

## **II. BACKGROUND AND DESCRIPTION OF UGB PROPOSAL**

The City of Bend adopted an 8,462-acre UGB expansion and supporting plan and code amendments on January 5, 2009. (See Figure 1, UGB Map, on the following page.) Deschutes County co-adopted the same UGB expansion along with its own supporting plan and code amendments on February 11, 2009. The city and county decisions were submitted to the department for review on April 16, 2009. In its submittal to the department, the city summarized its proposal as follows:

The adopted UGB amendment is substantially different from previous submittals dated June 11, 2007 and October 8, 2008. Lands proposed to be included to the west and north are exception lands. Lands proposed to be included to the northeast and due east are a combination of exception and resource lands; lands to the south and southeast are exception lands. [Notice of Adoption of an UGB Amendment form dated April 16, 2009]

### **A. Background**

The city began review of its need for additional land for housing in 2004, and later added an evaluation of its employment land needs as part of its UGB review. On June 11, 2007, the city submitted a notice of a proposed 4,884-acre UGB expansion to the department through a 45-day post-acknowledgement plan amendment notice. The notice also included a 14,775-acre urban reserve proposal, which was withdrawn from further consideration shortly thereafter. Following joint public hearings by the city and county planning commissions, it was decided locally that further work was needed on the UGB expansion proposal.

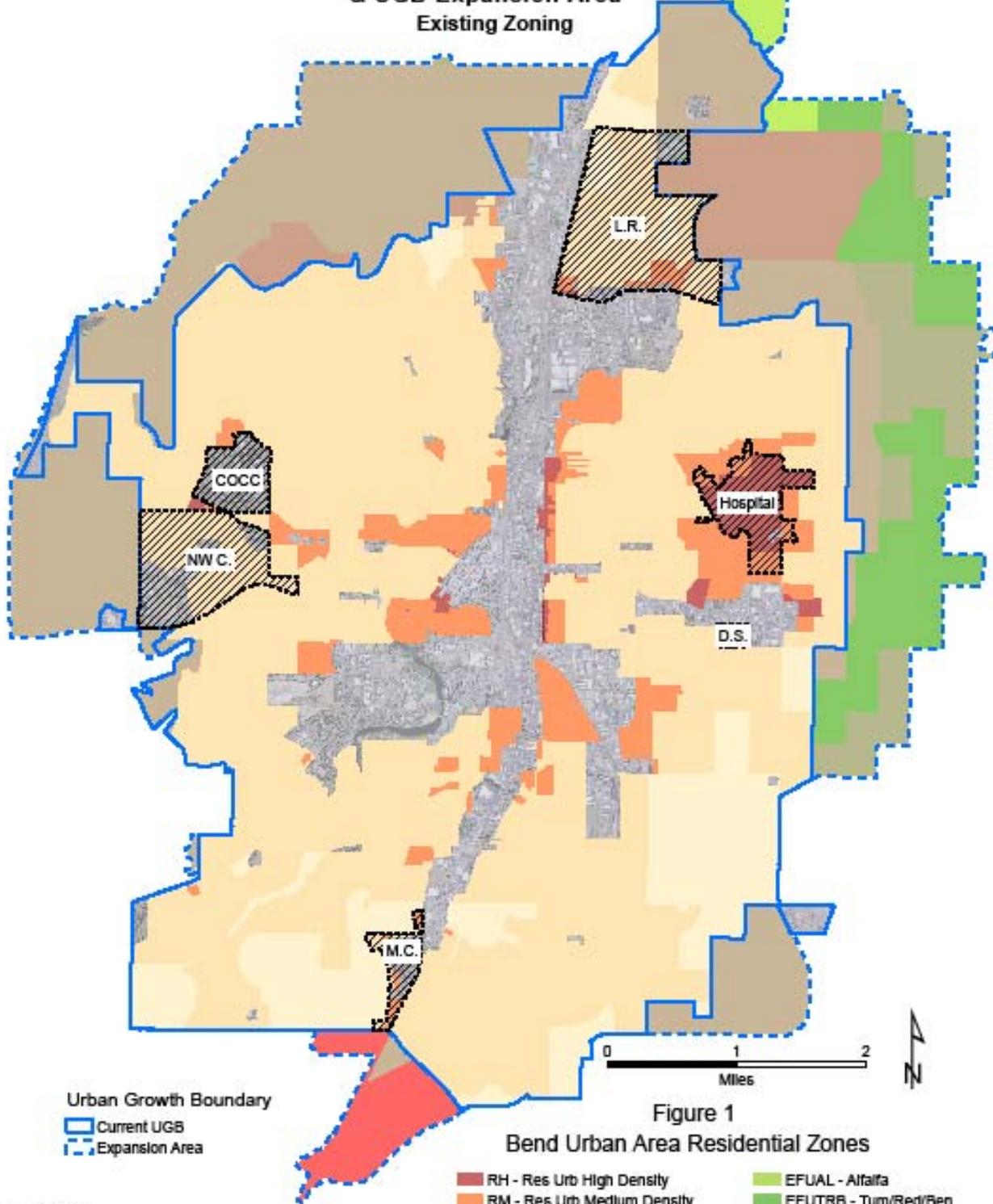
On October 8, 2008, the city submitted notice of a revised UGB expansion proposal that included 8,943 acres, 83 percent larger than the June 11, 2007 proposal. A joint planning commission hearing occurred on October 27, 2008, followed the next day by an adoption recommendation by the Bend Planning Commission. The Bend City Council and Deschutes County Board of Commissioners held a joint public hearing on the proposal on November 24, 2008 and considered certain changes to it. The written public hearing record remained open until December 1, 2008. After deliberation during December, 2008, the city council adopted the proposal on January 5, 2009.<sup>1</sup>

The Deschutes County Planning Commission forwarded its recommendation on November 13, 2008 and Board of Commissioners co-adopted the UGB expansion and

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<sup>1</sup> The Bend City Council approved Ordinance NS-2111 related to amendments to sewer and water public facility plans involved with the UGB proposal, Ordinance NS-2112 related to justification of the UGB expansion and amendments to the Bend Area General Plan, and Ordinance NS-2113 concerning UGB-related amendments to the Bend Development Code.

**Urban Residential Lands  
& UGB Expansion Area  
Existing Zoning**



Urban Growth Boundary  
 [Solid Blue Line] Current UGB  
 [Dashed Blue Line] Expansion Area

**Figure 1**  
 Bend Urban Area Residential Zones

- RH - Res Urb High Density
- RM - Res Urb Medium Density
- RS - Res Urb Standard Density
- RL - Res Urb Low Density
- Other City Zones (Emply, Mix Use, & Pub. Use)
- Overlay or Refining Zones
- EFUAL - Alfalfa
- EFUTRB - Tum/Red/Ben
- MUA10 - Multi Use Ag
- UAR - Urban Area Reserve
- SR2.5 - Res Sub Low Density
- RR10 - Rural Residential

**Oregon**  
 Department of Land  
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Aerial Image: 2009 NMAP  
 UGB and zoning information extracted from maps provided by City of Bend and Deschutes County  
 DLCD 060 000 00000  
 Bend Oregon 97701

related amendments to the county comprehensive plan and county zoning code on February 11, 2009.<sup>2</sup>

The city provided notice and submittal of the UGB expansion to the department on April 16, 2009. The submittal contained an approximately 14,000-page record, including the adopted ordinances NS-2112 and NS-2113. The submittal did not include Ordinance NS-2111, which adopted an amended public facility plan, although a copy of Ordinance NS-2111 was included in the April 16, 2009 submittal materials.

The 21-day objection period for the April 16, 2009 submittal ended on May 7, 2009, with 27 parties filing objections. Also on May 7, 2009, the department sent the city notice that the submittal was incomplete. The city responded to the department's notice on June 5, 2009.

On June 12, 2009, the city provided notice and submittal of its adoption of the public facility plans related to the UGB expansion, including the notice of adoption for Ordinance NS-2111. This submittal started a second 21-day objection period. This second objection period ended on July 6, 2009 with nine objecting parties, including some who had objected during the objection period for the UGB submittal.

The department determined that the city's submittals were complete on August 28, 2009, and consolidated the record for review in the manner of periodic review. This began the department's 120-day review period to prepare a decision on the consolidated submittal. The 120-day review period was extended to January 8, 2010 by agreement of the city, in response to a request from the department on December 15, 2009.

## **B. Summary of the UGB expansion**

The UGB expansion adds 8,462 acres to the existing 21,247-acre Bend UGB, an approximately 40 percent increase. The expansion includes 2,866 acres for housing needs and related uses and 2,090 acres for employment needs and related uses, for a total land need of 4,956 acres. [R. at 1054, 1057-1058] The amendment includes 5,475 acres considered "suitable" and available for development, leaving a theoretical "surplus" of 519 acres. [R. at 1054] In addition to the 519-acres, the UGB amendment includes 2,987 acres considered unsuitable for satisfying housing and employment land needs.

Of the 5,475 acres considered "suitable" and available for development, 4,069 acres are exception lands, which (under state law) are the highest priority lands for UGB expansions. ORS.197.298. The remaining 1,407 acres are resource (farm) lands, which are the lowest priority lands for UGB expansions. [R. at 1058] The findings do not indicate the land priority of the 3,506 acres of land that have been included in the UGB expansion, but that are either unsuitable for housing and employment land, or are

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<sup>2</sup> The Deschutes County Board of Commissioners approved Ordinance No. 2009-01, related to co-adoption of the proposed Bend UGB and associate comprehensive plan policies and Ordinance No. 2009-02, related to the county zoning map and zoning ordinance text for areas within the Bend UGB.

"surplus" according to the findings. These 3,506 acres represent 41.4 percent of the UGB expansion area.

In 2008, the population living within the prior UGB was reported to be 76,551. The city's 2028 planning year population is projected to be 115,063. [R. at 1302]

The city's housing needs analysis identifies a need for 16,681 new dwelling units over the 20-year planning period, of which 11,159 dwelling units would be accommodated in the prior UGB. [R. at 1070-1071, 1083] According to the decision, this leaves the need for 5,522 new dwelling units to expand on 941 net acres of expanded UGB area.<sup>3</sup> [R. at 1080, 1082]

The city projects that non-shift employment in 2028 will include 60,607 jobs citywide, of which 29,602 will be new employees. [R. at 1108, 1140] 2,090 acres of land were included in the UGB expansion to provide the sites necessary for this expanded employment base.

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<sup>3</sup> Second homes and vacant homes are not included in these housing needs numbers.