oregon

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 23, 2016 10:29 AM
To: Damian Syrnyk; Brian Rankin
Subject: FW: I support the UGB Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

From: CONNIE PETERSON [mailto:c.peterson8784@sbcglobal.net]
Sent: Tuesday, August 23, 2016 9:39 AM
To: CouncilAll <councilall@bendoregon.gov>
Subject: I support the UGB Proposal

Dear Councilpersons:

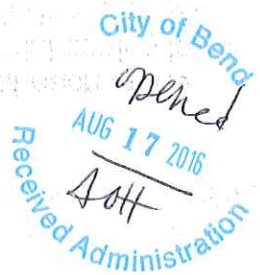
Although I am unable to attend the hearing this Thursday, I want to strongly encourage your support of the currently proposed UGB. After attending an informational presentation at the East Bend library, I am even more convinced that this plan reduces urban sprawl by using existing infill wisely, addresses wildlife, wildfire, and transportation concerns, diversifies our housing mix and encourages creation of walkable mixed use communities. This plan was carefully crafted and will also meet state requirements. The proposed UGB is an appropriate vision for how our city should grow.
Please support this plan, and take concerted action to make sure the Long-Range Planning Department has the resources for a successful annexation process.

At the hearing, and also as a result of my attendance at the informational presentation, I anticipate you may hear opposition to this plan from community members who are confusing the UGB with current re-zoning concerns. Please listen carefully and sort the wheat from the chaff here! A recent article in the Bulletin added to this confusion, and I urge you to help community members understand these are two different issues and processes.

As a native Oregon, I lived in Bend when ours was a small town, then spent many years in California before getting to move home in 2012. I do NOT want to see Bend become a mini-Los Angeles!

Thank you,
Connie Peterson
2203 NW Clearwater Dr.
Bend 97703

1134 NW Clark Court
Bend, OR 97703
August 4, 2016



Mr. Casey Roats, City Councilor
City of Bend
710 NW Wall St.
Bend, OR 97701

Re: Ordinance 2271

Dear Councilor Roats,

I trust that you, or a competent independent consultant of your choosing, have carefully read and fully understand the impact and potential ramifications of proposed Bend Ordinance 2271 especially as relates to the provisions of Exhibit O thereto.

Assuming this to be the case, are you 100 percent satisfied that each of the proposed changes/additions to Bend's residential and commercial zoning laws and regulations is indeed prudent, necessary or otherwise desirable, and will ultimately enhance the character and quality of life in our community?

The written notice sent to potentially affected property owners by the City of Bend concerning the proposed residential zoning changes contains the following generalities:

> "Increases maximum allowed density (for new housing)"
>
> "Increases minimum density for new housing"
>
> "Decreases or eliminates minimum lot size for some housing types"
>
> "Changes to how (housing) density is calculated and applied"

All of these clauses lead to the same result – the construction of more housing units of various types on existing lots regardless of current zoning designations and restrictions with the possible change (reduction?) in the fair market values of neighboring properties.

Who really stands to benefit from the majority of these proposed changes – (a) the community, or (b) the developers, outside investors, banks, realtors, title companies, etc.? I submit that it is the latter.

Are these proposed zoning changes consistent with the City's motto of "Making Bend Even Better"? In my opinion, they are not.

Have you personally observed any of the new housing construction that is currently ongoing in Bend? Even in areas with large single-family dwellings such as the River's Edge development off of Mt. Washington Drive, the homes are on such small lots that one owner can lean out of his bedroom window and shake his neighbor's hand – and this kind of (over) development is being done under currently zoning laws and restrictions! Do you really want to approve a broad-brushed increase in housing density throughout the City of Bend to a greater level than is already allowable?

Over the past 20 years, due is no small part to the nationwide publicity it has received, Bend's urban growth has been unprecedented. Certainly, the amount and various forms of new housing construction that has taken place during this period has been sufficient to satisfy any state or Federal mandates in this regard. If not, then the City of Bend has put itself in the position where the more homes it builds, the more homes it is required to build. This, of course, is ludicrous.

One of the primary goals of the city fathers (and mothers) in any community should be in maintaining the delicate balance between urban growth and the community's ability to absorb and support such growth without overspending the city's budget or overtaxing its citizenry, while at the same time preserving and/or improving the quality of life in the community.

On page 8 of Ordinance 2271 Exhibit O, it states that real estate developers will be granted incentives in the form of "density bonuses" if they maximize the number of housing units built on any particular lot. This does not sound like a balanced approach to urban growth and thoughtfully configured neighborhoods to me.

New home construction cannot continue to feed upon itself indefinitely in any geographic location. Depending on the ever fluctuating status of the national economy, there will come a point in time when Bend's housing bubble will burst, and the majority of the men and women employed in the construction trades will, by necessity, either move on to greener pastures or go onto state or local welfare rolls for lack of work. This will put hundreds of homes on the market, and drive Bend home values over a cliff.

In summary, if the full intent and long term impact of any of the proposed changes to the City of Bend's existing residential and commercial zoning laws is unclear in your mind or otherwise objectionable, then I urge you to reject Ordinance 2271 as currently drafted.

This is not to say that a modified version of Ordinance 2271 cannot or should not be approved. Consistent with the severability clause contained in the four-page summary of Ordinance 2271, the Bend City Council should have the prerogative to approve certain provisions of the proposed Ordinance while rejecting or tabling others for a vote at a later date. Amendments and can always be added. Once approved, it is much more difficult to repeal or change something that you subsequently discover you didn't really want.

Thank you for your thoughtful consideration in the above regard.

Russell M. Horton

8/17/2016 (4:30 pm)

UGB Testimony

Attention: Damian Syrnyk, Senior Planner,

I do not agree with the proposed changes to the Residential Zones and Comprehensive Plan Designations. Particular the RS changes to both the Increased Density as well as allowing certain Housing Types without a Conditional Use permit or review.

For the City of Bend or the County to allow even more dense housing that is already in place is not conducive to our Bend Neighborhoods. Already families are packed on top of each other within current and new neighborhood developments. The city streets are already packed to capacity and now there are daily traffic jams from 6 am to 8 pm along most of the main roads within Bend.

The UGB is proposing to allow another 1100 homes in NE Bend. IF you figure 3 cars per home, that means an additional 3,000 plus cars driving on Butler Market, Purcell, 27th st, Empire, and Deschutes Market Rd. Currently, the traffic on these streets are already over capacity. How can the City propose to knowingly add an additional 3,000+ cars of daily traffic? There is no infrastructure to support what we already have. The roads are already full of pot holes, snow plowing is barely provided, traffic is backed up for miles because roads are only 2 lines wide total with no room to expand, Sewer smells almost daily along Purcell and Empire near the Canal, Schools over crowed, etc. The list goes on.

How can the City knowingly allow the unconditional use of housing types within certain and current and traditional single home neighborhoods, just because there are a few vacant lots? With no review. If the unconditional use of housing types is allowed to pass, many of our property values would be greatly impacted. Will the city then reduce my property taxes by the $20,000 that my home will lose in value? Families want to live in neighborhoods that are stable. Allowing apartments, townhouses, and condos would invite a high turnover of families and rentals. As well as the typical problems that come along with rentals and people moving in and out all the time. Less pride of ownership and the more likelihood of crime and transient people. I don't want to live in an area of apartments, condos, townhouses. Which is WHY I bought a house in a neighborhood that are single family homes. We do have several vacant lots that are in my neighborhood as well as several lots that are of 4 acres in size. I and my neighbors want a stable family neighborhood made up of stable families that live and take care of their property and raise their families. We do not want Rentals, more traffic, higher crime, people trashing the neighborhood, just because these folks usually don't stay in rentals for years and are more likely to cause problems than someone that is invested in our neighborhood by owning a home. I would not have bought my house if I had known that there was a good chance that apartments,

townhouses or condos would be allowed without a conditional use to be built. Our property values would drop over 20%.

No! I do not agree with the RS, RL, RM, RH changes. Nor do we want unconditional permitting of conditional use. The people of Bend do not want more traffic due to apartments, condos, townhouses etc. buildings built in traditional single family home neighborhoods. Our streets can't handle the current usage in both the NW or NE sides of Bend with the proposed changes to Residential areas. No one wants their property value to drop significantly nor to live beside or near an area of apartments/condos/townhouses where there will be a large influx of transient tenets and rentals.

I suggest that the City of Bend look to Develop Juniper Ridge for housing and business. Build it up or the land that is between bend and Redmond. The answer is not to allow developers to build what they want, where they want.

Plus, has anyone thought about the safety issues? If the traffic is bumper to bumper already, then adding 3000 more cars to it daily, how are Emergency vehicles or Responders going to get through? How about fires? Can people evacuate? What about these new densely populated areas? 1 house catches on fire, and then because traffic is so bad ER and fire department can't get there in time, pretty soon you lose 5 or 6 houses because they are so packed together and no ER responder can get there in time.

Just because we live in Bend and other folks want to live here too, does not entitle everyone to have their own home in the heart of Bend. There comes a point where you can't put anyone folks into one area. Besides just safety. I've lived here for over 12 years. I've seen many changes. Some change is for good, others are not so much. But it is beyond foolish to encourage more development in areas of Bend such as the NE (27th st, Butler Market and Deschutes Market) where the streets can't be enlarged and are already beyond capacity for daily traffic. The NW side of town is the same.

Thank you,

Sarah Barnett

2895 NE Marea Dr.

Bend, OR 97701

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 23, 2016 3:09 PM
To: Damian Syrnyk
Subject: FW: I support the UGB Proposal

From: Jack Schniepp [mailto:jack@cascadefs.com]
Sent: Monday, August 22, 2016 3:05 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject: I support the UGB Proposal

Although I will not be able to make the meeting on the 25th, I wanted to let the council know that as a citizen and business owner in Bend, I support the UGB proposal that is supported by the C.O. LandWatch. Thank you for all you do!

Jack Schniepp ChFC®
CERTIFIED FINANCIAL PLANNER™
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August 24, 2016

To the Bend City Council and the Deschutes County Commission:

First, I would like to thank City Council for having given me the opportunity to serve on the Residential Lands Technical Advisory Committee for the last two years, and the Residential Lands TAC for allowing me to co-chair that committee with Al Johnson.

The process that the City chose to employ for addressing the UGB Remand was, in my opinion, exactly what Goal 1 was written to accomplish. Further, the implementation of this process was exemplary. Kudos to city staff and the consultants for masterfully negotiating the daunting task of simultaneously educating scores of committee members with widely varying backgrounds, personalities, and goals while efficiently guiding us though the intricate web of interdependent requirements of the State's hallmark land use system. Their patience and finesse cannot be overstated and should not pass unacknowledged.

Now, to the substance of the proposal before you today.

On the whole, this package is solid. It meticulously addresses every item of the Remand. It is thorough and complete. Where the law has clear requirements, those requirements are met. Where there is latitude for tailoring decisions to the needs and desires of the current and future citizens of Bend, those decisions are reflective of the collective input of the committee members, consultants, city staff, and USC.

Naturally, not every element of the package is exactly what I would have chosen. But I feel compelled to respect the process, the law, and the collective wisdom of all those whose expertise and perspective informed those decisions. Because the decisions about efficiency measures, the ILUTP, and which properties to include as expansion lands were thoughtfully and transparently considered, and because changes to any of those particulars can seriously compromise the integrity of the overall package, I am going to resist the temptation to make one last attempt to move things in a direction I'd have preferred and I strongly urge you to do the same.

That said, I do believe that there are a couple issues (outside of the areas mentioned above) that surfaced near the end of the process when the decision was made to include a few extra properties in exchange for the promise of deed-restricted affordable housing being built there. I think the reasoning behind including those properties was sound and the intent was clear. The team carefully found a way to include those properties in a way that did not disturb the delicate balance of factors that allowed the package to satisfy housing and employment needs. I bring this up only because I believe an important point was overlooked in the specification of the terms of the agreement.

Chapter 5, Policy 5-21 lists a number of options that "the City may" require of properties slated to provide affordable housing. That is all well and good.

But when we get to Chapter 11, where the specifics are spelled out for the expansion areas, we see which of the options in 5-21 the City has chosen to apply. Those options are found in: Southwest Area, Policy 11-96, West Area, Policy 11-105, North Triangle, and Policies 11-126 and 11-127. None of these include "Establish phasing requirements for construction of affordable housing units" in addition to the percentage of units that must be "affordable" and the "minimum number of years that affordability must be maintained." The lack of such phasing requirements can easily result in only "market rate" housing being built, leaving us short of the number of units needed overall, with the entirety of that shortage being "affordable" units. Given that the reason that the committees agreed to add these parcels to the mix was to increase the yield of "affordable" units, I believe that those policies of Chapter 11 are fatally flawed. I'm assuming that the omission of phasing requirements in Chapter 11 was an oversight, and ask that the correction be made.

There is one other item that I believe to be flawed, which is in that same chapter: DSL Property, Policies 11-73 and 11-74. The use of "should" rather than "shall" (or whatever mandatory directive is deemed appropriate) basically makes both policies nothing more than feel-good fluff. 11-74 has the "wherever feasible" phrase, so changing "should" to "shall" is not an unreasonable thing to do.

Respectfully submitted,

Sid Snyder
1668 SW Knoll Ave.
Bend, OR 97702

collaborate » create » elevate

ASCENT ARCHITECTURE and interiors
920 Northwest Bond Street, Suite 204 • Bend, Oregon 97703
Office: 541-647-5675 • ascent-architecture.com

August 17, 2016

Dear Bend City Council:

As a local architect and business owner, I support the city's proposed UGB expansion, the proposed amendments to the Bend Comprehensive Plan and Zoning Maps, and proposed text amendments to the Bend Development Code. Specifically, I believe strongly that the proposed changes will allow for the successful urbanization of targeted opportunity areas by bringing redevelopment to underutilized areas of our community. If executed correctly, these areas will become vibrant, walkable places with unique character – the types of places that tourists and residents will enjoy, whether they are there to live, work or play. Additionally, the loosening of parking requirements in these areas will reduce one of the major obstacles to creating a financially viable infill project. As part of the architecture and development community, I believe the proposals are well written, well thought-out, and will adequately address the possible negative outcomes of urbanization and infill development.

I've spoken to several developers who have already begun to see the potential in creating quality mixed-use buildings in the new Bend Central District Overlay Zone and the new Mixed-use Urban zones. They are just waiting for the process to be complete so they can have certainty in the new regulations.

Having reviewed the proposed changes to the Development Code Text Amendments, I would like to offer a few recommended changes to improve or clarify the language on the following pages.

Sincerely,

Seth E Anderson

Seth Anderson, AIA, NCARB, LEED AP
Principal Architect

Recommended Changes to Development Code Text Amendments.

Inserted language is **bold** font. Deleted language is ~~crossed out.~~

2.3.300 Subsection C. Residential Density

1. ME and PO Zoning Districts. The minimum residential density standard in the ME and PO zoning districts is as follows:
   a. Where residential uses are part of a mixed use development in which non-residential uses occupy at least the floor area equivalent to the entire ground-floor area of the development, there is no minimum residential density standard except that for properties located within 660 feet of a transit route, the minimum residential density standards of the RM zone shall apply.
   b. Where residential uses are part of a mixed use development in which non-residential uses occupy less than the floor area equivalent to the entire ground-floor area of the development, **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area**, the minimum density standards of the RM zone apply.

Reason for recommended change:

The plain reading of the text as it is proposed suggests that the area of any space on the ground floor attributable to the residential uses would need to be offset by commercial areas on an upper level of the building. In a vertical mixed-use projects, where the residential units are placed over the commercial uses on the ground floor, resident areas – such as lobbies, mailboxes, and other circulation like elevators, stairs, etc. – are still needed on the ground floor. Commercial spaces on upper levels, especially in a mixed-use building, are difficult to lease and create additional complications in terms of building code requirements.

2.3.300 Subsection D. Other Requirements

2. Outdoor and rooftop mechanical equipment as well as trash cans/dumpsters shall be architecturally screened from view. ~~Heating, ventilation and air conditioning units shall have a noise attenuating barrier to protect adjacent Residential Districts from mechanical noise.~~

Reason for recommended change:

This section attempts to limit the impact between the more dense mixed-use zoning districts and adjacent residential zoned districts. The requirement to provide noise attenuating barrier for HVAC equipment is not a standard construction practice. Since there is no quantifiable standard, this requirement will lead to create undue complications for the designers and developers to ensure compliance. Suggest removing the noise attenuating barrier requirement entirely. If not acceptable to remove completely, suggest using a quantifiable standard based on readily available information from equipment manufacturers such as decibel level measured at a distance from the equipment.

2.7.3220 Subsection D. Limitations

1. New residential uses. In order to ensure that the subdistricts retain their established employment focused character, new residential uses in the 1st/2nd St and 3rd St subdistricts are limited as follows:

   a. Residential uses that are part of a mixed use development in which non-residential uses occupy at least the floor area equivalent to the entire ground floor area of the development, **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area,** area permitted.

   b. Residential uses that are part of a mixed use development in which non-residential uses occupy less than the floor area equivalent to the entire ground floor area of the development area, **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area,** are conditional.

Reason for recommended change:

The plain reading of the text as it is proposed suggests that the area of any space on the ground floor attributable to the residential uses would need to be offset by commercial areas on an upper level of the building. In a vertical mixed-use projects, where the residential units are placed over the commercial uses on the ground floor, resident areas – such as lobbies, mailboxes, and other circulation like elevators, stairs, etc. – are still needed on the ground floor. Commercial spaces on upper levels, especially in a mixed-use building, are difficult to lease and create additional complications in terms of building code requirements.

3.3.300 Subsection C. Parking Location and Shared Parking

4. Mixed-Use Developments. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be 95 percent of the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly. (See subsection (C)(5) of this section, Shared Parking.) **This reduction is in addition to the reductions allowed by subsection (D) of this section, Exceptions and Special Standards for Parking, and shall be applied after the reduction allowed by subsection (D) of this section.**

Reason for recommended change:

This addition clarifies how the mixed-use reduction shall be applied. Since the reductions allowed by subsection (D) are for measures that encourage alternative transportation to the site and the mixed use reduction allowed by subsection (C) is for mix of use types, these two reductions should be cumulative.

3.6.200 Subsection I. Residential Uses within Commercial Districts

5. The commercial or public/institutional uses shall occupy at least the floor area equivalent to the entire ground-floor area of the development **excluding lobbies used to access the upper level residential units, so long as such spaces occupy no more than 10% of the ground floor area**. The commercial or public/institutional uses shall be constructed prior to or concurrently with the residential uses

Reason for recommended change:

The plain reading of the text as it is proposed suggests that the area of any space on the ground floor attributable to the residential uses would need to be offset by commercial areas on an upper level of the building. In a vertical mixed-use projects, where the residential units are placed over the commercial uses on the ground floor, resident areas – such as lobbies, mailboxes, and other circulation like elevators, stairs, etc. – are still needed on the ground floor. Commercial spaces on upper levels, especially in a mixed-use building, are difficult to lease and create additional complications in terms of building code requirements.

August 17, 2016

Damian Syrnyk
City of Bend
Bend, OR 97703

Dear Damian,

I wanted to give some input into the draft Development Code for your and the City Council's consideration.

I would like to express support for the development code alterations which Brooks Resources, Central Oregon LandWatch and Katherine Schultz have recommended. I believe these alterations will greatly help achieve a complete, urban community within the Central Bend District.

I would like to recommend the modification of section 2.2.600.C.1.e: Roofs from the Commercial Architectural Standards. Section 2.2.600.C.1.e makes it impossible to build a building to match the traditional parapet design of zero lot line buildings which are typically found in downtowns across the country, including Central Oregon. This section REQUIRES at least 70% of the publicly facing frontage be a sloped roof, there are no exceptions or trade-offs to this. A traditional parapet fronted design (such as a traditional brick or wood framed building found in Downtown Bend) would not allowed under these standards, nor would any of the newer modern designs with horizontal parapet designs as architectural elements. This is a significant design constraint for development and compact urban design in creating human-scale, urban communities. In combination with a height limit, this section severely limits what can be done in the last 10' or so of a building's allowable height, effectively removing or severely limiting that top buildable floor.

(For example, as currently written this section prohibits the design of a building like the one found at 1005 NW Galveston Avenue, the former home of Westside Bakery. For hundreds of years, humans have built beautiful zero-lot-line buildings with flat parapets side by side in urban areas. As we define more areas of Bend to be higher density, and allow for zero setbacks in these zones, this traditional architectural form should be permitted.)

I suggest the following language for this section:

e. ~~Roofs~~ **The top of building** should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible rooflines and roofs that project over the exterior wall of a building enough to

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Design + Architecture

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p: 541.647.5661

cast a shadow on the ground are highly encouraged. ~~Architectural methods shall be used to conceal flat rooftops; however, a maximum of 30 percent of the building elevations visible from the adjacent right-of-way may include flat roof components.~~ **Flat or low slope roof membranes and rooftop equipment shall be concealed from view from the adjacent public right-of-way.** Overhanging eaves, sloped roofs, parapet walls that have variations vertically and horizontally with decorative features, and multiple roof elements are highly encouraged. ~~Mansard style roofs are discouraged.~~

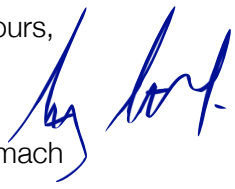
Additionally, I recommend alterations to the applicability of Vehicle Aisle widths as described in BCD Table 3.3.300.E.1. For smaller, commercial and mixed use developments within developed areas of the city (downtown, the new Bend Central District and all the older properties along the 3rd St corridor), these aisle widths standards represent a hurdle to development of smaller lots, lots with limited right-of-way access and lots with smaller lot dimensions.

Many commercial lots in the downtown and 3rd St corridor are less than 75' wide, and many do not have alley access. According to the vehicle access standards, as soon as a site requires 2-way vehicle traffic, a 24' wide drive aisle is required. With a 24' wide drive aisle and a 20' deep parking space, a minimum of 44' of lot width is required. For many of the smaller commercial lots, this immediately devotes 50% or more of the property area to vehicular maneuvering, despite many of these lots requiring as few as 3 or 4 parking spaces on site.

In traditional urban areas, it is not uncommon to find very tight vehicle access in in-fill buildings, as these parking spaces are typically used for tenants/owners/operators of the building, not members of the general public. These users become familiar with the vehicle access of their building which allow for tighter tolerances for the vehicles. For smaller developments, it is reasonable to expect vehicle users familiar with the property to be able to negotiate a narrower drive aisle to access the site and its parking. A property with 3 or 4 parking spaces won't typically have cars entering and leaving continuously at the same time, and so a narrower drive aisle can help give more buildable land to the building, rather than parking.

I suggest that for smaller lots (less than 15,000 sq ft, or with an overall dimension less than 80' in width or length (parallel or perpendicular to the street frontage) that the aisle width standards of Table 3.3.300.E.1 either do not apply, or are allowed to be substantially reduced to give a development greater flexibility to provide parking on a site with limited space, as long as the design professional can demonstrate that the standard model design "Composite Passenger Vehicle" can access the site and the provided on-site parking.

Sincerely yours,



Stacey Stemach
Architect

Damian Syrnyk

From: DAVID SUCHY <dougsuch@msn.com>
Sent: Tuesday, August 23, 2016 6:47 AM
To: Damian Syrnyk
Subject: UGB

We own property at 21460 NE Butler Market Road. Right now we have a fantastic view of Mt Bachelor and the Sisters Mountain Range. Our concern is we will lose this view if multi family housing and commercial building is allowed to the west of our property. We strongly advocate that this type of zoning be placed in an area that does not obstruct surrounding properties views of the beautiful cascade range. Existing homes should be able to retain their views. Two ways of doing this is:

1. Not having the multi family/commercial use zone placed so that it would obstruct existing home's views.
2. Have height restrictions of new construction such that would preserve existing home's views.

Multi family housing also brings crime and trash into the area like you wouldn't believe. We have experienced this in another property and thought we had finally gotten away from it by moving to the beautiful Bend area.

Thank you so much for your thoughtful consideration in this matter.

Doug and Carol Suchy

Sent from my iPad
Sent from my iPad

Damian Syrnyk

From: Susan Sullivan <suesulliwat@gmail.com>
Sent: Wednesday, August 17, 2016 4:18 PM
To: Damian Syrnyk
Subject: UGB testimony

To: Damian Syrnyk, Senior Planner, City of Bend:

I am a resident of Bend on the east side, south of Highway 20 and east of 27th, and I would like to submit a few comments about the addition of two acres south of Highway 20 to the new UGB proposal.

First of all, I recognize the need for affordable housing in Bend, and I have no objections to putting affordable housing in my neighborhood. I live within two blocks of a 192-unit apartment complex on five acres with approximately 500 people, and have had no issues with traffic, parking, or noise. These people are good neighbors. I expect that, if done properly, affordable housing at the scale that is being proposed (60 units) would have minimal impact on the neighborhood.

My main concerns around this addition to the UGB are more around the process that was followed in deciding to add this piece and how it fits in with a bigger picture of a plan for the East side.

I am the Land Use Chair for the Larkspur Neighborhood Association, and in this role have been following the UGB discussion in the news and in city publications, and was pretty sure I was on top of what was happening. I was surprised to find this two-acre addition in the most recent proposal, when it had not appeared in any previous discussion and was not on any previous maps. I dug into on-line documentation to find where it came into the picture, and it appears that there was no talk about adding this property until the April 21, 2016 UGB Steering Committee meeting. There appeared to be no discussion at this meeting about how this might fit into a bigger picture of a plan for development on the east side.

As anyone who has followed land use on the East side of town is aware, development here has been piecemeal. It would be great to have a coherent vision of how this side of town will be developed. My concern about adding this property to the UGB is: how does this fit in with a vision for what will happen to Highway 20's commercial development, and plans for housing to the south? This does not seem an obvious choice for addition to the UGB, as it is small and isolated from all other areas being added. If the only reason this property is being added is because the landowner has shown willingness to put in affordable housing, then my conclusion is that there is no bigger picture in mind.

I am hearing comments from neighbors who are concerned about isolating our single-family residential neighborhood by commercial and high density development on all sides. I think people would be reassured if there were some master plan we were working from.

From having participated in many public meetings on land use, it is natural for people who live near proposed development to have concerns about development that will change the character of their neighborhoods. I get that. However, in this case, I think neighbors seem open to affordable housing - even close by - but just want to be sure it makes sense in terms of having a plan for what happens next.

Sincerely,

Susan Sullivan
21339 Livingston Drive

To: UGB Steering Committee

From: Bill Galaway, Chairman, Southeast Bend Neighborhood Association

Copy: Brian Rankin, Joe Dills

Subject: Southeast Bend UGB Expansion and TSP

As Chairman of the Southeast Bend Neighborhood Association, it is my responsibility to look out for the interests of those who live in our neighborhoods. I have concerns about the UGB expansion plans and the current TSP, on which the expansion plans are presumed to be built upon.

Over 45% of the total UGB expansion will be added in the southeast portion of Bend, including the areas known as the Thumb, the Elbow, and the DSL property. The basis for adding these areas into the UGB is predicated on the current Transportation System Plan, which incorporates a huge amount of infrastructure improvements in the area, including but not limited to:

- Murphy Road and Highway 97 offramps
- Murphy Road extension and upgrades
- Parrell Road reconstruction
- China Hat Road reconstruction and upgrades
- 15th Street reconstruction and upgrades
- Knott Road upgrades

The southeast portion of Bend was originally annexed without a plan to improve and upgrade the infrastructure. As a consequence we have major roads in the area that are in such a state of disrepair that the city will not spend maintenance dollars on them, instead they are waiting to be reconstructed. After many years of accidents we finally got the Murphy/Parrell intersection rebuilt, for which we are thankful.

As we add these 1,100 acres into the city we ask that we do not repeat the past. We have a plan to improve the infrastructure. We are asking the city to commit to building out the infrastructure prior to or coinciding with the development in the Thumb, the Elbow, and the DSL property.

Will the city make this commitment?

Regards,

Bill Galaway

Testimony before City Council and Deschutes Board of County Commissioners
Joint Public Hearing on UGB Remand
Presented by Terry Denoux on behalf of Sun Mountain Investments LLC
August 25, 2016

Introduction

Chair Unger, Mayor Clinton, county commissioners and city council members, my name is Terry Denoux and I reside at 209 NW 16th St. in Bend. I own two small adjacent parcels of property totaling 5.41 acres on the southern boundary of the proposed NE Edge expansion area, at 62910 Eagle Road: Tax Lot 1712230001505(4.36 acres) and Tax Lot 1712230001599 (1.05 acres) (the "Property"). The Property, which is held in the name of Sun Mountain Investments LLC, is shown on the tax map attached as **Exhibit A**. I appreciate this opportunity to speak about the UGB expansion and its impact on my Property. I would also like to thank you, staff, and the many citizen volunteers for the countless hours that they have put into this process.

My Property Should Be Included in the UGB Expansion Area

I am here today to urge you to add my Property back into the UGB expansion area. My Property was included in multiple early scenarios considered by the City, but has now been left out. (*See* **Exhibit B**— Scenario 2.1G maps). The neighboring properties immediately to my north, which are virtually identical to mine from a geographic and legal perspective, are slated for inclusion in the current Scenario 2.1G. In other words—the fence line separating me from my northern neighbor is now the proposed UGB. I sincerely hope this is the result of a mapping oversight, because it is unfair and unequal treatment, and is not supported by evidence in the record.

The Record Is Devoid of Any Evidence Supporting the Exclusion of My Property

I and my legal counsel have reviewed the extensive UGB remand record as well as the City staff's Findings document that was released on August 11, 2016. I can find no clear, decipherable evidence in the record as to why my Property was initially included and then excluded from the UGB's NE Edge expansion area in various scenarios. The record reflects no instance where the inclusion or exclusion of these specific tax lots was discussed. Our team reviewed all available information from the TAC and USC meetings, public comments, and the Public Hearing Documents for the Bend UGB Remand, including the Findings in an effort to find some basis for the exclusion of my Property after multiple grounds were demonstrated to exist for inclusion. We found none. We also found no discussion, evidence, or rationale why the neighboring northern parcels were included in the NE Edge expansion but my Property was excluded, even though all these properties appear to have been on equal footing in terms of inclusion potential (all are exception areas designated as Urban Area Reserve lands, and zoned UAR10). The proposal to exclude my Property seems arbitrary in light of substantial evidence speaking to the high priority of my Property and the inclusion of the neighboring parcels.

The NE Edge has seen significant shifts from scenario to scenario. My Property was included in Scenarios 1.2, 2.2, 2.3, and SAAM-1. Scenario 2.3, which has a map preparation date of October 20, 2015, is the last scenario to include my Property at the southern tip of the NE Edge expansion.

I realize that the Boundary TAC and Steering Committee found that Scenario 2.1 showed the strongest performance and selected it as the starting point for creating the preferred scenario (2.1G) with various

refinements and adjustments. However, it is a mystery as to why the proposed UGB was redrawn from Scenario 2.3 to Scenario 2.1, to exclude my Property but yet to include other adjacent properties within the NE Edge that share the same geographic, zoning, size, and legal characteristics, and that scored identically in the City's UGB expansion factors analysis. Based on the record, the only explanation I can find for the decision to include those properties is that staff was influenced by several property owners' or representatives' vocal public input and testimony in 2015. At that time, I believed my Property was included in the UGB expansion area. So, as a small property owner without significant financial resources to devote to the process, I did not prepare similar testimony.

There Is Good Basis for Including My Property As Part of the NE Edge Expansion Area

- State law and the Remand require that Bend first consider land adjacent to the UGB that is identified in an acknowledged comprehensive plan as an exception area or non-resource land. My Property meets that test.
- My Property is designated as urban reserve lands, so it is the highest priority for inclusion in the UGB under ORS 197.298(1)(a)[1].
    - The Bend Area General Plan (City's Comprehensive Plan) includes the statement: "Lands in this Urban Reserve area [land zoned UAR] are considered first for any expansion of the Urban Growth Boundary."[2] Because of this plan provision, UAR-zoned land is ranked higher than any other exception land.
    - My Property is zoned UAR10, evidencing the City's earlier intent to bring it into the City in the next round of expansion (the current UGB process). *See* the zoning maps attached as **Exhibit C.**
- My Property was ranked by City staff in the "highest quartile" for consistency with Goal 14 factors:
    - In the Briefing Packet (1) for April 22, 2015, the Property was ranked in the "highest quartile" of the UGB Land Suitability Composite (page 18 in packet). The map represented an equal-weighted sum of the four Bend UGB Goal 14 Factors.
    - For Factor 1, Efficient Accommodation of Land Needs (map prepared 3/16/2015), the Property ranked as "highest quartile" or "2nd quartile" at least. Factor 1 indicators include parcel size, improvement to land value ratio, distance from UGB, and presence of CC & R's).
    - For Factor 2, Provision of Public Facilities and Services (map prepared 4/1/2015), the Property ranked "highest quartile." Factor 2 indicators include physical barriers to connectivity, 2040 reliance on congested corridors, connectivity to complete roadway

[1] ORS 197.298 states in relevant part:
(1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary of Metro except under the following priorities:
(a) First priority is land that is designated urban reserve land under ORS 195.145 (Urban reserves), rule or metropolitan service district action plan.
(b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710 (High-value farmland description for ORS 215.705).

[2] "When the General Plan was "acknowledged" by the state in 1981, the Urban Reserve area was recognized as an 'exception area' to long-term farm or forest uses under statewide planning Goals 3 and 4, and therefore available for urban development." See http://www.bend.or.us/modules/showdocument.aspx?documentid=4079.

grid, water analysis, sanitary sewer analysis, surficial geology, and proximity to drinking water protection areas.
    - For Factor 3, ESEE Consequences (maps prepared in March 2015), the Property ranked "highest quartile," also for the fire risk ranking. Factor 3 indicators include proximity to winter range, federal/state scenic waterways, mineral and aggregate resources, parks, and schools.
    - For Factor 4, Farm/Forest Compatibility (map prepared 4/1/2015), the Property ranked "highest quartile." Factor 4 indicators include proximity to forest land and high value EFU zoned lands.

  This is the same ranking that was given to the parcels immediately north and adjacent to my Property.
- Urban residential uses in the City limits are located immediately west of my Property, while lower-density residential uses surround the Property in other directions. (Please see the aerial photo provided as **Exhibit C**.
- My Property is located immediately east of and adjacent to the current UGB, so the Property is not dependent upon including intervening parcels to achieve adjacency—even though under Scenario 2.1G, the parcels immediately north of mine would come in to the UGB, resulting in adjacency on my north boundary as well.
- My Property is ideally situated for urbanization because it is flat with no inventoried resources.
- My Property is largely undeveloped, and thus suitable for future development.
- Because the adjacent land to the west (across Eagle Road) is already in the UGB and platted as a residential subdivision, the area already has access to full services of water, sewer, and roads.
- My Property is located close to existing parks, schools, and transportation facilities.
- The general disadvantages identified for certain properties within the NE Edge expansion areas (e.g., parcelization, limited capacity for development, lack of connectivity), are not applicable to my Property.

The Record Supports Inclusion of My Property in the UGB and Lacks Any Evidence Explaining Exclusion

At USC Meeting 3 on March 19, 2015, Stage 2 maps were prepared assessing the various characteristics for each of the four factors of Goal 14. Notably, the following were identified for my Property:

- Factor 1: Exception Land Improvement to Land Value Ratio, above 1 (improvement more than land value); Taxlot Distance from UGB, contiguous to within .25 miles
- Factor 2: Exception Land Connectivity, minimal barriers; 2040 Exception Land Reliance on Congested Corridors, less than 30% of trips; Connectivity to Complete Roadway Grid, fair connectivity; Water Analysis/Bend and Avion Service Areas, good; Preliminary Analysis of Potential UGB Expansion Wastewater Basins, good; Exception Land Distance from Drinking Water Protection Area, greater than 1 mile
- Factor 3: Exception land not within riparian areas nor within big game winter ranges (very far away); Proximity to Winter Range/Wildlife Area Combining Zone, outside Wildlife Combining Zone; Exception land not near any federal/state scenic waterway; Exception Land Proximity to Surface Mining Impact Areas, outside impact area; Exception land ranked 5th lowest for wildfire risk by comparison to other subareas; Exception land not within 100-year floodplain; Exception Land Proximity to Parks, within .25 miles
- Factor 4: Exception land not within EFU and Forest Use Zones; Exception Land Distance from Forest Use Zoned Parcels and EFU Zoned Parcels, greater than 1 mile

Earlier public testimony/comments from several NE Edge landowners enumerated various reasons for inclusion within the UGB that equally apply to my Property. The Project Team's response was to include these other properties after their concerns were voiced.

At USC Meeting 4 in June 2015, public comments/concerns were submitted regarding the NE Edge and "Butler Market Village" on the NW corner of the NE Edge in particular. A group of property owners requested inclusion of the 240-acre Village study area (exception lands) in the UGB. The Project Team response was that the 240-acre study area is included in Scenario 1.1.

- John and Beth Short (21504 Butler Market Road owners) requested that they, who are on 7 acres northeast of my Property, and their neighbors in the 240-acre block be included in the next expansion. *The Shorts' property has been included in the proposed current expansion.*

- Drew Bledsoe (owner of 15-acre parcel at 63070 Cole Road), who lives northeast of my Property, gave further reasons why the NE should be expanded around his property: 1) The exception zoning in the northeast ranks these parcels as first priority land to be included; 2) The area has close proximity to all necessary infrastructure; 3) The area has good proximity to the hospital; 4) Much of the area is flat and therefore inexpensive to develop; and 5) The area is considered to be low wildfire risk compared with other areas under consideration. *Mr. Bledsoe's property has been included in the proposed current expansion.*

Public testimony during the October 22, 2015 Boundary and Growth TAC Meeting yielded comments and requests from those concerned about not enough expansion in the NE Edge.

- Mike Larraneta (10-8-2015 email) is a longtime builder and developer in Bend who lives on the NE side. He said that the NE side along Eagle Road is ready for development now. The NE provides affordable lots. The large parcels (such as in the SE) are good, yet they are years away from being ready for development because of master plans and getting commitments on those larger projects. The NE Edge, however, is *ready* currently and can help with the affordable land situation while waiting upon the larger, further away areas to develop much later. People have said that they want single family, affordable, small lot housing in this area.

- Wayne Purcell (10-19-2015 email) emphasized that putting more land from the NE into the UGB creates more affordable housing opportunities. The NE is one of the cheaper places to develop and has great access to sewer on fairly flat land. Scenario 2.1 (which does not include Sun Mountain properties) ranked higher because of traffic mainly. The assumption is that large parcels will be mixed use and other areas will not be mixed use. However, if residential areas are built, then certain property owners will request being zoned commercial to meet those needs. You do not need a mixed large use parcel to have mixed use. The City has specific zoning for this purpose (i.e., CN and CC zoning). *Too much emphasis is being placed on large parcels.* Large property owners will not develop all at once. It will be done in phases over years. There is no way that large developments will keep up with demand, as only one or two phases are done per year during busy times. Too many "eggs" are being placed in the "large parcel basket" and diversity is needed. NE Bend has *desirable infrastructure* including a huge park complex at old Pine Nursery, great sewer access and is near the sewer plant. It is easy to develop and can create affordable lots with affordable housing.

- Jerry L. Curl (10-16-2015 letter) addressed the "Perfect Rectangle," what is also known as the 240-acre Butler Market Village. She stated that her Trust owns three lots (combined 29.33 acres) within the Perfect Rectangle. At first, the properties were included in Scenario 1; then, they were eliminated from the new proposal (Scenario 2.1) that was published in October 2015. (my Property was also left out of Scenario 2.1.) She gave the following reasons for inclusion in the UGB:
    - Relatively flat and cleared surfaces
    - Extremely short distance to sewer connection
    - Nearby park availability
    - Inclusion in Bend Parks district
    - Proximity and access to Deschutes and Butler Market Road
    - Nearby schools
    - Short distance to Redmond and Bend airports
    - Long-standing connectivity options available along Coleman and Yeoman roads (said to be overlooked in Scenario 1.2 map analyzed)
    - Long ripe for inclusion in the UGB expansion as it is designated UAR
    - Fewer resources needed to develop – ready now

  Ms. Curl noted that Expansion Scenario 2.1 ". . . plunged our property, as well as others, into the unacceptable category of 'poor' for this UGB update. That said, Staff has not been able to identify any criteria used nor locate any findings to support why there is this change in focus so I remain perplexed about what facilitated the change of outlook in the first place." The same could be said for my Property being left out of UGB inclusion.

  The Curl property is now included in the proposed expansion for the NE Edge.

Conclusion

I do not disagree that Scenario 2.1G is a measured and thoughtful approach Bend's UGB expansion. However, I fail to understand how the southern boundary of the proposed UGB for the NE Edge shifted north during October 2015, considering similarities to other included parcels and ranking in the highest quartile of various factors. I have found no evidence or findings in the record to support this apparently arbitrary and unfair recommendation to leave my Property out of the UGB expansion area in the NE Edge south of Butler Market Road. I believe this can only be an oversight that I urge you to now correct.

I request that you extend the NE Edge subarea expansion boundary south, to where it was initially proposed, to include my Property. This will maintain continuity with adjacent parcels rather than arbitrarily isolating my Property from residential development to the west and north. Moreover, including my Property would still demonstrate consideration and balancing of the required Goal 14 location factors, consistent with the requirements of Statewide Planning Goal 14 and OAR 660 Division 24. By contrast, excluding my Property would be arbitrary and capricious in light of the lack of evidence in the record, and would be fundamentally unfair. Please correct this oversight by directing staff to revise the proposed boundary to include my Property.

I thank you for the opportunity to appear before you today. I would be happy to answer any questions you may have.

EXHIBIT A Page 1 of 1

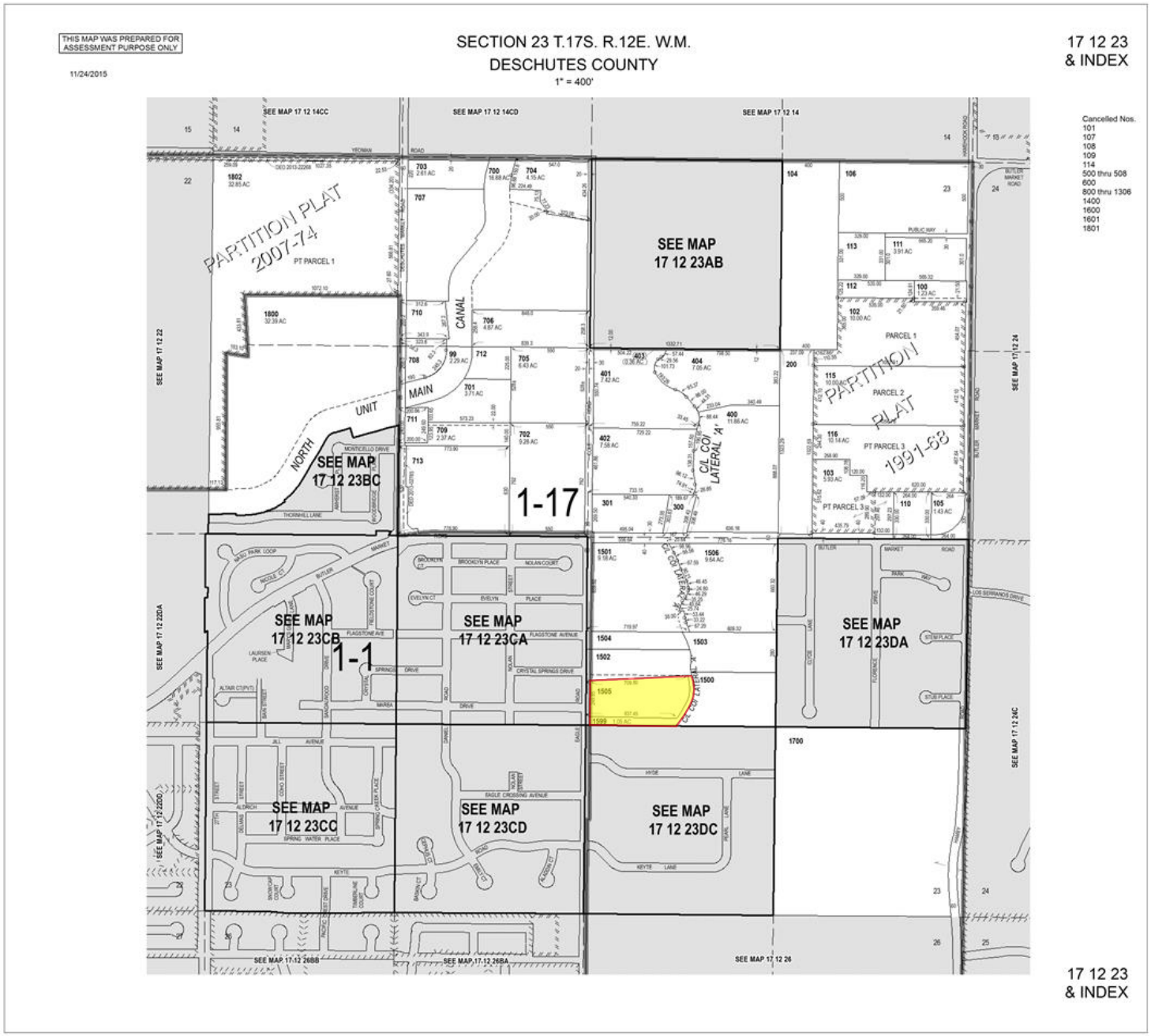
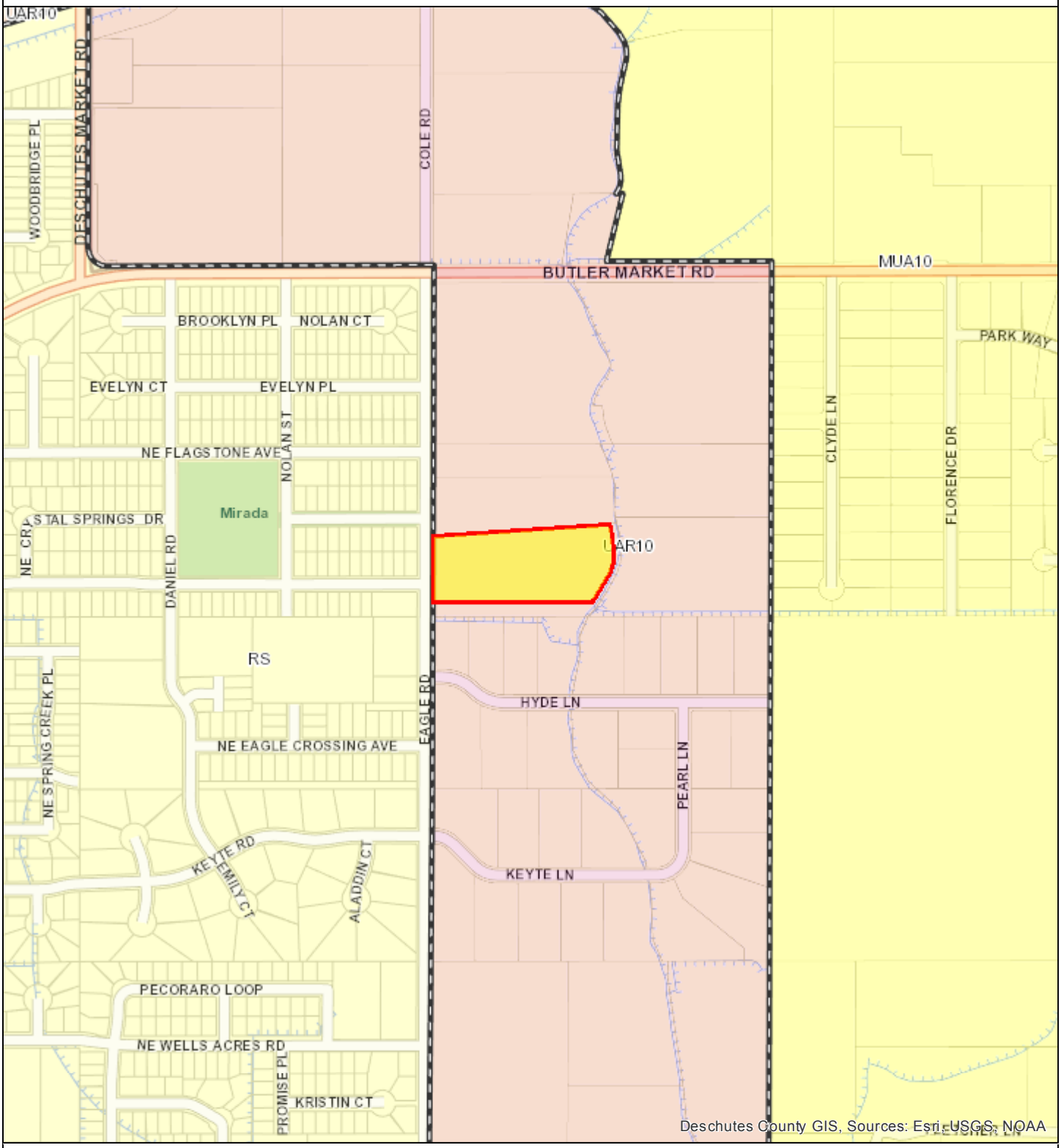


EXHIBIT B Page 1 of 1

Deschutes County Property Information - Dial

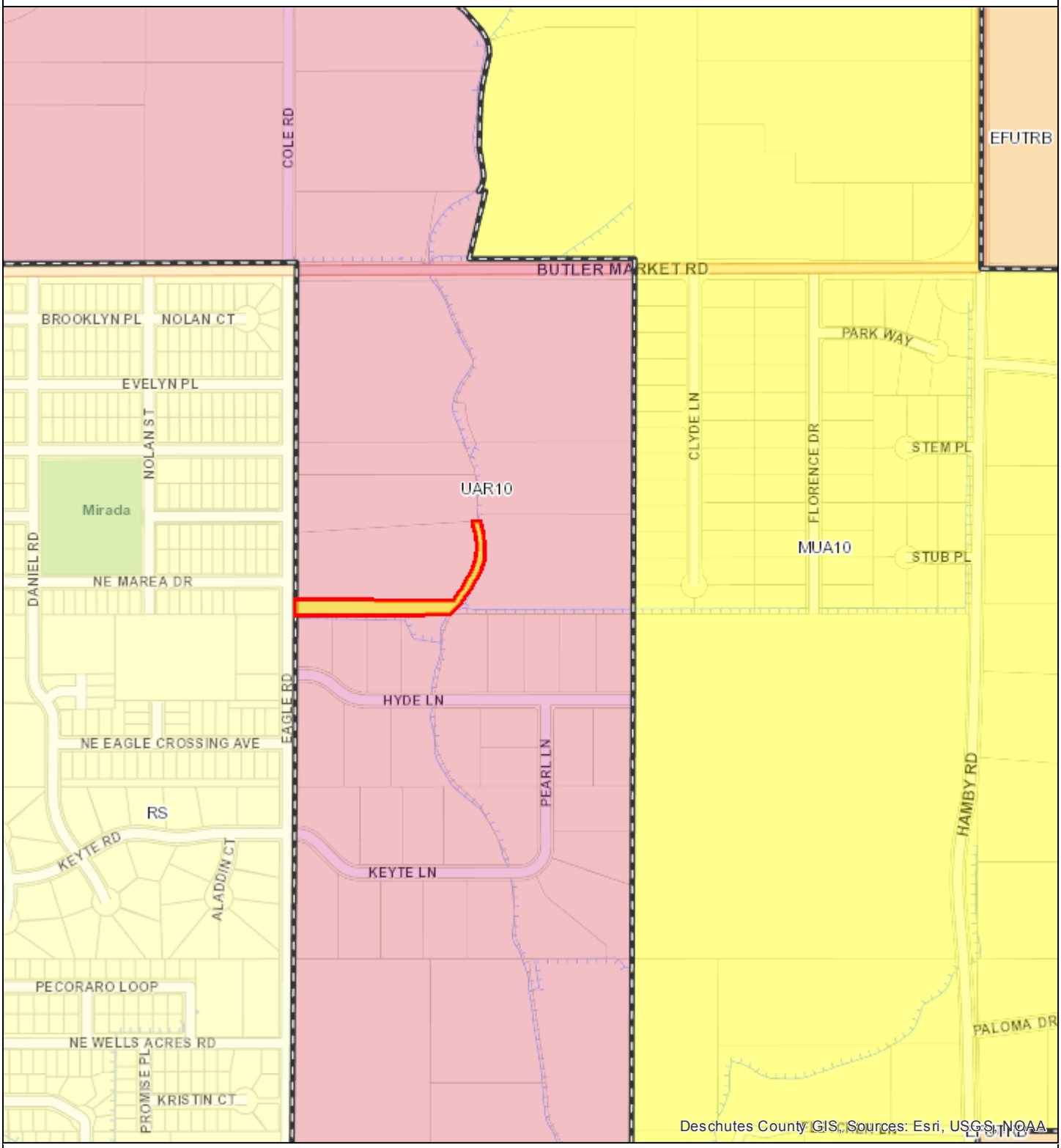
Zoning Map for account 118452



Map and Taxlot: 1712230001505

Deschutes County Property Information - Dial

Zoning Map for account 208215



Map and Taxlot: 1712230001599

August 16, 2016

Mr. Damian Syrnyk
Senior Planner
City of Bend, OR

Gavin Hepp, Webfoot Painting Co
63004 Layton Ave Ste 100
Bend, OR 97710

Re: UGB Testimony on the Porter/Kelly Burns Land Holdings, LLC, & Pacwest Development proposed on Highway 20.

I have read the letter from Attorney Carl W. Hopp, Jr. dated April 19, 2016 regarding the annexation of 2.5 acre of the approximately 40 acre parcel on the east side of Bend which is designated Urban Area Reserve and is located to the west of the canal that diagonally crosses the property. I also understand that the applicants wishes to eventually bring the rest of the 40 acres into the UGB, after a country approval to rezone as Rural Residential Exception Area, and develop affordable housing per a document they have submitted showing a conceptual site design of multifamily and single family homes. Since these plans were submitted with the UGB expansion effort and are featured in the minutes of that meeting, I feel it is an acceptable time to comment on this future development as well.

I met with my fellow neighbors on August 6th and discussed the UGB expansion as well as the future development of the lot. I wanted to hear their concerns and see if there were commonalities. Surprisingly only 2 main concerns were voiced. The first issue was regarding the UGB expansion titled East Hwy 20. The common concern heard was about the rear exit traffic of the 60-unit planned RH complex. The neighborhood does not have a clear path towards a main thoroughfare and the added cars would overwhelm this very small neighborhood that lacks even full sidewalks. See attached Exhibit A. Without the traffic relief of the future lot development, there needs to be traffic study factoring in this 60 unit RH complex into the current road system.

The second concern that was voiced by all participants regarded the fate of the irrigation lake that resides on the lot. From aerial photos of the area this irrigation lake has stood there as far back as when the home was built in 1940. It is fed through the ground by the canal, has no pump facilities, and maintains a water level throughout the year that does not freeze over. This lake has very mature grounds and is home to countless birds and wildlife including osprey, hawks, deer, and huge families of ducks and other fowl. The overwhelming voice of the group was concerned with protecting this natural feature. Within the plans of development, this natural beauty gets covered with a couple small homes and the entire area loses this natural landmark. We all agreed that the smaller lake could be developed but the larger should be protected. See attached pictures and development overlay (Exhibit B).

Within the MetroQuest Survey about the growth and development of Bend, the top concern voiced by the community was the importance of **a quality natural environment and preservation of areas with unique natural features, habitat, waterways and wetlands**. The number three concern was connections to recreation and nature. By addressing our small community's concerns and taking into account the wishes of the community as a whole, we can still develop the area and bring new affordable housing into Bend. This lake should be preserved and integrated into the path system and be deeded to the Bend Parks District to provide an amenity to the existing and future development there. How much was spent on Discovery Park in Northwest Crossing for their water feature? Why can't affordable homes also have beautiful features like this lake? It's a tremendous benefit to the area, this region of Bend will need more parks with this new development, and the maintenance costs for the parks would be very low for the Parks District. Our community is reasonable and willing to work with this new development to help our community grow in a healthy way.

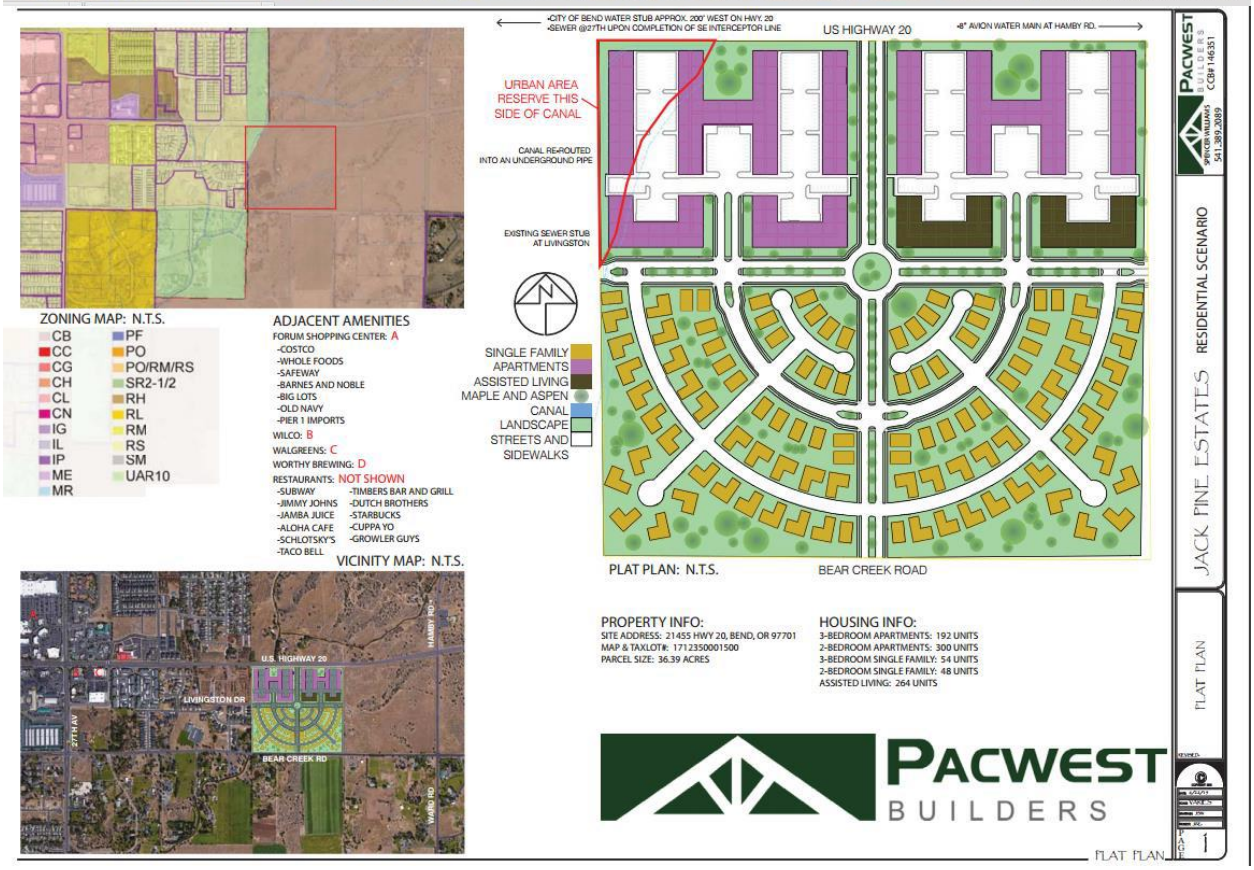
I thank you for your consideration.

Gavin Hepp
Owner of Webfoot Painting Co
Resident at 21380 Bartlett Lane, Bend, OR 97701
gavin@webfootpainting.com
541-420-4140

Exhibit A

Exhibit B


Livingston Dr
Bartlett Ln
Bandit Rd
Bear Creek Rd
Google
Imagery ©2016 Google, Map data ©2016 Google


ZONING MAP: N.T.S.
CB
CC
CG
CH
CL
CN
IG
IL
IP
ME
MR
PF
PO
PO/RM/RS
SR2-1/2
RH
RL
RM
RS
SM
UAR10
ADJACENT AMENITIES
FORUM SHOPPING CENTER: A
-COSTCO
-WHOLE FOODS
-SAFEWAY
-BARNES AND NOBLE
-BIG LOTS
-OLD NAVY
-PIER 1 IMPORTS
WILCO: B
WALGREENS: C
WORTHY BREWING: D
RESTAURANTS: NOT SHOWN
-SUBWAY
-JIMMY JOHNS
-JAMBA JUICE
-ALOHA CAFE
-SCHLOTSKY'S
-TACO BELL
-TIMBERS BAR AND GRILL
-DUTCH BROTHERS
-STARBUCKS
-CUPPA YO
-GROWLER GUYS
VICINITY MAP: N.T.S.
U.S. HIGHWAY 20
LIVINGSTON DR
BEAR CREEK RD
27TH AV
HAMBY RD
•CITY OF BEND WATER STUB APPROX. 200' WEST ON HWY. 20
•SEWER @27TH UPON COMPLETION OF SE INTERCEPTOR LINE
US HIGHWAY 20
•8" AVION WATER MAIN AT HAMBY RD.
URBAN AREA RESERVE THIS SIDE OF CANAL
CANAL RE-ROUTED INTO AN UNDERGROUND PIPE
EXISTING SEWER STUB AT LIVINGSTON
SINGLE FAMILY
APARTMENTS
ASSISTED LIVING
MAPLE AND ASPEN
CANAL
LANDSCAPE
STREETS AND SIDEWALKS
PLAT PLAN: N.T.S.
BEAR CREEK ROAD
PROPERTY INFO:
SITE ADDRESS: 21455 HWY 20, BEND, OR 97701
MAP & TAXLOT#: 1712350001500
PARCEL SIZE: 36.39 ACRES
HOUSING INFO:
3-BEDROOM APARTMENTS: 192 UNITS
2-BEDROOM APARTMENTS: 300 UNITS
3-BEDROOM SINGLE FAMILY: 54 UNITS
2-BEDROOM SINGLE FAMILY: 48 UNITS
ASSISTED LIVING: 264 UNITS
PACWEST BUILDERS
PACWEST BUILDERS CCB# 146551
541.389.2089
JACK PINE ESTATES RESIDENTIAL SCENARIO
FLAT PLAN
FLAT PLAN
1

Damian Syrnyk

From: Karen Swirsky
Sent: Wednesday, August 17, 2016 1:04 PM
To: Damian Syrnyk
Subject: Testimony for the record

From: John Warta [mailto:john.warta@cascadedivide.com]
Sent: Wednesday, August 17, 2016 1:00 PM
To: Karen Swirsky <kswirsky@bendoregon.gov>
Subject: Bend Westside Plan

Karen,

Thank you so very much for your time today to explain the process for approval of the Bend Westside Plan. I strongly support the plan, your work and community effort to prepare it. I have read through the 700+ pages, and am very excited about what you and the City have accomplished in creating this plan.

I am the principal owner and Chairman of Cascade Divide Data Centers, and we own 3.1 acres at 213 SW Columbia Street. I understand that the Council is considering updating the Comprehensive Plan designation in this area to Mixed Use as part of the UGB expansion effort. I am very supportive of this land use change, as it will allow us the opportunity to create a Bend Tech Center where people can live and work near our brand new Data Center.

Again, thank you, and please add our support to your plan for Bend's Westside!

John Warta
Chairman, Cascade Divide

Damian Syrnyk

From: Mary Winters
Sent: Monday, August 22, 2016 12:19 PM
To: Damian Syrnyk; Brian Rankin
Cc: Gary Firestone
Subject: Fwd: I support the UGB Proposal

Hi Damian. Have you worked out q system with Robyn to be sure these council all emails are included in the legislative record? Mary

Sent from my iPhone

Begin forwarded message:

> **From:** Amy Wheat <amydougweare@att.net>
> **Date:** August 22, 2016 at 10:19:14 AM PDT
> **To:** councilall@bendoregon.gov
> **Subject: I support the UGB Proposal**
>
> # support the UGB proposal because…."
>
> - By expanding onto fewer acres, the UGB proposal **reduces urban sprawl** by about 70% compared to the city's original 2008 proposal.
> - The Westside transect **addresses wildlife, wildfire, and transportation concerns**where the city abuts permanent natural areas.
> - It diversifies the housing mix so that residents will have a **variety of housing options** beyond simply single-family homes on large lots.
> - Using Bend's existing urban land wisely, with **infill and redevelopment focused on key opportunity areas**, reduces the need for large infrastructure costs to serve new developments.
> - The **Bend Central District** represents a perfect opportunity for a lively, mixed use urban center without impacting existing neighborhoods. The code revisions proposed by Central Oregon LandWatch and Brooks Resources should be adopted to enhance this transformation.
> - The plan creates new **walkable, mixed use and complete communities** while also complementing existing communities in Bend. This reduces the need for people living on the edges of the city to drive long distances, and cuts down on traffic.
> - It **meets state requirements** so that our city can move forward with a clear plan for well-designed growth.
> - Once the plan is in place, **please ensure there is follow through to get it done**. Make sure the Long-Range Planning Department is adequately supported to enable a successful annexation process.
> - Amy Wheat
> - Doug Rathkamp
> - 2373 NW Drouillard Avenue
> -

Sent from my iPhone

Allen L. Johnson and Susan E. Brody
2522 NW Crossing Drive
Bend, OR 97703

August 24, 2016

Bend City Council and Deschutes Board of Commissioners
c/o Damian Syrnyk, Senior Planner
Bend Growth Management Dept.
709 NW Wall Street, Suite 102
Bend, OR 97701 **via e-mail to: dsyrnyk @bendoregon.gov**

Dear Councilors and Commissioners:

We are writing to express our strong support for the proposed urban growth boundary update package before you. One of us served on the boundary technical advisory committee and the other served on the residential lands committee. We have been deeply impressed by the people, both citizen and professional, that we encountered over the two years spent developing the proposals before you. We want to extend our thanks and appreciation to them all.

We have also been impressed by the well-designed and executed planning process that has brought us all to this point. It has been inclusive, with a variety of workshops, open houses, and presentations to community organizations. It has been very well covered by the local press. Crucially, it has included regular check-ins with a UGB steering committee of city and county elected officials. As a result, you come to these hearings well-informed.

We understand that the proposal before you won't satisfy everyone. It can't. It does, however, strike a reasonable, workable, and equitable balance among the values and objectives expressed in Oregon's statewide land use goals. These values often compete. They range from economic development and recreation through protection of open space and resource lands to transportation efficiency, energy conservation, and affordable housing. Increases in urban densities inside the current UGB are critical to striking this kind of balance.

Oregon's first urban growth boundaries were designed to accommodate 20 years of future growth. A number of cities, including Redmond, have successfully brought their boundaries up to date with fresh 20-year land supplies. Portland Metro is required by state law to update its 20-year land supply every 5 years.

Bend, except for a few very minor tweaks, has lived with its first UGB for 35 years. During that time Bend's population has more than quadrupled. For a variety of reasons, the proposed boundary now before you is for just over 10 years, ending in 2028. That makes it all the more important to get it approved and implemented as soon as possible. It will also be important to begin looking forward to adoption of a full 20-year boundary, as contemplated by state land use laws, as soon as possible. Approval of the proposed package will provide a strong foundation for that effort.

Thank you for the opportunity to comment and to be part of this important step in planning for Bend's future growth, livability, and affordability.

Susan Brody

Al Johnson

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 23, 2016 10:31 AM
To: Damian Syrnyk
Subject: FW: Bend UGB Proposal support

Follow Up Flag: Follow up
Flag Status: Flagged

From: Michele McKay [mailto:michemckay@gmail.com]
Sent: Monday, August 22, 2016 9:36 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject: Bend UGB Proposal support

To: Bend City Council

RE: UGB proposal

I cannot make it to the hearing on August 25, 2016 so I'm writing to let you know my strong support of the current Urban Growth Boundary proposal.

This proposal is good for Bend because:

- By expanding onto fewer acres than the 2008 proposal, the UGB proposal reduces urban sprawl by about 70%.
- The Westside transect addresses wildfire and wildlife concerns where the city abuts permanent natural areas.
- It diversifies the housing mix so that residents will have a variety of housing options beyond simply single-family homes on large lots.
- Using Bend's existing urban land wisely, with infill and redevelopment focused on key opportunity areas, reduces the need for large infrastructure costs to serve new developments.
- The Bend Central District represents a perfect opportunity for a lively, mixed use urban center without impacting existing neighborhoods. The code revisions proposed by Central Oregon LandWatch and Brooks Resources should be adopted to enhance this transformation.
- The plan creates new walkable, mixed use and complete communities while also complementing existing communities in Bend. This enhances transportation options, reduces the need for people living on the edges of the city to drive long distances, and cuts down on traffic.
- It meets state requirements so that our city can move forward with a clear plan for well-designed growth.

Once the plan is in place, please ensure there is follow through to get it done. Make sure the Long-Range Planning Department is adequately supported to enable a successful annexation process.

Thank you,
Michele McKay