

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 30, 2016 2:54 PM
To: Damian Syrnyk
Subject: FW: COLW Comments on City of Bend 2016 UGB Proposal

From: Carol Macbeth [mailto:carol@centraloregonlandwatch.org]
Sent: Wednesday, August 24, 2016 7:54 PM
To: Moey Newbold <moey@centraloregonlandwatch.org>
Cc: CouncilAll <councilall@bendoregon.gov>; Brian Rankin <brankin@bendoregon.gov>; Paul Dewey <paul@deweylaw.net>; Kori Sparks <kori@centraloregonlandwatch.org>; Carol Macbeth <carol@centraloregonlandwatch.org>
Subject: Re: COLW Comments on City of Bend 2016 UGB Proposal

Moey,

Great comments! I also think Exhibit 3 from Paul and Kirk together is eye-catching and will make a strong impression on the councilors!

Best,

Carol

On Wed, Aug 24, 2016 at 2:24 PM, Moey Newbold <moey@centraloregonlandwatch.org> wrote:

Dear Councilors,

Please accept Central Oregon LandWatch's public comments regarding Bend's 2016 UGB proposal. There are several more attachments which I will send in three additional emails and also drop a disc off this afternoon.

Thank you,
Moey Newbold

Moey Newbold

Central Oregon LandWatch

moey@centraloregonlandwatch.org

office: [541-647-2930](tel:541-647-2930) cell: [541-480-8066](tel:541-480-8066)

www.centraloregonlandwatch.org/

| Sign up to get email updates by [clicking here!](#)

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 30, 2016 2:50 PM
To: Damian Syrnyk
Subject: FW: UGB Application

Follow Up Flag: Follow up
Flag Status: Flagged

[Making sure you got this one.](#)

From: The Minors [mailto:geovick92@yahoo.com]
Sent: Sunday, August 28, 2016 6:57 PM
To: dsymyk@bendoregon.gov; CouncilAll <councilall@bendoregon.gov>
Subject: UGB Application

I am contacting you about the property owned by the Coats Family that has been included in the proposed UGB expansion plan. This property was initially rejected, but for reasons I am not sure of was included at a point where there was little time for more discussion from the community. It is my understanding that part of this whole process was created to ensure the protection of wild life habitat. This property is utilized as a winter home for a fairly large elk herd. Also, its proximity to Shevlin Park and surrounding forested areas create a serious wild fire concern, not suitable for neighborhood development. I would strongly suggest that consideration be given to remove this property from any UGB planning.

George & Victoria Minor
19184 Park Commons Drive
Bend, OR 97703

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 30, 2016 2:31 PM
To: Damian Syrnyk
Subject: FW: I support the UGB Proposal
Attachments: TFSignedProclamation.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nunzie [mailto:nunzie@pacifier.com]
Sent: Thursday, August 25, 2016 9:04 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject: I support the UGB Proposal

Testimony for this evening's 6-9pm public hearing regarding UGB on remand.
Greetings City Councilors and County Commissioners.
Recent livability discussions seem to favor tourists over locals. This is cause for pause.
We need a community that meets our current population needs not one focussed on amassing more to sell more to draw more at the expense of current populations.

Livability is the largest issue facing this decade in Bend. Because of this please consider:
Adopting the UGB expansion as proposed since it is the smallest and it meets state law criteria.
The City has huge growing pains of unbuilt sidewalks, undelivered sewer service and un housed residents.
This decade your decision can make a change.

The smallest UGB allows the City of Bend to catch up on these infrastructure needs. This UGB as proposed keeps our community fire wise and away from our drying out forests to the west which continue each year to pose fire risk for our entire city and county. This UGB allows for densities to accommodate growth, housing, industry and commerce. I would like to add two bits of discussion that I don't believe have been raised:

Historic Preservation

In the construct of the Bend Central District, it is imperative for historic preservation to be honored and respected according to the national park service standards which govern. Additionally, where properties are eligible for national registry listing, those properties should be acknowledged in Bend's Comprehensive Plan. One example of this is Troy Field at 690 NW Bond street. Troy Field has been open space since 1907 and is recognized by the City of Bend's centennial celebration Heritage Walk Plaque that was placed at the property's NW corner in 2006. I encourage you to add Troy Field as a park in your comprehensive Plan since it has been used as open space by our schools, parks and community for more than 50 years; additionally Troy Field is deserving of a Goal 5 historic designation in our Comprehensive Plan. This was delivered to the city mayor on May 4, 2016 on the day that the City of Bend read it's own historic preservation proclamation at the onset of May 2016 National Historic Preservation Month (see attached). Whatever you do: Don't Pave paradise (Troy Field) to put up a parking lot.

Much of what you are hearing about livability has to do with complete streets and parks. Troy Field provides the only open space opportunity within service area #19 which lies within the borders of the East side of Bond,

the south side of Franklin, the north side of Colorado and the west side of the Bend parkway. Troy Field acts as a downtown park and open space for residents, visitors and employees of downtown. For this reason, this open space should be identified in this UGB as open space in your plan today.

City of Bend Park and Ride Lots

If transit is to be successful, the City of Bend needs to identify park and ride lots that segway to transit. **Today there are no city of bend park and ride lots at all.** This must change for a well planned city. Additionally the railroad needs to carry passengers. This happened for 50+ years in Bend and a placeholder must be figured for this metropolitan way of transporting people. There is no successful city in our world that does not use the train for moving people. Imagine Beer Train, Ski Train, Commute Train from LaPine thru Bend to Madras... Planning a park and ride lot adjacent to an existing rail spur is a very good investment in planning for our growing city.

Best, Nunzie Gould

Nunzie Gould, property owner in City of Bend
541-420-3325, no text



Proclamation
Troy Field

WHEREAS Troy Field has been used as a public gathering place and sports field in Bend since 1907;

WHEREAS Troy Field was used to celebrate National Railroad Day in 1911;

WHEREAS Troy Field predates both Mirror Pond (1910) and Drake Park (1920) in Bend;

WHEREAS Troy Field was flooded for ice skating by the City of Bend in the 1940s and 1950s;

WHEREAS Troy Field was historically used by both Bend Public Schools and St. Francis Catholic School as a sports and recreational field;

WHEREAS Troy Field has served and continues to serve residents of Bend;

WHEREAS Troy Field continues to function as an unofficial park and is used for a variety of sports activities as well as a staging area for civic events;

THEREFORE Troy Field in Bend is recognized as a historically significant site worth preserving in its present state for the enjoyment of residents and visitors alike; and

THEREFORE City Council is requested to direct its staff to do the work necessary to include Troy Field as a significant historical site in the Bend Area General Plan.

Presented to Bend City Council on May 4th, 2016, in concert with National Historic Preservation Month by Beth Hoover on behalf of the Save Troy Field Group.



Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 30, 2016 2:31 PM
To: Damian Syrnyk
Subject: FW: I support the UGB Proposal

Follow Up Flag: Follow up
Flag Status: Flagged

From: brett yost [mailto:beyost@gmail.com]
Sent: Sunday, August 28, 2016 1:19 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject: I support the UGB Proposal

I support more density, walkable mixed use neighborhoods, transportation alternatives and smart growth. Reducing sprawl and auto dependence while providing affordable housing options is critical to Bend's immediate future. For these reasons, I support the UGB proposal.
thank you,
Brett Yost

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 30, 2016 2:30 PM
To: Damian Syrnyk
Subject: FW:

Follow Up Flag: Follow up
Flag Status: Flagged

From: Sherie Browning [mailto:sherbend@gmail.com]
Sent: Monday, August 29, 2016 1:29 PM
To: CouncilAll <councilall@bendoregon.gov>
Subject:

Uncontrolled growth in Bend

S



Sherie Browning
to me
1 hour ago
[Details](#)

I have lived here for 25 years, and what I see happening to Bend makes me very sad!!

Know we are grappling with our growth, but in my opinion with many other residents, we feel the city of Bend is doing a Very poor job in getting a handle on runaway growth. What many of us see happening is our way of life, why we moved here, being taken away from us.

It seems the developers are controlling Bend. There once was an ordinance where every development had to have a green area where 50 or so homes were built That no longer exists. Also we use to have an ordinance where no building could be higher than 3 stories. That no longer exists. I could go on. But the developers cry poor mouth, so the City backs down and change the ordinances. There seem to be no architectural guidelines for all the apartments, low cost housing. A prime example is near Worthy. There is now a hodge podge of buildings crammed together that look terrible. This just shows you where Bend is heading. Developers seem to take no pride in their developments. The only thing they care about is the almighty buck. Infill has become a Very negative word. The reason being the developers can raze the land, take down All beautiful trees, and then build a sterile development.

To the citizens of Bend it seems the City doesn't care that Bend is going in the wrong direction. The developers are able to build their subdivisions without the infrastructure needed for their homes. I see where the New UGB map shows a large area SE 27th , which will feed onto Reed Mkt Rd. This road is already dealing with more traffic that it can handle during different times of the day. What is the city thinking?

Affordable housing is on your agenda. I have trouble with this when once again developers are able to erect homes/condos/apartments that again only add blight to our beautiful city.

This uncontrolled growth is changing Bend into a place where we wonder why our city isn't doing something to protect us from runaway growth. It has to slow down!! It's leaving razed land with only sticks erected and people having to drive on snarled, potholed roads.

There's so much more to say here. But I leave you in saying this, "please save our beautiful city from runaway growth. It has to stop before it ends up looking like what we left behind before we moved to our wonderful community of Bend.

Sincerely,
Sherie shirley

Reply
Forward
cancelled trip
S



6:35 am

me, moonstrk96 (3)

Yes, I will be home. Vesta and Steve are very healthy. Maybe there's something in all the natural stuff they take. She told me to douche with Colodial Silver. Talk later. Love, Sher On Monday,

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 30, 2016 2:28 PM
To: Damian Syrnyk
Subject: FW: UGB and Growth

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jim Clinton
Sent: Monday, August 29, 2016 11:23 AM
To: Tom Ponte <tponte.is@gmail.com>; CouncilAll <councilall@bendoregon.gov>
Subject: Re: UGB and Growth

Tom,

Sure. According to state statutes, Cities are required to perform a great deal of planning regarding growth. Every City in Oregon is required to predict their population for the next 20 years, figure out where this population is going to be accommodated, both in housing and employment, and to provide the infrastructure to facilitate the required new development. The heart of this required planning is to provide the necessary land and infrastructure within a compact UGB.

Cities that do not maintain a "20 year land supply" and associated infrastructure within their UGBs are in violation of the law.

So Oregon's storied land use system is "pro-growth" in that Cities must accommodate whatever growth is brought on by the private development and construction industries. It is also "anti-growth" in that the drawn-out and legalistic regulations make buildable land more expensive and development more time-consuming. The trick for each City is to balance private and public interests within the laws and regulations and its budget constraints to produce a City that works well for its residents and visitors. Every City can tailor the laws and regulations according to local desires as long as they work within a compact and efficient UGB that is exhaustively documented.

Jim Clinton

From: Tom Ponte <tponte.is@gmail.com>
Sent: Monday, August 29, 2016 10:41:05 AM
To: CouncilAll
Subject: UGB and Growth

In a recent Bulletin Article on the public meeting about the proposed UGB Casey Roats was quoted as saying "Growing is not a choice in the state of Oregon. We don't get to choose to grow or choose not

to grow.” Could someone please elaborate on that in terms of legal requirements for growth?

--

Tom Ponte
541 419-2113

Damian Syrnyk

From: April Ott
Sent: Tuesday, August 30, 2016 11:44 AM
To: Damian Syrnyk
Subject: FW: UGB....



April Joy Ott
Administrative Assistant
City Hall
O: 541-388-5505



From: CityManagerShared
Sent: Monday, August 29, 2016 9:46 AM
To: Eric King <eking@bendoregon.gov>
Subject: FW: UGB....

From: Mike Lovely [<mailto:enchantedforest@coinet.com>]
Sent: Sunday, August 28, 2016 9:31 PM
To: CouncilAll <councilall@bendoregon.gov>; Damian Syrnyk <damiansyrnyk@bendoregon.gov>; CityManagerShared <citymanager@bendoregon.gov>
Cc: cricketkadoch@gmail.com; geneduncan@bendbroadband.com; joek7sq@gmail.com; Kevin DesRosiers <kevind@bendbroadband.com>; Matt Kittelson <mkittelson@gmail.com>; Mike Lovely <enchantedforest@coinet.com>; Pam Nettleton <pandjnett@yahoo.com>; southwestbendna@gmail.com
Subject: UGB....

Hello Again Mayor, Councilors, Damian, and Eric, Well history is still haunting me. Tonight I am wearing two hats, my own and Southwest Bend NA. THE UGB DEBACLE.... I was on the original citizens advisory committee in 2004 (?) I knew 2000 acres was not enough and then the moneyed folks jumped in and the fat was in the fire. POOF !!! Now 8000 acres and the state says NO. I originally had 5000m acres in mind, but who listens to an old retired log scaler???? I know we cannot stop growth but it can increase at a tolerable rate, and not let the tail wag the dog. I think we should get the infrastructure "in filled" and up to date in the rest of the city. Then start adding it to the new expansion and build on that. How much road preservation could we have accomplished with all this misspent UGB money???? Also along the path of misspent money, I have maintained that we should have put the larger sewer line in on Hamby Road instead of tearing up the recently repaired and sewer install on 27th Street. I was told it was outside the city limits. DUH !!! What are intergovernmental agreements for ??? AND one day that area will be annexed to the city. A lot less traffic out there

now and more room to operate in and our crap will still reach the proper destination. We all must remember that “common sense, virginity, and personal responsibility are vanishing resources in today’s society”. Please pass this on to whomever you think necessary. Thank you for your time in reading this (and I hope you read all of it) and please respond if you feel it is necessary.

Sincerely, Mike Lovely

8/21/16

From: John Russell

To: Sally Russell

Regarding: Articles in the Bulletin and The Source on growth



The recent articles on Bend's rapid growth illustrates why so many of us are disillusioned with our political and economic leaders. Consider that Roger Lee and Tim Knopp both benefit economically by rapid population growth, as do many city and county personnel and school managers. The larger the population, the more money they are paid.

Concerns of ordinary citizens about traffic congestion, disrupted neighborhoods due to overbuilding of new units, a declining deer population due to growth and a general decline in the quality of the natural environment are ignored, or dismissed by many city leaders. A 3% or 4% growth rate is held up as desirable which, according to the "rule of 69," means our population will double every 23 years, or 170,000 by 2040. How many ordinary citizens believe that growth rate is desirable?

Mr. Abernathy needs to define what the "Bend Feel" is. Those of us who were born and raised here more than 50 years ago can testify that what ever "feel" Bend had, it is long gone. I suggest the local newspapers interview members of the Pioneer Association for a more balanced view. It is amazing how many people move to the "beautiful" town of Bend and the first thing they want to do is change things.

Some of the council members and the Bulletin seem to believe that a larger expansion of the Urban Growth Boundary will relieve population pressures and lower housing costs. When our political leadership embraced destination resorts and gated communities, we sealed the fate of housing costs. An examination of other tourist/resort towns should have allowed ~~is allowed us~~ to predict the result of becoming a resort town. The Miller Farm west of Bend was recently given special approval even though it will probably burn down and the lots are selling for hundreds of thousands of dollars. Why was it so important to approve that development?? How many local citizens can afford those lots?

Finally, we need to remember that we live in the high desert and water is a finite resource. With global warming, water may decline as we continue to experience a sky rocketing population. There does not seem to be much of a concern about this.

I know you have a thankless job as councilman, but I will not vote for a potential council member who supports, or encourages this un-sustainable growth rate, or the large tourism numbers. Enough is enough.

Respectfully,

John Russell
63258 Boyd acres Rd
Bend, OR 97701

Damian Syrnyk

From: Mary Winters
Sent: Tuesday, August 30, 2016 2:52 PM
To: Damian Syrnyk
Subject: FW: UGB - Procedural Issues

From: Barbara Campbell
Sent: Thursday, August 25, 2016 9:00 PM
To: Gary Firestone <gfirestone@bendoregon.gov>; Mary Winters <mwinters@bendoregon.gov>
Subject: Re: UGB - Procedural Issues

I have no conflicts.
Thank you.
Barb Campbell

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

**Agenda
Bend City Council
September 7, 2016
City Council Chambers,
Bend City Hall
710 NW Wall, Bend,
Oregon**



Special Meeting, 3 p.m.

- 1. Convene special meeting on the Bend UGB Remand (PZ-07-361)**
- 2. Staff report and update – see Memorandum**
 - 3 Issue Summary
 - 3 Bend UGB Recommended Changes Memo
 - 3 Draft Adopting Ordinance
- 3. City Council discussion based on staff report**
- 4. City Council to consider deliberations and first reading of Ordinance 2271**

Recommended motion: I move for a first reading of an ordinance adopting new chapters 5, 6, and 11, and amending the text of the Table of Contents, the Table of Amendments, the Preface, and Chapters 1, 2, 3, 4, 7, 8, 9, and 10 of the Bend Comprehensive Plan, adopting and incorporating several new technical documents as appendices to the Bend Comprehensive Plan, adopting revised Comprehensive Plan and Zoning maps, and amending Chapters 1.2, 2.1, 2.2, 2.3, 3.3, 3.6, 4.5, and 4.6 of the Bend Development

Code, to adopt an expansion of the Bend Urban Growth Boundary and complete the tasks under a 2010 Remand Order from the Oregon Land Conservation and Development Commission.

City Council Work Session, 6:00 p.m.

- 1. Convene Work Session**
- 2. Review Climate Action Resolution**

City Council Regular Meeting, 7:00 p.m.

- 1. Roll Call: Mayor Jim Clinton, Councilor Victor Chudowsky, Councilor Doug Knight, Councilor Sally Russell, Councilor Nathan Boddie, Councilor Casey Roats, Councilor Barb Campbell**
- 2. Pledge of Allegiance**
- 3. Good of the Order**
- 4. Visitor's Section– 3 minutes per person; when invited to the podium, please state your name and whether you live inside the City of Bend.**
- 5. Consider a Motion to approve the Consent Agenda**
 - A. Approval of Minutes: * June 16, 2016 Work Session * June 16, 2016 Regular Meeting

5A 6-15-16 Bend City Council Work Session

5A 6-15-16 Bend City Council Regular Session
 - B. OLCC Report

5B OLCC Council Report
 - C.

Authorize a purchase with Pape Machinery for a new John Deere 85G Excavator through the H-GAC Buy interstate cooperative in the amount of \$122,000

5C IS Excavator

End of Consent Agenda

6. Resolution concerning Climate Action Goals and a process and timeline for a budget process and adopting and implementing climate action plan(s) and related staffing

Recommended motion: I move to for a roll call vote to adopt a Resolution setting Climate Action Goals for City Facilities and Operations and the Bend Community, establishing a process for development of resources to pursue these goals, a process for public engagement through a Climate Action Steering Committee, development of Climate Action Plans for City Operations and the Community, and development of staffing in support of these processes.

6 IS Climate Action Resolution

6 Climate Action Resolution

7. Resolution to amend the current Fee Schedule to include new fees to recover costs to upgrade the Woodriver Village sewer system to allow for additional infill development, for an agreement processing fee for the Multi-Family SDC Deferral program and for three new parking fees

Recommended motion: I move for a roll call vote to adopt a resolution approving amendments to the fee schedule as presented.

7 IS WRV Fee and Parking fees Sept 2016

7 2016-17 Fee Resolution for September 2016

8. Resolution transferring jurisdiction over a street to ODOT, as required by an existing IGA for development of the new intersection of Hwy 97 and Bus 97 at the south end of town.

Recommended motion: I move for a roll call vote to adopt a resolution transferring jurisdiction of a portion of the Third Street

right-of-way (US 97 Business) at the south intersection of US 97 and Business 97 to the Oregon Department of Transportation.

8 Street Jurisdiction Transfer - Issue Summary

8 Street Jurisdiction Transfer - Resolution

9. First reading of an ordinance that allows the City to defer payment of System Development Charges (SDC) for Multi-family (MF) residential developments

Recommended motion: I move to approve the ordinance creating a multi-family residential System Development Charge (SDC) deferral program to allow payment of SDC when the Certificate of Occupancy is issued.

9 IS MF SDC Deferral Sept 2016

9 Ordinance SDC Timing with fee

10. Council Action and Reports

A. Committee Reports

11. Receive City Manager's Report

12. Adjourn

Accessible Meeting/Alternate Format Notification

This meeting/event location is accessible. Sign and other language interpreter service, assistive listening devices, materials in alternate format such as Braille, large print, electronic formats, language translations or any other accommodations are available upon advance request at no cost. Please contact the City Recorder no later than 24 hours in advance of the meeting at rchristie@bendoregon.gov, 541-388-5505, fax 541-385-6676, or TTY 541-312-8478. Providing at least 2 days notice prior to the event will help ensure availability.



CITY COUNCIL ISSUE SUMMARY

CITY OF BEND

MEETING DATE: September 7, 2016

SUBJECT: Bend City Council special meeting on the Bend UGB Remand (PZ-07-361).

STAFF MEMBER: Brian Rankin/Nick Arnis
DEPARTMENT: Growth Management

ACTION REQUIRED:

- ☐ Motion
- ☒ Public Hearing Date: August 25, 2016
- ☒ Ordinance 1st Reading Date: 9/7/16
- ☒ Ordinance 2nd Reading Date: 9/21/16
- ☐ Resolution (roll call vote required)
- ☐ Information/Direction
- ☐ Consent Agenda (adopted by motion)

ADVISORY BOARD/COMMISSION RECOMMENDATION:

- ☒ Approval
- ☐ Denial
- ☐ None Forwarded
- ☐ Not applicable

Comments: Proposal was recommended from the April 21, 2016 meeting of the UGB Steering Committee and built upon the recommendations of the three UGB Technical Advisory Committees.

RECOMMENDED LANGUAGE FOR MOTION: I move for a first reading of an ordinance adopting new chapters 5, 6, and 11, and amending the text of the Table of Contents, the Table of Amendments, the Preface, and Chapters 1, 2, 3, 4, 7, 8, 9, and 10 of the Bend Comprehensive Plan, adopting and incorporating several new technical documents as appendices to the Bend Comprehensive Plan, adopting revised Comprehensive Plan and Zoning maps, and amending Chapters 1.2, 2.1, 2.2, 2.3, 3.3, 3.6, 4.5, and 4.6 of the Bend Development Code, to adopt an expansion of the Bend Urban Growth Boundary and complete the tasks under a 2010 Remand Order from the Oregon Land Conservation and Development Commission.

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

- A proposed 2,380 acre expansion of the Bend urban growth boundary (UGB).
- The proposal is supported by a number of amendments to the Bend Comprehensive Plan and the Bend Development Code.
- The proposal includes a number of efficiency measures, including plan policies and development code changes, to increase the capacity for additional housing and jobs in the current UGB.
- The attached findings (Exhibit A to Ord. 2271) show the proposal complies with state law and the 2010 Remand Order.
- See enclosed memorandum recommending revisions to the adopting Ordinance 2271 and Exhibits.

BACKGROUND:

The City of Bend and Deschutes County first submitted a UGB amendment to the Oregon Department of Land Conservation and Development (DLCD) in June of 2007. This proposal was revised between 2007 and 2009, and a final proposed expansion of 8,943 was submitted to DLCD in April 2009. After a lengthy review, the Oregon Land Conservation and Development Commission (LCDC) issued a November 2010 order that partially acknowledged and remanded the proposed expansion back to the City and the County. The current proposal before the City Council and the Board includes a UGB expansion of 2,380 acres in size, of which 1,142 acres are for residential land (including schools and parks), 815 acres for employment, 285 acres for public facilities in district ownership, and 138 acres in existing rights of way.

The expansion is based on a significant update to the Bend Comprehensive Plan and the Bend Development Code. The Comprehensive Plan changes include new Housing (Chapter 5), Economy (Chapter 6), and Growth Management (Chapter 11) chapters. The changes also includes reformatting and a policy neutral clean-up of other chapters, and adoption of several new appendices that support the UGB expansion. The appendices include the Buildable Land Inventory (BLI), Housing Needs Analysis (HNA), Economic Opportunities Analysis (EOA), Urbanization Report, Urban Form Report, and Integrated Land Use and Transportation Plan. The changes to the Bend Development Code include text changes to incorporate what are referred to as efficiency measures with the intent of increasing the capacity of the current UGB for additional housing and jobs. These proposed amendments, listed in Section 15 of Ordinance 2271, stem from the recommendations of the project's technical advisory committees and incorporate public input received during the planning process.

CURRENT YEAR BUDGET IMPACTS IDENTIFIED BY DEPARTMENT: The UGB Remand Project is funded through the City's Growth Management Department Budget through FY 2016-2017.

DEPARTMENT DIRECTOR REVIEW:

Reviewed by: Nick Arnis **Date:** August 18, 2016

FINANCIAL REVIEW:

Reviewed by: Sharon Wojda **Date:** August 18, 2016

LEGAL REVIEW:

Reviewed by: Gary Firestone **Date:** August 16, 2016

COMMUNITY OUTREACH PROCESS AND POTENTIAL IMPACTS:

The City has conducted a significant public outreach and involvement process on the Bend UGB Remand. In January 2011, the City Council approved the formation of the Remand Task Force (RTF). The RTF consisted of three city councilors and two planning commissioners. The RTF met 17 times between March 2011 and May 2013, during which they received staff presentations on UGB remand work products, accepted public comments, and provided direction to staff on remand work. In 2014, the City Council appointed 60 people to serve on three technical advisory committees (TACs) and created a UGB Steering

Committee (USC) to replace the RTF. The USC included the entire City Council, two Bend Planning Commissioners, and a Deschutes County Commissioner. Over the last five years over 70 public meetings have been held on the UGB Remand, including USC meetings, TAC meetings, open houses, workshops, on-line surveys (MetroQuest) which involved thousands of citizens, and drop-in meetings. The outreach process has resulted in the public having input on all of the work products and in the process used to evaluate potential areas for UGB expansion.

ATTACHMENTS:

- Ordinance 2271
- Recommended Revisions to Adoption Ordinance 2271 and Exhibits memorandum
- Public Testimony received by close of the record 8-29-16 – available at the UGB Remand website – www.bendoregon.gov/bendugb.

Memorandum



September 1, 2016

To: Bend City Council
Deschutes County Board of County Commissioners

Cc: Remand File

From: Bend UGB Project Team

Re: Recommended Revisions to Adoption Ordinance 2271 and Exhibits

INTRODUCTION

The memorandum provides a brief update of minor changes to elements of the UGB adoption package (Ordinance 2271) and outlines the project team's recommendation on minor policy changes for the City Council to consider at its September 7th, 2016 meeting. These changes and policy recommendations are offered in response to testimony and consideration by the UGB staff and consulting team.

REVISIONS TO FINDINGS IN RESPONSE TO TESTIMONY

The project team has evaluated testimony, written and oral, submitted since the UGB Steering Committee's April 21, 2016 meeting, most of which was submitted after Ordinance 2271 was posted on July 21, 2016. All written testimony submitted into the record prior to the close of the written record by 5:00 pm on August 29, 2016 was posted to the City's project website – www.bendoregon.gov/bendugb. The team prepared additional written findings responding to substantive comments and entered those into the record on August 29, 2016. This evidence, and responses to testimony have been added to the Findings (See Section 13 of Findings). Staff is happy to answer any further questions from the Council during the September 7th meeting, and recommends these new findings be adopted by the City Council.

REVISIONS THAT ARE CLARIFICATIONS AND ERRATA

Staff made minor editorial changes to a handful of documents and Ordinance 2271 for the sake of accuracy and consistency. None of these represent a change in the substance or policy direction associated with the UGB. These changes are already incorporated into the exhibits in Ordinance 2271. The types of changes include consistent references to the new Bend Comprehensive Plan (instead of the now outdated term Bend General Plan), correcting table references, figure numbering, and removing duplication, updating references to ORS and OARs for consistency, and incorporating the correct and adopted version of the Bend Development Code with respect to codes which are not the subject of the UGB (i.e. Marijuana regulations). Staff recommends these minor changes be adopted by the City Council.

One more substantive issue is changes made regarding Floor Area Ratio (FAR). Based on Council comments made during the public hearing, Exhibit O: Bend Development Code was revised to not include proposed changes to FAR. The proposed standards were removed, which means the existing Bend Development Code standards will remain in place. The existing standards utilize lot coverage and other applicable standards. This revision addresses testimony by the Central Oregon Builders Association.

REVISIONS TO POLICIES

The following presents proposed changes to Chapter 11 of the Bend Comprehensive Plan (Growth Management Chapter) based on public testimony. These topics were not discussed during the August 25th public hearing. Proposed changes and additions are shown below in **underlined and bold text**, and deletions are shown in ~~strikethrough~~. Staff recommends the City Council consider and discuss these changes. Staff recommends these changes be made because they provide greater clarity during subsequent implementation planning which will follow once the UGB is finalized.

Exhibit E - Growth Management Chapter

1. Amend Policy 11-126 as shown below. This revision addresses testimony from Mike Robinson, representing the Lamb property in the North Triangle, that there should be a clear cap on the number of affordable housing units required by Policy 11-126.
11-126 The properties identified on Figure 11-6, below, shall provide for affordable housing, consistent with policies 5-20 and 5-21 of the Housing Chapter of the Comprehensive Plan, as follows:
 - o The minimum number of affordable housing units shall be 25% of all housing units approved by the City on each property.
 - o **The minimum required number of affordable housing units is satisfied when 77 units of affordable housing (in total on the properties identified on Figure 11-6) have been approved in land use applications, subject to phasing requirements acceptable to the City.**
 - o Guarantees, in a form acceptable to the City, shall be in place to ensure that affordable housing units will meet the affordability requirements for not less than 50 years.
2. Amend Policies 11-64, 11-96, 11-105, and 11-126 of the Growth Management Chapter to include the following text:
 - o **Planning and phasing requirements for affordable housing units shall be established, in a form acceptable to the City.**

3. Amend Policy 11-73 as follows based on written testimony from TAC member Sid Synder :
 - “Bat habitat ~~should~~ **shall** be mapped **and potentially added to the City of Bend’s Goal 5 Inventory. An Environmental, Social, Economic and Energy (ESEE) analysis shall be conducted to determine the significance of the resource and a management plan shall be provided as appropriate to protect the resource.** ~~protected from development, including a suitable buffer around any identified habitat areas in order to ensure their continued habitat value.”~~

STAFF RECOMMENDATION

Staff recommends the City Council discuss each of the types of revisions (findings, clarifications and errata, policy) and provide guidance to staff. Staff recommends the modifications to Ordinance 2271 described above, subject to direction from the City Council. The new findings provide responses to testimony, which are helpful explanations and also create a stronger record if the ordinance is the subject of future legal action. Minor corrections described in the memorandum are recommended to remove any confusion, create consistency, and generally improve the ordinance. Staff also recommends the policy amendments above in response to testimony. These minor changes will make the intent of the new policies easier to understand and administer by future staff and City Councils. None of the recommended changes have impacts on other elements of the UGB proposal and ordinance.

ORDINANCE NO. 2271

AN ORDINANCE ADOPTING NEW CHAPTERS 5, 6, AND 11, AND AMENDING THE TEXT OF THE TABLE OF CONTENTS, THE TABLE OF AMENDMENTS, THE PREFACE, AND CHAPTERS 1, 2, 3, 4, 7, 8, 9, AND 10 OF THE BEND COMPREHENSIVE PLAN, ADOPTING AND INCORPORATING SEVERAL NEW TECHNICAL DOCUMENTS AS APPENDICES TO THE BEND COMPREHENSIVE PLAN, ADOPTING REVISED COMPREHENSIVE PLAN AND ZONING MAPS, AND AMENDING CHAPTERS 1.2, 2.1, 2.2, 2.3, 3.3, 3.6, 4.5, AND 4.6 OF THE BEND DEVELOPMENT CODE, TO ADOPT AN EXPANSION OF THE BEND URBAN GROWTH BOUNDARY AND COMPLETE THE TASKS UNDER A 2010 REMAND ORDER FROM THE OREGON LAND CONSERVATION AND DEVELOPMENT COMMISSION

Findings:

- A. The City of Bend and Deschutes County jointly submitted a proposal to amend the Bend Urban Growth Boundary (UGB) to the Oregon Department of Land Conservation and Development on April 17, 2009. On November 2, 2010, the Oregon Land Conservation and Development Commission (LCDC) issued Partial Acknowledgement/Remand Order 001795 (Remand Order). The Remand Order acknowledged work on some tasks, directed the City to prepare better findings for other tasks, and outlined those tasks that needed additional work per the direction of the Remand Order.
- B. The City began work on addressing the tasks in the Remand Order in January, 2011. On August 20, 2014, the City Council approved the formation of three technical advisory committees (TACs) and the UGB Steering Committee (USC). The USC consisted of the entire Bend City Council, two Bend Planning Commissioners, and a member of the Deschutes County Board of Commissioners. The TACs and the USC met regularly between August 2014 and April 2016 to review remand task work products, provide input into their development and change, and approve versions that were subsequently forwarded to and approved by the USC.
- C. On April 21, 2016, the USC recommended approval of a number of amendments to the Bend Comprehensive Plan and the Development Code that would be forwarded to a public hearing before the City Council. The recommended amendments included a 2,380 acre expansion of the City's UGB and various related measures to ensure that the demand for housing and employment land will be met by increasing the capacity for development within the current UGB. These amendments include changes to the text of the City's Comprehensive Plan, the proposed addition of several technical appendices, and changes to the text of the Bend Development Code.

- D. The City and Deschutes County submitted a joint Notice of Proposed Amendment to the Oregon Department of Land Conservation and Development on July 21, 2016. The City subsequently mailed notice required under ORS 227.186 (aka “Measure 56” notice) to potentially affected landowners on July 28, 2016. Notice of the City Council public hearing was published in the Bend Bulletin on August 5, 2016 and sent to the neighborhood associations on August 5, 2016.
- E. The Bend City Council held a joint public hearing with the Deschutes County Board of Commissioners on August 25, 2016 to accept evidence, receive public testimony and consider the USC’s recommendation. The City Council found that the proposed amendments to the City’s Comprehensive Plan and Development Code satisfy the criteria for approval contained in state law, the Comprehensive Plan, Section 4.6.200 of the Bend Development Code, and the Remand Order, and voted to adopt the amendments to the Bend Comprehensive Plan and the Bend Development Code.

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

Section 1. In addition to the findings set forth above, the City Council adopts Exhibit A as their Findings. The Findings include, as set forth in Exhibit A, the following sections:

1. Background and Description of 2016 UGB Proposal
2. Procedural History
3. Scope of Review
4. Needed Housing and Residential Lands
5. Economic Development Land Needs
6. Other Land Needs
7. UGB Location
8. Transportation
9. Compliance with Statewide Planning Goals
10. Compliance with Applicable Policies of Bend Comprehensive Plan
11. Bend Development Code
12. Compliance with LCDL’s 2010 Remand Order.
13. Supplemental Findings in Response to Testimony

Section 2. Chapter 5 of the Bend Comprehensive Plan, Housing and Residential Lands, is repealed and a new Chapter 5 is adopted as shown in Exhibit B.

Section 3. Chapter 6 of the Bend Comprehensive Plan, the Economy and Lands for Economic Growth, is repealed and a new Chapter 6 is adopted as shown in Exhibit C.

Section 4. Chapter 7 of the Bend Comprehensive Plan, Transportation Systems, is amended as shown in Exhibit D.

Section 5. A new Chapter 11 of the Bend Comprehensive Plan, Growth Management, as shown in Exhibit E, is adopted.

Section 6. The Table of Amendments, Table of Contents, Preface, and Chapters 1, 2, 3, 4, 8, 9, and 10 of the Bend Comprehensive Plan, are amended as shown in Exhibit F.

Section 7. The Buildable Lands Inventory (2016), in the form of Exhibit G is adopted and incorporated as Appendix J to the Bend Comprehensive Plan.

Section 8. The Housing Needs Analysis (2016), in the form of Exhibit H, is adopted and incorporated as Appendix K to the Bend Comprehensive Plan.

Section 9. The Economic Lands Study Parts 1, 2, and 3 is repealed and the Economic Opportunities Analysis (2016) in the form of Exhibit I is adopted and incorporated as Appendix E to the Bend Comprehensive Plan.

Section 10. The Urbanization Report (2016) in the form of Exhibit J is adopted and incorporated as Appendix L to the Bend Comprehensive Plan.

Section 11. The Urban Form Report (2016) in the form of Exhibit K is adopted and incorporated as Appendix M to the Bend Comprehensive Plan.

Section 12. Appendix C to the Bend Comprehensive Plan, the Bend Transportation System Plan and Maps, is amended as shown in Exhibit L, including the adoption of the Integrated Land Use and Transportation Plan (2016) as Appendix F to the Transportation System Plan. These amendments, as set forth in Exhibit L, include a new Chapter 9 to the TSP and the Integrated Land Use and Transportation Plan.

Section 13. The Bend Comprehensive Plan Map is amended as shown in Exhibit M.

Section 14. The Bend Zoning Map is amended as shown in Exhibit N.

Section 15. The text of the Bend Development Code, which includes efficiency measures to implement the UGB Remand as recommended by the TACs and reviewed by the USC, is amended as shown in Exhibit O. These amendments, as set forth in Exhibit O, include amendments to these chapters of the Bend Development Code: Chapter 1.2, Definitions; Chapter, 2.1, Residential Zoning Districts; Chapter 2.2, Commercial Zoning Districts; Chapter 2.3, Mixed-Use Zoning Districts; Chapter 3.3, Vehicle Parking, Loading, and Bicycle Parking; Chapter 3.6, Special Standards and Regulations for Certain Uses; Chapter 4.5,

Master Planning and Development Alternatives, and; Chapter 4.6, Land Use District Map and Text Amendments. Additionally, the term “Bend Comprehensive Plan” will replace the terms “Bend Area General Plan”, “Bend General Plan”, and “General Plan.”

Section 16. The provisions of this ordinance are severable. If any provision of this ordinance is declared invalid or unconstitutional, that declaration shall not affect any provision of this ordinance that is not expressly declared invalid or unconstitutional; the unaffected provisions shall remain in effect. If any section or subsection of any of the documents adopted or amended by this ordinance are declared invalid or unconstitutional, that declaration shall not affect any provision of the document not declared invalid or unconstitutional and shall not affect any other document adopted or amended by this ordinance; the unaffected provisions and documents shall remain in effect. If any exhibit is found to comply with the statewide land use planning goals and laws, that exhibit shall remain in effect, regardless of the disposition of any other exhibit on review by the Department of Land Conservation and Development, the Land Conservation and Development Commission or the courts.

Section 17. This ordinance is final on second reading and effective when acknowledged on review under ORS 197.626. If the amendments made by this ordinance are partially acknowledged, those portions that are acknowledged become effective on acknowledgment.

First Reading:

Second reading and adoption by roll call vote:

YES: NO: ABSTAIN:

Jim Clinton, Mayor

Attest:

Robyn Christie, City Recorder

Approved as to form:

Mary A. Winters