



Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

July 7, 1981

The Honorable Ruth Burleigh
Mayor, City of Bend
P.O. Box 431
Bend, OR 97701

Dear Mayor Burleigh *(Handwritten signature)*

It gives me a great deal of pleasure to confirm that the Land Conservation and Development Commission, on June 25, 1981, officially acknowledged the comprehensive plan and implementing ordinances of the City of Bend as being in compliance with the Statewide Planning Goals.

The acknowledgment signifies a historic step for the City's land use planning efforts.

I would like to commend the local officials, staff, and citizens of your City for their hard work and foresight in the field of land use planning.

Congratulations,

(Handwritten signature)

W. J. Kvarsten
Director

WJK:DZ:af
5980A/5B

Enclosure

cc: Deschutes County Board of Commissioners
Betsy Shay, Coordinator
Brent Lake, Field Representative
Dick Wilson, Real Estate Division
Claire Puchy/Dale Blanton, Lead Reviewers
~~Jim Knight, DLCD~~
DLCD Library
Portland Field Office

LAND CONSERVATION AND DEVELOPMENT COMMISSION
ACKNOWLEDGMENT OF COMPLIANCE

RESPONSE TO CONTINUANCE ORDER OFFERED

January 22, 1980

City of Bend

DATE RECEIVED:
January 14, 1981

DATE OF COMMISSION ACTION:
June 26, 1981

I. REQUEST

Acknowledgment of Compliance with the Statewide Planning Goals for the comprehensive plan and implementing measures.

II. SUMMARY OF RECOMMENDATIONS

Staff:

Recommends the Commission acknowledge the City of Bend's comprehensive plan and implementing measures to be in compliance with the Statewide Planning Goals.

Local Coordination Body:

None received.

FIELD REPRESENTATIVE: Brent Lake
Phone: 389-2253

LEAD REVIEWER: Dale Blanton/Claire Puchy
Phone: 378-4926

COORDINATOR: Betsy Shay
Phone: 382-4000

Date of Report: June 17, 1981

III. BACKGROUND INFORMATION

The Commission reviewed the City of Bend's initial acknowledgment request in December, 1979, and offered to continue the request 120 days to allow the City time to complete work to comply with Statewide Planning Goals 1, 2, 4-6 and 8-14. Major problems were primarily due to the fact that the UGB and major portions of the plan were established prior to the adoption of the Statewide Planning Goals. Most plan policies were advisory rather than mandatory, and there was an inadequate factual base for a number of goals. The location and size of the UGB were not supported with adequate findings.

IV. ADDITIONAL MATERIALS

The following additional materials have been submitted by the City as part of its second acknowledgment request:

City and urban area plan amendments, and UGB amendments	City Resolution No. 1557 (12-17-80) County Ordinance No. 80-216 (12-18-80)
City Zoning Ordinance amendments	City Ordinance No. NS-1308 (1-7-81)
City Zoning Map amendments	City Ordinance NS-1314 (2-18-81)
Urban Area Zoning Map and ordinance amendments	County Ordinance No. 80-217 (12-18-80)
Historic Preservation Ordinance	City Ordinance No. NS-1289 (9-17-80) County Ordinance No. PL-21 (9-17-80)
Joint Urban Area Planning Commission	City Ordinance No. NS-1300 (11-19-80) County Ordinance No. 80-226 (12-18-80)
City of Bend - Water System Master Plan	(July 1980)

V. FINDINGS AND REASONS

Previously Approved Goals:

In making its continuance offer in December, 1979, the Commission found the City of Bend's request in compliance with Statewide Planning Goal 7. The amendments made do not conflict with that action taken by the Commission.

Requirement 2

All lands remaining outside the boundary established in 1. above, but inside the current UGB must be designated as natural resource, rural or urban reserve, and zoned in the UAR-10 or other protective zone classification until such time as a boundary change is justified.

Response

Lands between the IUGB and out UGB have been designated as Agriculture or Open Space on the plan map and zoned in UAR-10 (Urban Reserve), SM (Surface Mining) and SR-2 1/2 (Residential Suburban).

An exceptions statement has been adopted for the area between the IUGB and the outer UGB. This document states:

"The City and County have agreed to a new Initial Urban Growth Boundary that excludes approximately 25 percent of the land contained in the 1979 Urban Growth Boundary. These lands are designated as urban reserve and surface mining, and zoned SR-2 1/2, UAR-10, and SM. The majority of the SR-2 1/2 areas are currently developed with lot sizes of that size or smaller.

The inventory of soil data indicates that most of the agriculture lands are Class VI and are interspersed between lava ridges of scabland Class VIII. The forest soils are site 6 except for a small area of 4 contained within the Tumalo Creek Canyon which is Shevlin Park. The conclusion from this analysis is that these lands are marginal resource lands. Much of the land is surrounded by existing one to five acre subdivisions. These areas have been excepted in the Deschutes County Comprehensive Plan.

The urban reserve area acts as a buffer to the more rural and resource lands beyond the UGB. The use of the urban reserve will promote more orderly and efficient development, and still retain the 1972 planning commitments which have resulted in financial commitments from both the public and private sectors. The minimum lot sizes of 2 1/2 to 10 acres will be compatible with the adjacent land uses, and in most cases are the same as the adjacent MUA-10 and RR-10 zoning outside the UGB.

The provisions of these areas as urban reserve will enable the community to convert these areas when needed, and hopefully reduce any impact of the small number of individual owners of larger parcels within the IUGB. It is important to pre-plan future expansion areas for compatibility and consistency with

adjacent uses and services. These areas offer opportunities important to the Bend's and Deschutes County's economy for destination resorts. These areas offer the community an opportunity to review rural urban conflicts and develop more compatible urban and rural relationships.

No alternatives were considered, since this would require the enlargement of the 1979 UGB.

Based on these considerations, the City and County are taking an exception to Goals 3 and 4 as they relate to the land between the IUGB and the UGB."

Objection

1000 Friends of Oregon has objected to acknowledgment of the Bend Plan for Goal 14 (see Attachment A). The objection raises the following issues:

1. Unjustified use of a double UGB.
2. Inadequate demonstration of need and commitment for lands included in the UGB.
3. Inappropriate urban densities.
4. Inappropriate inclusion of lands within the UGB.

Response

The concept of a second UGB as a longer term boundary for planning purposes does not violate Goal 14 or other resource Goals in this instance. The concept here can be an effective long-range tool for facilities and urbanization planning. Adopted plan policies cited earlier in this section of the report ensure the orderly provision of facilities and services within the IUGB. Although no specific policy prohibits annexation beyond the IUGB, this has not been a compliance requirement. Even though not explicitly stated as policy, the City cannot under Goal 14, annex beyond the IUGB. If the plan indicated that such an annexation could occur, this would violate Goal 14. The combination of quality of resource lands, holding zones and a requirement to amend the IUGB before more intense development insures the IUGB will function as an effective Goal 14 boundary.

As noted in the conclusion to this section of this report, the City has adequately considered the seven factors of Goal 14 in establishing the IUGB. Although the boundary contains more land than needed, the area is justified based upon commitment and other locational factors.

The SR 2 1/2 outside the IUGB is justified because the area is relatively parcelized and for the most part, surrounded by a Deschutes County exception to Goals 3 and 4 based upon commitment. This area is clearly a

dividing line between the larger urbanizable parcels inside the IUGB and the agricultural areas beyond the outer UGB and as such provide for an orderly transition between urban, rural and resource lands.

The RL lands (20,000 square foot) do not impact the City's ability to meet its housing needs, but are not efficient in terms of economy of services. However this area is, for the most part already developed to these lot sizes and is outside the Phase II service area. According to the City:

"These RL areas have supplied a substantial amount of the recently developed lots providing modest priced housing within the urban area. In most cases, until such time as the sewer would become available, these areas will not be further divided.

The County's subdivision ordinance does contain replatting provisions. The Urban Area Planning Commission is working on a redraft of the subdivision ordinance to bring standards, procedures, and requirements into uniformity within the urban area. We will add provisions for redivision as part of this process" (see Attachment C).

Finally, the inclusion of a 177 acre parcel inside the UGB, but outside the IUGB does not impact the County's ability to preserve all or portions of the parcel as a habitat area. This parcel's inclusion in the outer UGB does not violate Goal 14.

Conclusion: The City of Bend complies with Goal 14.

The City has revised its urban growth boundary to exclude 6,858 acres which are not needed and could not be justified based upon Goal 14 requirements. The revised boundary is justified because the land is committed to urban development through facilities or existing development. Locational considerations of Goal 14 (Factors 3-7) are addressed by the findings document through general findings and specific findings for each geographic segment of the boundary. This initial urban growth boundary serves as a viable Goal 14 UGB. Any land use changes outside the IUGB will require an amendment pursuant to the seven factors of the Goal. The outer UGB will work as a longer term growth area, which will be retained for potential urbanization at the time the land is needed. In the interim, UAR-10, SM and SR-2 1/2 zoning will retain the area in a land use pattern which will enable more intensive development in the future.

OVERALL CONCLUSION

The City of Bend has made extensive modifications to its comprehensive plan and implementing measures to correct deficiencies identified by the Commission in December, 1979. Among the major changes were a completely updated land use and buildable lands inventory, a new water plan, a new

parks plan, and a revised economic base analysis. Perhaps the most significant change has been the establishment of a UGB and IUGB with Deschutes County. The City now has a sound plan upon which land use decisions can be based.

V. RECOMMENDATION

Staff:

Recommends the Commission acknowledge the City of Bend's comprehensive plan and implementing measures to be in compliance with the Statewide Planning Goals.

Local Coordination Body:

None received.

CP:kb
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6/15/81