

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 LCDLDC’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 acknowledgment. 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:

Jim Clinton, Mayor

Attest:

Robyn Christie, City Recorder

Approved as to form:

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

INTRODUCTION

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

REVISIONS TO FINDINGS IN RESPONSE TO TESTIMONY

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

REVISIONS THAT ARE CLARIFICATIONS AND ERRATA

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 The types of changes include consistent references to the new Bend Comprehensive Plan (instead of the now outdated term Bend General Plan), correcting table references, figure numbering, and removing duplication, updating references to ORS and OARs for consistency, and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

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

REVISIONS TO POLICIES

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

Exhibit E - Growth Management Chapter

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

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

STAFF RECOMMENDATION

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



CITY COUNCIL ISSUE SUMMARY

CITY OF BEND

<p>MEETING DATE: September 7, 2016</p>	<p>SUBJECT: Bend City Council special meeting on the Bend UGB Remand (PZ-07-361).</p> <p>STAFF MEMBER: Brian Rankin/Nick Arnis DEPARTMENT: Growth Management</p>
<p>ACTION REQUIRED:</p> <p><input type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: August 25, 2016</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: 9/7/16</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: 9/21/16</p> <p><input type="checkbox"/> Resolution (<i>roll call vote required</i>)</p> <p><input type="checkbox"/> Information/Direction</p> <p><input type="checkbox"/> Consent Agenda (<i>adopted by motion</i>)</p>	<p>ADVISORY BOARD/COMMISSION RECOMMENDATION:</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not applicable</p> <p>Comments: Proposal was recommended from the April 21, 2016 meeting of the UGB Steering Committee and built upon the recommendations of the three UGB Technical Advisory Committees.</p>

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

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

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

BACKGROUND:

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

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

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

DEPARTMENT DIRECTOR REVIEW:

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

FINANCIAL REVIEW:

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

LEGAL REVIEW:

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

COMMUNITY OUTREACH PROCESS AND POTENTIAL IMPACTS:

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

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

ATTACHMENTS:

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

ORDINANCE NO. 2271

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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.
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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
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10. Compliance with Applicable Policies of Bend Comprehensive Plan
11. Bend Development Code
12. Compliance with LCDLDC’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.

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

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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.”

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First Reading:

Second reading and adoption by roll call vote:

YES: NO: ABSTAIN:

Jim Clinton, Mayor

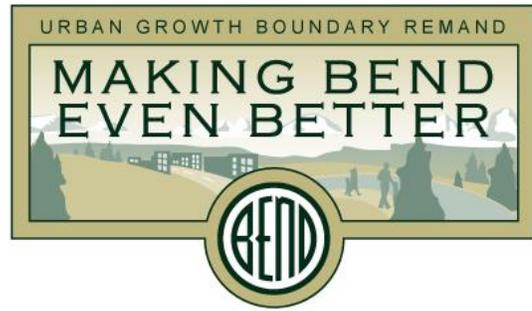
Attest:

Robyn Christie, City Recorder

Approved as to form:

Mary A. Winters

Memorandum



September 1, 2016

To: Bend City Council
Deschutes County Board of County Commissioners

Cc: Remand File

From: Bend UGB Project Team

Re: Recommended Revisions to Adoption Ordinance 2271 and Exhibits

INTRODUCTION

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

REVISIONS TO FINDINGS IN RESPONSE TO TESTIMONY

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REVISIONS TO POLICIES

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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:
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 - 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.**
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2. Amend Policies 11-64, 11-96, 11-105, and 11-126 of the Growth Management Chapter to include the following text:
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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

<p>MEETING DATE: September 7, 2016</p>	<p>SUBJECT: Bend City Council special meeting on the Bend UGB Remand (PZ-07-361).</p> <p>STAFF MEMBER: Brian Rankin/Nick Arnis DEPARTMENT: Growth Management</p>
<p>ACTION REQUIRED:</p> <p><input type="checkbox"/> Motion</p> <p><input checked="" type="checkbox"/> Public Hearing Date: August 25, 2016</p> <p><input checked="" type="checkbox"/> Ordinance 1st Reading Date: 9/7/16</p> <p><input checked="" type="checkbox"/> Ordinance 2nd Reading Date: 9/21/16</p> <p><input type="checkbox"/> Resolution (<i>roll call vote required</i>)</p> <p><input type="checkbox"/> Information/Direction</p> <p><input type="checkbox"/> Consent Agenda (<i>adopted by motion</i>)</p>	<p>ADVISORY BOARD/COMMISSION RECOMMENDATION:</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not applicable</p> <p>Comments: Proposal was recommended from the April 21, 2016 meeting of the UGB Steering Committee and built upon the recommendations of the three UGB Technical Advisory Committees.</p>

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

ISSUE / COUNCIL DECISION & DISCUSSION POINTS:

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

BACKGROUND:

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

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

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

DEPARTMENT DIRECTOR REVIEW:

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

FINANCIAL REVIEW:

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

LEGAL REVIEW:

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

COMMUNITY OUTREACH PROCESS AND POTENTIAL IMPACTS:

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

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

ATTACHMENTS:

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