



PLANNING COMMISSION TOUR & RETREAT AGENDA

Deschutes County Planning Commission

September 14, 2023

2:00 PM – 7:30 PM

2:00 PM – 5:30 PM	Tour See attached tour schedule for details.	Various Locations
5:30 PM – 7:30 PM	Retreat / Bend Municipal Airport Dinner provided.	63136 Powell Butte Highway

Planning Commission Members

Jessica Kieras (At Large), Chair
Nathan Hovekamp (Bend), Vice Chair
Susan Altman (Bend)
Matt Cyrus (Sisters)
Kelsey Kelley (Tumalo)
Patrick Trowbridge (At-Large)
Toni Williams (South County)

Deschutes County Staff

Peter Gutowsky, AICP, CDD Director
Will Groves, Planning Manager
Kyle Collins, Associate Planner
Nicole Mardell, AICP, Senior Planner
Tarik Rawlings, Senior Transportation Planner
Peter Russell, Senior Transportation Planner
Tanya Saltzman, AICP, Senior Planner
Brooke Clark, Administrative Assistant



TOUR SCHEDULE

Deschutes County Planning Commission

September 14, 2023

2:30 PM – 5:30 PM

2:00 PM – 2:30 PM	Depart Community Development Department	117 NW Lafayette Avenue
2:30 PM – 3:00 PM	Stop 1: CORE 3 Central Oregon Ready, Responsive, Resilient (CORE 3) Facility proposed for Redmond UGB Amendment. <i>(See Map)</i>	2525 E Highway 126
3:30 PM – 4:00 PM	Stop 2: Stevens Road Tract Property proposed for Bend UGB Amendment. <i>(See Map)</i>	61200 27 th Street
4:30 PM – 5:30 PM	Stop 3: Bend Municipal Airport Airport tour. <i>(See Map)</i>	63136 Powell Butte Highway

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Brooke Clark, Administrative Assistant



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Peter Gutowsky, AICP, Director
Will Groves, Planning Manager

DATE: September 7, 2023

SUBJECT: Planning Commission Tour and Retreat Itinerary

I. PLANNING COMMISSION TOUR

The Planning Commission's tour on Thursday, September 14 consists of three presentations at three distinct locations:

- The first stop focuses on the Central Oregon Intergovernmental Council's (COIC) pending Urban Growth Boundary (UGB) expansion for a 300-acre county-owned property on the southeast side of Redmond to meet land needs for a regional emergency training center (CORE3). COIC staff will be available for approximately a half-hour to discuss the proposal near the Redmond Airport.
- The second stop involves the Stevens Road Tract, a 261-acre property owned by the Oregon Department of State Lands southeast of Bend. The City of Bend initiated a UGB amendment pursuant to HB 3318, which provides an alternative process for the City to include the subject property into the UGB.¹ City staff will be available for approximately a half-hour to discuss the proposal near Stevens Road.
- The last stop will take place at the Bend Municipal Airport. The City of Bend initiated a text amendment for several sections of Deschutes County Code that if approved would allow for a proposed air traffic control tower at a height no greater than 115 feet. City staff will be available for approximately an hour to discuss the proposal at the airport which includes a brief vehicle tour of the airport.

Attached are materials pertaining to the tour, including maps of the three locations. All are subject to quasi-judicial proceedings involving a Hearings Officer and Board of County Commissioner (Board) public hearings. The Planning Commission has no formal role in reviewing the proposals.

¹ HB 3318 requires a number of steps including: 1) development of a concept plan; 2) standards for mitigating the risk of wildfire; 3) providing adequate employment lands; and 4) ensuring adequate land zoned for residential purposes for both market rate and affordable housing, including middle housing.

II. PLANNING COMMISSION RETREAT

At the conclusion of the tour of the Bend Municipal Airport, Planning Commission and staff will convene for an evening retreat at the airport. The purposes for the retreat are to:

- Inform the Planning Commission of pending and upcoming Planning Division activities.
- Sustain the Commission’s culture of making educated, informed, civil, and well-reasoned decisions with integrity, professionalism, respectfulness, and inclusivity.
- Establish a mutual understanding of, agreement on, and preparation for pending and near-term Planning Division Work Plan projects.
- Identify areas for improvements in processes, communications, deliverables, and more.

Discussion Topics

1. Tour reflections and recap.
2. Planning Division 2023-24 Work Plan updates. Summary of planning permit volumes, general application-types, pending and potential appeals, and the fall calendar will be discussed.
3. September 28 joint meeting with the Board.
 - Introductions.
 - Review Planning Division Work Plan and identify conceptual projects for next fiscal year (FY 2024-25).
 - Discuss how the Planning Commission can best meet the Board’s expectations for reviewing and developing land use policy recommendations, as well as gathering citizen input around the county on land use issues and sharing that information with the Board.
 - Other.
4. Round-table discussion: Is the Planning Division meeting the Planning Commission’s expectations?
5. Begin contemplating future panels, retreats, etc. upon the adoption of the Comprehensive Plan Update.
6. Other items not listed above.



1 Project Context and Vision

The Central Oregon Ready, Responsive, Resilient (CORE3)¹ facility will address a critical need for both a centralized public safety training facility and a coordination center for emergency response operations. The CORE3 facility will fulfill a local, regional, and state public facilities need in the following ways:

- **Training Facilities:** Central Oregon has insufficient facilities to meet existing, minimum mandatory training needs of public safety personnel. In a growing region, the need for trained public safety and emergency service professionals is increasing, and the CORE3 facility will incorporate industry best practices to ensure that the best training is provided to those that need it. There are significant operational and performance benefits and financial efficiencies to co-locating these facilities. The CORE3 facility will enable multiple emergency response agencies to coordinate logistics during the training stage, rather than having to do so in the field while responding to an emergency. It will also enable multiple agencies to share certain program elements, reducing the public funds needed for construction overall.
- **Emergency Coordination Center:** This facility will serve as a dedicated, multi-agency coordination center for emergency operations and regional recovery, as well as a centralized base for disaster response coordination that the region currently lacks.
- **Classrooms and Practical Learning Spaces:** The facility will provide opportunities for Central Oregon Community College's wildland and structural fire, criminal justice, and other related programs. This effort will further support public safety and provide workforce training.
- **State Resiliency Center:** U.S. Highway 97 has been identified by local, state, and the federal emergency management agency as a critical facility and the community of Redmond as a staging site for emergency response and recovery efforts during the event of a major natural disaster. In the occurrence of a Cascadia subduction zone event, the CORE3 facility, sited on E. HWY 126 that runs directly to HWY 97, will be critical to statewide emergency response efforts because there is far less likelihood of damage to facilities in Central Oregon than in the western portion of the state – including the state capital of Salem. CORE3 is envisioned as space for the continuity of state governance in the first weeks and months after a catastrophic event. Proximity to the Redmond Airport will be essential in this and other major regional disruption events.



Figure 2 "The Big One", Readers Digest

¹ Previously known as the Regional Emergency Services Training and Coordination Center (RESTCC).

The CORE3 facility is the result of a regional effort led by the Central Oregon Intergovernmental Council (COIC). COIC serves as a neutral convener on behalf of Central Oregon’s local governments and public safety agencies, as well as several state and federal agencies. COIC does not have a service provision role in emergency management or related services but has facilitated regional coordination for the conceptualization and implementation of the CORE3 facility.

In September of 2020, a [Strategic Business Plan](#) (see Appendix G.1) was prepared for COIC that provided an assessment of current emergency services and training capacity and identified additional training needs and facilities necessary for regional emergency relief response capacity. The plan highlighted some preliminary sites that could support the CORE3 facility in and around the City of Redmond. Specifically, the report defined locational needs and site characteristics for any future CORE3 site and pointed to a preferred site – the southern 300 acres of a roughly 1,800-acre Deschutes County-owned parcel near the Redmond Municipal Airport (see Figure 3). The property is outside the City of Redmond city limits and Urban Growth Boundary (UGB), but it is within the City’s Urban Reserve Area (URA).

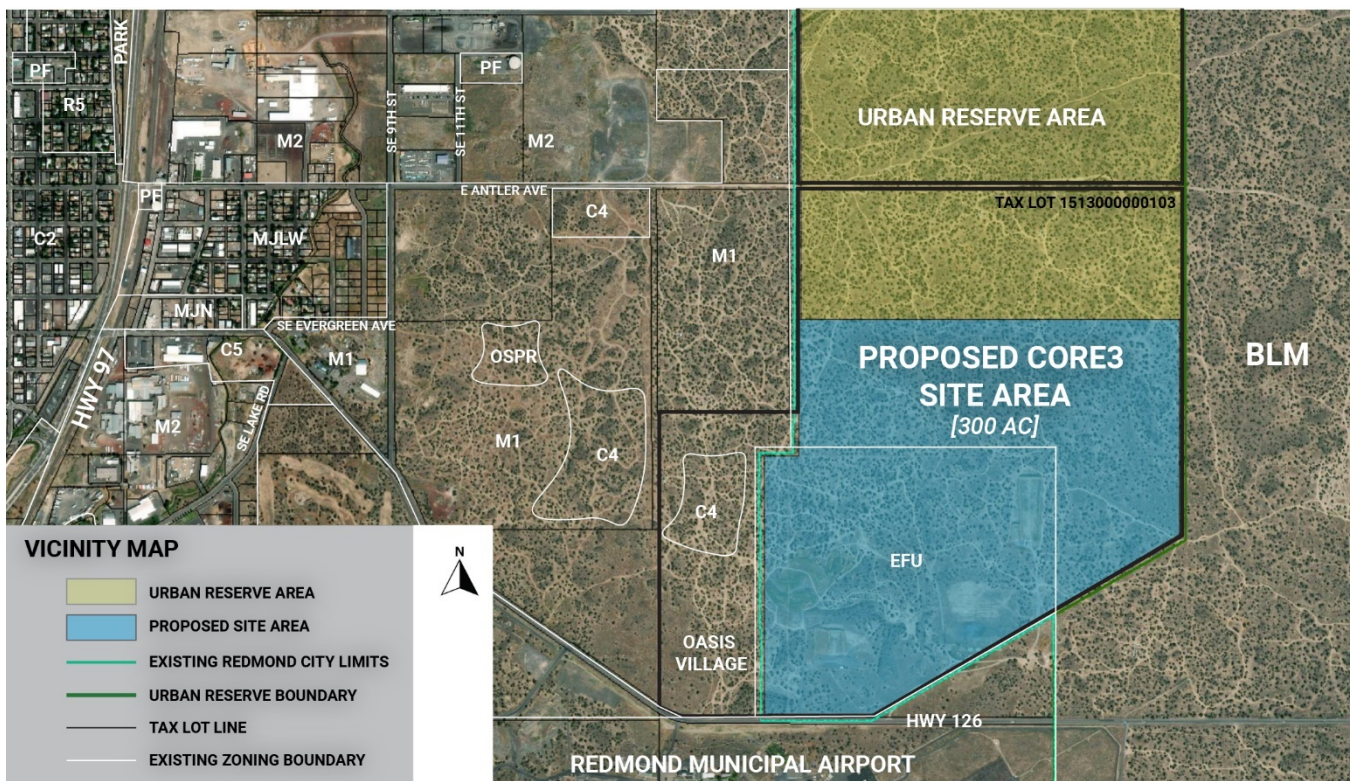


Figure 3 Vicinity Map

2 Implementation

Winterbrook conducted a detailed analysis of all lands within the City of Redmond's UGB, URA and up to 1.5 miles from the UGB to identify the best site for the CORE3 facility, considering a series of site and locational needs:

- 300 contiguous acres of suitable vacant land
- Within one-quarter mile of the Redmond Airport
- Direct access to a state highway without the need to travel through designated residential or commercial areas.

Like the Strategic Business Plan (Appendix G.1), this analysis also identified the subject site as the optimal site. For more detailed information, please see Appendix F. Site Selection Analysis. As shown in Figure 3, the subject site is outside of the existing Redmond UGB but within the Redmond URA. Because of this, an Urban Growth Boundary amendment and a series of land use applications are required to permit the CORE3 facility at this location.

2.1 Applications

This Introduction provides broad context for seven applications required for CORE3 land use entitlements. Applications are designed to be heard consecutively by decision makers to provide the full project context. The seven requested applications are contained in the following five narrative parts:

- Part 1. Comprehensive Plan Text Amendment:** A new comprehensive plan policy is proposed to support the identified regional public facilities need. This new policy describes needed site and locational characteristics for the facility.
- Part 2. Urban Growth Boundary Amendment:** The subject site must be included into the City of Redmond's UGB. UGB expansions must be consistent with Statewide Planning Goal 14 (Urbanization) and its implementing rule (OAR Chapter 660, Division 024).
- Part 3. Master Development Plan (MDP):** MDPs are required as a condition of annexation and development. The MDP must demonstrate consistency with applicable Great Neighborhood Principles (RDC 8.0270.3.C.14). See page 11 for discussion of the MDP.
- Part 4. Redmond Zone Change & Annexation:** Any future development, consistent with the MDP, will require a zone change from County Urban Holding (UH-10) to the City Public Facility (PF) zone, and annexation into the city limits.
- Part 5. Deschutes County Plan Map & Zone Change:** Concurrent with city land use applications, dual map amendments are required in Deschutes County to move from County Exclusive Farm Use (EFU) to County UH-10. This will allow the rezoning and annexation applications contained in Part 4.

All application parts contain their relevant approval criteria and demonstrate individual consistency with applicable Statewide Planning Goals, state rules, statutes, and local criteria and plans. For example, Redmond Comprehensive Plan (RCP) policies relating to Part 1. Comprehensive Plan Text Amendment are different from the relevant RCP policies addressed in Parts 2 or 3. Additional applications will be required for project development and are not included

at this stage of the planning process. Among them include Redmond Site and Design Review, public works and building permits.

To aid in project development and to help prove consistency with approval criteria, Winterbrook consulted a variety of reports and planning documents from the City of Redmond and other agencies. Below is a list of materials referenced, some of which are included as appendices to this application package.

- **Strategic Business Plan (Appendix G.1):** The COIC commissioned a 2020 report to plan for the future CORE3 facility (which at that time was branded the RESTCC). Information from this document helped inform site requirements and programmatic details.
- **Intergovernmental Agreement (Appendix G.2):** This agreement between the City of Redmond and Deschutes County, passed in 2007, establishes the process for providing an orderly transition of urban services from county to city jurisdiction, including plan and map amendments in the Redmond URA into the UGB.
- **Oregon Emergency Services Center Viability Assessment (Appendix G.3):** This June 2018 report prepared by the University of Oregon’s Partnership for Disaster Resilience found a strong regional need for an emergency services center in Central Oregon.
- **City of Redmond Development Code:** Contains requirements for requested applications.
- **City of Redmond Comprehensive Plan:** All proposals must comply with RCP policies.
- **City of Redmond Transportation System Plan and Deschutes County Transportation System Plan (TSP):** These TSPs were consulted both to facilitate long-range transportation planning in the Redmond URA and to inform the Site Selection Analysis (Appendix F).
- **City of Redmond Economic Opportunities Analysis (EOA):** The Economic Opportunities Analysis assisted in discussions of demonstrated compliance with State-Wide planning Goal 9: Economy of the State.
- **City of Redmond Parks Master Plan:** The Parks Master Plan assisted in discussions of demonstrated compliance with State-Wide planning Goal 8: Recreation Needs.
- **Deschutes County Code (DCC):** Titles 18-23 of the DCC contain county zoning regulations and county comprehensive plan policies.
- **City of Redmond UGB Adjustment (2019):** This 2019 application shows the process by which 156 acres of the subject site was removed from the UGB and “swapped” for another site.

2.2 Subject Site History

The CORE3 facility is proposed on the southern 300 acres of a roughly 1,800-acre Deschutes County-owned parcel near the Redmond Municipal Airport (see Figure 3). Until recently, 156 acres of the 300-acre subject site were included in the Redmond UGB and city limits. An abbreviated site history is as follows:

- 1979: the southern 156-acre portion is shown within Redmond’s UGB, zoned Industrial.
- 1980: rezoned Open Space, Parks and Recreation to allow for a fairgrounds project that was ultimately never constructed.
- 1980-2012: the City was unable to rezone the property back to Industrial, constrained by transportation improvements required by the State’s Transportation Planning Rule (TPR).
- 2012: Oregon Senate Bill 1544 was adopted. It allowed cities to plan for large lot industrial development, mitigating traffic impacts incrementally. The 156-acre portion of the subject site was rezoned Light Industrial and Heavy Industrial with approval of the Senate Bill.

- 2020: No development occurred between 2012 and 2019. Because of this, it was included in the reconfiguration of the Redmond UGB. The 156-acre portion of the subject site was excluded from the UGB, and a separate 156-acre portion of URA was included into the UGB (see City of Redmond Ordinance No. 2020-01).

Today, the subject site is outside of the UGB, zoned County EFU, but inside the URA. As show on the Existing Conditions Diagram contained in Appendix C., the site contains the former Redmond Rod and Gun Club skeet range and rifle/pistol range, along with the former sheriff’s office shooting range and a landfill. The site is largely undeveloped, with multiple unimproved vehicle pathways throughout.

3 Master Development Plan

The CORE3 MDP is shown in Figure 4. The Master Development Plan Set is contained in Appendix C. Application narrative Part 3. MDP contains details on the major program elements and site layout, and responses to approval criteria. This information is summarized in this section.



Figure 4 Master Development Plan

3.1 Major Program Element Types

The MDP shows the full build-out of the site, addressing regional training and emergency response needs in the long term. The features and structures planned for the CORE3 facility generally fall into the following categories:

- Academic and Administrative Facilities;
- Multi-Purposed Scenario Area and Training Props;
- Vehicular Training;
- Specialized Training Areas; and
- Storage and Maintenance.

Multiple structures have dual purposes to serve both immediate training needs and future state resiliency. For instance, the academic and administrative facilities will ordinarily host classrooms, conference rooms, etc., but during the event of a natural disaster these facilities are intended to support an Emergency Communications Center as well as operations related to continuity of state governance functions.

Other features to support regional emergency response training activities include: structures for simulations, driving tracks with various terrains, an emergency communications tower, gun range, and general storage for vehicles and fuel.

3.2 Site Concept Plan Layout

The 300-acre CORE3 facility is planned to meet identified facility needs, while buffering activities from one another and from surrounding land uses. As shown on the MDP (Figure 4), large buffers are planned for the western and northern sides of the site, and a proposed public right of way is planned on the western side of the site. These buffers will separate training facilities from land currently within the Redmond UGB to the west and from future urban lands to the north within the URA.

The MDP has been designed to take advantage of key programmatic adjacencies in order to maximize collaborative training opportunities across the different agencies. Similar uses are grouped together, with some internal buffers between functions. A private loop road will provide internal access, and the proposed right-of-way of 21st Ave. will provide public access. With full buildout of all phases, the CORE3 facility will have one primary access and one secondary access onto 21st Ave. Secondary access is proposed for redundancy and emergency response events.

3.3 Great Neighborhood Principles

MDPs must demonstrate consistency with applicable Great Neighborhood Principles, in addition to other local criteria (RDC 8.0270.3.B.1). The CORE3 facility campus will have controlled access for security and safety reasons, limiting access to the general public. The facility's proposed program elements, buildings, and internal transportation system will be restricted to only authorized users. As such, the primary applicability of Great Neighborhood Principles is most relevant around the CORE3 facility's edges. Edge conditions and internal buffer areas have been designed with the

Great Neighborhood Principles in mind to better integrate the proposed facility with existing and future adjacent urban uses and the adjacent rural interface.

Additional design refinement will occur with site and design review applications during the next stage of the land use process. Site and design review also require findings to support the Great Neighborhood Principles.

3.3.1 Transportation

Connect people and places through a complete grid street network and trail system that invites walking and bicycling and provides convenient access to parks, schools, neighborhood service centers, and possible future transit stops. Traffic calming techniques and devices may be required to slow vehicles. Curved streets are encouraged to provide interest and variety in neighborhood design. Trails shall be provided to link with existing or planned pedestrian facilities.

A new public road is proposed along the western side of the site. This road will connect to E. HWY 126, providing access to undeveloped areas within the URA. This road is consistent with Redmond's Eastside Framework Plan. No other transportation facilities are proposed, because CORE3 will be a secure facility that is unavailable to the public.

3.3.2 Open Spaces, Greenways, Recreation

All new neighborhoods shall provide useable open spaces with recreation amenities that are integrated to the larger community. Central parks and plazas shall be used to create public gathering places and should be located in or near the center of the project to the extent practicable. New neighborhoods should retain and incorporate significant geological features such as rock outcroppings or stands of clustered native trees into the design and lot layout. Neighborhood and community parks shall be developed in locations consistent with the Redmond's Parks Master Plan.

While there will not be public access into the site, buffer zones at the northern and western side of the property could include native vegetation that can be viewed from adjacent properties and could contribute to a larger green space context that supports local habitat.

3.3.3 Integrated Design Elements

Streets, civic spaces, signage, and architecture shall be coordinated to establish a coherent and distinct character for the MDP. MDPs may integrate design themes with adjacent developed or planned areas.

The character of the proposed MDP will be directly related to its function as a centralized public safety training facility and a coordination center for emergency response operations. This fits well into the character of the Ochoco Highway route into and out of Redmond, which includes the adjacent airfield and facilities to the south of the site. The proposed plan incorporates buffers and includes a north-south transportation connection to enable a positive interaction with current and future neighboring land uses.

3.3.4 Scenic Views

Identify and preserve scenic views and corridors of the Cascade Range, Ochoco Mountains, and Smith Rock, such as in street view sheds or park areas. Streets and common,

or public, open spaces should be located and oriented to capture and preserve scenic views for the public. Minimize visual clutter from signs and utilities within scenic corridors.

While still very much in concept stage, the CORE3 campus was designed to accommodate view corridors to key landmarks: Smith Rock to the north, the Cascade Range including the South Sister to the southwest and Mount Jefferson to the northwest, and the Ochoco Mountains to the east. A planned north-south connection will establish a view corridor to the north, towards Smith Rock, as well as providing potential NW and SW views toward the Cascades. Buildings will be generally low profile and the design incorporates space between structures to preserve view corridors across the site, as shown by the MDP.

3.3.5 Urban – Rural Interface

Urban development shall interface with rural areas through landscaped open space buffers at least 100 feet wide and the length of the urban development, excluding public streets, or shall be transitioned from higher density development to lower density development at the urban - rural interface.

Land to the west is currently within the UGB and planned for development. Land to the north is within the RURA and will eventually be developed at urban densities. Land to the east is outside of the UGB and RURA and will likely never develop since it's owned by the Federal government. Large buffer areas, exceeding 100 feet, are planned along the western and northern edges of the site. These buffer areas are planned to deliberately manage the interface between the campus and its surroundings. These buffer areas will include native vegetation that can be viewed from adjacent properties and could contribute to a larger green space context of the area.

3.3.6 Green Design

Energy-efficient design through solar access setbacks, xeriscaping, and planting of drought-resistant trees to minimize water usage and provide shade.

As a resiliency facility for emergency services, the buildings for the CORE3 campus will be held to a high standard of efficiency and performance to ensure the optimal use of resources and support emergency operations. Occupied buildings will be designed to meet the State's goals with LEED Silver equivalency, and SEED (20% above current energy code). Native and drought-tolerant vegetation will be prioritized as part of the planting design.

4 Public Facilities

The CORE3 site fronts E. HWY 126, opposite the Redmond Municipal Airport. The site will be served by a new public water main and sanitary sewer line from the proposed right-of-way of 21st Avenue (see Appendix C). Stormwater will be contained on-site.

4.1 Water Service

Potable water service will be provided by extending the existing 16" public water main from the south side of E. HWY 126 at SE Ochoco Way, approximately 1,200 linear feet easterly to the planned right-of-way of 21st Avenue. From there, the public water main will be extended northerly

in 21st Avenue approximately 550 linear feet to the project's access road. The CORE3 site will be served by a single potable water service and a single fire service. All on-site domestic and fire water service will be private and isolated from the public water main system.

4.2 Sanitary Sewer Service

Sanitary sewer service will be provided by connecting to the existing 12" public sanitary sewer main along the south of E. HWY 126. The connection will require crossing E. HWY 126 and extending a public sewer main northerly approximately 600 linear feet in future 21st Avenue to the project access road. The CORE 3 site will be served by a single sanitary service. All on-site sanitary sewer will be private and gravity served where possible. Due to project topography, lower lying areas will be served by a private lift station/force main system.

4.3 Stormwater

Stormwater will be collected and dispersed on-site via swales, underground injection control devices (such as drywells), or a combination of both methods.

5 Conclusion

This introduction provides broad context for all decision makers across the seven requested land use applications. These applications are designed to be heard consecutively to provide the full project context. The seven requested applications are contained in the following five application parts:

- Part 1. Comprehensive Plan Text Amendment
- Part 2. Urban Growth Boundary Amendment
- Part 3. Master Development Plan
- Part 4. Redmond Zone Change & Annexation
- Part 5. Deschutes County Plan Map & Zone Change

Although the applications are related, the applicable Statewide Planning Goals, state rules, statutes, and local criteria and plans are different for each of the requests. Depending on the purview of your review, please view each application part separately for demonstrated compliance.



Memorandum

February 22, 2023

Project# 27350

To: Jessica McClanahan, City of Redmond
Don Morehouse, Oregon Department of Transportation (ODOT)
Scott Aycock, Central Oregon Intergovernmental Council (COIC)
Erin Reome, SERA

From: Matt Kittelson, PE, Julia Kuhn, PE & Cameron Thompson

RE: CORE3 Master Plan and Urban Growth Boundary (UGB) Expansion

Central Oregon Intergovernmental Council (COIC) is proposing to amend the City of Redmond's UGB and annex a 300-acre parcel north of OR 126 adjacent to the existing eastern UGB. Today the parcel is undeveloped and is split zoned as County Urban Reserve Area (URA) and Exclusive Farm Use (EFU). As proposed, the property will be incorporated into the UGB, first as urban holdings and then with a Public Facility (PF) zoning designation when it is annexed. To help prepare the site for future use, COIC is developing a multi-phase Master Plan to allow for use as a "Regional Emergency Services Training and Coordination Center." Phase 1 will allow for up to 42 staff or visitors to use the facilities on a given day with ultimate use by up to 167 staff or visitors per day. Primary access to the facilities is envisioned via OR 126 with future connections provided to the City's street system as the surrounding properties develop.

The UGB expansion, annexation and change in zoning designation require the preparation of Transportation Planning Rule (TPR) analysis per Oregon Administrative Rule (OAR) 660-012-0060. As presented herein, if the property would be developed consistent with the "reasonable worst case" scenario and the ultimate Master Plan vision, the PF zoning could constitute a "significant affect" per the TPR. However, given the facilities envisioned and the acknowledged capacity constraints on the City and ODOT street system, the applicant proposes to mitigate potential impacts of the rezoning and Master Plan by placing future limitations on the property development via implementation of a "trip cap" on development to Phase 1 of the Master Plan only.

In addition to the TPR, the development of the full Master Plan could trigger the preparation of a Traffic Impact Analysis (TIA) per Section 8.2815 of the City's Development Code. Per the Development Code, a site that generates more than 20 peak hour or 200 daily trips would need to demonstrate, through a TIA, that the transportation system can support the proposed uses. By limiting the development to Phase 1 only, the City's peak hour and daily trip thresholds for requiring a TIA are not met. As such, this memo also demonstrates compliance with Section 8.28.15 of the Development Code as well.

Further details on both the TPR analyses and the Development Code compliance are summarized below. Should future phases of the Master Plan be proposed, additional analyses per the TPR and City Development Code may be required.

TRANSPORTATION PLANNING RULE (TPR) EVALUATION

Two sections of Oregon's Transportation Planning Rule apply to amendments to acknowledged land use designations. Per OAR 660-012-0060(1) and (2), the first step in assessing an amendment's potential transportation impact is to compare the vehicular trip generation of the site assuming a "reasonable worst-case" development scenario under the existing and proposed zoning. If the trip generation potential increases under the proposed zoning, additional analysis is required to assess whether the rezone will "significantly affect" the transportation system. Conversely, if the trip generation under the proposed zoning is equal to or less than that under the existing zoning, no additional quantitative analysis is necessary to conclude that the proposal does not "significantly affect" the transportation system.

Trip Generation Comparison

To test for a significant effect, we reviewed the change in trip generation potential of the permitted land uses associated with the proposed PF designation. Per the Deschutes County Code Section 18.16, the existing EFU designation is primarily limited to farming use, which has very little vehicular traffic associated with development.

For the purposes of the TPR analyses, the vehicular trip analyses is instead based on development of site as a "reasonable worst case" scenarios per the PF zoning. In reviewing the City's Zoning Code Section 8.0220, the following uses are permitted outright and could constitute a reasonable worst case for development potential:

- Parks and Trails
- Public Safety, Emergency Services, Training and Coordination Facilities
- Outdoor Amphitheaters
- Publicly owned Regional Sports Facilities

Based on the above list, the proposed Master Plan training center and coordination facilities would constitute a "reasonable worst case scenario." In reviewing the land use categories contained in the *Trip Generation Manual* (11th Edition, as published by the Institute of Transportation Engineers (ITE)), there are no comparable categories that could be used to estimate the effects of the zoning amendment. The possible land use categories that could be used as a proxy may include:

- Public Park (Land Use 411) – Based on the ITE rates, a 300-acre park would generate 234 daily vehicular trips.
- Industrial Park (Land Use 130) – this is described as a mix of manufacturing, service and warehouse facilities; approximately 167 employees on-site would generate approximately 486 daily trips with approximately 70 trips occurring during the weekday PM peak hour.
- Research and Development Center (Land Use 760) – this is described as including office and laboratory space for R&D purposes; approximately 167 employees on-site would generate approximately 564 daily trips with approximately 63 trips occurring during the weekday PM peak hour.
- Business Park (Land Use 770) – this is described as including flexible space that may accommodate include approximately 20 – 30 percent of the space as office/commercial uses and the remainder related to industrial, warehousing, and manufacturing; approximately 167 employees on-site would generate approximately 675 daily trips with approximately 65 occurring during the weekday PM peak hour.

Based on the above, we would conclude that use of any of the land use categories as a proxy for the training center, with the exception of the park, would result in approximately 550 – 600 new daily vehicular

trips, of which approximately 65 could occur during the weekday PM Peak hour. Further, we note that the Trip Generation Manual would suggest that approximately 20 percent of the trips would be inbound during the PM peak hour, based on the uses described above.

The use of a proxy rate of 600 daily and 65 weekday PM peak hour trips for estimating the trips per employee would result in the following rates:

- Daily Trip Rate = 600 trips / 167 employees = 3.59 daily trips per employee
- PM Peak Hour Trip Rate = 65 trips / 167 employees = 0.39 PM peak hour trips per employee

At this point, Phase 1 of the Master Plan is estimated to facilitate up to 42 employees/visitors in Phase 1 on-site; using these proxy rates would result in approximately 150 daily trips and 16 weekday PM peak hour trips.

In considering the Phase 1 trip generation, we note that Policy 1F.5 of the Oregon Highway Plan (OHP) establishes the following thresholds for determining significance:

- Any proposed amendment that does not increase the average daily trips by more than 400 is not considered significant.
- Any proposed amendment that increases the average daily trips by more than 400 but less than 1,000 for state facilities is not considered significant where:
 - The annual average daily traffic is less than 5,000 for a two-lane highway
 - The annual average daily traffic is less than 15,000 for a three-lane highway
 - The annual average daily traffic is less than 10,000 for a four-lane highway
 - The annual average daily traffic is less than 25,000 for a five-lane highway
- If the increase in traffic between the existing plan and the proposed amendment is more than 1,000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution.

Given the above 1F.5 provisions and the volumes on OR 126, we would conclude that the full Master Plan uses could constitute a significant effect, given that 600 daily trips could be generated. Conversely, if a limitation is placed on the property to Phase 1 uses as proposed, none of the thresholds for significance would be met (i.e., less than 400 daily trips would result).

Summary of Applicable Oregon Administrative Rule Criteria

OAR Section 660-12-0060 of the TPR sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 1 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed redesignation from County URA and EFU to City PF.

Table 1: Summary of Criteria in OAR 660-012-0060

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant effect.	Yes
2	Describes measures for complying with Criteria #1 where a significant effect is determined.	Yes
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity, and performance standards of the facility.	Yes
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	Yes
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	A significant effect may not occur if the rezone is identified on the City's Comprehensive Plan and assumed in the adopted Transportation System Plan.	No
10	Agencies may consider measures other than vehicular capacity if within an identified multimodal mixed-use area (MMA).	No
11	Allows agencies to override the finding of a significant effect if the application meets the balancing test.	Yes

As shown in Table 1, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, five are applicable to the proposed land use action. These criteria are provided below in italics with our responses shown in standard font.

OAR 660-12-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

€ Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Response: The proposed change in zoning designation could result in an increase in daily trip making although no changes to the ODOT or the City's functional street classification designations or standards are warranted by the change in designation.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through € below, unless the amendment meets the balancing test in subsection € or qualifies for partial mitigation in section (11) of this rule. A local government using subsection €, section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without ensuring that the allowed land uses are consistent with the performance standards of the facility where:

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

Response: COIC proposes a trip cap to limit the site potential to allow for only the regional training and coordination facilities to mitigate the potential for a significant impact associated with the change in zoning and/or limit development of the site to Phase 1 only until such time that further details on the remaining needs of the training facility have been identified and coordinated with ODOT and the City.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Response: COIC is coordinating the proposed UGB expansion, zone change, and Master Plan with the City of Redmond and ODOT.

11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within 45 days.

Response: COIC could work with the City of Redmond and ODOT to determine the applicability of this provision if a significant effect is determined but the regional benefits outweigh the transportation impacts.

PHASE 1 TRAFFIC IMPACTS

Figure 1 illustrates the location of Phase 1 relative to the ultimate Master Plan development. To support the Phase 1 Regional Emergency Services Training and Coordination Center operations, COIC estimates that no more than 42 staff or visitors to use the facilities on a “typical” day.

As discussed in the above section, use of the Trip Generation Manual to develop a “proxy” for the Center would suggest 3.59 daily trips per employee/visitor with 0.39 trips occurring during the weekday PM peak hour (20 percent inbound and 80 percent outbound).

Table 2 summarizes the resultant trip generation for Phase 1.

Table 2: Estimated Phase 1 Trip Generation

	ITE Code	Employees	Average Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Training Center	Proxy Rates	42	151	16	3	13

As shown, the trip generation associated with Phase 1 land uses would not meet the City’s 200 daily or 20 peak hour trip threshold for requiring a TIA, as documented in Section 8.2815 of the Development Code. Therefore, no additional capacity analyses or TIA documentation should be needed as part of Phase 1 development of the Master Plan.



Figure 1 – Master Plan Site Plan (Phase 1 shown with dark blue outline)

FINDINGS & RECOMMENDATIONS

Based on the analysis presented we find the following:

- Today the parcel is undeveloped and is split zoned as County Urban Reserve Area (URA) and Exclusive Farm Use (EFU). As proposed, the property will be incorporated into the UGB, first as urban holdings and then with a Public Facility (PF) zoning designation when it is annexed. The proposed Master Plan is representative of a reasonable worst-case" development scenario under the proposed zoning. The full Master Plan development could constitute a "significant effect" per the TPR and would meet the City's threshold for requiring a TIA.
- Placing a limitation on the PF zoning to Phase 1 land uses would not constitute a "significant effect" as defined by the TPR nor the Oregon Highway Plan. As such, we recommend that a trip cap be placed on the property limiting the development to a Regional Emergency Services Training and Coordination Center with approximately 42 employees/visitors on a typical day.
- The Phase 1 land uses do not require the preparation of a TIA per the City's Development Code. As such, no additional information should be required as part of Phase 1 site plan review.

Please let us know if you have any questions or need additional information as part of your review.



**Stevens Road
Tract**

Stevens Road Tract UGB Amendment

EXHIBIT C – Proposed Findings in Support of
Amendments

BURDEN OF PROOF STATEMENT

Applicant

City of Bend, 710 NW Wall Street, Bend, OR 97701

Owner

Oregon Department of State Lands, 775 Summer St, NE #100, Salem, OR 97301-1279

Subject Property

The subject property is identified as Tax Lot 100 on Deschutes County Assessor's Map 18-12-11. This report refers to the subject property as either the Stevens Road Tract or SRT, as it was defined in 2021 HB 3318. The SRT is 261.66 acres in size, abutting Stevens Road and Ward Road to the north, and a TransCanada Natural Gas Pipeline to the west. The street address for the SRT is 61200 27th Street, Bend, OR 97702. The map provided as Figure 1 identifies the Stevens Road Tract in relation to the Bend urban growth boundary (UGB).

Lot of Record

The City determined the Stevens Road Tract was a lot of record through Property Line Adjustment PZ-19-0550 (Exhibit B). This decision was not appealed and became final on October 2, 2019.

Applicable Criteria

The applicant proposes that the following criteria are applicable to review and approval of the proposed amendments:

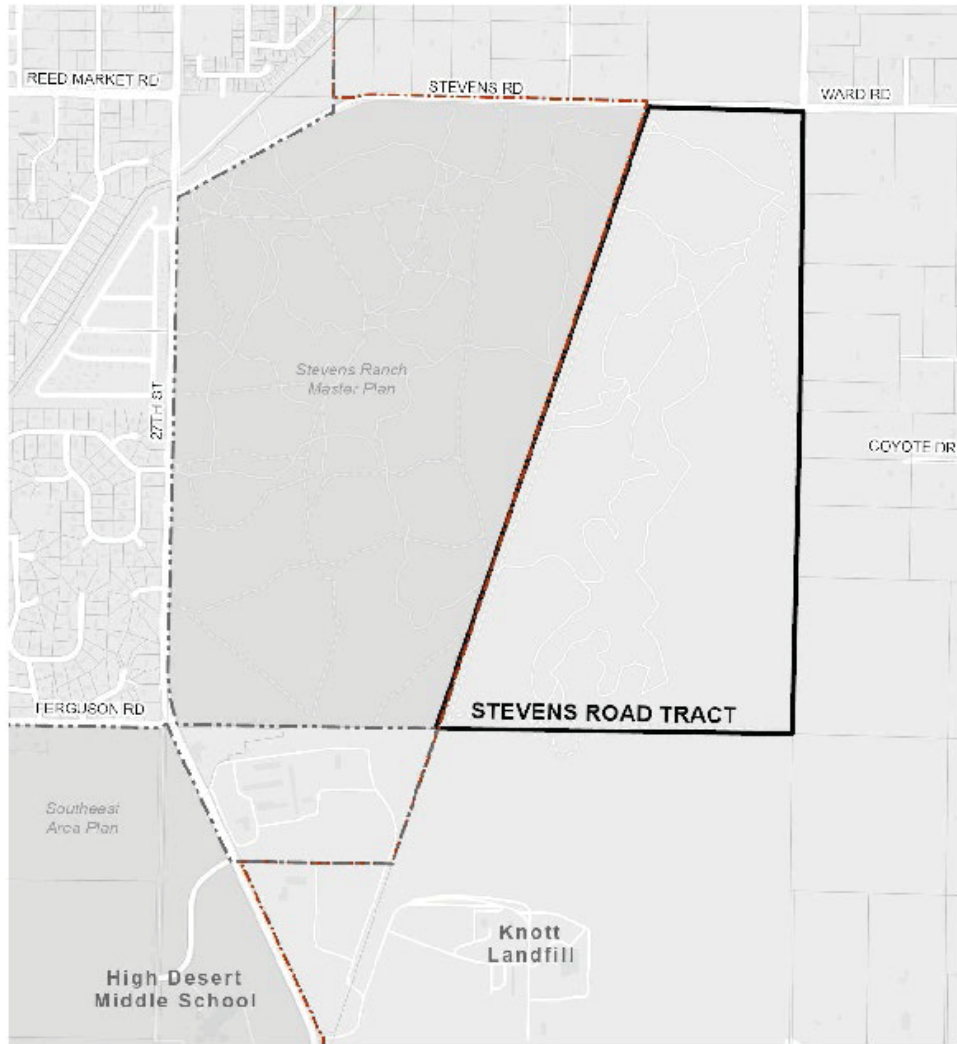
Title 18, the Deschutes County Zoning Ordinance, of the Deschutes County Code

- Chapter 18.136, Amendments

2021 HB 3318 (2021 Or Laws Chapter 552)

- Section 3. Steven Road planning generally
- Section 6. Stevens Road urban growth boundary expansion

Figure 1: Stevens Road Tract



**STEVENS ROAD TRACT
CONCEPT PLAN**
Project Area
11/8/2021



- Stevens Road Concept Plan Area
- City Limits
- Urban Growth Boundary (UGB)
- Taxlots
- UGB Expansion Areas



PROPOSED FINDINGS OF FACT

Proposal

The applicant proposes the following through this land use application:

1. A quasi-judicial amendment to the Deschutes County Comprehensive Plan map to include the Stevens Road Tract (SRT) within the Bend Urban Growth Boundary (UGB) and change the Plan designation of the SRT from Rural Residential Exception Area to Bend Urban Growth Boundary.
2. A quasi-judicial amendment to the Deschutes County Zoning Map to reflect the proposed UGB amendment and to change the zoning of the property from Multiple Use Agricultural (MUA10) to Urbanizable Area (UA) under Title 19A.
3. A legislative amendment to the text of Chapter 4, Urban Growth Management to update the text under “Urban Growth Boundary Amendments” to include the proposed amendment for the SRT under 2021 Oregon HB 3318 (aka 2021 Oregon Laws Chapter 552).

Record

The applicant has included the following documents with this application and provides for the record that will be before a Deschutes County Hearings Officer and the Board of County Commissioners to support the proposed amendments:

Document	Exhibit
Land Patent – Recorded Vol/Page 20019-39926	A
Decision on Property Line Adjustment PZ-19-0550	B
Proposed Findings in Support of Proposed Amendments	C
Draft amendment to the text of Chapter 4 of the Deschutes County Comprehensive Plan	D
Map of the Stevens Road Tract	E
Map of Proposed Amendment to both the County’s Comprehensive Plan map and the County’s Official Zoning Map	F
2021 HB 3318 (Enrolled)	G

Stevens Road Tract Concept Plan (June 2022)	H
Stevens Road Tract Concept Plan – Technical Appendices (June 2022)	I
June 23, 2022, electronic mail message to DLCD including two letters, one from the City of Bend and one from the Department of State Lands	J
August 29, 2022, electronic mail message from DLCD transmitting attached August 29, 2022, letter from the Department approving the Concept Plan for the Stevens Road Tract.	K
May 3, 2023, Cover Sheet, and Management Summary for Cultural Resources Survey and Assessment for the City of Bend Stevens Road Tract, Deschutes County Oregon	L
Draft amendment to Appendix J of the Bend Comprehensive Plan, the 2016 Buildable Land Inventory	M

Background Information

In 2016, the City of Bend and Deschutes County adopted ordinances that amended the Bend urban growth boundary (UGB) to include 2,380 acres of land for needed housing, economic opportunities, schools, and parks. The State of Oregon, through the Department of State Lands (DSL), owned a section of land (Section 11) adjacent to the City’s pre-2016 UGB. The land within this section west of the TransCanada natural gas pipeline was brought into the City’s UGB in 2016. That parcel has been planned as the Stevens Ranch Major Community Master Plan (See Article XXIV of the Bend Development Code). The Bend City Council approved the master planned development and associated development code through Ordinance NS-2420 and the annexation of the property through Ordinance 2421, both of which were adopted on September 1, 2021.

The property that is the subject of this application is the roughly eastern half of the original section. It is 261.66 acres in size, east of the TransCanada natural gas transmission line, south of Stevens and Ward roads. The 261.66 acre tract is referred to in this report as the Stevens Road Tract (SRT). In 2018, Deschutes County approved Ordinance 2018-011 (File Nos. 247-17-000726-PA, 727-ZC) through which the County adopted amendments to its Comprehensive Plan and Official Zoning Map to change the plan designation for the Stevens Road Tract from Agriculture to Rural Residential Exception area and the zoning from Exclusive Farm Use/Tumalo/Redmond/Bend subzone to MUA10, Multiple Use Agricultural.

In 2021, the Oregon Legislature passed HB 3318 (See Exhibit G). Through this legislation, HB 3318 provides an alternative process for the City of Bend to include the Stevens Road Tract in the Bend UGB (See Section 6 of HB 3318). The bill is limited in use to including only the 261.66 acre tract and no other properties in the Bend UGB. The legislation further requires a two-step process for planning this property that includes development and approval of a concept plan, and subsequent approval of what

HB 3318 refers to as planning amendments (See Section 9 of HB 3318) that outline what amendments to the Bend Comprehensive Plan and Development Code the City must adopt to support subsequent master planning of the Stevens Road Tract. The legislation was crafted with the participation and consent of DSL, to facilitate the property for sale and future urban development.

HB 3318 requires a number of steps, including development of a concept plan (See Exhibit H) that shows how the Stevens Road Tract can be master planned to satisfy the terms of the bill, an amendment to the Bend, and the adoption of subsequent amendments to the City's Comprehensive Plan to meet the following goals¹:

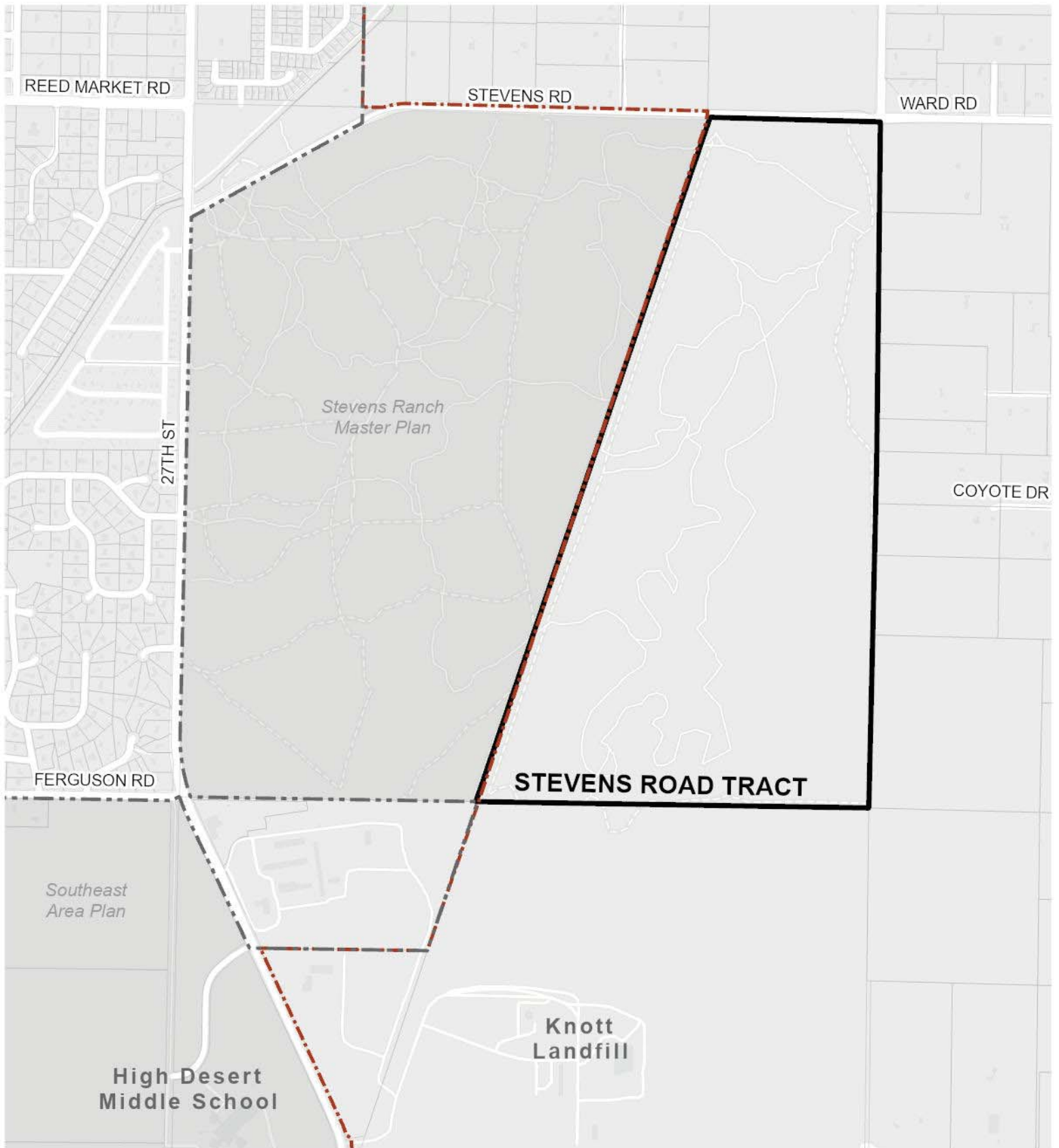
- Inventory and preserve significant historical artifacts and natural resources;
- Develop standards for mitigating the risk of wildfire;
- Provide adequate employment lands;
- Ensure adequate land is zoned for residential purposes for both market rate and affordable housing, including middle housing;
- Provide sufficient areas for mixed use development;
- Develop regulations to ensure adequate capacity for water, sewer, and stormwater infrastructure, and;
- Ensure adequate infrastructure to support modes of travel that do not require an automobile including walking, bicycling, and public transit.

The City Council adopted a Concept Plan for the Stevens Road Tract on June 1, 2022, that meets these requirements (See Resolution No. 3296 with Exhibit J). The planning amendments are required by HB 3318 to be consistent with the Concept Plan.

Surrounding Land Uses

As stated above, the SRT is located outside of the Bend UGB, abuts Stevens Road/Ward Road to the north, and a TransCanada Natural Gas Transmission line to the west. Stevens Road abuts the SRT's northern boundary running in and east-west direction. Ward Road intersects Stevens Road at the SRT's northeast corner. Figure 2 below identifies the Stevens Road Tract and identifies the zoning for the surrounding areas.

¹ See Section 9 of HB 3318 (2021).



STEVENS ROAD TRACT CONCEPT PLAN

Project Area

11/8/2021



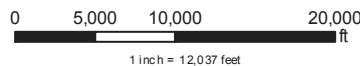
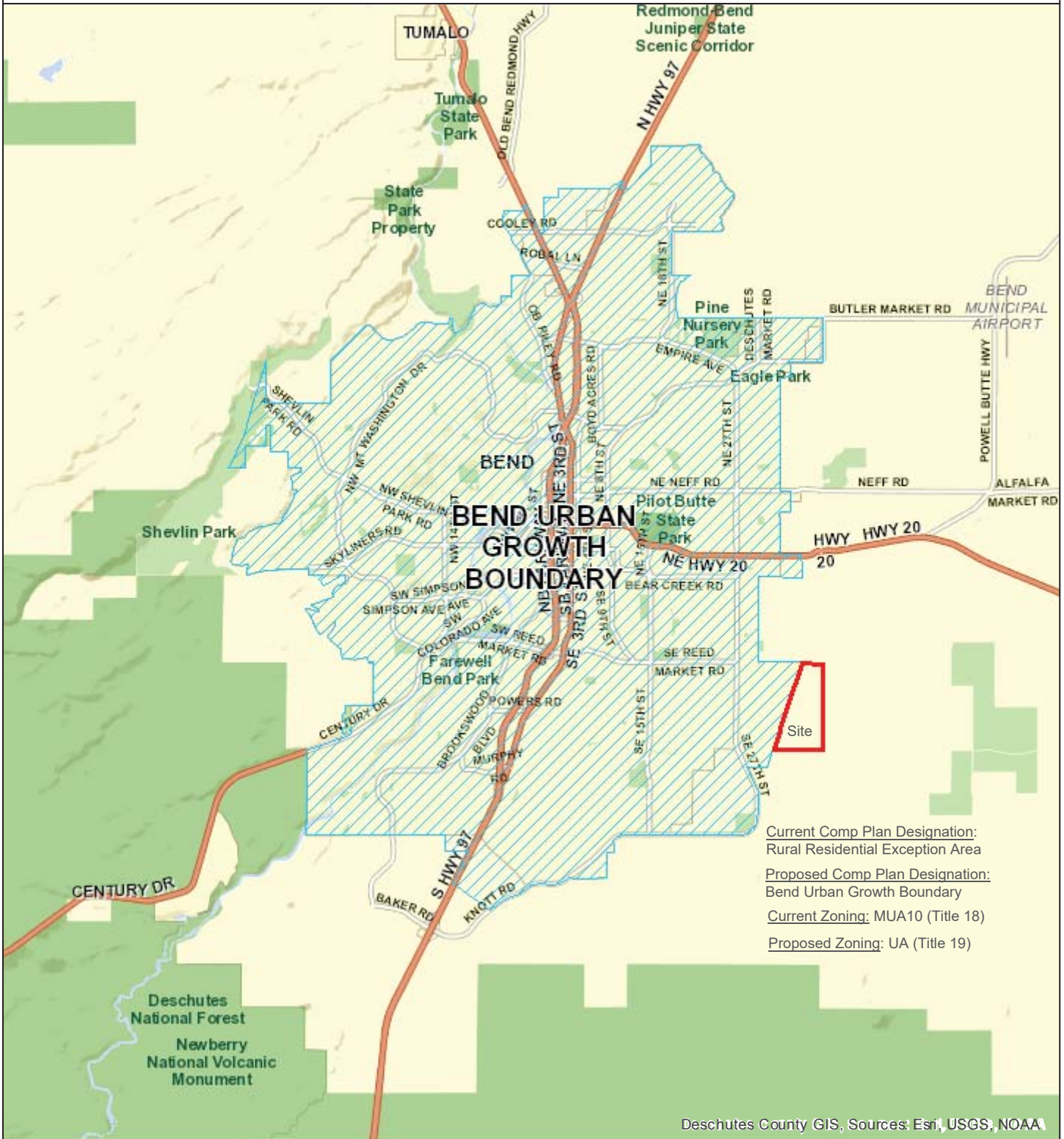
- Stevens Road Concept Plan Area
- City Limits
- Urban Growth Boundary (UGB)
- Taxlots
- UGB Expansion Areas



0 Miles
0.25

Bend UGB and Stevens Road Tract

Proposed Addition to UGB



Enrolled House Bill 3318

Sponsored by Representatives KROPF, POST, ZIKA, Senator KNOPP; Representative CLEM

CHAPTER

AN ACT

Relating to use of land; creating new provisions; amending ORS 455.315; and prescribing an effective date.

Whereas the Stevens Road tract is Common School Fund land and its sale will generate revenue to directly support Oregon’s students; and

Whereas the Stevens Road tract is not zoned for farm or forest uses; and

Whereas the Stevens Road tract has poor quality soils and has no associated water rights; and

Whereas as the Stevens Road tract is directly adjacent to an existing urban growth boundary of the City of Bend; and

Whereas the City of Bend in particular is experiencing an acute housing crisis and a need for affordable and workforce housing; and

Whereas the City of Bend in particular has an acute shortage of large parcels available for subsidized affordable housing; and

Whereas the Stevens Road tract is Common School Fund land and its sale will generate revenue to directly support kindergarten through grade 12 students in this state; and

Whereas kindergarten through grade 12 students will directly benefit from the development of housing on the Stevens Road tract for employees of education providers; and

Whereas sections 2 to 9 of this 2021 Act are intended to result in a dense, master-planned development focused primarily on providing affordable and workforce housing in a complete community context; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 9 of this 2021 Act are added to and made a part of ORS chapter 197.

SECTION 2. Definitions. As used in sections 2 to 9 of this 2021 Act:

(1) “City” means the City of Bend.

(2) “Council” has the meaning given that term in ORS 227.010.

(3) “Planning commission” means a planning commission described in ORS 227.090.

(4) “Stevens Road planning amendments” means amendments to the city’s comprehensive plans, land use regulations or zoning maps that affect the development of the Stevens Road tract.

(5) “Stevens Road tract” means land that:

(a) Is located in tax lot 100 of section 11, township 18 south, range 12 east of the Willamette Meridian in Deschutes County;

(b) Was conveyed to the Department of State Lands through a lot line adjustment bargain and sale deed recorded on October 17, 2019, in the deed records of Deschutes County under recorder number 2019-39926; and

(c) Consists of 261.66 acres, more or less.

SECTION 3. Stevens Road planning generally. (1) Actions taken under sections 2 to 9 of this 2021 Act:

(a) Are not land use decisions, as defined in ORS 197.015.

(b) If taken by the city, are not subject to any review except by the Department of Land Conservation and Development under sections 2 to 9 of this 2021 Act.

(c) If taken by the department, are not considered rulemaking and are not subject to ORS 183.325 to 183.410 or 183.710 to 183.730 and, notwithstanding ORS 183.484 or 183.485, are appealable directly to the Court of Appeals.

(d) If taken under an exercise of discretion authorized under sections 2 to 9 of this 2021 Act, are a final action, are entitled to deference and are not subject to an evidentiary review on appeal notwithstanding ORS 34.040 (1)(c), 183.482 (8)(c) or 183.484 (5)(c).

(2) If the department approves Stevens Road planning amendments under sections 7 to 9 of this 2021 Act:

(a) Any subsequent land use decision within the Stevens Road tract is a land use decision subject to the ordinary procedures and requirements of ORS chapters 197 and 227, statewide land use planning goals, rules adopted by the Land Conservation and Development Commission or the department, the city's comprehensive plan and land use regulations and the requirements set forth in section 9 (1) of this 2021 Act.

(b) Violations of sections 2 to 9 of this 2021 Act may be the basis for the initiation of enforcement action under ORS 197.319 to 197.335.

SECTION 4. Confirmation of intent. The Department of Land Conservation and Development may not approve an urban growth boundary amendment or Stevens Road planning amendments under sections 6 to 9 of this 2021 Act unless, on or before December 31, 2022:

(1) The city has submitted a letter to the department expressing the city's nonbinding intent to consider a conceptual plan under section 5 of this 2021 Act; and

(2) The owner of the Stevens Road tract has:

(a) Submitted a letter to the department giving its consent to the city's pursuit of the urban growth boundary expansion and planning amendments under sections 6 to 9 of this 2021 Act; and

(b) Established an agreement with the city that:

(A) Is binding on the successors of the owners;

(B) Is contingent upon the final approval of the planning amendments; and

(C) Establishes the essential terms, including the price per acre, but not requiring that specific lands be designated, for the department's conveyances to the city of real property consistent with section 9 (2) and (3) of this 2021 Act.

SECTION 5. Conceptual plan approval. (1) As used in this section, "conceptual plan" means an ordinance or resolution adopted by the city's council that:

(a) Explains in general terms the expected Stevens Road planning amendments, including intended uses and zoning of the Stevens Road tract; and

(b) Explains the factual basis and reasons for the expected Stevens Road planning amendments.

(2) At least 14 days before each opportunity for public participation under subsection (3) of this section, the city must provide published notice of the opportunity.

(3) Before consideration of a conceptual plan, the city must provide opportunities for public participation, including at least:

(a) A public open house;

(b) A meeting of the city's planning commission where public testimony is considered;

(c) A meeting of the city's council where public testimony is considered; and

(d) A public comment period.

(4) Before consideration of a conceptual plan, the city must consult with, and provide the opportunity for written comment from, the owner of the Stevens Road tract and the Department of Land Conservation and Development.

(5) The city may not submit an approved conceptual plan to the department after July 1, 2022.

(6) The department may approve the conceptual plan if:

(a) The department has received the letters described in section 4 of this 2021 Act; and

(b) In the department's discretion, considering the conceptual plan along with any supporting documentation and relevant public comment, the proposed development of the Stevens Road tract would be capable of meeting the requirements of sections 7 to 9 of this 2021 Act.

(7) The department may not approve an urban growth boundary expansion or Stevens Road planning amendments under sections 6 to 9 of this 2021 Act unless the department has approved the city's conceptual plan under this section.

(8) No later than 90 days after receiving a conceptual plan, the department shall approve or remand the conceptual plan by written notice delivered to the city.

(9) No later than 90 days after receiving a notice of remand, the city may approve and submit an amended conceptual plan to the department for review under this section.

SECTION 6. Stevens Road urban growth boundary expansion. (1) Notwithstanding ORS 197.286 to 197.314, 197.626 or 197A.320 or any statewide land use planning goal related to housing or urbanization, the Department of Land Conservation and Development shall approve an expansion of the urban growth boundary submitted by the city and approved by the city by ordinance, if the department determines that:

(a) The department has received the letters required by section 4 of this 2021 Act;

(b) The department has approved the city's conceptual plan under section 5 of this 2021 Act; and

(c) The proposed urban growth boundary expansion adds all of the Stevens Road tract and no other lands to the area within the city's urban growth boundary.

(2) The city shall include the lands brought within the city's urban growth boundary under this section in the city's inventory of buildable lands under ORS 197.296 (3)(a).

SECTION 7. Department approval of Stevens Road proposed planning amendments. (1) Notwithstanding ORS 197.612, the Department of Land Conservation and Development shall approve Stevens Road planning amendments submitted by the city if:

(a) The department has received the letters required by section 4 of this 2021 Act;

(b) The department has approved the city's conceptual plan under section 5 of this 2021 Act;

(c) The department has approved an expansion of the city's urban growth boundary under section 6 of this 2021 Act;

(d) The proposed Stevens Road planning amendments were approved by the city through an ordinance adopted and submitted to the department under section 8 of this 2021 Act;

(e) The proposed Stevens Road planning amendments comply with the requirements and standards in section 9 of this 2021 Act; and

(f) The Stevens Road planning amendments are submitted on or before January 1, 2025.

(2) The Stevens Road planning amendments submitted under sections 7 to 9 of this 2021 Act are not operable until they are approved by the department.

(3) The department may consider public comments and testimony before considering approval of the Stevens Road planning amendments.

(4) The department shall approve, remand or remand in part the Stevens Road planning amendments within 180 days. Notwithstanding subsection (1)(f) of this section, within 180 days of a remand, the city may resubmit Stevens Road planning amendments for approval under sections 7 to 9 of this 2021 Act.

SECTION 8. City procedural requirements to approve Stevens Road planning amendments. (1) Stevens Road planning amendments may be approved only by an ordinance adopted by the city's council under this section.

(2) At least 20 days before each opportunity for public participation under subsection (3) of this section, the city must provide broad public notice of the opportunity, including notice through the city's newsletter, online social media, website and electronic mail lists and any other form of public notice commonly used by the city for land use matters.

(3) Before consideration of an ordinance under this section, the city must provide opportunities for public participation, including at least:

- (a) A public open house;
- (b) A meeting of the city's planning commission where public testimony is considered;
- (c) A meeting of the city's council where public testimony is considered;
- (d) A public comment period; and
- (e) Any other opportunity for public participation required by city ordinance or regulation before adoption of amendments to a comprehensive plan or enactment of land use regulations.

(4) At least seven days before consideration of an ordinance under this section, the city's council must receive written recommendations from the city's planning commission on the Stevens Road planning amendments.

(5) Before consideration of an ordinance under this section, the city must consult with, and provide opportunity for written comment from:

- (a) Any owner of the Stevens Road tract;
- (b) The Department of Land Conservation and Development;
- (c) Deschutes County;
- (d) The Bend Park and Recreation District; and
- (e) Any other local government or special district with jurisdiction over the Stevens Road tract or whose service is likely to be impacted by development of the Stevens Road tract.

(6) Within 10 days after adoption of an ordinance under this section, the city shall submit a copy of the ordinance and any supporting information to the department.

SECTION 9. Standards in lieu of goals. (1) Notwithstanding ORS 197.250 or 197.612 or any statewide land use planning goal, the Department of Land Conservation and Development shall approve Stevens Road planning amendments provided the department determines, in its discretion, that the Stevens Road planning amendments, with respect to the Stevens Road tract, include:

- (a) An inventory of significant historical artifacts, cultural sites and natural resources.
- (b) Areas designated for recreational and open space.
- (c) Land use regulations for the protection and preservation of significant resources and designated areas identified in paragraphs (a) and (b) of this subsection.

(d) Land use regulations that comply with applicable wildfire planning and development requirements, including requirements in regulations adopted to implement a statewide planning goal relating to natural disasters and hazards.

(e) Areas designated for adequate employment lands that account for the city's most recent economic opportunity analysis, including consideration of subsequent economic development activities and trends.

(f) Within areas zoned for residential purposes, without counting the lands designated under subsection (2) of this section, land use regulations for housing that:

- (A) Ensure adequate opportunities for the development of all needed housing types, sizes and densities of market-rate housing, including middle housing as defined in ORS 197.758;
- (B) Exceed the proportions of single-family attached and multifamily housing called for in the city's most recently adopted housing needs analysis under ORS 197.296 (3);
- (C) Exceed a minimum density standard of nine residential units per gross residential acre; and

(D) On the date the Stevens Road planning amendments are approved, comply with land use regulations adopted by the city, or any minimum applicable rules adopted by the department, to implement ORS 197.758 and the amendments to ORS 197.312 by section 7, chapter 639, Oregon Laws 2019.

(g) Sufficient areas designated for mixed use development to support and integrate viable commercial and residential uses along with transportation options, including walking, bicycling and transit use.

(h) Land use regulations ensuring that:

(A) Adequate capacity is available, or feasible with development, for water, sewer and storm water services; and

(B) Adequate consideration is given to the financing, scheduling and development of urban services, as defined in ORS 195.065.

(i) Land use regulations for transportation that:

(A) Ensure the development of adequate infrastructure to support walking, bicycling, public transit and motor vehicle movement; and

(B) Give adequate consideration to transportation networks that connect the Stevens Road tract to other areas within the urban growth boundary of the city.

(j) The adequate consideration of the recommendations and comments received under section 8 (3) to (5) of this 2021 Act.

(2) The department may not approve the planning amendments under subsection (1) of this section unless the planning amendments designate at least 20 net acres of land to be:

(a) Restricted so the area may be zoned, planned, sited or developed only for residential housing units at a minimum density of nine residential units per gross acre;

(b) Conveyed to the city at a price per acre established under section 4 (2)(b) of this 2021 Act; and

(c) Notwithstanding ORS 91.225 or 197.309, preserved for a period of no less than 50 years as affordable to own or rent as follows:

(A) At least 12 net acres made affordable to:

(i) Households with incomes of 60 percent or less of the area median income, as defined in ORS 456.270; or

(ii) If part of an income-averaging program approved by the Housing and Community Services Department, households whose incomes average 60 percent or less of the area median income.

(B) At least six net acres:

(i) Made affordable to households with incomes of 80 percent or less of the area median income; and

(ii) Made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.

(C) At least two net acres in which at least 80 percent of the units in each contiguous development tract are made affordable to households with 80 percent or less of the area median income, of which at least one net acre is made available, to the extent permitted by law, in a manner that gives a priority to households in which at least one individual is employed by an education provider over other members of the public.

(3) Upon a partition or subdivision of the Stevens Road tract following the approval of the planning amendments under subsection (1) of this section establishing one or more lots or parcels described in subsection (2) of this section, the owner shall transfer those lots or parcels to the city. For a period of 99 years after the purchase of property under this section, if the city resells any lot or parcel, the city may recover only the city's costs of the purchase and resale of the property.

(4) Neither the city nor the Department of Land Conservation and Development is obligated to adopt any specific findings or evaluate any specific criteria in exercising its dis-

cretion with respect to any Stevens Road planning amendments under this section and may receive, solicit or consider information from any source.

(5) As used in this section, “education provider” means a school district as defined in ORS 332.002, an educational program under the Youth Corrections Education Program or Juvenile Detention Education Program as both are defined in ORS 326.695, or an education service district as defined in ORS 334.003.

SECTION 10. Sunset. Sections 2 to 9 of this 2021 Act are repealed on January 2, 2030.

SECTION 11. ORS 455.315 is amended to read:

455.315. (1) The provisions of this chapter do not authorize the application of a state structural specialty code to any agricultural building, agricultural grading [or], equine facility **or dog training facility**.

(2) As used in this section:

(a)(A) “Agricultural building” means a structure located on a farm or forest operation and used for:

[(A)] (i) Storage, maintenance or repair of farm or forestry machinery and equipment;

[(B)] (ii) The raising, harvesting and selling of crops or forest products;

[(C)] (iii) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

[(D)] (iv) Dairying and the sale of dairy products; or

[(E)] (v) Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by marketing or otherwise, of farm produce or forest products.

[(b)] (B) “Agricultural building” does not mean:

[(A)] (i) A dwelling;

[(B)] (ii) A structure used for a purpose other than growing plants in which 10 or more persons are present at any one time;

[(C)] (iii) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476;

[(D)] (iv) A structure used by the public; or

[(E)] (v) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

[(c)] (b) “Agricultural grading” means grading related to a farming practice as defined in ORS 30.930.

(c) “Dog training facility” means a farm building used for dog training classes or testing trials permitted under ORS 215.213 (1)(z) or 215.283 (1)(x) in which no more than 10 persons are present at any one time.

(d)(A) “Equine facility” means a building located on a farm and used by the farm owner or the public for:

[(A)] (i) Stabling or training equines; or

[(B)] (ii) Riding lessons and training clinics.

[(e)] (B) “Equine facility” does not mean:

[(A)] (i) A dwelling;

[(B)] (ii) A structure in which more than 10 persons are present at any one time;

[(C)] (iii) A structure regulated by the State Fire Marshal pursuant to ORS chapter 476; or

[(D)] (iv) A structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

(3) Notwithstanding the provisions of subsection (1) of this section, incorporated cities may regulate agricultural buildings, [and] equine facilities **and dog training facilities** within their boundaries pursuant to this chapter.

SECTION 12. Section captions. The section captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

SECTION 13. Effective date. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House June 21, 2021

Received by Governor:

Repassed by House June 26, 2021

.....M,....., 2021

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M,....., 2021

.....
Tina Kotek, Speaker of House

.....
Kate Brown, Governor

Passed by Senate June 25, 2021

Filed in Office of Secretary of State:

.....M,....., 2021

.....
Peter Courtney, President of Senate

.....
Shemia Fagan, Secretary of State



**Bend
Airport**



PETERMAN LN

BUTLER MARKET RD

KEVIN DR

DON JR LN

POWELL BUTTE HWY

NELSON PL

GIBSON AIR RD

NELSON RD

ERICKSON RD

OTOR WAY

MCGRATH RD

PEACOCK LN

SANTA CRUZ AVE



COVER MEMO

To: Deschutes County Community Development Department

From: Century West Engineering on behalf of The City of Bend (Applicant)

Date: June 9, 2023

Subject: Text Amendment for Proposed Air Traffic Control Tower (ATCT) at the Bend Municipal Airport

The purpose of this memo is to briefly summarize the City of Bend's Text Amendment Application submitted to Deschutes County for the proposed Air Traffic Control Tower at the Bend Municipal Airport.

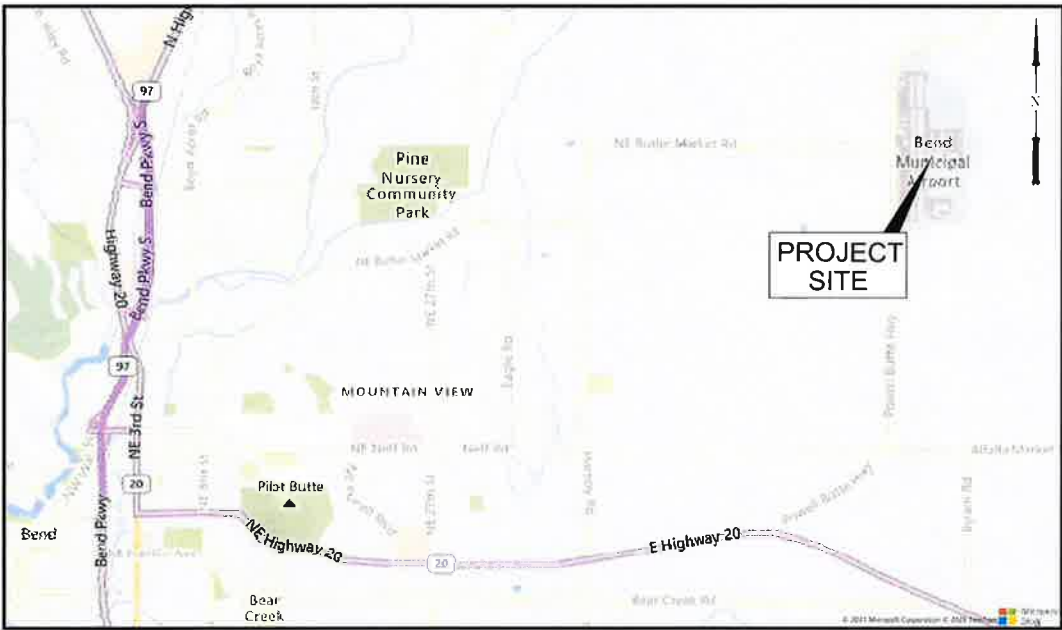
The City of Bend has determined that an Air Traffic Control Tower (ATCT) is needed for safe airport operations at the Bend Municipal Airport. This is supported by the October 14, 2020, letter from the Federal Aviation Administration (FAA) decision to accept the Bend Municipal Airport as a candidate for the Federal Contract Tower (FCT) Program. The City of Bend is given five (5) years from the date of that letter to construct a permanent structured control tower meeting the FCT Program requirements. The required completion date is October 14, 2025.

The City of Bend, through its consultants, conducted an ATCT Siting Study and is currently underway with an Environmental Assessment. Design of the ATCT is anticipated December 2023 and April 2024, followed by bidding in May 2024, with construction completion in September 2024. These dates are tentative, but the FAA's required completion date is not.

The City of Bend, through this application, proposes a quasi-judicial amendment through several sections of Deschutes County Zoning Ordinance that would allow construction of an air traffic control tower at the Bend Municipal Airport.

Included with this application package are the City's payment of the application fee, this cover memo, the Proposed Findings and Burden of Proof document, the FAA Federal Contract Tower Program Candidate Acceptance Letter, and the Preliminary Project Overview Exhibit.

CITY OF BEND - BEND MUNICIPAL AIRPORT AIR TRAFFIC CONTROL TOWER (ATCT) PRELIMINARY PROJECT OVERVIEW JUNE 2023

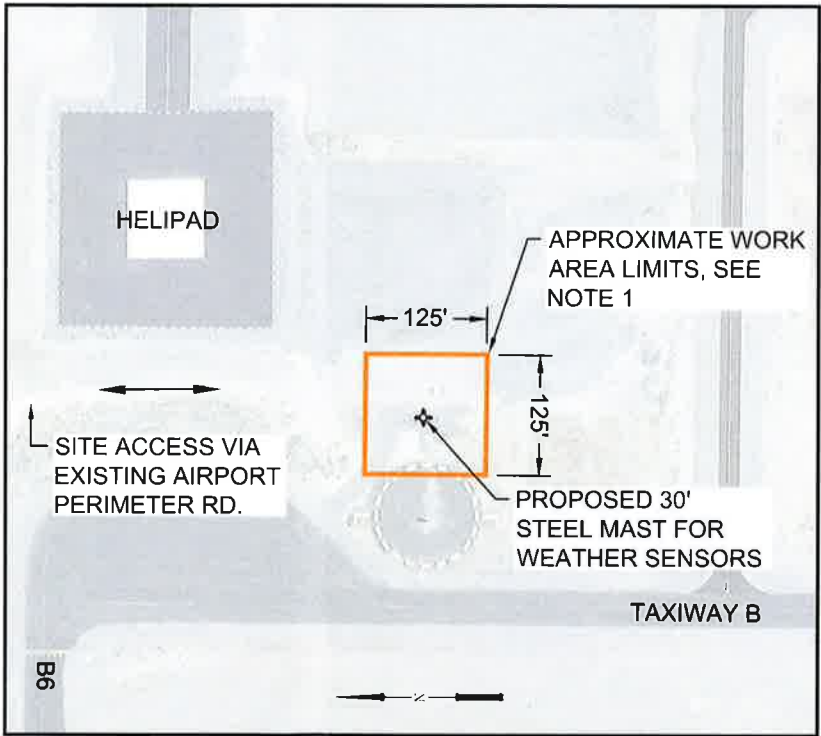


VICINITY MAP
NO SCALE

PROPOSED	LEGEND	EXISTING
	PROJECT AREA	
	SITE ACCESS	
	WATER	
	SEWER	
	GAS	
	ELECTRIC	
	FIBER/COMM	
	FENCE	

NOTES:

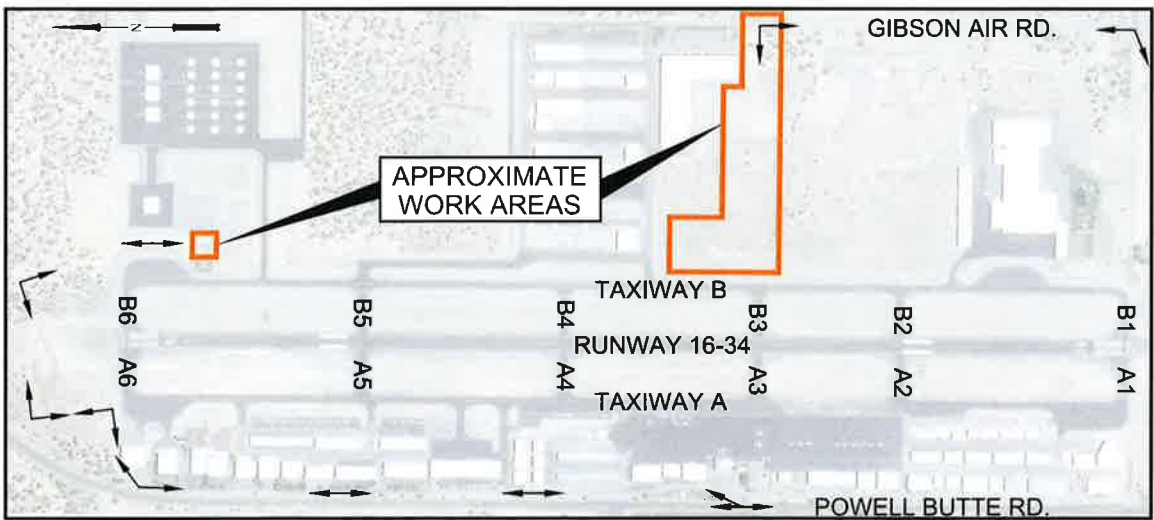
1. APPROXIMATE WORK AREA LIMITS INCLUDE ANTICIPATED HAUL ROUTES AND STAGING AREAS.
2. CONCEPTUAL LAYOUT ONLY. EXACT LOCATION AND CONFIGURATION OF ACCESS ROAD, FENCING, UTILITIES, AND PARKING AREA TO BE REFINED DURING FINAL DESIGN.
3. ATCT SITE 5 REFERENCE POINT: (N44°05'34.19", W121°11'52.99"). TOTAL HEIGHT OF 115 FEET INCLUDES ATCT STRUCTURE AND ANTENNAS, LIGHTNING RODS, ROTATING BEACON, AND OTHER FACILITIES ATOP THE STRUCTURE.



WEATHER OBSERVATION STATION PLAN



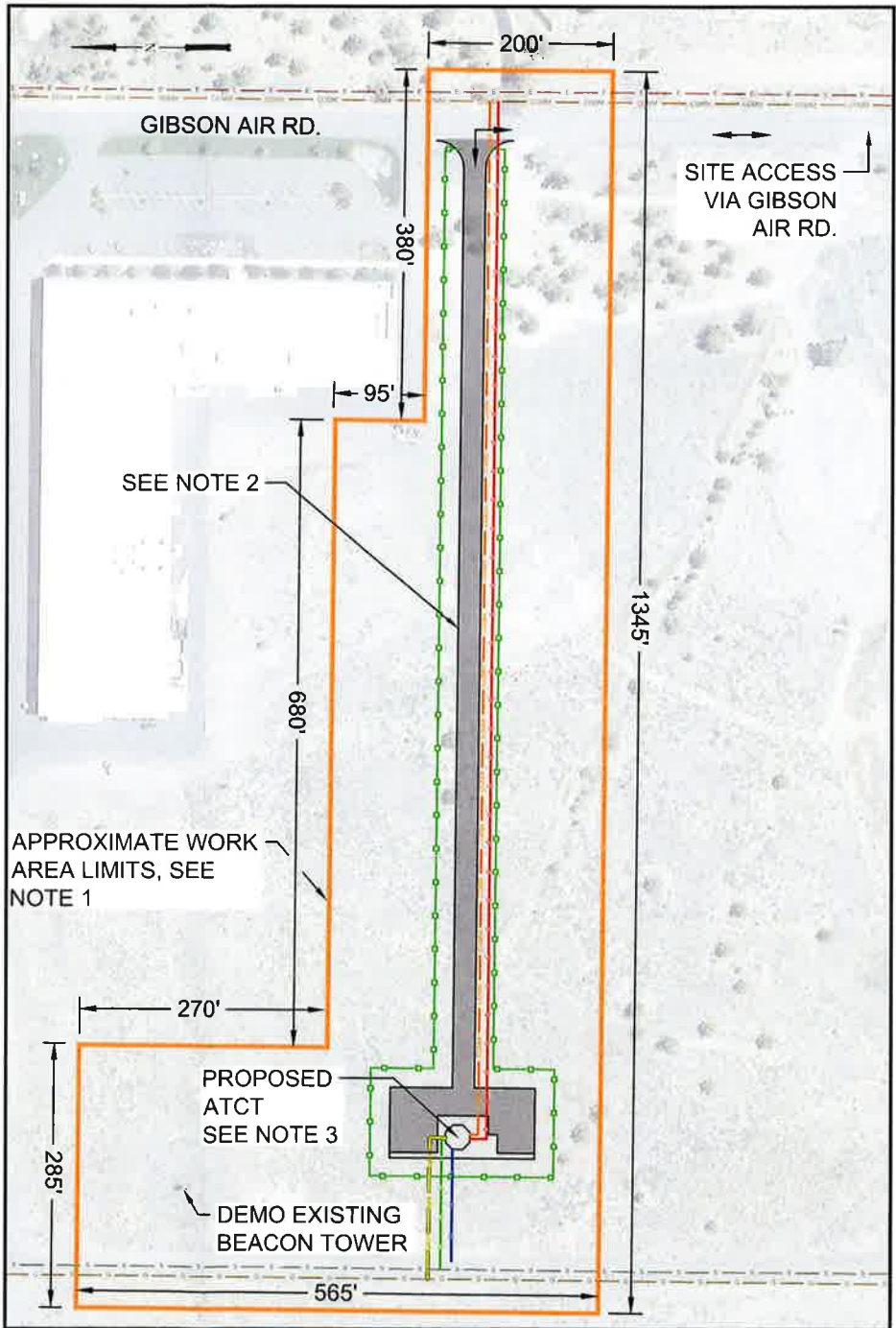
SCALE OF FEET
SCALE: 1"=200'



SITE MAP



SCALE OF FEET
SCALE: 1"=1000'



ATCT SITE PLAN



SCALE OF FEET
SCALE: 1"=200'

X:\Projects\Bend_City_Oil\Bend Airport ATCT\APE Exhibit\11X17.dwg



CITY OF BEND

NO.	DATE	BY	APPR	REVISIONS



DATE: JUNE 2023

BEND OFFICE
1020 SW EMKAY DRIVE, #100
BEND, OR 97702
541.322.8962
541.382.2423 FAX

PROJECT NO:
10051.123.02

DESIGNED BY:
TH3
DRAWN BY:
MAH
CHECKED BY:
TH3
SCALE:
AS NOTED

CITY OF BEND
BEND MUNICIPAL AIRPORT

AIR TRAFFIC CONTROL TOWER
PRELIMINARY PROJECT OVERVIEW

DRAWING NO.
EX-01
SHEET NO.
1 OF 1