

IV. CONCLUSIONS AND DECISION

1. Conclusions

The scope of the director's review of the decisions is whether they comply with the statewide planning goals and relevant statutes and administrative rules. The foregoing sections of this report explain the analysis and findings for the relevant provisions of law. The conclusions resulting from of the director's review are as follows.

Goal 1

As explained in section III.K.2 and 3, the local governments comply with Goal 1.

Goal 2

As explained in sections III.H.5 and III.K.4, the local government actions and decisions generally comply with Goal 2. However, as explained in sections III.E. and III.G., there are inconsistencies between the housing needs analysis and the UGB decision, and between the public facilities master plans and the UGB decision such that the decisions do not comply with the Goal 2 requirement for consistency with the comprehensive plan. Bend and Deschutes County complied with the requirement of Goal 2 that it coordinate the UGB amendment with affected units of local government. The director concludes that the decisions do not comply with Goal 2, for the reasons stated above and in the analysis sections of this report.

Goal 3

Compliance with Goal 3 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. See the section for Goal 14, below. Because the local governments have not demonstrated that the UGB amendment has satisfied the need criteria or location factors in Goal 14, the director cannot conclude that agricultural land is preserved and maintained pursuant to Goal 3. The director concludes that the decisions do not comply with Goal 3.

Goal 4

Compliance with Goal 4 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. In this case, no land subject to Goal 4 is affected by the decision. The director concludes that, as a result, Goal 4 does not apply to the decisions.

Goal 5

As discussed in section III.J, the UGB submittal does not comply with the requirements of Goal 5. The city has not completed the steps necessary to assess Goal 5 resources within the UGB expansion area for significance, and has not adequately addressed potential impacts to known significant Goal 5 resources as required by OAR 660-023-

0250(3)(c) and OAR 660-024-060. The director concludes that the decisions violate Goal 5.

Goal 6

Goal 6 ensures compliance with state and federal environmental laws. No person has objected that the decisions violate Goal 6, or that Goal 6 compliance will be affected by the UGB expansion. The city's amended public facilities plans indicate that the city will be in compliance with state and federal water quality laws. As a result, the director concludes that the UGB expansion complies with Goal 6.

Goal 7

As discussed in section III.J.3, the director concludes that the decisions do not conflict with the requirements of Goal 7.

Goal 8

The city's analysis of land needs included an analysis of lands required for parks. No person has objected that the UGB expansion violates Goal 8. The director concludes that the expansion complies with Goal 8.

Goal 9

This goal is addressed in section III.F. The UGB amendment does not appropriately identify land for employment uses for the planning period. The data and analysis in the adopted economic opportunities analysis are inadequate to justify the amount and location of employment land included in the UGB expansion. As a result, the director concludes that the decisions violate Goal 9.

Goal 10

As explained in section III.E, the adopted housing needs analysis does not demonstrate that the comprehensive plan will permit appropriate housing types and densities that accommodate housing affordability needs for Bend's population. The residential land needs analysis contains data, assumptions, and conclusions that are not supported by the evidence in the record. As a result, the director concludes that the decisions do not comply with Goal 10.

Goal 11

The public facilities plans and comprehensive plan amendments prepared in conjunction with the UGB amendment do not comply with the requirements of Goal 11 or OAR 660, division 11. As a result, the director concludes that the decisions do not comply with Goal 11.

Goal 12

The decision did not properly evaluate transportation impacts or clearly make or defer decisions about proposed transportation improvements. The city, as a member of a

metropolitan planning organization, needs to address requirements for increasing the availability and convenience of alternative modes of transportation and reducing reliance on the automobile and it has not done so. As a result, the director concludes that the decisions do not comply with Goal 12.

Goal 13

Compliance with Goal 13 in the context of a UGB amendment relies on satisfaction of Goal 14 requirements. See the section for Goal 14, below. Because the local governments have not demonstrated that the UGB amendment has satisfied the need criteria or location factors in Goal 14, particularly as they relate to efficient arrangement of land uses, the director cannot conclude that energy is conserved pursuant to Goal 13. As a result, the director determines that the decisions do not comply with Goal 13.

Goal 14

Primary considerations for evaluating compliance with Goal 14 include 20-year land need and the appropriate location for the UGB. Need is addressed in section III.E and F while boundary location is addressed in section III.I. The findings and conclusions supporting the decision do not adequately justify the amount of land included in the UGB amendment for residential, employment, or other uses. The findings supporting the decision on UGB location do not adequately address the requirements of the goal. As a result, the director determines that the decisions do not comply with Goal 14.

ORS 197.296, 197.298, 197.303, 197.307

2. Decision

The director remands the decisions to the City of Bend and to Deschutes County for further action, consistent with this report and order.
