# 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 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: September 7, 2016

Second reading and adoption by roll call vote: September 21, 2016

Yes: Jim Clinton, Mayor
Victor Chudowsky
Doug Knight
Sally Russell
Nathan Boddie
Casey Roats

No: None

Jim Clinton, Mayor

ATTEST:

Robyn Christie, City Recorder

Approved as to form:

Mary Winters, City Attorney