

## 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 LCDC'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 and sections of this ordinance are severable. If any provision or section of this ordinance is declared invalid, unconstitutional or is remanded to the City, that declaration or remand shall not affect the validity of any provision or section of this ordinance that is not expressly declared invalid, unconstitutional or not remanded to the City; the unaffected provisions and sections shall remain in effect. If any section or subsection of any of the documents adopted or amended by this ordinance are declared invalid, unconstitutional or is remanded to the City, that declaration or remand action shall not affect any provision of the document not declared invalid, unconstitutional or not remanded to the City, 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 and each section is final on second reading and shall be effective when deemed acknowledged on review under ORS 197.626 and ORS 197.633 and the implementing Division 25 administrative rules. If the amendments made by this ordinance or any section are partially acknowledged, those portions that are acknowledged become effective on acknowledgement. Amendments to the Bend Comprehensive Plan, Bend Zoning Map and/or Bend Development Code approved by the City subsequent to the date of the creation of Exhibits 13, 14, and 15 but prior to acknowledgement remain effective and are not modified by this ordinance.

First Reading:

Second reading and adoption by roll call vote:

YES:            NO:            ABSTAIN:

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Jim Clinton, Mayor

Attest:

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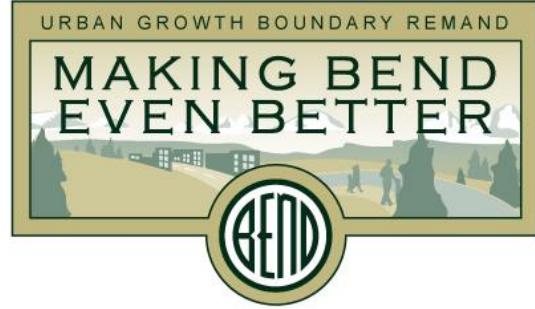
Robyn Christie, City Recorder

Approved as to form:

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Mary A. Winters

# Memorandum



September 1, 2016

**To:** Bend City Council  
**To:** Deschutes County Board of County Commissioners  
**Cc:** Remand File  
**From:** Bend UGB Project Team  
**Re:** Recommended Revisions to Adoption Ordinance 2271 and Exhibits

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## 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 7<sup>th</sup>, 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](http://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 7<sup>th</sup> 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 25<sup>th</sup> 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.



## CITY COUNCIL ISSUE SUMMARY

### CITY OF BEND

<b>MEETING DATE:</b> September 7, 2016	<b>SUBJECT:</b> Bend City Council special meeting on the Bend UGB Remand (PZ-07-361).  <b>STAFF MEMBER:</b> Brian Rankin/Nick Arnis <b>DEPARTMENT:</b> Growth Management
<b>ACTION REQUIRED:</b>  <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: August 25, 2016 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: 9/7/16 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: 9/21/16 <input type="checkbox"/> Resolution (roll call vote required) <input type="checkbox"/> Information/Direction <input type="checkbox"/> Consent Agenda (adopted by motion)	<b>ADVISORY BOARD/COMMISSION RECOMMENDATION:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not applicable <b>Comments:</b> 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 include 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](http://www.bendoregon.gov/bendugb).

## 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.
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- 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 LCDC'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 and sections of this ordinance are severable. If any provision or section of this ordinance is declared invalid, unconstitutional or is remanded to the City, that declaration or remand shall not affect the validity of any provision or section of this ordinance that is not expressly declared invalid, unconstitutional or not remanded to the City; the unaffected provisions and sections shall remain in effect. If any section or subsection of any of the documents adopted or amended by this ordinance are declared invalid, unconstitutional or is remanded to the City, that declaration or remand action shall not affect any provision of the document not declared invalid, unconstitutional or not remanded to the City, 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.

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First Reading:

Second reading and adoption by roll call vote:

YES:            NO:            ABSTAIN:

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Jim Clinton, Mayor

Attest:

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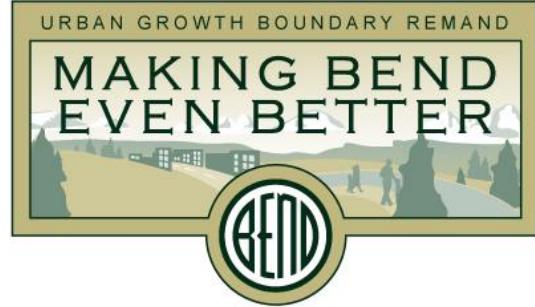
Robyn Christie, City Recorder

Approved as to form:

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Mary A. Winters

# 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

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## INTRODUCTION

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### 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.



## CITY COUNCIL ISSUE SUMMARY

### CITY OF BEND

<b>MEETING DATE:</b> September 7, 2016	<b>SUBJECT:</b> Bend City Council special meeting on the Bend UGB Remand (PZ-07-361).  <b>STAFF MEMBER:</b> Brian Rankin/Nick Arnis <b>DEPARTMENT:</b> Growth Management
<b>ACTION REQUIRED:</b>  <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing Date: August 25, 2016 <input checked="" type="checkbox"/> Ordinance 1 <sup>st</sup> Reading Date: 9/7/16 <input checked="" type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading Date: 9/21/16 <input type="checkbox"/> Resolution ( <i>roll call vote required</i> ) <input type="checkbox"/> Information/Direction <input type="checkbox"/> Consent Agenda ( <i>adopted by motion</i> )	<b>ADVISORY BOARD/COMMISSION RECOMMENDATION:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not applicable <b>Comments:</b> 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 include 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](http://www.bendoregon.gov/bendugb).

**City of Bend City Council  
Deschutes County Board of Commissioners  
Joint Public Hearing Minutes  
Date: August 25, 2016**

On August 25, 2016, the Bend City Council and the Deschutes County Board of Commissioners held a joint public hearing on the Bend UGB Expansion. The hearing was held in the Barnes/Sawyer Room of the Deschutes Services Center, located at 1300 NW Wall Street.

Roll Call – Bend City Council: Mayor Jim Clinton, Mayor Pro Tem Sally Russell, City Councilors Victor Chudowsky, Casey Roats, and Barb Campbell

Roll Call – Board of County Commissioners: Chair Alan Unger, Commissioners Tammy Baney and Tony DeBone

Mayor Clinton called the meeting to order at 1:00 pm. He thanked everyone for their participation, commented on the last process, the length of the process that followed, and that it had a lot of admirable features.

What follows are the prepared comments Mayor Clinton read into the hearing record. Mayor Clinton opened the hearing at 1:05 pm, and announced that this was a joint hearing with the Deschutes County Board of Commissioners.

The hearing of the Bend City Council on the proposed expansion of the Bend Urban growth boundary is now open. This is a joint hearing with the Deschutes County Board of Commissioners. The City's hearing regards proposed Ordinance Number 2271. The County is adopting its own related ordinances. After my brief comments, the Chair of the Deschutes County Board of County Commissioners will open the County's public hearing.

Both hearings are legislative hearings. That means that you can not only provide evidence and argument addressed to applicable standards, but can also make policy arguments as to why we should or should not take a particular action.

This is a hearing on a proposed expansion of Bend's urban growth boundary. Because it affects land that is currently in Deschutes County and will remain in the County at least for a while, the County also has to take action to proceed with a UGB amendment.

The City and County are holding two hearings at the same time, although they will deliberate separately. The reason for the joint hearing is to allow all decision makers from both governing bodies to hear all of the public testimony at the same time, which the governing bodies feel provides the best opportunities for the public to provide their input and respect their time.

The sequence of approvals requires the City Council to make a final decision on its ordinances, which will then be forwarded to Deschutes County for their deliberation and decision. The oral and written testimony provided at this hearing and at the close of the written record will be included in the records for both of the applications related to the ordinances being considered.

I will now describe the actions the City will be considering; the County has a much smaller list of documents to adopt or amend and will describe these after my opening statements during their staff report.

There is more to approving an urban growth boundary than just drawing a line on a map. State law, which includes a mind-numbing combination of statutes, statewide land use planning goals and regulations, is applicable to a UGB expansion decision. State law also requires the City to take other actions to support the decision to expand the boundary.

As a result, the City is considering:

- Text amendments to several chapters of the Bend Comprehensive Plan
- Adoption of a new Buildable Lands Inventory
- Adoption of a Housing Needs Analysis
- Adoption of an Economic Opportunities Analysis
- Adoption of an Urbanization Report
- Adoption of an Urban Form Report
- Amendment of the Bend Transportation System Plan and Maps, including adoption of an Integrated Land Use and Transportation Plan
- Amendments to the Bend Comprehensive Plan Map
- Amendments to the text of several chapters of the Bend Development Code
- Amendments to the Bend Zoning Map
- Adoption of Findings

These documents are proposed for adoption because they are essential parts of a UGB expansion as directed by the Remand Order issued by the Land Conservation and Development Commission. Essential documents are the Buildable Lands Inventory, the Housing Needs Analysis, the Economic Opportunities Analysis, the Urbanization Report, Integrated Land Use and Transportation Plan and other amendments to the Comprehensive Plan Map. Other documents are proposed for adoption because state law and the Remand Order require the City to consider, and implement if appropriate, efficiency measures that will ensure efficient use of land so that excessive UGB expansions are avoided. State law generally requires the city to reasonably accommodate as much of its future growth as possible within its existing urban growth boundary before expanding the UGB. The amendments proposed to the Comprehensive Plan, Development Code and Zoning Map all are necessary to implement efficiency measures.

The findings explain and justify how the proposal complies with applicable approval criteria.

It has been a long process. The City started the formal UGB expansion process by sending notice of the proposed expansion to the Department of Land Conservation and Development in 2007. By that time, City staff had already put a substantial effort into developing the UGB expansion proposal.

The City went through a full legislative land use process, including hearings before the Planning Commission and the City Council and adopted a UGB expansion that would have brought over 8,400 acres into the urban growth boundary in 2009. On appeal, LCDC held that the City and County had not adequately justified its decision and remanded to the City and County to address multiple issues.

City staff, assisted by three Technical Advisory Committees and consultants, have been working over two years on providing the better and more detailed analysis required by the LCDC Remand Order. The Residential TAC worked extensively on residential and housing issues including efficiency measure recommendations, the Employment TAC worked on employment land need issues and the Boundary TAC worked on the boundary and locational factors analysis.

The result is the proposal that we are now considering for an expansion of about a quarter the size of the expansion that was rejected by LCDC. On any land use remand, whether from LCDC, if the City Council was the City's final decision-maker, the Council has the discretion to decide whether the remand will be processed and decided by the City Council or will be further remanded down to the Planning Commission or other preliminary decision-maker. In this case, the City Council decided that the process has already been so lengthy that it would not be advisable to add further time to the process by adding another round of hearings and layer of decision-making, so the City Council decided to handle the remand itself rather than remand it further to the Planning Commission.

The process that we will follow includes the following steps:

1. Deschutes County will open its public hearing on their proposed ordinances
2. City and county staff and consultants will provide presentations to explain exactly what is being proposed and why.
3. Public testimony will take place. Please if you haven't done so, fill out a sign-up card so we can call upon you to testify.
4. The governing bodies will decide whether to continue or close the oral public testimony portion of the hearing.

5. After the close of public oral testimony, the City Council and Board of County Commissioners will ask questions of staff which may lead to both governing bodies providing direction to their staff regarding the ordinances.
6. The governing bodies will decide if, and how long, to keep the records open for written testimony in the case oral testimony is closed.
7. The governing bodies will conduct separate deliberations on the ordinances that each will be adopting. The City Council will deliberate and make its decision prior to the County Board of Commissioners deliberations.
8. Given the deliberations and decisions are sequential, they are expected to take place during September and October.

We anticipate getting through the staff presentation, public testimony, and addressing the questions of the governing bodies at the hearings held today. The written record may be closed or kept open depending on the testimony that is provided. In order to create a consistent record for both ordinances, if the written record is to be left open, it will be left open for the same period of time for the city and county ordinances being considered.

If the written record is left open after today, the City Council will not deliberate toward any decisions this evening. Depending on the testimony provided, the City Council and Board of County Commissioners may decide to close the written record which may allow the City Council to get to the deliberation stage, but may not. If we do not have time to deliberate or reach a decision today, at the end of today's meeting we will announce the date, time and location of when deliberations will resume for the City Council.

This is an important matter for both the City and the County. We want to hear what people have to say. We ask that you do not interrupt the speakers and avoid time-wasting applause or other displays of support or opposition. If you are called to testify and agree with what someone else has said and don't have anything to add, just let us know who you agree with. Testimony will be limited to three minutes. If anyone has written materials, they may provide those to staff to be entered into the record.

Councilors have entered into the record that no member has any conflict of interest in this legislative matter. Please confirm if you haven't done so. If not, it is now time for Deschutes County to open their public hearing followed by staff reports and public testimony.

At the conclusion of his opening remarks, Mayor Clinton asked if any city councilor had a conflict of interest to report. None of the councilors present reported a conflict of interest.

County Chair Alan Unger opened the County's hearing by stating that this is the time and place set for a county hearing on county file numbers 247-16-000402-PA/247-16-0000403-TA. He stated that the Board will take testimony and receive written evidence concerning the proposed amendments to Title 19 of the Deschutes County Code and the Deschutes County Comprehensive Plan, as related to and reflective of the proposed UGB expansion for the City of Bend. At the conclusion of his opening statement, Chair Unger turned the meeting over to Mayor Clinton.

Mayor Clinton then asked for the Staff Report. Brian Rankin, Long Range Planning Manager, began the city's staff report at 1:18 pm. He thanked the Board and the Council for their attendance, and noted the full attendance of the hearing room. He stated that the City Council had received an Issue Summary and a Staff Report and over 1,600 pages of packet materials for PZ-07-361 and Ordinance 2271.

Mr. Rankin then noted that this process started back in 2007. He remarked that a tremendous amount of energy, time, and resources were devoted to completing this project. The hearing itself marks an important milestone in this process, and going forward, and meets approval of city, county, and state. He then reviewed the history of the project. After a review of the project history, Mr. Rankin reviewed some of the key remand issues and approaches for several areas, including residential lands, employment lands, and the UGB expansion. He then referred to the process outlined in the Issue Summary, and referred to the Staff Report, which outlined the key elements of the proposal, including the proposed amendments to the Comprehensive Plan and the Development Code.

He concluded his portion of the staff report by noting all the work was required by the remand order and state law, and that implementation will take time. He added that the City is not done planning with this project, noted that the criteria for approval are numerous and complex, and that findings may be modified. The proposal complies with the law and embodies the spirit of Central Oregon.

At 1:21 pm, Mr. Rankin then formally entered the work to date into the hearing record, and referred the Council and the Board of Commissioners to the project website - <http://www.bendoregon.gov/index.aspx?page=1295>.

Associate Planner Matt Martin then began his presentation on behalf of the county planning staff at 1:22 pm. He greeted everyone, and provided a summary of the amendments to the County's Comprehensive Plan and the County Code. For the proposed UGB expansion, he noted that the county has coordinated closely with the City, with Commissioner DeBone serving on the steering committee and Nick Lelack serving on the Boundary TAC.

Mr. Martin then summarized the four (4) ordinances before the Board of Commissioners. Two of the ordinances have the effect of repealing those ordinances the County adopted in 2009 for the City's 2009 UGB expansion proposal. He then described the two ordinances, 2016-022 and 2016-023, before the Board that would

amend the County's Comprehensive Plan and map and Title 19 of the County Code to reflect the proposed UGB Expansion. He concluded his report by noting the County's proposed findings in support of the UGB expansion are based on the analyses and findings of the City, and that County staff was supportive of these findings.

Joe Dills of the Angelo Planning Group (APG) began his presentation at 1:27 pm. Mr. Dills greeted everyone, and stated he would take about ten (10) minutes to cover the background on how the project team shaped the UGB. He noted that Becky Hewitt of APG would then present the City's proposed adoption package.

Mr. Dills then presented the project timeline. In this section, he provided an overview of the city's work on the first proposal between 2007 and 2009, the state's remand in 2010, the first few years of work on the remand between 2011 and 2013, and then the extensive public process and consultant team work between 2014 and 2016.

He described the structure and the work of the three (3) technical advisory committees (TACs), the UGB Steering Committee (USC), and the public outreach effort. He noted that the project team used many forms of public outreach, including three community meetings, two online surveys, and that over 2,500 people participated in these surveys.

Mr. Dills then provided an overview of what was required of the City in the Remand order. He noted that the order itself is over 150 pages of instructions, and provided an overview of the main areas in the order. Regarding residential lands, he discussed the buildable lands inventory, housing needs analysis, the land use efficiency measures included in both the Development Code and in Opportunity areas, and land needs for other uses such as schools and parks.

Mr. Dills covered the work completed on employment lands, including the work on the economic opportunities analysis, identifying special sites for large lot industrial users and Oregon State University – Cascades, and ensuring an adequate short-term supply of employment lands. He concluded this overview by presenting the work completed on the UGB expansion itself, noting that the proposed expansion prioritizes exception land, describing the approach to evaluating scenarios that included 24 performance measures and six initial scenarios, and concluding by describing how the project team considered vehicle miles traveled (VMT) and reducing reliance on automobiles.

The next section of Mr. Dills' presentation was an overview of the work on evaluating potential areas for expansion. He began this part by reviewing the Project Goals. He noted that these were developed early in the process, over the first couple of months, and from online survey. He noted that these goals are now embodied in Chapter 1 of the Bend Comprehensive Plan

After reviewing the Project Goals, Mr. Dills proceeded to review and describe the process for shaping the boundary. He started with a broad look, and referred the council and the board to a map that showed the land within a two mile ring study area.

From here, he moved through a series of slides that showed how properties were screened, including unbuildable lands.

He then described the process for completing the initial suitability evaluation, and the methodical analysis by the Boundary TAC. The work considered the State's four factors under Goal 14 (Urbanization) to identify the most suitable lands adjacent to the city. The TAC and project team then narrowed their focus to the top performing land, and Mr. Dills referred to maps that identified areas in different shades of green, and referred to areas enclosed in either red circles or ellipses to identify those areas least suitable. He then described that the TAC's work was not done at this point, and that the committee considered further narrowing by considering whether land was in a rural subdivision, had covenants, conditions, and restrictions (CCRs), high home to land ratios, and whether land was physically separated from the UGB.

He noted that this work left 5,400 acres of land to work with, and showed the council and the board a slide of the six (6) UGB scenarios that were created from this pool of land. The team evaluated three different scenarios and three different supplemental areas analysis maps (SAAMs). All six were considered alternatives for consideration and a large pool for shaping the final UGB proposal.

Mr. Dills noted that Scenario 2.1 was the best performing scenario, and that it was the basis for further refinements. The process of proceeding from Scenario 2.1 to Scenario 2.1G involved both the Boundary TAC and the USC taking a methodical look at the land uses planned within each of these expansion areas, and their relation to the lands inside the UGB.

Mr. Dills concluded his portion of the presentation by describing the recommended scenario, 2.1G. This scenario includes 2,380 acres, of which 1,142 acres are for residential uses, 815 acres for employment, 285 acres for public facilities, and 138 acres are included in existing public rights of way. He highlighted several qualities of this proposal. The proposal does not include any expansion onto resource lands, and includes sensitive development near natural resources. Regarding residential lands, he highlighted the efficient development in areas with few constraints, the proposed voluntary affordable housing commitments from several land owners, an overall increase in housing variety and density, and parks and schools integrated with neighborhoods.

Regarding employment lands, Mr. Dills noted the proposed UGB supports economic growth and completed communities. He also noted that with respect to infrastructure, the UGB proposal focuses on cost-effective sewer investments, networks of roads to support growth, and area planning for the expansion areas for coordinated growth.

Mr. Dills turned the presentation over to Becky Hewitt of APG at 1:39 pm. She introduced herself and stated her portion of the presentation would walk through the adoption package before the City Council. She began by presenting a series of slides that outlined the expansion areas by their geographic location – northeast, southeast,

south and southwest, west and northwest – and summarized the proposed land uses in each area.

She then reviewed the proposed package of amendments to the Bend Comprehensive Plan, beginning with the proposed new Growth Management Chapter. She then proceeded to summarize the amendments in the updated Housing Chapter, the updated Economy Chapter, the updated Transportation Chapter, and the amendments and changes in format to the other chapters of the Comprehensive Plan.

She turned to the proposed Efficiency Measures included in the adoption package. She began by providing some context on what shaped the efficiency measures, that these were guided by an aspirational urban form concept, and based on recommendations from the TACs. She described the focused redevelopment in the opportunity areas, and limited changes in existing neighborhoods. She presented a slide that showed the Bend Comprehensive Plan Map, and identified the six (6) areas within the UGB where new comprehensive plan map designations were proposed. She then presented the proposed Bend Zoning Map, and reviewed the proposed zone changes within three of the opportunity areas she discussed previously.

Ms. Hewitt described the proposed changes to the Bend Development code. In this presentation, she highlighted the changes to the Residential Zones and the Commercial and Mixed Use Zones. She provided an overview of the new supporting documents to the Bend Comprehensive Plan, which were proposed as new appendices to the City's comprehensive plan.

She concluded the team presentation by making several points on the UGB proposal that are reproduced below from the slide presentation:

- Establishes realistic & justifiable land needs
  - Satisfies land needs for housing, jobs, schools and parks
- Proposes a robust package of efficiency measures
  - Encouraging development in strategic areas of Bend
- Matches UGB expansion to land need
  - Total of 2,380 acres
- Follows state law & rules for evaluation of expansion areas
- Expands solely onto exception land
  - Only UAR10, MUA10 included
- Considers and balances Goal 14 location factors at several points to identify best performing land
- Assigns appropriate urban plan designations, consistent with land needs
- Engaged stakeholders & the public to build support & consensus

At 1:58 pm, Mayor Clinton opened the hearing for public testimony. Mayor Pro Tem Russell called people forward to testify. The following lists the people who testified, and summarizes the main points of their testimony.

1. Eric Knirk - testified about property he owns on Parrell Road in Bend, currently zoned RS, and requested a change in zoning to RM or RH. He also provided several arguments in favor of this change.
2. Reed Fitkin - provided a handout and testified against the changes proposed through Ordinance 2271, citing city leadership focus on new residents, lack of attention to existing residents, impacts of growth, and financing of infrastructure including streets. He also addressed the potential traffic created by OSU on the west side, the failure of the proposed gas tax to pass, and recommended dealing with existing problems before expanding the boundary.
3. Susan Reyes – provided a comment about sewer and water and Shevlin Park Road, and asked a question about infill property on Newport that backs up to Ogden between Juniper and 14<sup>th</sup>. She had several questions about potentially developing this property.
4. Tom Marple – testified on the proposal to change zoning on adjacent properties, summarized the text of a letter he brought to the hearing, and that he lives on a property affected by a zone change. He testified that he received the notice for the hearing, raised the issue of the potential impacts on the value of this property, and whether people should consent to having their zoning changed. He also agreed with the testimony of the second speaker.
5. Ken Granacki – testified on access to parks and schools in the Elbow and DSL properties. He expressed a concern about zoning for each area and how children would walk to school across 27<sup>th</sup> Street.
6. Michael Robinson – represented and testified on behalf property owner Tammy Lamb. He expressed appreciation for his client's property being included and supported the analysis to bring it in. He also mentioned a letter he wrote in which he proposed a change to Policy 11-126 and encouraged the adoption of these changes.
7. Terry Denoux – testified about property he owns on Eagle Road and adjacent to the UGB. He cited testimony he provided that his legal team believes the property must be included. He further testified that there was no clear evidence as to why the property was not included, and that this was unfair and unequal treatment. He summarized how his property had been scored, the applicable state laws, and that as urban reserve land his property should have been considered first for expansion.
8. Bill Hopp – represented and testified on behalf of Porter-Kelly-Burns LLC, and their property that was included. He added that the city had done a good job on the comprehensive plan, and that 100 percent of the housing developed on his client's parcel would be for affordable housing – he also mentioned a signed MOU with Tom Kemper of Housing Works.
9. Ed Elkins – testified about property identified as the Gopher Gulch Ranch, questioned why MUA10 and RR10 land was included in the UGB proposal, and referred to the remand order to provide testimony on what lands should be included in the UGB. He

also testified that several members of the Boundary TAC have conflicts of interest, and described the land he sold to Bend Parks and Rec. He further testified about his desired level of development of the property, and that it had been miszoned.

10. Norm Andros – testified about the desirability of Bend as a relatively small city, and questioned the changes proposed and whether they would make Bend better. He further questioned the proposed increases in density and changes to the Development Code, and testified that these were not desirable for Bend. He concluded by suggesting the City focus on effectiveness and outcomes we desire as a community.

11. Mike Riley – testified that he served as the co-chair of the Boundary TAC, and that he was here to express his support for the adoption of the UGB plan. He provided his testimony in support of the plan, including the public process, compliance with state law, and the quality of the product. He further testified in favor of the plan by discussing complete communities, reducing congestion and infrastructure costs, and mixing of land uses. He concluded by testifying about the need for effective implementation going forward.

12. John Swanson – represented and testified on behalf of the Oregon Department of State Lands. He testified that he replaced John Russell, and that DSL endorses this property's inclusion in the UGB.

13. Shehai Sher – testified that she was new to the process, and questioned a change to permit density rather than allow it conditionally. She testified about property next to hers and asked what a developer could build on it.

14. Joan Spongberg – testified about the area on Pettigrew and Claire Way, and that the city not do too much. She testified that prior city leaders did not let big box development in, that she does not want new people to come, and asked about new sewer lines and highways to serve areas included in UGB. She further testified about the need to acquire land for a bypass, and that CCRs be provided to new residents.

15. Ellen Gibson – testified about where she lives in the Murphy/Parrell Area, and that she previously lived in Boulder and Fort Collins Colorado. She testified about affordable housing, and asked whether the State is forcing the city to grow. She testified that she lives in the south east, and was concerned about what's happening in the area of the Thumb.

16. Robin Pfeifer – testified about moving to Bend for the outdoors, that both Salt Lake and Park City were ruined, and sees the same thing happening here. She further testified that urban growth will not decrease traffic, and about gentrified neighborhoods like Northwest Crossing. She questioned whether expansion could not be external and does not agree with what we're doing.

17. Duane Oaks – testified that he lives in Southwest on Golden Rain, near the south expansion areas. He testified in opposition to this area being included, and that it does not fit into the neighborhood. He cited the sizes of lots in the area and the lack of

certain infrastructure, and questioned high density residential close by. He also testified that the adjacent property owner had not been a good neighbor, and referred to the recent decision of the Planning Commission that did not recommend a zone change near COCC.

18. Greg Heacock – testified that he lives in Northwest Crossing and moved here from Santa Monica. He testified that densification does not have to ruin, how planning takes place including building height restrictions is important. He cited several benefits for height limits, and that there is a lot of planning to do.

19. James Beauchemin – testified that lives on Boyd Acres Road, and generally supports the UGB proposal. He provided several reasons for supporting Scenario 2.1G, and also noted a concern. He testified further about a specific concern with Ordinance 2271, and that was the changes to the development code to change the density in the RL Zone. He expressed a concern about the potential removal of homes and that there should be diverse housing.

20. Gavin Hepp – testified about the Porter-Kelly-Burns property, and that he lives close to this property. He questioned why the property was added and that the people who live near the property deserve a development plan. He testified that traffic from this property will exit through Livingston Drive, and that the County is currently considering a zone change for the remainder of this property.

21. Susan Sullivan – testified that she lives on the east side of Bend, and is the Chair of the Larkspur Neighborhood Association. She made three additional points. First, she lives less than two blocks from Stone Briar apartments, and they have been good neighbors. Second, that the city allow multi-family to occur before lower density housing. Three, make plans for and provide multi-modal transportation. She also noted that the two-acre parcel referred to early is not part of a master plan.

22. Ann Marie Colucci – testified that she participated in UGB process on the Employment TAC, but was testifying on behalf of the Golden Triangle Area Consortium. She thanked all involved in the process, and referred to her written comments.

23. Ryan Bell – testified that he owns 10 acres in the North Triangle area, and that he is part of the consortium. He thanked everybody for his property being included in the UGB, supported the city's affordable housing policies, and supported the City approving this package.

24. Kirk Shueler – started his testimony by thanking staff for all of their work on the UGB, and that he was a member of the Residential TAC. He testified in support of the proposal, and that it was the product of rigorous discussion, debate, and compromise. He also testified in support of and described the transect concepts, and its benefits.

25. Moey Newbold – represented and testified on behalf of Central Oregon Landwatch. She testified that Bend has entered another period of rapid growth, and that Landwatch has been at the table during this process. She summarized her written testimony, and

testified in support of the UGB proposal, citing the reasons for her organization's support. She testified in support of the Bend Central District, and the transect incorporated in the proposal. She concluded by testifying Landwatch has gone from a lead appellant to a lead supporter.

26. Leaila Gregory – testified that she lives on NE 4<sup>th</sup> Street, and asked what was going to happen to her neighborhood. She testified that she already has a neighborhood where she can walk to the park and to the store, and expressed concerns about the disruption of her neighborhood.

27. Pam Nettleton – represented and testified as the president of the Southwest Bend Neighborhood Association. She testified that change is hard for all of us and necessary; she added that Bend is continuing to grow. She expressed a concern over affordable housing units, and recognized that the city has worked very hard on what she described as a viable plan for the city.

28. Henry Burwell – testified that the state has put the city between a rock and a hard place. He testified that cities are in the business of 1,000 years, and referred to several cities as examples. He testified that the 13 year planning period was short-sighted, and that the city should be looking out 100 years. He referred to several low density areas and several golf courses and suggested looking at these areas for potential growth. He also testified about hobby farms and the water they consume, suggesting that some of these be converted to homes to save water.

29. Dave Clark – testified that he lives on Brosterhous Road and that Bend is experiencing phenomenal growth. He testified about potential traffic in his area due to the proposed development. He also commented on requiring developers to construct infrastructure, including sidewalks.

After Mr. Clark's testimony, Mayor Clinton noted that no one else had signed up to testify, and announced a ten (10) minute break at 3:15 pm.

Mayor Clinton resumed the meeting at 3:31 pm. At this point of the meeting, the City Council conducted a question and answer session with city and project team staff regarding the issues raised in testimony that afternoon. The following summarizes the issues discussed and their answers or resolution.

- Land use goals and statutes are not necessarily straightforward. One of the basic features is that cities are required to have urban growth boundaries, and that they include a 20 year supply of land to accommodate that population.
  - Entire process focused on providing the planning to make sure we have necessary land to accommodate the growth that's expected.
- Addressing changes put in place today – this will require working with the City Council on how to address this.
- Next steps in process – after UGB is approved – update of public facility plans, and then transportation planning and funding. Master planning processes for

areas inside city, including bike and pedestrian improvements. Area planning or master planning for areas included in the UGB.

- Changes are not expected anytime soon; each of these areas included in the UGB will need infrastructure, annexation. There is a time period between this decision and when development starts. Area planning will help coordinate roads and community dialogue, and coordinate planning with adjacent neighborhoods.
- There was a brief discussion between city staff and the City Council on development projects, how transportation analysis is conducted for these projects, and how impacts are mitigated. This discussion also addressed direction form policies in the comprehensive plan to guide this work and changes to the Development Code.
- Urban reserve area. The area under the Bend General Plan is not a statutory urban reserve like Redmond's. Lands in the urban reserve are the same priority as RR10 and MUA10. City has policy about starting next process in next five years, which one (urban reserve or UGB) will depend on discussions with future council
  - Next steps after approval of UGB expansion; may include urban reserve planning, update of infrastructure plans
- Effect of zone changes on existing neighborhoods; consideration of golf courses and whether they would have capacity for additional housing. Project team and TACs considered golf courses. We decided it was safer to not assume any capacity in golf courses, and wait until next process to see if they do provide any capacity.
- Ms. Hewitt of Angelo Planning Group reviewed and summarized the map changes proposals using a power point presentation at 4:08 pm, including the following areas:
  - Bend Comprehensive Plan Map
  - Bend Zoning Map
  - Residential Zones Highlights
- Opportunities for redevelopment and new development in the current UGB; TACs discussed and considered this when considering zone changes, map changes, and development code changes for efficiency measures.
- Form of notice sent to people required by statute; intended to get people's attention so they attend and know what's going on.
- Testimony from Leila on 4<sup>th</sup> street; west side of 4<sup>th</sup> Street in the Bend Central District; the east side is outside of the Bend Central District. Changes are expected on the west side of 4<sup>th</sup>.
- Alex Joyce of the Fregonese and Associates provided a presentation on redevelopment and how the project team considered what areas has this potential. This work looked at pro forma tools for evaluating the opportunity sites, considered short term or long term, private investment, and where significant public investments would be needed before private investments are made.

- Opportunity sites not typically residential areas; neighborhoods adjacent to opportunity sites won't experience immediate impacts.
  - Intense redevelopment expected mostly in commercial areas, some RL-zoned areas might change.
  - Central Westside Plan discussion – new buildings and development on the West side when compared to the Bend Central District. On west side - some old structures, some vacant structures – newer buildings not assumed for a redevelopment
- DSL property and the Elbow – proposed uses; transportation, and what would happen after something is approved.
  - For DSL – one identified school site for an elementary school; assumes bat caves will be protected. Large site and open space will need to be provided. Project team summarized land uses in this subarea, and the assumptions behind locating these land uses. Discussed policies for subsequent master planning, final arrangement of land uses.
- Use of public lands for residential purposes.
  - Project team summarized state law on buildable land inventories and how public lands are counted.
  - Parks and schools; land for schools and parks not shown if they're not acquired yet; plan policies require follow up and coordination.
- Transportation – what happens to rural roads when they urbanize; discussion on roads in complete communities, how project team considered a network of streets within a collector system in expansion areas. This discussion also included health care, school location, and taking into account the health of the community.
- Scenarios 2.1, 2.2, and 2.3 – the projected team reviewed these variations between these scenarios and how we settled on this arrangement. Mr. Rankin and the project team summarized the process of moving from Scenario 2.1 to Scenario 2.1G. This summary addressed the use of the Court of Appeal's decision on the McMinnville UGB, and looking at larger blocks of land such as the Perfect Rectangle. The Boundary TAC saw value of a complete community in the northeast. He also discussed the refinement process, what was added to the boundary, including those properties proposing affordable housing.
  - This discussion on the scenario refinement also addressed the number of acres correlated to land need, and why the properties included were on the map. The project team clarified that the need cannot expand or contract, and that the City does not have to prove why one property was brought in over another; we're required to explain how we balanced all factors, and how this scenario performed better than the others considered in this process.
- Two acre property on Highway 20 and affordable housing; this property would have a plan designation of RH, and annexation and master planning would be the process through which rezoning would take place to allow multi-family

housing. This discussion also considered the adjacent area and neighborhood streets. This property would be back before the City Council when a proposal for development comes forward. The subsequent process for approval would engage the Planning Commission and involve site plan review. ODOT would also weigh in on access to Highway 20. Master planning would also consider a potential trail through the property, and input of irrigation districts. Mr. Rankin cited to the Growth Management Chapter, which includes policies for each expansion area and requirements for coordination with irrigation districts.

At the conclusion of the forgoing discussion, Councilor Campbell mentioned that at least a couple of citizens had referred to a recent decision of the Planning Commission, and stated that this particular issue was not before the Council. Mayor Clinton responded that he had received a number of emails regarding this proposal, but that it also was still in the bailiwick of the Planning Commission.

Mayor Clinton called a recess to the hearing at 4:55 pm, and notified everyone present that the Council and the Board would reconvene at 6:00 pm. At 6:05 pm, Mayor Clinton reconvened the hearing. He stated that this hearing is a continuation of the public hearing on the city's urban growth boundary proposal that started at 1:00 PM today. He stated that the Council and the Board will now accept public testimony again, asked people to submit their signup sheets, explained the hearing protocol, and asked people to speak into the mike.

He announced that this was a joint hearing of the Bend City Council and the County Commission, and that each body has their own set of documents under consideration for adoption. He added that the proposal was vetted through a long, public process, and that once the City completes its deliberation, it will go on to the County for their approval. Then, the proposal will be submitted to the Department of Land Conservation and Development. He then referred to Mr. Rankin to give an introduction.

Mr. Rankin provided a brief summary of the presentation given at the first hearing, including the lengthy power point presentation. He stated that Ordinance 2271 is before the City Council, and that the County has ordinances before them for adoption. He stated that Ordinance 2271, does a number of things to a number of different documents. It includes a UGB expansion of 2,380 acres, adopts technical appendices for and changes to the comprehensive plan. These policies drive the proposed changes to the City's Development Code. The amendments includes those to the City's comp plan map, zoning map, and development code, and supported by adopting findings. He also referred to those who had received a notice and mentioned that this process has been going on for over a decade, and under a remand order from the state. He added that the last two years have been spent in intensive work, including work with three TACS, over 60 people, helping the city form this plan. The work was shaped and developed by the people of Bend on these committees, and by the USC, which included the full City Council, two Planning Commissioners, and a County commissioner.

Mr. Martin then summarized the county's proposed ordinances, and stressed the collaborative and coordinative role with the county. He described the required amendments to the county code, and that the County is considering four (4) ordinances. He summarized the ordinances that would put the UGB expansion into effect, the proposed changes to the comprehensive plan, and those to Title 19 of the Deschutes county code. He concluded by stating that based on findings provided by the city of Bend, County Staff has reviewed and supports the justification and analysis.

Chair Unger confirmed and announced that the hearing will be live-streamed from the county website, and that a recording will also be available from the county website.

Councilor Roats asked for a show of hands from attendees if they did not attend the first session of the hearing, with most of the crowd raising their hands. He provided a brief preface on two points. First, he pointed out that the notice the City provided is mandated by the state, including the required language. Second, he also pointed out that state law requires cities to plan for growth, and that areas of high redevelopment are targeted.

After Councilor Roats concluded his comments, Mayor Clinton and Chair Unger re-opened the public hearing for oral testimony. The following lists those who provided testimony and summarizes the main points of their testimony.

1. Russ Donnelly – testified that he is a resident of Bend, and lives near the southwest corner of the OB Riley area. He thanked the Council for the opportunity to provide input, and testified in support of the proposed UGB. He further testified that he thought it was a reasonable alternative, and that this plan has an interdisciplinary and holistic approach. He added that he heard prior testimony about changing neighborhood character, and supports this plan because it supports neighborhoods.
2. Scott Edelman – represented and testified on behalf of the Oregon Department of Land Conservation and Development. He did not provide any written comments, but did testify that DLCD supported the local process. He provided some background on the next level of review with DLCD, and expressed appreciation for being included in the process. He concluded by testifying the Department has provided input throughout the process, and praised the process for taking time to educate citizens and to get consensus.
3. John Stackpole – testified that he is a new resident of Bend, and lives on Ferguson Court, near the Thumb. He raised several issues with the proposed zoning being changed, with RL being directly across from RH, and with commercial abutting his property. He questioned why this was proposed across from a quiet neighborhood zoned RL, and would include commercial and large apartment complexes.
4. Katelyn Pay – represented and testified on behalf of the Central Oregon Builders Association (COBA). She mentioned she serves as Director of Government Affairs for COBA, which also has 650 members. She testified in support of the UGB expansion,

and provided comments in opposition to the proposal in the Development Code for floor area ratio – citing to 2.1.400. She requested keeping existing development code language.

5. Jeff Harris – represented and testified on behalf of COBA. He testified in support of the UGB expansion. He also provided some background on the last cycle, and that this current real estate cycle deals with lack of supply. He provided additional testimony regarding FAR, and also provided some examples of how the proposed change would affect building. He added that the process was good, and that his testimony was focused on the code change. He concluded that this was an unintended consequence, and that smaller houses don't necessarily mean lower prices.

6. Deborah Turner – testified that she lives in Bend near 27<sup>th</sup> and Butler Market. She expressed several concerns regarding traffic patterns on Wells Acres, 27<sup>th</sup>, and Butler Market. She testified about current apartment building going up and questioned how Mountain View high school would accommodate all these students. She mentioned she works at Oregon Youth Challenge, and the cited the need for infrastructure so kids don't fall through the cracks.

7. Corrine Odekirk – testified that she supports the UGB proposal for many reasons, including sprawl, wildfire, wildlife, the transect, and affordable housing. She testified in support of the transect and the wildland urban interface (WUI), and that the proposal provides a variety of housing options. She added the economy is supported by the tourism industry, and these workers need diverse and affordable housing.

8. Deborah McMahon – represented and testified on behalf of Curt Baney, Oxford Hotel Group. She submitted a letter for the record, and testified in support of the proposal before the city council. She added that this is the culmination of a very long process, and also supports the policies of Section 5 of Ordinance 2271, master planning requirement. She mentioned she provided prior testimony that included a proposed master plan, including a school to dedicate to the school district. She also mentioned that 25% of the housing developed will be made available to households earning 30% of AMI – less than \$20,000 year.

9. Jan Lewis – testified that she lives on the south side of Bend and that his backyard is the city limits. He described it as a low density area, and added more affordable housing is coming within a mile of his house. He expressed his concern for about 57 acres behind his fence that would be developed with high density housing. He mentioned that is no infrastructure to support it, and questioned whether the property would have access to Highway 97. He recommended spreading out the affordable housing a little better instead of concentrating it in this area.

10. Art Hogen – testified that he lives in the southwest off of Brookswood. He testified in support of the UGB, and that he does have some concerns about the efficiency measures. He referred to Mayor Clinton's earlier comments about the participation of the community and questioned the merits of eliminating neighborhoods' ability to

comment on a CUP for multi-family housing. He recommended the Council reconsider that. He added that this does not negate the merits of having mixed housing. He also asked several questions regarding parking and density of housing, and commented that he did not see language on the availability of off-street parking. He expressed a concern about cars parking in the streets due to lack of garage space and the potential for interface of bicycles and cars. He also commented that the City has no city-wide storm drainage system.

11. Phil Henderson – testified that he lived on Orion Drive, and is the Republican and Independent nominee for county commissioner. He testified that his biggest concern was that he did not see where an affordable house could be built. He testified that an affordable house was not 1,800 square feet, and more like 1,100 to 1,200. He commented that he has looked for lots under \$60,000, and did not see where there are any of these in this plan. He added that a bigger developer can buy these lots, and that many builders know how to build an affordable home. He further testified that he rejects the idea of housing diversity and density and cited where he lives in Orion Greens. He added that some families want larger homes and larger lots, and that the multiplex is just wrong. He concluded by testifying it was not a great compliment that LCDC likes everything here.

12. Sharon Jacobsen – testified in support of the UGB expansion plan. She mentioned she lives in the Williamson Park neighborhood, and recognized there will be some redevelopment. She added that she loves the idea of complete neighborhoods and public transportation.

13. Brent Landels – represented and testified on behalf of the Old Farm District Neighborhood Association. He mentioned he serves as the Chair of the neighborhood association. He questioned the zoning decisions that would affect the Old Farm, and discussed the composition of the Planning Commission and the TACS, citing that most of the members live on the west side of Bend. Based on this representation he questioned whether there was consensus and that the east side was ignored. He also questioned the distribution of land uses, and testified that too much employment land was located on the east side.

14. Jennifer Grunchen – testified that she supports the UGB and believes in what we're trying to do. She testified in support of affordable housing, adding that employees need a place to live, and they don't need a commute. She added that she wanted to develop her business where she is.

15. John Lynch – testified that he lives on the east side of Bend. He testified on his concerns over the UGB abutting up to farm land. He proposed that adjoining land to UGB have flexibility in their zoning to allow smaller acreage alongside the UGB, and provide a buffer zone around the UGB.

16. Beal Jones – testified in favor of the plan, and for affordable housing. She questioned whether builders are building affordable housing, and stated she lived in a net zero house that was affordable for her and has less of a carbon footprint.

17. Bill Galaway – represented and testified on behalf of the Southeast Bend Neighborhood Association. He testified that he is the Chair of neighborhood association, and that 45% of the UGB borders the southeast portion of Bend. He stated that the areas has been annexed a long time ago, and still had poor and inadequate road infrastructure. He referred to a City decision that three roads in the area needed replacement, including Parrell, 15<sup>th</sup>, and Knott. He referred to needed upgrades to several transportation facilities, including Murphy Road, and that the City needs to commit to improving the infrastructure in this area.

18. Ken Atwell – testified that he had testified several times before on the topic of access to southeast Bend. He testified that West Bend has only six crossings to get across the river and that high density would be inappropriate. He mentioned only six crossings across the railroad tracks to get to southeast Bend. He referred to his past training in urban planning, and that he previously worked for HUD. He testified that affordable housing belonged everywhere and should be properly distributed. He questioned the proposed zoning in the southeast, and whether it would attract the development intended.

19. Brian Ricker – testified that he lives on the west side of Bend, and in support of his property being included in the UGB. His property is located off OB Riley and Glen Vista, and three acres in size. He testified that all services and utilities are available, and that his property must have been missed in the evaluation. He asked that the property be reconsidered and included in the UGB.

20. Joe Emerson- testified that he lives on Park Commons Drive in Bend, and testified in support of the UGB expansion proposal. He commented that this was an incredible example of a community working together and a great example of compromise. He recommended it be approved as is without further changes.

21. Ann Bayfield – testified in support of the current UGB proposal. She commented that it creates a walkable, mixed use, and vibrant community. She expressed her appreciation that it was reduced in size from the original proposal, and admired the process.

22. Allegra Briggs – testified that she is a Board member of River West Neighborhood Association. She expressed the concerns of the neighborhood association, and the conflicts of uses that exist today. She expressed her concern that the conflicts could become worse, and that current methods are inadequate because they are more focused on appearance. She added that the Board is aware of these conflicts. She then provided her testimony as an individual and expressed that she wanted to see some solutions to some of these conflicts. She specifically cited single family housing and mixed use.

23. Dale Van Valkenburg – testified that he is a resident of west Bend, and served on the Boundary TAC for the last two years. He testified that the process has worked and was widely successful. He referred to some difficulties the project had in the fall, but that it had moved past them. He also mentioned working with Mr. Dewey to support development in the Bend Central District. He added that the Central District is not much of a neighborhood, and that private investment can follow public investment. He concluded by thanking the council for supporting the process.

24. Kay Lynn Landry – testified that she is a full time student and mostly supports the UGB. She supported planning to diversify housing, and include a variety of housing options beyond single family homes. She commented that the NIMBY rhetoric is frightening and dangerous. She referred to several examples of residents being forced out of rental housing, and that she knew families that are homeless. She concluded by testifying Bend's economy is service based and that diversity of housing is needed to keep people working.

25. Paul Dewey – represented and testified on behalf of Central Oregon Landwatch. He mentioned working on this for over ten years, and with respect to the prior testimony, said affordable housing was an issue that concerned all of the TACs. He referred to several developers wanting to have their property included in the UGB who also recognized a social obligation to provide affordable housing; east, north, south, and west. He also addressed the workforce housing contemplated in the Central District. He concluded by stating he was proud of what we all came up with, and that what we're considering adopting will set the framework for 20, 40, and 60 years ahead.

At 7:20 pm, Mayor Clinton closed the oral portion of the public hearing on the City's UGB expansion. Chair Unger closed the oral portion of the County's public hearing. Commissioner Baney asked that the written record be left open to Monday, August 29<sup>th</sup>, 2016 at 5:00 pm. The City Council and Commissioners DeBone and Unger agreed to this extension of time for written comment. After some discussion, Mayor Clinton asked interested parties to submit any written comments by email to [councilall@bendoregon.gov](mailto:councilall@bendoregon.gov).

Mayor Clinton then reported that the City Council would deliberate at their next meeting on Wednesday, September 7, 2016. He stated the council would be working toward a first reading of these ordinances. The proposal would then be in the hands of the county commission.

Following Mayor Clinton's comments about Council deliberations, the City Council and Board of Commissioners engaged in a question and answer session similar to the one they conducted during the afternoon hearing. The following summarizes the discussion points of this part of the meeting.

- Affordable housing – addressed in the housing needs analysis; housing mix for 2028 a shift away from single family detached to a broader mix of housing products.

- Mr. Rankin has worked with a number of the developers of affordable housing to reach agreement on the terms of the housing they will provide.
  - Housing has been distributed geographically throughout the scenario and for all income levels.
  - The project team reviewed the various proposals for affordable housing, including the number of units in each geographic area.
- Distribution of land uses, including employment – employment land siting based on siting criteria; properties in the Elbow met these criteria very well.
  - Employment land in Elbow provides additional supply beyond what is already provided in Juniper Ridge
  - Employment siting criteria were based on an assessment of target industries, and a visioning process conducted during first round of work on the UGB.
  - Location is City's choice, and the Employment TAC discussed this topic as a component of a complete community.
- Roads in Southeast; not in a condition to handle the expected development
  - Mr. Rankin summarized prior comments from Russ Grayson, director of the Community Development Department, and the process used for determining impacts on city infrastructure, SDC's, and developer contributions.
  - Nick Arnis of the City discussed the exiting road system in the expansion areas, how to look to the transportation system plan for their improvements, which also includes a financing plan. The TSP includes improvements to complete by 2032, and the City Council makes decisions on the capital improvement program (CIP) every five years. He cited Murphy Road as an example of a project funded through a state bond, the urban renewal plan for the Murphy Exchange area, and the corridor plan for 15<sup>th</sup>.
- Adding urbanized areas next to farmland, compatibility issue
  - Mr. Dills and Mr. Rankin discussed what the City is allowed to do under state law, how compatibility with farm and forest practices was incorporated into the boundary analysis, and discussed employment uses along the north side of Knott Road due to agriculture uses to the south.
  - Nick Lelack of Deschutes County addressed this question, and the process for directing growth to urban growth boundaries. One of the foundations of the statewide program is keeping rural areas rural, with density kept at one unit per ten acres.
  - Mayor Under discussed the development pattern north of Canal View
- COBA concern about FAR. Mr. Rankin addressed this issue and provided some background, including how FAR is used in Northwest Crossing. He concurred with testimony that it does not create more capacity, and recommended addressing this issue through another code rewrite process.

- Colin Stephens of the City provided some background on current regulations, and how they are applied.
- Mr. Dills added that the team did not rely on FAR for capacity reasons.
- Mayor Clinton and Councilor Russell recommended the council take up the topic of FAR at a work session, with Mr. Roats supporting the removal of FAR from the proposal, and Councilors Chudowsky and Campbell wanting more information on the economics and expected results. Mayor Clinton directed the removal of FAR as recommended.
- Mayor Clinton also directed to have a work session on September 7, and go over the details during the work session.
- Walkability to a school, how schools were part of this process, and school location accommodated. Mr. Rankin addressed this and described the coordination between the City and School District on long range planning efforts.
- Transitions zones, buffer zones raised in testimony; discussion referenced master plan requirements in development code.
- Lack of representation on the TACS. Several councilors referred to a recent article in the Bulletin and the city's efforts for recruiting for people to serve on advisory committees. This discussion also addressed the committee structure, and how major land owners and stakeholders were included on the TACs.
  - City Attorney Mary Winters commented that conflict of interest laws apply to public officials, and noted the very divergent interests on the committees.
  - Chair Unger outlined that after the UGB decision, there will be annexation and development, and that public involvement will continue.

Mayor Clinton thanked everyone for their participation. City Manager Eric King added that staff will be ready to proceed with FAR, and the Council will consider a first reading of the adopting ordinance at their September 7<sup>th</sup> meeting. City Attorney Winters notified the Council that there will be some clean up changes in the proposal, and that additional findings may be developed based on testimony. Mr. Rankin reported that the Council's September 7, 2016 meeting would start at 3:00 pm, with the Council working through the work session after this meeting.

At 8:39 pm, Mayor Clinton adjourned the City Council meeting, and Chair Unger adjourned the Board of Commissioners' meeting.

**City Council Special Meeting  
September 7, 2016**

**1. Convene special meeting on the Bend UGB Remand (PZ-07-361)**

The special meeting of the Bend City Council was called to order at 3:00 p.m. on Wednesday, September 7, 2016, in the City Council Chambers at Bend City Hall, 710 NW Wall. Present were Bend City Councilors Casey Roats, Victor Chudowsky, Doug Knight, Sally Russell, Barb Campbell, Nathan Boddie and Mayor Jim Clinton.

**2. Staff report and update – see Memorandum titled Recommended Revisions to Adoption Ordinance 2271 and Exhibits**

Brian Rankin, Principal Planner, provided a brief recap of the joint public hearing held on August 25 noting that the written record was held open until August 29. He reviewed the staff recommendations as noted in the provided memorandum.

Councilor Knight noted that he was unable to attend the August 25 meeting but has listened to the recordings and is able to make an informed decision today.

Councilor Boddie also noted that he was unable to attend but has listened to the recording.

Councilor Russell asked when the affordable housing numbers would be established for the parcels of land that are coming into the UGB in regards to #2. Mr. Rankin explained that each one is a little different because each landowner made their own custom offer. He explained that they have asked that each applicant show how they would meet the affordable housing criteria. He also reviewed the applicants and how many units they would build that would be affordable. He noted that the north area is a consortium of owners which makes it more difficult to manage.

Councilor Campbell confirmed that the proposed language requires 77 units of affordable housing regardless of the other minimums on their property. She said she would rather that we error on the side of more affordable units. Mr. Rankin explained that the City does not have an inclusionary zoning program, so these are essentially voluntary offers at this point. He said it is important to be careful with how much we push this as a requirement. Councilor Knight suggested that the language remain as suggested by staff. Mayor Clinton wondered how this would get implemented and how the developers offer is binding. Mr. Rankin explained the additional agreement that would be placed upon the property, which would be a form of CC&R's. The deed restriction would be in place until the obligation has been met. However, this is uncharted waters in regards to a UGB expansion.

Councilor Roats asked how hard it would be to modify the language if needed. Mr. Rankin said it is a text amendment to the Comprehensive Plan which would require public hearings and a decision by the Council.

Councilor Campbell asked if Goal 5 could protect the caves in addition to the bats. Mr. Rankin said the Division of State Lands has had a master plan on the site for years. It is their clear intent to save the caves as an open space.

Councilor Chudowsky thanked the Technical Advisory Group and staff for all their hard work on the whole UGB process.

At Mayor Clinton's request, Mr. Rankin explained what type of work has to be done prior to a property being developed when it is brought into the UGB. The expectation is that these areas are larger areas and need to be planned. City Manager Eric King also explained the internal coordination that occurs and noted that goals will be drafted after the Comprehensive Plan update. However, we will need Council to do its part during their next goal setting sessions to ensure that the correct amount of resources are dedicated to getting this done in regards to managing growth.

Councilor Knight asked if there has been any report from Deschutes County Community Development Director Nick LeLack and Deschutes County Planning Manager Peter Gutowsky and their effort to create more eligible lands in the form of urban area reserves. Mr. Rankin said that the urban reserve project has been on their work plan. He thinks they are aware and they have been willing. It's a matter of getting the County Board and the future City Council together to work on it. It would be a big project and similar to the UGB process.

Councilor Russell asked for further explanation on the five year check-in policy. Mr. Rankin explained the policy that the City has set up to review the UGB every five years. For too long the City has let the General Plan and Public Facility Plans sit on the shelf without updating every five years. He would suggest that the Council take that into consideration during their goal setting sessions.

City Attorney Mary Winters explained that Council just received an email from the City Recorder pointing out that the attached ordinance is the ordinance they will be voting on. It has also been posted on the UGB website. There were a few word changes to the severability clause. They also noted that every time the General Plan was referenced, they now mean the Comprehensive Plan which is now more commonly known.

### **3. City Council discussion based on staff report**

### **4. City Council to consider deliberations and first reading of Ordinance 2271**

Councilor Russell moved to amend policies in Exhibit E – Growth Management Chapter as specified in the September 1, 2016 Memorandum titled Recommended Revisions to Adoption Ordinance 2271 and Exhibits and followed with the recommended language for motion on the issue summary. Councilor Knight seconded the motion which passed unanimously, (7-0).

Councilor Chudowsky moved approval of the 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. Councilor Russell seconded the motion which passed unanimously, (7-0).

Mayor Clinton thanked everyone who participated in this project of epic proportions. He said we can move forward and look for rapid acknowledgment from the state.

The meeting was adjourned at 8:29 p.m.

Respectfully Submitted,

City Recorder  
Robyn Christie



Deschutes County Board of Commissioners  
1300 NW Wall St., Bend, OR 97703-1960  
(541) 388-6570 - Fax (541) 385-3202 - [www.deschutes.org](http://www.deschutes.org)

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## WORK SESSION AGENDA

### DESCHUTES COUNTY BOARD OF COMMISSIONERS

**1:30 P.M., MONDAY, SEPTEMBER 19, 2016**

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*Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be addressed at the meeting. This notice does not limit the ability of the Board to address additional subjects. Meetings are subject to cancellation without notice. This meeting is open to the public and interested citizens are invited to attend.*

*Work Sessions allow the Board to discuss items in a less formal setting. Citizen comment is not allowed, although it may be permitted at the Board's discretion. If allowed, citizen comments regarding matters that are or have been the subject of a public hearing process will NOT be included in the official record of that hearing. Work Sessions are not normally video or audio recorded, but written minutes are taken for the record.*

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1. Grant Request for La Pine Basin Joint Chiefs Project (Year 2 of 3) – *Ed Keith*
  2. Oregon Department of Forestry, Forestland Classification Status and Other Updates – *Ed Keith; ODF: Mike Shaw, Kristen Dodd*
  3. Health Services Position Upgrade Request – *David Inbody*
  4. Discussion and Consideration of Board Signature of Order No. 2016-040, Declining Review of the Hearings Officer's Decision regarding the Shepherd Church Application – *Will Groves*
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*Meeting dates, times and discussion items are subject to change. All meetings are conducted in the Board of Commissioners' meeting rooms at 1300 NW Wall St., Bend, unless otherwise indicated. If you have questions regarding a meeting, please call 388-6572.*

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Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format, please call (541) 617-4747, or email [ken.harms@deschutes.org](mailto:ken.harms@deschutes.org).

5. Discussion of Bend UGB Expansion Ordinances – *Peter Gutowsky & Matt Martin*

6. Lottery Grant Fund Requests – *Judith Ure*

- Central Oregon Intergovernmental Council – CET Governance Legislative Concept, for \$1,000

7. Other Items

*These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.*

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*At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.*

*Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.*

8. Adjourn

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**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**

**The video from the special meeting will be posted as soon as it is available.**

**3 Adopting Ordinance REVISED**

- 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**
  - A. OSU-Cascades Grand Opening**
  - B. Commute Options Open Streets**
- 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. Public Comment and 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 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. 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 for the first reading of an ordinance creating a multi-family residential System Development Charge (SDC) deferral program to allow payment of SDC when the Certificate of Occupancy is issued.

IS MF SDC Deferral Sept 2016

Ordinance SDC Timing with fee

8. **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.

IS WRV Fee and Parking fees Sept 2016

2016-17 Fee Resolution Sept 2016

9. **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.

Street Jurisdiction Transfer - Issue Summary

Street Jurisdiction Transfer - Resolution

10. **Council Action and Reports**

- A. Committee Reports

11. **Receive City Manager's Report**

12. **Adjourn**

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**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](mailto: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.

**Agenda**  
**Bend City Council**  
**September 21, 2016**  
**City Council Chambers,**  
**Bend City Hall**  
**710 NW Wall, Bend, Oregon**



**Light Meal, 4:30 p.m.**

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**City Council Work Session, 5:00 p.m.**

- 1. Convene Work Session**
- 2. Executive Session under authority of ORS 192.660 (2) (d) to conduct deliberations with persons designated to carry on labor negotiations and (h) to consult with attorney regarding legal rights and duties of a public body with regard to current litigation or litigation likely to be filed**
- 3. Return to Open Session**

**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: \* July 20, 2016 Work Session \* July 20, 2016 Regular Meeting \* August 25, 2016 Joint Meeting on UGB Remand \* September 7, 2016 Special Meeting on UGB Remand

8-25-16 Joint Public Hearing

9-7-16 Special Council Meeting

7-20-16 Bend City Council Work Session

7-20-16 Bend City Council Regular Session

- B. OLCC Report

OLCC Council Report

- C. Authorize surplus of replaced Self-Contained Breathing Apparatus and related equipment

IS Surplus of Self-Contained Breathing Apparatus

**End of Consent Agenda**

**6. Second reading of Ordinance 2271**

Recommended motion: I move for a roll call vote on the second 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.

6 Issue Summary - Sept 7 City Council Work Session

6 BendUGB Recommended Changes Memo final 9-1-16

## 6 Adopting Ordinance

### **7. Second 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 for a roll call vote on the second reading of an ordinance creating a multi-family residential System Development Charge (SDC) deferral program to allow payment of SDC when the Certificate of Occupancy is issued.

## 7 IS MF SDC Deferral Sept 2016

### 7 Ordinance SDC Timing with fee

### **8. Council Action and Reports**

#### A. Committee Reports

### **9. Receive City Manager's Report**

### **10. Adjourn**

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