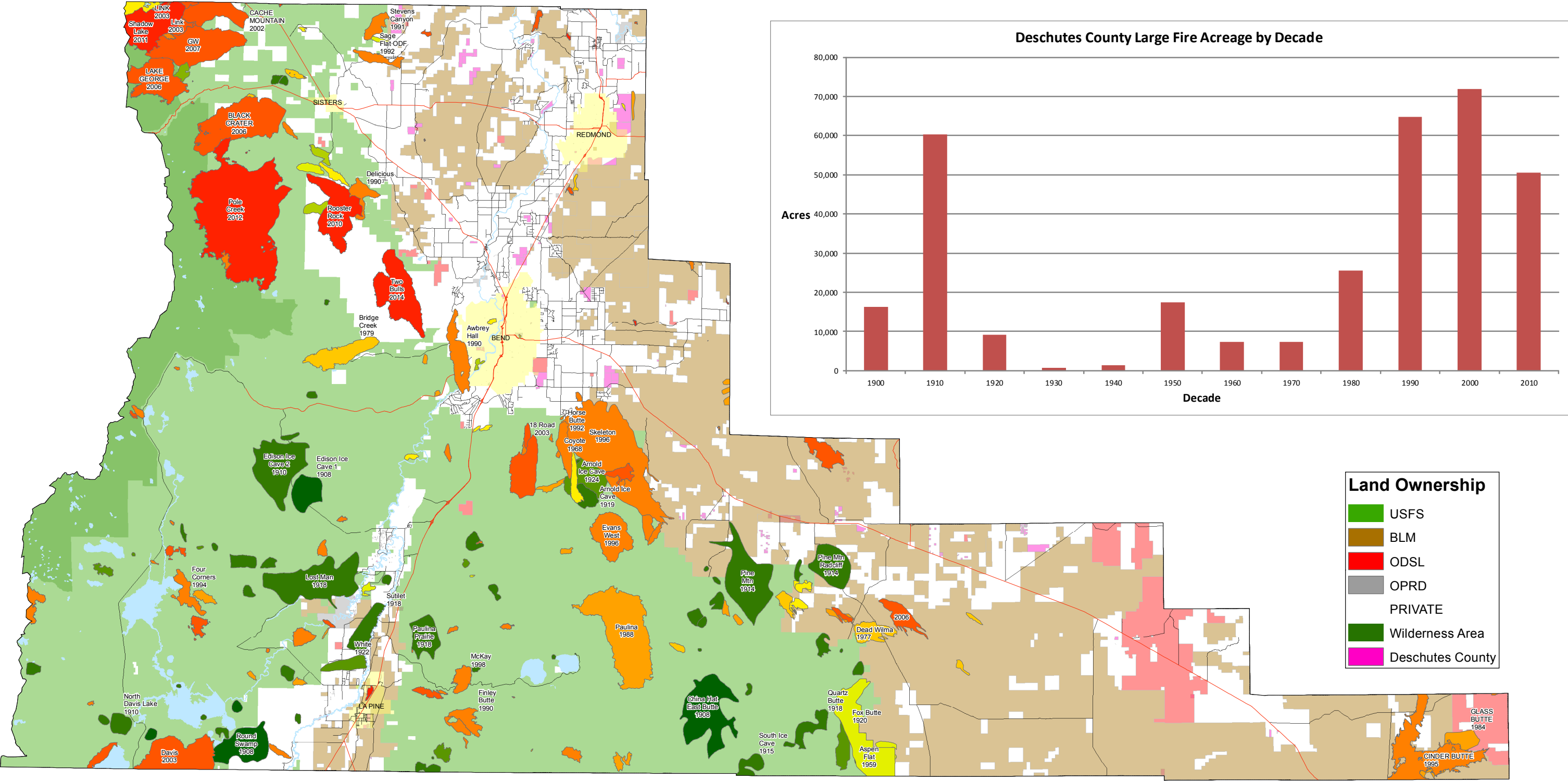


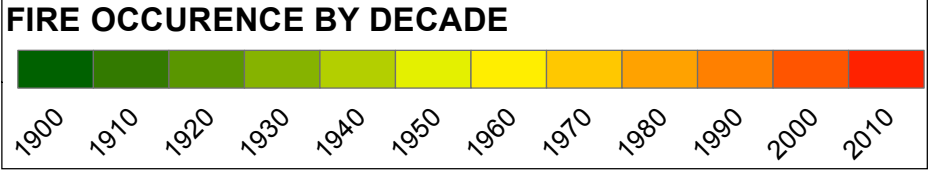
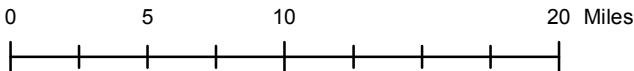


Deschutes County Large Fire History

1900 - 2014



Map Prepared by Deschutes County
Forestry
Ed Keith
61150 SE 27th Street
Bend, OR 97702
541-322-7117



Two Bulls Fire reaches 6,180 acres

By Tyler Leeds The Bulletin Published Jun 9, 2014 at 12:01AM

The Two Bulls Fire continued to burn two miles west of Bend Sunday, affecting 6,180 acres of private and public lands by sundown. No portion of the fire was contained Sunday evening.

Around 350 crew members focused Sunday on establishing what authorities described as a “preliminary line” down the east side and southern edge of the fire, an attempt to prevent the fire from moving closer toward the city. According to Lisa Clark, spokeswoman for the Central Oregon Interagency Dispatch Center in Prineville, crews planned to continue working on the line overnight. Clark noted what had been “tame” Sunday, but forecasts predicted stronger winds today and Tuesday, which could pose a challenge for holding the line.

“So far it’s looking good at the containment line, where the goal is to take it down to mineral soil, as the fire can even creep across roots,” Clark said. “The idea is to make the line wide enough so that a tree falling down wouldn’t cross it.”

Despite progress throughout the day, Clark said the line will continue to be called preliminary.

“Because it’s so close to the west side of Bend, we don’t want to say there’s containment and have people think everything’s good,” she said. “There’s still the risk we could get wind or heavy fire activity and push across the line.”

Past evacuations

Central Oregon is no stranger to big wildfires, or even to wildfire evacuations.

Here, a look at some past fires that have resulted in evacuations:

2012: Crossroads subdivision residents evacuate as the Pole Creek Fire burns more than 27,000 acres. The fire destroys four cars parked at the Pole Creek Trailhead and forces the evacuation of hikers and campers.

2007: The GW Fire burns more than 7,500 acres and forces the evacuation of much of Black Butte Ranch.

2005: About 200 La Pine residents and 500 area visitors are evacuated when the Park Fire burns on 143 acres nearby.

2004: The Log Springs Fire near Warm Springs burns 4,000 acres and

The fire sparked evacuations originally affecting about 200 homes west of the city, though that number was cut to 40 when residents from the Saddleback subdivision were allowed to return home Sunday evening.

Nonetheless, that area was still on a Deschutes County Sheriff's Office Level II notice Sunday evening, meaning residents are asked to be ready to leave at a moment's notice. Also on Level II are residents south of Shevlin Park Road, west of Mt. Washington Drive and north of Century Drive. A Level I notice, which asks people to prepare and be ready to evacuate, was issued for residents in the rest of NorthWest Crossing, as well as the area north of Shevlin Park and west of Mt. Washington Drive.

Forty homes on Skyliners Road outside of the city were still on a Level III evacuation notice, which calls for residents to evacuate immediately.

Additionally, Bend-La Pine Schools canceled classes at three schools in areas under Level II notice — Miller Elementary, Cascade Middle and Summit High schools. The district may also move recess for other schools indoors depending on air quality. Teachers at those schools are on a delay schedule, communications director Julianne Repman said, and should report when and if they can.

Fire activity caused park and road closures west of the city. The Bend Park & Recreation District said any use of parks or trails in the areas on pre-evacuation notice is discouraged. The city also shut off surface water on Saturday and will exclusively use groundwater wells until the fire's impact on the Bridge Creek watershed can be assessed.

Despite the evacuation notices, foot traffic was typical along NorthWest Crossing's commercial strip, an area under Level I notice.

15 family evacuate from their homes.

2003: The B & B Complex Fire results in Camp Sherman evacuations and burns more than 90,000 acres. That same year, the Davis Lake Fire forces three campgrounds near Wickiup Reservoir to evacuate as it burns more than 3,000 acres.

2002: The Everly Fire destroys seven structures in the Three Rivers subdivision. It burns more than 13,000 acres and results in 500 homes being evacuated. Cache Mountain Fire near Sisters results in a 4,000-acre burn and 300 evacuated homes.

1996: The Skeleton Fire burns 19 homes in the Sundance subdivision in Bend and forces hundreds to evacuate as it burns nearly 18,000 acres. Also that year, the Smith Rock Fire burns more than 300 acres and destroys one home.

1995: The Pringle Fire forces evacuation from the Terra del Oro and Deschutes Rivers

“It was surprisingly pretty normal around here,” said Madelyn Payne 20, an employee at Little Bite Cafe. “I was really shocked. When I got here, the smoke was low and I saw people biking up and down. One person came in on the way to her daughter’s softball game.”

The store’s owner, Melissa Albright, 47, said she lived in an area on Level II alert, but decided to stay put unless an immediately adjacent neighborhood was ordered to evacuate. At Sunny Kitchen Yoga, owner Amy Wright, 38, said food customers had been slow for the day, but her yoga class had been busier than average.

For Kay Ogden, who had just moved into the neighborhood from Grants Pass, the fire was more of the same.

“When we moved from Grants Pass in August, it was during a big fire there,” said Ogden, 62. “I guess we left in the fire and are now coming in the fire. But it was solid smoke there, it’s not so bad here.”

For those forced to evacuate, however, Sunday was less than typical.

“I had to deal with a house fire before, so this brought up old, traumatic feelings,” said Darragh Hildreth, 23, who lives in Saddleback. “I had to leave the floor at work for five minutes to calm down after I was told about it. When I got home, you could see the orange and red hue just out in the distance.”

To assist evacuees, the American Red Cross Cascades Region operated a shelter at High Desert Middle School. In the afternoon, shelter manager Emily Wegener said not many people had come by.

“It’s been fairly quiet, with some people dropping in to get snacks and drinks,” she said. “We have four people in motor homes, but no one spent the night on Saturday. The plan for right now is to stay open through the night and tomorrow. We’ll know more on (this) afternoon.”

On Saturday, Clark said the fires are believed to be human-caused, while noting two fires starting in the same area does not necessarily point to deliberate action — a few years ago, the driver of a vehicle dragging a chain on U.S. Highway 20 accidentally sparked five separate blazes between Bend and Burns.

Spotters at the Black Butte fire lookout saw two smoke plumes at around 12:48 p.m., according to Cassidy Kern, also a public information officer for the interagency dispatch center. The fires were close together and merging,

Recreation subdivisions while burning more than 1,000 acres.

1990: More than 2,500 west Bend residents evacuate as the Awbrey Hall Fire burns more than 3,300 acres, destroying 22 homes and dozens of vehicles.

Kern said, and have been treated as a single incident since midday Saturday.

— Reporter: 541-633-2160, tleeds@bendbulletin.com
(<mailto:tleeds@bendbulletin.com>)

Classes canceled

Bend-La Pine Schools has canceled classes at three schools in areas under Level II notice:

- Miller Elementary
- Cascade Middle School
- Summit High School.

Public meeting

When: 6 p.m. today

Where: Bend High School



Joe Kline / The Bulletin A helicopter fills up with water Sunday near the staging area of the Two Bulls Fire west of Bend.



Joe Kline / The Bulletin Firefighters Ron Huffman, left, and Ivan Harmon rake out hot spots Sunday in the scorched ground near an area that investigators were searching for the cause of the Two Bulls Fire west of Bend.



Joe Kline / The Bulletin A helicopter flies toward the Two Bulls Fire west of Bend on Sunday.



Joe Kline / The Bulletin Mount Bachelor with smoke from the Two Bulls Fire on Saturday evening. If you can't see within 2 miles, you're in pretty thick smoke and you should take precautions, says Mark Bailey, the Oregon

DEQ's eastern region air quality manager.

Joe Kline / The Bulletin A smoke plume from the Two Bulls Fire is visible from the staging area.



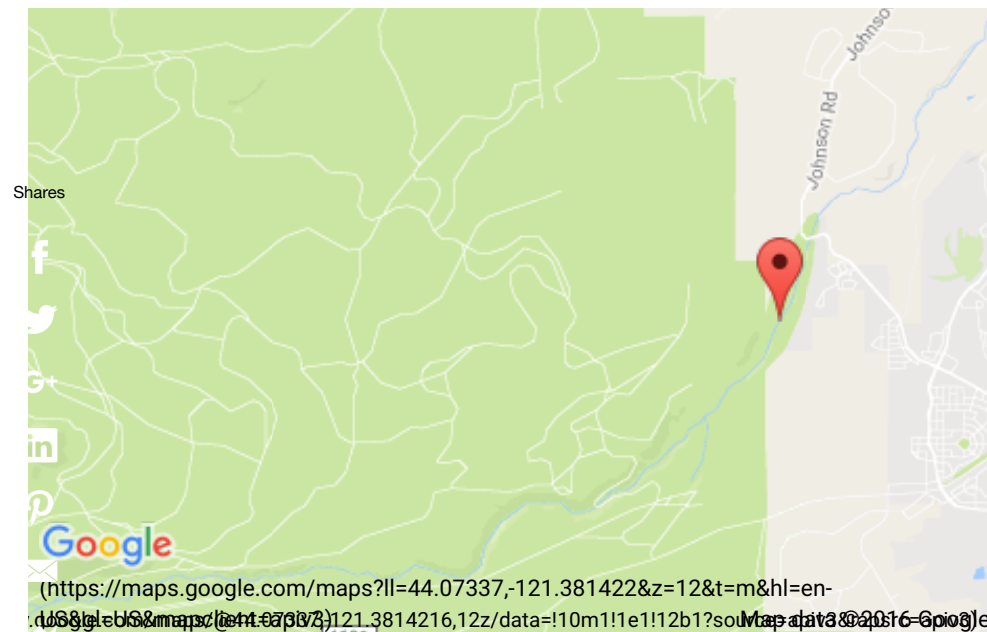
Courtesy Bill McDonald Smoke from the Two Bulls Fire turned the sun a deep shade of orange Saturday afternoon.



Wildfire in Shevlin Park quickly corralled

By Dylan J. Darling The Bulletin Published Jun 12, 2015 at 12:01AM /

Updated Jun 12, 2015 at 05:42AM



A wildfire Thursday in Bend's Shevlin Park that was close to homes brought back memories of the Two Bulls Fire from last year for nearby residents.

Fire crews from around Central Oregon quickly jumped on the Shevlin Fire, holding it at 8 to 10 acres just hours after it was first spotted shortly before 1:30 p.m., said Dave Howe, a battalion chief for the Bend Fire Department.

The fire was expected to be declared fully contained over night Thursday, Howe said in a news release late in the day. The cause of the fire is under investigation. The Oregon Department of Forestry will lead the investigation with help from the U.S. Forest Service, Bend Fire and Deschutes County Sheriff's Office.

"We have no idea on (the cause)," Howe said Thursday afternoon, noting firefighters needed to put the fire out before worrying about how it began.

The 6,908-acre Two Bulls Fire started on June 7 last year, also west of Bend.

Like many of her neighbors in subdivisions on the city's western, wooded fringe, Tracy Pfiffner, 50, found a place to watch the firefighters Thursday take on the Shevlin blaze. She and her 21-year-old son, Alex Pfiffner, rode their bikes to an overlook above Shevlin Park. "This is a lot closer than the

Two Bulls Fire last year,” she said. “ (I) came out to the same place and this is terrifyingly close.” That fire prompted evacuations for 254 homes on the west side of Bend.

Although no homes were evacuated Thursday, the Deschutes County Sheriff’s Office issued pre-evacuation warnings for a trio of subdivisions near Shevlin Park — Three Pines, Shevlin Commons and Park Commons.

Around 7:15 p.m., Howe said the warnings for the three subdivisions were set to be lifted at midnight.

Pfiffner lives in the Shevlin Ridge subdivision, adjacent to where the warning was in effect into the evening.

The fire was first reported to 911 by a hiker at 1:27 p.m. At that time the fire was 1/10 of an acre, and it started near the intake for the Tumalo Irrigation District canal, according to Deputy Fire Marshal Jeff Bond. The fire mainly burned on land overseen by the Bend Park & Recreation District.

An air tanker circled the Shevlin Fire — making rumbling passes over Central Oregon Community College and other parts of west Bend — but did not drop any retardant, Howe said. A helicopter scooped water from a pond at Shevlin Sand & Gavel, located near the fire, and dropped it on the blaze.

Around 3:15 p.m., Howe described the fire as “spotting” — embers being blown about and starting new fires — up the east side of the Tumalo Creek canyon, above Aspen Hall. According to Bond, the fire was burning on both sides of Tumalo Creek, and Howe added that the fire was not following the creek but rather burning up the creek canyon. Less than an hour later, Howe said the Shevlin Fire had stopped growing. By 5:40 p.m. fire crews had a hose line encircling the fire.

Along with Bend Fire, firefighters from the Deschutes National Forest, the Bureau of Land Management and the Oregon Department of Forestry fought the blaze. Fire engines from fire departments in Cloverdale, Sisters, La Pine and Sunriver also responded to the fire, ready to help protect structures. The fire did not spread to any homes or other buildings.

From his vantage point over Shevlin Park, Glen Ardt, 62, of Bend, said Thursday that he saw smoke, the helicopter, the air tanker and an observation plane.

“I mean a lot of activity out there,” he said, but he did not see flames. Ardt lives in the Shevlin Commons subdivision and was joined in watching the firefighting Thursday afternoon by one of his neighbors and her friend visiting from the San Francisco Bay Area.

The fire caused the closure of Shevlin Park and Johnson Ranch roads, which were reopened late Thursday . Due to the road closure, Shevlin Park was basically closed as well Thursday afternoon and evening. Howe said late Thursday the southern portion of the park, home to most of its popular trails, is open. The northern portion of Shevlin Park, north of the road, was closed until today as firefighters put out hot spots in the burn area.

At its peak the fire drew about 90 firefighters, Howe said. A large crew was set to keep watch on the fire late Thursday. “There is going to be about 40 people on the fire overnight,” Howe said Thursday night.

The Shevlin Fire burned close to land scorched by the 3,350-acre Awbrey Hall Fire 25 years ago this August. Howe, a veteran firefighter with Bend Fire, remembers the Awbrey Hall Fire well. The fast moving fire destroyed 22 homes.

While the location of the Shevlin Fire reminded him of the Awbrey Hall Fire, the conditions were different.

“It was a lot hotter back then and even drier,” he said.

— Reporter: 541-617-7812,

ddarling@bendbulletin.com (<mailto:ddarling@bendbulletin.com>)



Dean Guernsey / The Bulletin A helicopter flies over the Shevlin Fire in June west of Bend. The fire burned mainly in Shevlin Park.



Dean Guernsey / The Bulletin A helicopter flies over the Shevlin Fire on Thursday west of Bend. Investigators believe it was caused by humans. The early call on the fire and quick response were key to controlling it, a Deschutes County official said Friday.

Shevlin Fire

A brush fire broke out Thursday in Shevlin Park, with crews trying to contain the blaze to between 8 and 10 acres.



UGB compromise: Decrease density toward west Bend

By Tyler Leeds The Bulletin Published Jan 21, 2016 at 12:04AM / Updated Jan 21, 2016 at 05:53AM

An appointed advisory committee agreed on a number of tweaks to the city of Bend's planned urban growth boundary expansion Wednesday morning, including a compromise to thin out density toward the city's western edge.

Shares

The boundary, often called the UGB, is a line that divides the city's urban development pattern from areas governed by Deschutes County's rural development code. In 2010, the state rejected a plan to expand the city by 8,000 acres, arguing the plan didn't place enough emphasis on density and didn't justify such a large addition.

A number of community advisers have been working with city staff and outside consultants on creating a new boundary closer in size to 2,000 acres. So far, a number of versions have bounced between the advisers and a steering committee overseeing the process that includes the City Council.

At Wednesday's meeting, the advisory committee's goal was to smooth out internal disagreements and discuss minor adjustments, objectives set forward by the steering committee. Much of the expansion plan approved Wednesday is identical to what both the advisers and the steering committee endorsed at the end of 2015.

The bulk of the meeting was spent discussing the city's western boundary, an area that has elicited the most disagreement throughout the process. A number of advisers who represent environmental interests have attempted to minimize development in the area near Shevlin Park. A number of other advisers who own land in the area have promoted various development plans.

Those intent on limiting development have stressed the risk of wildfire and impacts on wildlife.

Before the meeting began, the two sides came together to draft a compromise for the area that embraces a concept known as the transect. The transect refers to a phasing out of density, so that the distance between homes increases moving toward the city's edge.

Paul Dewey, an adviser and executive director of Central Oregon LandWatch, has long attempted to limit growth on the west side but said he backed the plan even though it brings in more west-side acres than had previously been suggested in some plans. His support, he noted, hinged on the plan including fewer homes despite the larger footprint.

"Over the past year, it's been a lot of 'yes, more land,' 'no, less,' 'no, more,' and here we have a planning tool within which we could protect our respective interests," Dewey said at the meeting.

Phasing out density toward the city's edge, Dewey said, would be more hospitable to wildlife and create less of a wildfire risk, as more distance between homes will give firefighters more opportunity to maneuver while also reducing the number of homes close to the forest.

Dewey noted this concept is possible because of a rural development proposed on county land just outside the city's western boundary. Dewey's organization has mounted a legal challenge to block that development, called the Tree Farm and led by another adviser, Charley Miller.

Dewey, Miller and two other developers with west-side interests — Kirk Schueler of Brooks Resources and Dave Swisher of Anderson Ranch Holding — signed a letter supporting the west-side transect plan.

Schueler said the agreement "was significant" because the City Council had asked the committee to reach a consensus that worked for the entire group.

Shares

A number of other advisers praised the agreement, including Ruth Williamson, who called it "inspiring."

City Councilor Sally Russell, who was in the audience, said the compromise "was so healthy and will reverberate way beyond this room."

However, Nick Lelack, an adviser and Deschutes County planner, cautioned the transect isn't something that should be repeated around the entire city, as it would make future expansions more difficult.

Not everyone supported the plan. Myles Conway, a lawyer representing land owned by Howard Day under Rio Lobo Investments, advocated during visitor comments for a more "equitable sharing of land," noting a majority of the land brought in along the western boundary was owned by Miller. Conway wanted the advisers to bring in a 40-acre section owned by Day.

Other west-side property brought in is owned by the Coats family under CCCC LLC.

Dewey and others argued the Day property could possibly be included in a subsequent expansion, but that the Coats and Miller properties are better positioned to be added at this time.

Only one adviser, Steve Hultberg, opposed the west-side plan. Hultberg supported including the Day property in the expansion.

— Reporter: 541-633-2160, tleeeds@bendbulletin.com (<mailto:tleeeds@bendbulletin.com>)



94° Redmond, OR
Clear

Mobile | RSS | Email

- NEWS
- WEATHER
- SPORTS
- LIFESTYLE
- WHAT'S ON
- COMMUNITY
- CONTESTS
- CONTACT US

Home / News

Thursday, August 18, 2016 | 3:30 pm

Land-use group, Westside land owners reach Bend UGB compromise

C.O. LandWatch: 'Ground-breaking cooperative effort' wins city panel's backing

From KTVZ.COM news sources

POSTED: 4:27 PM PST January 20, 2016
UPDATED: 4:39 PM PST January 20, 2016

Like 65 Tweet 1



Effort to expand Bend's urban growth boundary has been underway for many years

BEND, Ore. - A land-use watchdog group said Wednesday it has reached a compromise with land owners on Bend's Westside on where to draw an expanded urban growth boundary line, and a city advisory panel has endorsed the proposal.

MORE FROM KTVZ.COM

- Sawyer killing puts spotlight on COCC campus safety
- Two ill hikers rescued from South Sister summit
- Withers Fire update: Paisley still under alert, others at...
- NeighborImpact seeking oats, cereal donations
- Purchase offers complicate Portland shelter plan

"The Urban Growth Boundary process will determine what kind of city Bend will become," Central Oregon LandWatch said after Wednesday's advisory committee meeting, saying they are "at the table advocating for a limited expansion to prevent urban sprawl, protect wildlife habitat, encourage cost-effective growth, and foster affordable housing."

"The public interest group is committed to representing the community's values in developing a boundary proposal that will pass the state's requirements so that Bend can move forward with a clear plan for well-designed growth," Landwatch's statement said.

Central Oregon LandWatch said it "has been concerned about the expansion of the UGB toward the Deschutes National Forest and other natural features such as Tumalo Creek and Shevlin Park."

"Important wildlife habitat and risk of wildfire in this area call for a careful consideration of how that land is developed," the group said. "The initial proposals for the area west of Bend planned for 1400 or more homes - a level of density inappropriate for the Wildland-Urban Interface on the city's edge."

Last month, Mayor Jim Clinton called for the Boundary Technical Advisory Committee to come to a consensus on a proposal for expanding the UGB.

Paul Dewey, executive director of Central Oregon LandWatch and Kirk Schueler, incoming CEO of Brooks Resources, "took the mayor's request to heart," the watchdog group said. "They met to develop a proposal using the planning concept of the "Transect," which addresses development abutting permanent natural areas."

advertisement

Most Popular

Articles	Slideshows	Videos
Sheridan Fire at 169 acres, 10 pct. contained; river closed		
Withers Fire update: Paisley still under alert, others at higher level		
Brazil police: Swimmers covered up act of vandalism		
Sisters bookkeeper pleads guilty in big embezzlement case		
Sawyer killing puts spotlight on COCC campus safety		
Community steps up to bat for Bend North Little League		
First Malheur Refuge standoff defendant sent to prison		
2 US swimmers ordered to stay in Brazil		

Melanie Maitre | 541.480.4186 | melanie@melaniemaitre.com

Cascade Sotheby's
INTERNATIONAL REALTY

Love Where You Live!

Buying or Selling?
Call today for a FREE Consultation!

"Dewey and Schueler worked with other Westside landowners to come to an agreement dubbed the "Westside Transect," which addresses wildlife, wildfire, and transportation concerns," LandWatch said.

"This plan concentrates urban-level density closer to the city's core and near community centers such as schools," LandWatch said. "It creates zones that taper density as the city boundary nears the forest in order to protect homes from wildfire and preserve wildlife habitat. It also provides a higher level of certainty around how the western edge of Bend will develop."

The watchdog group said the city's Boundary TAC overwhelmingly approved the Westside Transect proposal Wednesday, along with other refinements to the map."

"This ground-breaking cooperative effort between Central Oregon LandWatch and landowners creates a vision for the future of Bend's western edge," the statement concluded.

Copyright 2016 [KTVZ](#). All rights reserved. This material may not be published, broadcast, rewritten or redistributed

Sponsored Content on KTVZ



The Best Way to Prove Someone Wrong

By Yahoo Sports

Learn how Mikaela Mayer made her way to the Olympics.

Recommended

More from this site

- 'Black olives matter' spurs controversy
- Louisiana paper to Obama: Cut vacation short
- Sisters bookkeeper pleads guilty in big embezzlement case
- Ex-Estacada councilman sentenced in child sex abuse case
- Olympic scold: Clinton cites games to hit Trump

From around the web

- American Residents Born Between 1936 and 1966 Are In For A Big Surprise (LiveSmarterDaily)
- UNCOVERED: Olympians Stripped of Medals, Find out Why... (LifeDaily)
- DNA Solves Mystery of Young Girl Who Disappeared on Titanic (Ancestry)
- 2016 Trucks Of The Year (Yahoo Search)
- Forget Your 401k If You Own A Home (Do This Instead) (OneSmartPenny.com)

Recommended by

Comments

The views expressed are not those of this company or its affiliated companies. Please note by clicking on "Post" you acknowledge that you have read the [Terms of Service](#) and the comment you are posting is in compliance with such terms.

Rental vacancy rate hits 1.04 percent in region

Bulletin staff report Published Jun 4, 2016 at 12:01AM

The vacancy rate for rental housing across Central Oregon has fallen to 1.04 percent, and it remains below 1.5 percent for the fourth year in a row, according to survey results announced Friday.

Shares

Of the 4,996 rentals in the survey across the region — apartments, duplexes, triplexes, houses and manufactured homes — 52 were vacant, according to the Central Oregon Rental Owners Association 2016 Rental Survey. The results were announced in a news release by Compass Commercial Real Estate Services. Ron Ross, a principal broker at Compass, presented the results last month at the association's annual meeting, according to the news release.

"That is a very low rate, and it is highly unusual for it to have stayed so low for that long," Ross said in the news release.

The region's high growth rate, limited land supply and increasing fees and building costs have helped keep the vacancy rate low, according to Ross. Rents have also not kept up with the costs over the years.

For apartments of all sizes in Bend, the vacancy rate was 0.62 percent, according to the survey. Redmond came in at 4.5 percent. La Pine, Sunriver and Sisters — which all have fewer apartments than Bend — had no apartment vacancies, according to the survey.

Average rents for two-bedroom apartments in Bend varied, from \$876-\$995 per month, depending on the size of the apartment complex and when it was built.



Andy Tullis / The Bulletin file photo This March photo shows construction on a new apartment complex near Pilot Butte in Bend. A recent survey shows the vacancy rate for apartments of all types in Bend at 0.62 percent.

Bend hammers out UGB boundary expansion

By Tyler Leeds The Bulletin Published Apr 22, 2016 at 12:01AM

The Bend City Council finished tinkering with and gave its blessing to a planned expansion of the city's urban growth boundary at a meeting Thursday afternoon. The vote ushers the boundary toward public hearings and eventually review by the state.

The roughly 2,000-acre expansion is intended to accommodate population growth through 2028. An earlier expansion proposal was rejected in 2010 after the state ruled the request, which called for 8,000 new acres, didn't do enough to embrace density.

The state laws that govern boundary expansions are intended to protect farmland by hemming in sprawl. While the city's proposal is moving forward, squabbling over the boundary isn't necessarily over, as property owners and other interested parties can fight the plan as it makes its way through the state's review process, as happened in 2010.

Having one's property included in the city not only brings city services like water and sewer, but it also allows for urban-style development, which can be very lucrative for landowners.

Much of Thursday's meeting was taken up by public comment, as a number of property owners and attorneys made their case for including certain properties in the expansion.

The council agreed to add a number of properties, including one on the west side that had been moved in and out of various iterations of the expansion. The 40-acre property owned by Matt Day's Rio Lobo Investment is located just east of Shevlin Park.

Paul Dewey, executive director of Central Oregon LandWatch, had long advocated for limiting development on the city's west side, in part to protect wildlife rangeland and due to the risk of wildfire.

At Thursday's meeting, however, Dewey said he had worked with Rio Lobo to reconfigure the property to create an undeveloped buffer between it and Shevlin Park. Rio Lobo also has committed to including affordable housing, which Dewey called "a real need for the city."

Myles Conway, an attorney for Rio Lobo, noted Dewey and he engaged in "countless meetings and phone calls" to reach an agreement.

City Councilor Nathan Boddie praised the collaboration between what he described as “unlikely bedfellows.”

Brian Rankin, a city planner overseeing the expansion process, said the changes won’t hurt the city’s chances with state review. He also noted the additions might help deflect appeals from property owners left out, which could simplify the state’s review.

Thursday’s meeting was overseen by a steering committee comprised of the council, County Commissioner Tony DeBone and two members of the Bend Planning Commission. Forwarding the proposal to the state requires a number of additional steps including hearings, a vote by the Deschutes County Commission approving the location of the new boundary and a vote by the City Council on not only the boundary but also plans for how the new land will be developed and land within the city’s existing boundary will be redeveloped.

While the expansion is intended to accommodate about 17,000 new homes, about 70 percent of the new homes are projected to built within the city’s existing footprint as areas are rezoned to encourage greater density than exists today.

Public hearings will be scheduled for August, Rankin said, with the aim of forwarding the city’s request to the state for review before the end of the year.

— Reporter: 541-633-2160, tleeds@bendbulletin.com
(<mailto:tleeds@bendbulletin.com>)

KILLIAN PACIFIC

August 24, 2016

VIA EMAIL
City Council
City of Bend
c/o Brian Rankin
710 NW Wall Street
Bend, OR 97701

Re: Proposed UGB Amendment and Supportive Amendments to the Bend Comprehensive Plan and the Bend Development Code

Dear Mayor Clinton and City Councilors:

Please accept this letter as Killian Pacific's enthusiastic support for the current proposed UGB Amendment and related supportive amendments to the Bend Comprehensive Plan and the Bend Development Code (the "Proposed UGB Documents").

As a local landowner and a family-owned company that has been building and investing in Oregon for more than forty years, we believe that the Proposed UGB Documents will serve the City and its citizens well. We are especially appreciative of the responsiveness the City staff has shown to questions and concerns throughout the process.

In particular, we believe that the comprehensive plan amendments (especially the "opportunity areas" and the adoption of the new mixed use zones) will enable landowners to help the City address the growing housing shortage in the areas in the center of Bend by providing affordable and market-rate multi-family housing while also creating mixed use neighborhoods that meet the needs of local residents and reduce the need for vehicle trips. Without these amendments, the burden of re-zoning these parcels would have cost individual property owners significant time and money. Such expenditures likely would have dissuaded some from developing at all, and in any case, the time and money is much better spent in the actual development of housing that the City needs now.

We commend the City for a thoughtful process and for putting together a UGB proposal that considers and balances a wide variety of community and individual needs and concerns. We strongly support the Proposed UGB Documents, and encourage the City to adopt them in their current form.

Sincerely,

Jeremy McPherson
Developer/Owner for the Box Factory



August 24, 2016

Via E-Mail (dsyrnyk@bendorgeon.gov)

Bend City Council
c/o Damian Syrnyk, Senior Planner
709 NW Wall St., Suite 102
Bend, OR 97701

Deschutes County Board of Commissioners
1300 NW Wall St # 200
Bend, OR 97701

Re: Comprehensive Plan Update Comments

Dear Members of the City Council and County Commission:

Thank you for the opportunity to comment on the city of Bend's proposed affordable housing policies, as contained in the city's Plan Update, Chapter, 5, Housing. Housing Land Advocates (HLA) is a statewide non-profit organization that advocates for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Bend has been experiencing significant housing affordability challenges in recent years, that will continue and deepen given projected population growth, the OSU Cascades campus, and other factors that bring both opportunity and needs. Therefore, it is essential that Bend ensure that every neighborhood, both in the existing urban growth boundary and in the proposed expansion areas, provide for affordable housing opportunities to meet the needs of current and future Bend residents and workers.

We commend the city's proposals to:

- Increase minimum densities in its residential zones to provide a greater variety of housing types and the potential for relatively more affordable housing.
- Increase minimum densities to be more cost-effective in the use of infrastructure.
- Open up more zones to housing that meets the needs of more individuals and families, including duplexes, triplexes, and courtyard housing.
- Monitor implementation of its housing policies and zones on an annual basis, and publish the findings.

We recommend that the city do more to ensure the needs of all are met, including:

- Use mandatory inclusionary zoning, the tool provided in SB 1533, at a minimum in the city's UGB expansion areas.

- While we support the language to require sidewalks and bikeways in all *new* developments, there should be a *city-wide* plan, with implementation and financing measures, to provide safe and accessible transportation options in every neighborhood.
- We recommend the city provide specific examples of what tools it *will* apply by the statement (Policy 5-8): “The City will apply innovative and flexible zoning tools to support a mix of housing types and densities.” Later, the proposal says “The City *may* consider density bonuses as an incentive to providing affordable housing.” Density bonuses are a good example of the type of tool the city should use to carry out Policy 5-8; the city should describe and *commit* to it and others (for example, permissive allowance of accessory dwelling units).
- Covenants and deed restrictions that conflict with Oregon and Bend public policy, as expressed in state law and in Bend’s acknowledged comprehensive plans and zoning ordinances, are of questionable enforceability.

Thank you for your attention to these comments.

Sincerely,



Jennifer Bragar
President

cc: Nick Lelack, Deschutes County Planning Director (VIA e-mail)

GSB:8001651.1 [13046.00117]

August 24, 2016

Via Email Delivery
c/o Brian Rankin, Principal Planner
City of Bend

Bend City Council
710 NW Wall Street
Bend, OR 97703

Deschutes County Board of Commissioners
1300 NW Wall Street
Bend, OR 97703

**RE: Public Hearing, Bend Urban Growth Boundary Remand and Testimony for the
Golden Triangle Area Consortium**

Dear City Council Members and County Commissioners:

I'm writing on behalf of the "Golden Triangle Consortium ("Consortium"), a group of property owners that collectively own 122.29 acres, or approximately 70% of the overall North Triangle Area ("Area"), a subarea of the proposed Urban Growth Boundary ("UGB"). The North Triangle Area primarily consists of large parcels and few owners. More specifically, 5 of the 7 total property owners in the Area own property approximately 20 acres, or greater, in size.

Consortium members wish to express their support for the work that's been done throughout this Urban Growth Boundary Expansion process, and their enthusiasm for inclusion. The Consortium agrees with the Area Planning Requirement for the North Triangle Area, the Area Plan policies, and those "Specific Expansion Area Policies" pertaining to the North Triangle Area. Policies 11-126 and 11-127 of this Specific Expansion Area Policies Section of the Growth Management Chapter of the Bend Comprehensive Plan are particular to the Consortium properties (See Growth Management Chapter 11, Figure 11-6 page 40). The Consortium requests that the City

Council modify the language noted in the first bullet point of Policy 11-126 to read as follows:

“The minimum number of affordable housing units shall be 25% of all housing units approved by the City on each property, provided, however, in no event shall the total number of affordable housing units required on the properties by this Policy exceed 77 affordable housing units.”

As a group of property owners working together, having offered up the affordable commitment collaboratively, it’s important for the Consortium to know and to be able to plan for their commitment in this scenario, as well as the scenario outlined in Policy 11-127. The first bullet point under Policy 11-127, reads as follows:

“The minimum number of affordable housing units shall be 77.”

The Consortium understands that the intent of this language is to provide a set, numerical unit requirement, as in the proposed change to Policy 11-126. With a key goal of serving the needs of the community, property owners request that Council consider flexibility in the planning and implementation of the housing units in order to best respond to the marketplace and ensure best development product.

The Consortium property owners have a long standing history of working together. They unified as a consortium for purposes of this UGB Expansion on the basis of common goals, particularly with respect to the development of their individual properties. They also understand the need for public facilities in order to develop their land. Recognizing an Area Plan as a vehicle to address this need, the Consortium has already taken steps to start the process, and hired Cardno, and a land use and planning team of experts, to study the North Triangle Area. The Consortium seeks support from the City Council toward their efforts, and wishes to convey their strong interests in moving the North Triangle Area Plan forward as part of this next UGB work phase. The City will benefit by the following:

- The ease of working with a majority group of property owners with one voice, who recognize the importance of working with the City and various other governing agencies to further their objectives.
- The ability to unlock size significant and regionally important land for expansion that’s controlled by property owners devoted to development, smart planning, and the delivery of community needs.
- The advantage of working with in partnership with a team of experts directed to advance the North Triangle Area Plan and assist the City with the process where possible, therefore affording the City assistance with its trial Area Plan.

- Upfront investment and fiscal contribution of property owners toward City aims.
- Prospective public facility deficiency solutions at the north end of Bend resulting from the Area Plan work.
- The fulfillment of an affordable housing commitment.
- The partnership of land owners dedicated to working with the City of Bend to meet Statewide and local community goals.

The Consortium demonstrated their commitment to the community over these past several months and during this UGB Expansion process through active participation, testimony, neighborhood engagement, and various contributions, including the following:

- Worked with various Technical Advisory Committee members and City Staff to help bring affordable housing forward as a priority.
- Acted in support of this UGB Expansion by underscoring certain Statewide Goals and emphasizing particular community needs.
- Made a deliberate Policy commitment to affordable housing, as part of this proposed Bend Comprehensive Plan.
- Worked closely with neighbors in the surrounding rural neighborhood on matters of land use to help ensure highest and best Area compatibility.
- Worked closely with neighbors in the surrounding rural neighborhood on matters of transportation regarding neighborhood preservation and safety concerns.

Consortium members are apprehensive about next steps, however. City focus and funding are critical to their endeavors and essential to bringing about the complete community vision targeted for the North Triangle Area. To this end, the Consortium requests an affirmative commitment to support the efforts of the Consortium and the development of the North Triangle Area. I'm pleased to accept response to the above noted requests on behalf of the Golden Triangle Area Consortium.

Very truly yours,



Ann Marie Colucci
Representative

annmarie@bendpatrick.com
(541) 749-8447

cc: Tammy Lamb; Richard Carpenter; Jelinda Carpenter; John McGilvary; John Smallwood; Ryan Bell; Michael Robinson; Seth King; Kevin Brady; Jerry Mitchell

Damian Syrnyk

To: Brian Rankin
Subject: RE: UGB - Procedural Issues

From: Victor Chudowsky
Sent: Tuesday, August 23, 2016 3:53 PM
To: Gary Firestone <gfirestone@bendoregon.gov>
Cc: Mary Winters <mwinters@bendoregon.gov>; Brian Rankin <brankin@bendoregon.gov>
Subject: Re: UGB - Procedural Issues

I have no conflicts of interest.

Thx

Vic

Sent from my iPad

On Aug 23, 2016, at 2:40 PM, Gary Firestone <gfirestone@bendoregon.gov> wrote:

The City and the County are trying to make sure that we apply the same or parallel procedures in the UGB adoption process. Part of the coordinated process is to obtain disclosures from the decision-makers relating to conflict of interest (which the County typically includes even in legislative land use hearings). Rather than spending time at the hearing to go through conflicts, we are asking Council Members to declare whether they have a conflict by responding to this email. The responses will be included in the record. Unless there was an actual conflict of interest, nothing further is needed.

To remind the council, a conflict of interest under state law involves action by a decision maker on action that would (actual) or could (potential) result in a financial benefit to the decision-maker, a family member, or a business with which the decision-maker or family member is associated.

However, it is not a conflict of interest if the financial interest is the same as the financial interest of a large number of people (the class exemption). If an action affects a large number of people in the same way, a decision-maker can act even if there may be some financial benefit. An example of the class exemption would be if a Council Member owns RS property and the Council takes action that makes it easier (less costly) to develop RS property, the Council Member could participate in the decision because there are many RS property owners and the benefit is available to all members of the class of RS property owners.

In the context of the UGB, decisions on efficiency measures and similar development code changes would fall within the class exemption.

However if there were to be a discussion of whether a specific property owned by a Council Member would be brought into the UGB such within an area proposed for expansion, that is a conflict of interest that would have to be disclosed.

Please respond only to Mary, Brian and me and let us know if you have any conflicts. We are assuming that since Council has acted at the UGB Steering Committee and no issue has been identified that there are no concerns, but we are taking this extra precaution prior to the UGB hearings on Thursday.

Please let me know if you have questions.

Gary

Gary Firestone
Assistant City Attorney
City of Bend
541-693-2124

Damian Syrnyk

To: Brian Rankin
Subject: RE: UGB - Procedural Issues

From: Jim Clinton
Sent: Tuesday, August 23, 2016 4:07 PM
To: Gary Firestone <gfirestone@bendoregon.gov>
Cc: Mary Winters <mwinters@bendoregon.gov>; Brian Rankin <brankin@bendoregon.gov>
Subject: Re: UGB - Procedural Issues

Gary,

No, I do not have an actual or a potential conflict of interest with regard to the UGB.

Jim Clinton

From: Gary Firestone
Sent: Tuesday, August 23, 2016 2:40:21 PM
To: CouncilMember
Cc: Mary Winters; Brian Rankin
Subject: UGB - Procedural Issues

The City and the County are trying to make sure that we apply the same or parallel procedures in the UGB adoption process. Part of the coordinated process is to obtain disclosures from the decision-makers relating to conflict of interest (which the County typically includes even in legislative land use hearings). Rather than spending time at the hearing to go through conflicts, we are asking Council Members to declare whether they have a conflict by responding to this email. The responses will be included in the record. Unless there was an actual conflict of interest, nothing further is needed.

To remind the council, a conflict of interest under state law involves action by a decision maker on action that would (actual) or could (potential) result in a financial benefit to the decision-maker, a family member, or a business with which the decision-maker or family member is associated.

However, it is not a conflict of interest if the financial interest is the same as the financial interest of a large number of people (the class exemption). If an action affects a large number of people in the same way, a decision-maker can act even if there may be some financial benefit. An example of the class exemption would be if a Council Member owns RS property and the Council takes action that makes it easier (less costly) to develop RS property, the Council Member could participate in the decision because there are many RS property owners and the benefit is available to all members of the class of RS property owners.

In the context of the UGB, decisions on efficiency measures and similar development code changes would fall within the class exemption.

However if there were to be a discussion of whether a specific property owned by a Council Member would be brought into the UGB such within an area proposed for expansion, that is a conflict of interest that would have to be disclosed.

Please respond only to Mary, Brian and me and let us know if you have any conflicts. We are assuming that since Council has acted at the UGB Steering Committee and no issue has been identified that there are no concerns, but we are taking this extra precaution prior to the UGB hearings on Thursday.

Please let me know if you have questions.

Gary

Gary Firestone
Assistant City Attorney
City of Bend
541-693-2124

Damian Syrnyk

From: Brian Rankin
Sent: Wednesday, August 24, 2016 7:34 PM
To: Damian Syrnyk
Subject: FW: UGB - Procedural Issues

From: Casey Roats
Sent: Wednesday, August 24, 2016 6:02 PM
To: Gary Firestone <gfirestone@bendoregon.gov>; Mary Winters <mwinters@bendoregon.gov>; Brian Rankin <brankin@bendoregon.gov>
Subject: Re: UGB - Procedural Issues

To the best of my knowledge, I have no known conflicts of interest that need to be declared prior to our meeting on Thursday.

From: Gary Firestone
Sent: Tuesday, August 23, 2016 2:40:21 PM
To: CouncilMember
Cc: Mary Winters; Brian Rankin
Subject: UGB - Procedural Issues

The City and the County are trying to make sure that we apply the same or parallel procedures in the UGB adoption process. Part of the coordinated process is to obtain disclosures from the decision-makers relating to conflict of interest (which the County typically includes even in legislative land use hearings). Rather than spending time at the hearing to go through conflicts, we are asking Council Members to declare whether they have a conflict by responding to this email. The responses will be included in the record. Unless there was an actual conflict of interest, nothing further is needed.

To remind the council, a conflict of interest under state law involves action by a decision maker on action that would (actual) or could (potential) result in a financial benefit to the decision-maker, a family member, or a business with which the decision-maker or family member is associated.

However, it is not a conflict of interest if the financial interest is the same as the financial interest of a large number of people (the class exemption). If an action affects a large number of people in the same way, a decision-maker can act even if there may be some financial benefit. An example of the class exemption would be if a Council Member owns RS property and the Council takes action that makes it easier (less costly) to develop RS property, the Council Member could participate in the decision because there are many RS property owners and the benefit is available to all members of the class of RS property owners.

In the context of the UGB, decisions on efficiency measures and similar development code changes would fall within the class exemption.

However if there were to be a discussion of whether a specific property owned by a Council Member would be brought into the UGB such within an area proposed for expansion, that is a conflict of interest that would have to be disclosed.

Please respond only to Mary, Brian and me and let us know if you have any conflicts. We are assuming that since Council has acted at the UGB Steering Committee and no issue has been identified that there are no concerns, but we are taking this extra precaution prior to the UGB hearings on Thursday.

Please let me know if you have questions.

Gary

Gary Firestone
Assistant City Attorney
City of Bend
541-693-2124

Damian Syrnyk

To: Brian Rankin
Subject: RE: UGB - Procedural Issues

From: Gary Firestone
Sent: Wednesday, August 24, 2016 11:36 AM
To: Mary Winters <mwinters@bendoregon.gov>; Brian Rankin <brankin@bendoregon.gov>
Subject: FW: UGB - Procedural Issues

From: Doug Knight
Sent: Wednesday, August 24, 2016 11:34 AM
To: Gary Firestone <gfirestone@bendoregon.gov>
Subject: Re: UGB - Procedural Issues

Gary:
I have no conflicts,
-Doug

From: Gary Firestone
Sent: Tuesday, August 23, 2016 2:40:21 PM
To: CouncilMember
Cc: Mary Winters; Brian Rankin
Subject: UGB - Procedural Issues

The City and the County are trying to make sure that we apply the same or parallel procedures in the UGB adoption process. Part of the coordinated process is to obtain disclosures from the decision-makers relating to conflict of interest (which the County typically includes even in legislative land use hearings). Rather than spending time at the hearing to go through conflicts, we are asking Council Members to declare whether they have a conflict by responding to this email. The responses will be included in the record. Unless there was an actual conflict of interest, nothing further is needed.

To remind the council, a conflict of interest under state law involves action by a decision maker on action that would (actual) or could (potential) result in a financial benefit to the decision-maker, a family member, or a business with which the decision-maker or family member is associated.

However, it is not a conflict of interest if the financial interest is the same as the financial interest of a large number of people (the class exemption). If an action affects a large number of people in the same way, a decision-maker can act even if there may be some financial benefit. An example of the class exemption would be if a Council Member owns RS property and the Council takes action that makes it easier (less costly) to develop RS property, the Council Member could participate in the decision because there are many RS property owners and the benefit is available to all members of the class of RS property owners.

In the context of the UGB, decisions on efficiency measures and similar development code changes would fall within the class exemption.

However if there were to be a discussion of whether a specific property owned by a Council Member would be brought into the UGB such within an area proposed for expansion, that is a conflict of interest that would have to be disclosed.

Please respond only to Mary, Brian and me and let us know if you have any conflicts. We are assuming that since Council has acted at the UGB Steering Committee and no issue has been identified that there are no concerns, but we are taking this extra precaution prior to the UGB hearings on Thursday.

Please let me know if you have questions.

Gary

Gary Firestone
Assistant City Attorney
City of Bend
541-693-2124

Damian Syrnyk

From: Brian Rankin
Sent: Wednesday, August 24, 2016 2:16 PM
To: Damian Syrnyk
Subject: FW: UGB - Procedural Issues

From: Sally Russell
Sent: Wednesday, August 24, 2016 2:04 PM
To: Gary Firestone <gfirestone@bendoregon.gov>
Cc: Mary Winters <mwinters@bendoregon.gov>; Brian Rankin <brankin@bendoregon.gov>
Subject: Re: UGB - Procedural Issues

I have no conflicts of interest regarding the City of Bends UGB proposal.
Sally

Sally Russell
Mayor Pro Tem
Bend City Council
541-480-8141

On Aug 23, 2016, at 2:40 PM, Gary Firestone <gfirestone@bendoregon.gov> wrote:

The City and the County are trying to make sure that we apply the same or parallel procedures in the UGB adoption process. Part of the coordinated process is to obtain disclosures from the decision-makers relating to conflict of interest (which the County typically includes even in legislative land use hearings). Rather than spending time at the hearing to go through conflicts, we are asking Council Members to declare whether they have a conflict by responding to this email. The responses will be included in the record. Unless there was an actual conflict of interest, nothing further is needed.

To remind the council, a conflict of interest under state law involves action by a decision maker on action that would (actual) or could (potential) result in a financial benefit to the decision-maker, a family member, or a business with which the decision-maker or family member is associated.

However, it is not a conflict of interest if the financial interest is the same as the financial interest of a large number of people (the class exemption). If an action affects a large number of people in the same way, a decision-maker can act even if there may be some financial benefit. An example of the class exemption would be if a Council Member owns RS property and the Council takes action that makes it easier (less costly) to develop RS property, the Council Member could participate in the decision because there are many RS property owners and the benefit is available to all members of the class of RS property owners.

In the context of the UGB, decisions on efficiency measures and similar development code changes would fall within the class exemption.

However if there were to be a discussion of whether a specific property owned by a Council Member would be brought into the UGB such within an area proposed for expansion, that is a conflict of interest that would have to be disclosed.

Please respond only to Mary, Brian and me and let us know if you have any conflicts. We are assuming that since Council has acted at the UGB Steering Committee and no issue has been identified that there are no concerns, but we are taking this extra precaution prior to the UGB hearings on Thursday.

Please let me know if you have questions.

Gary

Gary Firestone
Assistant City Attorney
City of Bend
541-693-2124

The following is an example of a model agreement pertaining to the voluntary Covenants, Conditions, and Restrictions for affordable housing.

After Recording Return To:

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
AND CONTRACT UNDER ORS 456.270 TO 256.295**

This declaration of covenants, conditions and restrictions ("Declaration") is made by _____, an Oregon _____, ("Declarant").

RECITALS

A. Declarant is the Owner of all the real property described as : _____ (the "Property").

B. The City of Bend ("City") is considering expanding its urban growth boundary ("UGB") and is considering Declarant's request to have the property included within the expanded UGB.

C The City has a need for additional affordable housing beyond what is or can be provided within the existing UGB. Therefore, one consideration for inclusion of property in the expanded UGB is the extent to which the property will meet the need for affordable housing.

D. Declarant has committed to ensuring that a portion of the Property will be developed with affordable housing if the Property is included in the UGB expansion.

E. Declarant and City agree that because this Declaration is enforceable by the City, it constitutes a contract made by a public body and is a "subsidy" as that term is defined in ORS 456.270(6)(a).

F. The Property shall be held, transferred, sold, conveyed, and occupied subject to the terms of this Declaration and the following covenants, conditions, restrictions and easements, which shall run with the land, which shall be binding on all parties having or acquiring any right, title, or interest in the Property or any part thereof, and may be enforced by the City as an eligible covenant holder under ORS 456.270 to 456.295.

DECLARATION:

1. **Affordable Housing Definition.** “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Affordable housing unit” means a dwelling unit that is affordable to households earning up to a specified percentage of the Bend Area Median Income (i.e. 30%, 50%, 60%, 80% AMI), as defined by the most recent published Federal Department of Housing and Urban Development (HUD) income limits for the Bend-Redmond Metropolitan Statistical Area (Bend MSA).

In the case of an “affordable housing units for sale”, housing costs include mortgage, amortized interest, taxes, insurance, and condominium or association fees, if any, at no more than 30 percent of the household’s gross household income.

In the case of an “affordable housing unit for rent”, housing costs include rent and utilities, at not more than 30 percent of the household’s gross household income.

As used in this section, “affordable housing unit for rent” means housing costs are affordable to persons at or below 60% of Area Median Income, and “affordable housing unit for sale” means housing costs are affordable to persons at or below 80% of Area Median Income, as defined by HUD for the Bend MSA.

2. **Affordable Housing Requirement.** The sale and subsequent resales of any affordable housing unit developed to meet the requirements under this section shall include a deed restriction requiring that it shall remain affordable (as defined in Section 1, above) while this Declaration remains in effect.
 - a. At least ____ percent of all dwelling units developed on the Property shall be developed as affordable housing units at ____ AMI.
 - b. The following types of dwellings are considered “multifamily” dwelling units for purposes of determining the number of affordable housing units required to be provided under this agreement:
 - i. Multifamily dwelling unit. Housing that provides four or more dwellings on an individual lot or parcel (e.g., multi-plexes, apartments, condominiums, etc.). The residential units may be located in a mixed-use building, which is a mix of residential and commercial uses. Duplex dwelling units. Two dwelling units, attached or detached, on one lot or parcel. Triplex dwelling units. Three dwelling units, attached or detached or both, on one lot or parcel.
 - c. The following types of dwellings are considered “single family” and not multifamily dwelling units for purposes of determining the number of affordable housing units required to be provided under this agreement:

- i. Single-family attached townhome. Single-family dwelling units each on its own lot or parcel, sharing a common side wall at the property line.
 - ii. Single-family detached dwelling unit. A single-family dwelling on its own lot or parcel that does not share a wall with any other building.
 - d. Other types of dwelling units not described in this agreement will be defined according to the Bend Development Code. The affordable housing requirements may be applied to other types of dwelling units with the agreement of the City.
3. **Planning Requirement.** The number, location, and type of affordable housing units, and binding agreements with affordable housing providers to construct the affordable housing units, shall be specified in land use applications preceding the issuance of any building permits on the Property, to demonstrate the terms of this agreement will be met. Land use applications include, but not limited to, Master Plan Development, Annexation, Land Divisions, Site Plans, Refinement Plans, and Special Planned Districts. Land use decisions shall impose conditions enforcing the affordable housing specifications included in the application as provided by this section.
4. **Phasing Requirement.** The affordable housing requirement shall be met in proportion to the development of the Property as specified by this section. Percentages of development on the Property are measured by the numbers of dwelling units and any non-residential square footage specified in land use applications as provided in Section 3. The project phasing and construction will be planned and approved so at least 50% of the affordable housing units required under the affordable housing requirement are constructed with the first 50% of the development on the Property. The remaining affordable housing units required by this agreement shall be constructed prior to the city issuing Certificates of Occupancy for 75% of development on the Property. Building permits for development other than development related to meeting the affordable housing requirement in Section 2 will not be issued by the city for the remaining 25% of the Property to be developed unless the affordable housing requirement is met.
5. **Transfer, Leasing and Subletting.** No transfer, including any assignment, lease or sublease of any unit developed as an affordable housing unit under this Declaration shall be at a price or rate that does not meet the affordability standard of Section 1. If a unit developed as an affordable housing is rented to two or more tenants or subtenants, the total rent charged shall be at a rate that meets the affordability standard of Section 1.
6. **Successor Interest.** This Declaration is appurtenant to and shall run with the Property.

7. **Waiver.** The failure by City or other beneficiary of this Declaration at any time to require strict performance of any provision of this Declaration shall not be a waiver of or prejudice the right to subsequently enforce that provision or any other provision of this Declaration.

8. **Severability.** Invalidation of any one of these covenants, conditions, or restrictions by judgment or court order shall not affect the other provisions and the same shall remain in full force and effect.

9. **Duration.** The covenants, conditions, and restrictions of this Declaration shall run with and bind the land.

10. **Termination.** This Declaration shall be terminated and cease to have any effect if the Property is not brought within the UGB by _____. If the Property is brought into the UGB, this Declaration may be terminated only with the written agreement of the City.

11. **Enforcement.** Monetary damages would not be an adequate remedy because an award of monetary damages would not further the identified need of providing affordable housing. The parties agree that specific enforcement and other equitable relief is appropriate to enforce the provisions of this Declaration.

DECLARANT

Date: _____

STATE OF OREGON)
County of Deschutes)

This instrument was acknowledged before me on _____ by
_____, as _____ of _____.

Notary Public for Oregon

ACCEPTEED AND AGREED TO BY THE CITY OF BEND

Date: _____

STATE OF OREGON)
County of Deschutes)

This instrument was acknowledged before me on _____ by
_____, as _____ of _____.

Notary Public for Oregon

Draft

Damian Syrnyk

From: Bill Allen <viewhiker@gmail.com>
Sent: Thursday, August 25, 2016 10:04 AM
To: Damian Syrnyk
Subject: Bend UGB Expansion

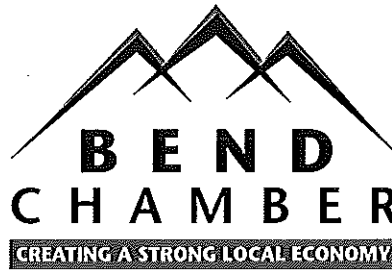
Damian - I am a Bend resident and I fully support the Central Oregon Landwatch plan to limit the size of any proposed UGB expansion and concentrate fully on better using existing land within the current UGB for better, more concentrated and more diversified housing within the current city core. By "better" I mean taking active steps to 1) limit sprawl, 2) encourage car-alternate transportation like walking, transit and biking, 3) provide a mix, going to multiple stories if need be, of housing options for all income levels, 4) providing easy, walking access to food and other retail stores from pretty much everywhere in the city.

I saw their presentation last week at the East Bend Library and was intrigued for instance by the Central District makeover, I think it could have some potential. Its proximity to the BNSF tracks, though, kind of diminishes its attractiveness, but adequate soundproofing could mitigate any noise problem.

What we DON'T want, or need, is a kind of Phoenix AZ sprawl, especially towards the east, which is really our only option, with busy streets and a necessity of using your car to get anywhere in our fair city. We have the opportunity to make a growing Bend a much more livable place, we don't want to blow it.

Thank you,

Bill Allen



August 24, 2016

To: Bend City Council and Deschutes County Board of Commissioners

Re: Bend's UGB Proposal August 25, 2016

The Bend Chamber of Commerce is deeply appreciative and applauds the extensive work done with Bend's Urban Growth Boundary (UGB) Remand Project. From City of Bend staff and council to the countless hours given by volunteers of the Steering Committee and three UGB Technical Advisory Committees (TACs), we are grateful an earnest and viable proposal is placed before you today.

We ask that you join us in support of the changes submitted before you with an adoption of this UGB Remand proposal. Passage of the UGB would provide more opportunities for housing residents and workers, land for jobs in targeted sectors and industries where Bend has strong employment growth, and creating more certainty for the future. These are all significant needs for not only our members but also our community at large.

The next round of infrastructure projects and improvements are needed in order to adequately produce and move goods and people. Thus, the UGB completion sets us up for addressing these and eliminates uncertainty for investments while providing the new codes that will support our economy, yet still be innovatively mindful of the people who live, work and play here.

Plus, it is important to get this 10 years' worth of work completed now so we finally get out ahead and plan for the inevitable growth that will happen in Bend. This means we need to start now in planning for our Urban Area Reserve lands. The diversity of our upcoming "new economy workers" will need us to be looking forward with this kind of planning.

In closing, we again thank all the volunteers, staff and council for the countless hours and breadth of creative work for this project. We also appreciate your time and consideration in this testimony of support from us today.

Respectfully,

Jamie Christman

EVP, Community Affairs

Bend Chamber of Commerce

Damian Syrnyk

From: Gregg Heacock <logicconex@gmail.com>
Sent: Thursday, August 25, 2016 11:17 AM
To: Damian Syrnyk
Subject: Urban Growth Boundary & Densification

Dear Damian Syrnyk,

While I am familiar with the benefits of densification, I have moved here from Santa Monica, California, where the residents of that city have suffered gravely from planning serving developers that ignored the welfare of the community. Because most development involves city planners helping developers bring their proposals forward in a way that allows them to get the votes needed for construction to begin and because the densification and the need for affordable housing often encourages people to allow developers certain leeway, residents and the community as a whole often suffer as a result. Because we have just bought a home in the Northwest Crossing area, we a possible decline in our quality of life as well as a decline of the value of our property as a possible consequence of decisions made that might benefit developers more than the community being developed.

My first concern is the height allowed for buildings. In a town where most construction never goes beyond 2 stories, we already see the erection of 3-story apartment buildings blocking our view of waterways, mountains, and sunsets. Sunshine rights are ignored and the importance of air flow is seldom even considered. Often, walls can be so thin, rooms can be so small, and outdoor recreational space so limited that what is built is often not sustainable because living in such places is only desirable for those who have no other options. City planners can set standards ahead of time that could prevent this from happening. I encourage you to do so.

Densification can also have a negative effect on the city's circulation element. When traffic flow is fairly light, as it has usually been around the city, roundabouts are particularly effective. However, when traffic is becomes heavier, as will happen with densification, roundabouts can become bottlenecks. This can negatively effect businesses, create problems for families picking up or dropping off children for school, and discourage people from exploring all parts of the city.

These are not issues that can be easily worked out over time. They call for decisions being made long before developers submit their plans. Putting height restrictions in place, setting standards for construction, and determining how much traffic our roads can bear without compromising their natural flow are steps that must be taken before Bend extends it boundary for urban growth. By laying down ahead of time the standards for expansion, city planners can actually plan the growth of our city rather than helping developers pass plans that could do more bad than good for people who live, work, and conduct their business in and around the City of Bend.

Respectfully,

Gregg Heacock

2499 NW High Lakes Loop
Bend, OR 97703
310-625-0946
<logicconex@gmail.com>

Damian Syrnyk

From: Robyn Christie
Sent: Thursday, August 25, 2016 9:40 AM
To: Damian Syrnyk
Subject: FW: I support the UGB Proposal

-----Original Message-----

From: Mary Ann Kruse [mailto:junehog9@yahoo.com]
Sent: Wednesday, August 24, 2016 10:14 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject: I support the UGB Proposal

These are reasons I support the UGB proposal:

- * 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.

M.A. Kruse
junehog9@yahoo.com <mailto:junehog9@yahoo.com>

"You can best serve civilization by being against what usually passes for it." Wendell Berry

Damian Syrnyk

From: Robyn Christie
Sent: Thursday, August 25, 2016 9:40 AM
To: Damian Syrnyk
Subject: FW: Bend UGB Proposal support

-----Original Message-----

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

Damian Syrnyk

From: Paul Nylander <prnyl@aol.com>
Sent: Thursday, August 25, 2016 11:33 AM
To: Damian Syrnyk
Cc: Nick.Lelack@deschutes.org
Subject: UGB Hearings Input

Hi Damian:

A few comments as to the UGB expansion issue:

1. If you really needed an 8,000 acre expansion and the state came back and mandated 2,000 have you tried a middle ground justification- say 4-5,000? Do you have a middle ground justification?
2. The expansion " upward " allegedly required by the State will destroy Bend especially as to Bend's extremely lax parking requirements for developers not having to accommodate new development parking on site and instead allow the overflow parking from the new development to accumulate on already overcrowded street parking areas. How will you handle the amount of infill developments on so-called underdeveloped City lots as to parking and zoning? Require the developers to put 100% of parking needed on the lot or just HOPE the new development residents will find other places to park in those affected neighborhoods? Until you look hard at the parking issue and potential good solutions expect a plethora of lawsuits as to each of these infill developments. Also expect that the zoning implications of residents owning for years in a single family zoned area and the City wanting to allow multi family in those single family areas with the excuse the State is mandating more multi family to bring intense litigation delays and expenses.
3. Look at obvious parking deck opportunities such as Troy Field seriously and use eminent domain if you need to in order to bring those parking decks to fruition; 4. My wife and I relocated from the Midwest 3 plus years ago to Bend. In the Midwest there were much stricter urban and suburban parking requirements on developers plus parking enforcement was daily- if your car is parked longer than one day in a no parking zone you were seriously fined and in addition to the fine towed at your expense. We need more of that here in Bend, especially downtown, where everyone parks where they want- legal or not-as they know the police will do nothing about it for at least five days; 5. Finally please look at large tract underdeveloped areas in conjunction with tax increment financing and other tax relief or exemption related projects for current corporate and individual landowners and developers - many suburban expansion projects in the Midwest were launched thru long standing large tract property owners getting good tax incentives to sell and develop their properties.

As a former member of a City planning and economic development commission for 12 years in a suburban city located west of Chicago the most important thing you can do as a city such as Bend in facing a growth mandate from the state is to make sure the plan you develop meets the needs of a majority of the citizens of Bend . It is good you are meeting with the County to co-solicit input from all on this issue. Good luck and PLEASE look hard at your parking policies and enforcement as an integral part of this plan for nothing destroys good intent and effort in development more easily than poor parking policy and enforcement - especially in a City like Bend with its 20,000 plus visitors daily wondering where do we park and raising the ire of all current property owners who fund growth in this City thru their taxes .

Thanks for listening!

Sincerely

Paul R. Nylander
60579 7th Mountain Drive
Bend, OR 97702
309 550 8835
prnyl@aol.com

Damian Syrnyk

From: Robyn Christie
Sent: Thursday, August 25, 2016 9:40 AM
To: Damian Syrnyk
Subject: FW: I support the UGB Proposal

-----Original Message-----

From: Amy Wheat [mailto:amydougweare@att.net]
Sent: Monday, August 22, 2016 10:19 AM
To: CouncilAll <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