



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Kyle Collins, Associate Planner

DATE: June 8, 2022

SUBJECT: Bend UGB Expansion, Plan Amendment, and Zone Change – Affordable Housing Pilot Project Work Session (HB 4079)

The Board of County Commissioners (Board) is conducting a work session on June 13, 2022, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-22-000123-PA, 124-ZC) for a 35.52-acre property located on Highway 20, adjacent to the eastern edge of the City of Bend’s Urban Growth Boundary (UGB). A public hearing on the quasi-judicial Plan Amendment/Zone Change application was held before the Deschutes County Hearings Officer on May 10, 2022.

I. BACKGROUND

The Applicant, Hayden Homes, is requesting an Amendment to the Comprehensive Plan designation and a Zone Change of the subject property from Rural Residential Exception Area (RREA) and Multiple Use Agricultural (MUA10) Zone to Bend Urban Growth Area and Urbanizable Area (UA) District, respectively. The subject proposal is to accommodate the future Parkside Place project pursuant to the City of Bend’s approved application for Affordable Housing Pilot Program submitted to the State of Oregon under House Bill (HB) 4079 and OAR 660-039-0000 through 100. The proposal is being pursued in conjunction with an application to the City of Bend for expansion of the City of Bend’s Urban Growth Boundary (UGB) to include the subject property. Additionally, the Applicant has provided findings within the burden of proof that demonstrate compliance with state and local requirements and policies. The current project follows the Board’s passing of Resolution 2018-029 (“A Resolution of Support for the City of Bend’s Application for a Pilot Program for Urban Growth Boundary expansion for Affordable Housing under HB 4079”) in which the City of Bend and Deschutes County coordinated on choosing the subject parcel for the future affordable housing project as well as the application to the State to be considered for selection in the pilot program.

II. PUBLIC COMMENTS

Staff received one (1) written public comment from the Bend-Redmond Habitat for Humanity Director of Land Acquisition and Development. These comments expressed support for the current proposal noting the median housing prices and the need for affordable housing in the larger region.

At the public hearing before the Deschutes County Hearings Officer, several members of the public asked questions concerning future development of the subject property if the current applications before the County and the City to amend the Comprehensive Plans and change the zoning are approved. These questions are summarized as follows:

- Will Highway 20 be included in the UGB and will ODOT lose jurisdiction to review access points from Highway 20, speed limits and maintenance?
- Will there be a sidewalk and bicycle lane on Bear Creek Road? Traffic and speeds on Bear Creek Road are hazardous.
- What percentages of Area Median Income (AMI) will be considered for affordable housing criteria?
- What will the impact on wildlife be with the continued expansion of City limits, potential development of or around the irrigation canals and piping of COID canals?
- Will light pollution associated with street lights be addressed?
- What about view impacts of a 3-story apartment building on the property?
- Will the affordable housing project include any portions dedicated for senior living?
- Will there be any barrier between future development of the site and existing housing on surrounding properties to protect privacy of surrounding homeowners?

Both County staff, City staff, and the Applicant acknowledged these general questions and concerns. Ultimately, the specifics of the physical design for the site and all related issues will be reviewed for compliance with the City of Bend's development codes as well as compliance with the specific standards of HB 4079. The Applicant has further stated their intent to coordinate with property owners in the area when developing a master plan and site plan for the project after the property has been annexed into the City.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on May 10, 2022. On May 20, 2022, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change. No appeals of the Hearings Officer decision were filed.

IV. BOARD CONSIDERATION

The property does not include lands designated for agricultural or forest use. As such, Deschutes County Code 22.28.030(B) states:

All quasi-judicial zone changes and those quasi-judicial plan amendments on which the Hearings Officer has authority to make a decision, the Board of County Commissioners shall, in the absence

of an appeal or review initiated by the Board, adopt the Hearings Officer's decision. No argument or further testimony will be taken by the Board.

As no appeals were filed and no review was initiated by the Board, the Board is required to adopt the Hearings Officer's decision. No argument or further testimony can be taken by the Board on these matters. The record, including the Hearings Officer's decision, is available for inspection at the following link: <https://www.deschutes.org/cd/page/247-22-000123-pa124-zc-applicant-initiated-plan-amendment-zone-change-and-bend-urban-growth>

V. NEXT STEPS

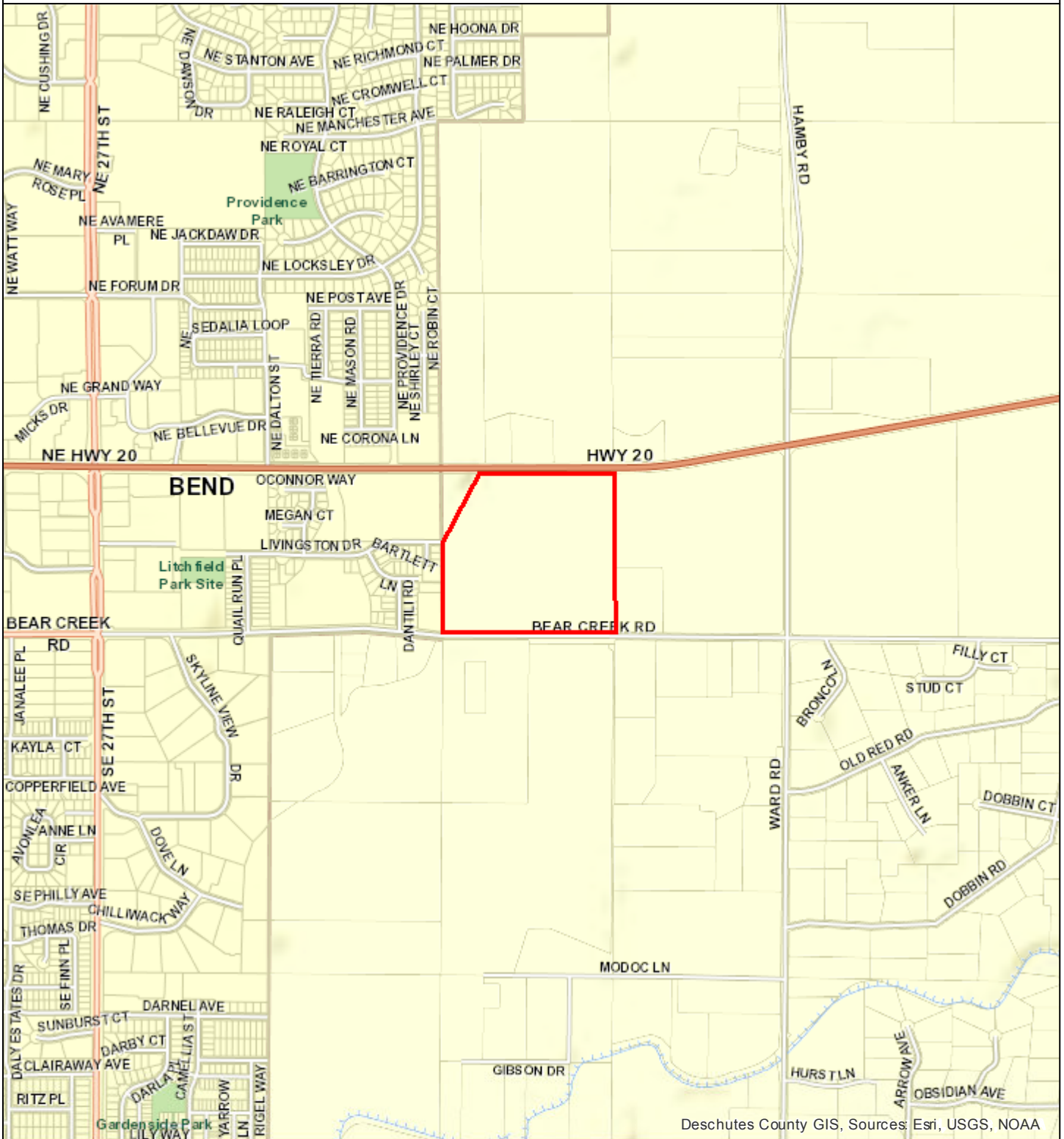
Staff notes the Bend City Council will hold a public hearing for the HB 4079 UGB expansion on June 15, 2022. If ultimately approved by the Bend City Council, City staff anticipates that a second reading of the adopting City Ordinances will occur on July 20, 2022, with an effective date of August 19, 2022. Staff recommends that the Board adopt the corresponding County Ordinances by emergency, with an effective date to coincide with the City's effective Ordinance date. The Board will review the adopting Ordinances for the Plan Amendment/Zone Change on June 22, 2022. Should the City's process necessitate a change in the County's procedures, staff will notify the Board at the June 22 meeting.

ATTACHMENTS:

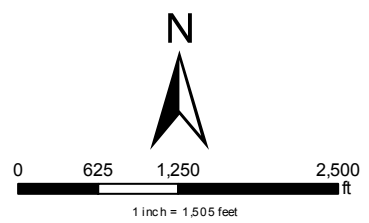
- 1) Area Map
- 2) Board Resolution No. 2018-029

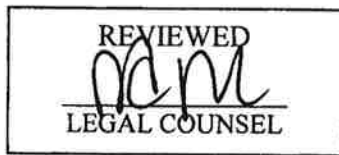
21455 Hwy 20, Bend, OR 97701

File Nos. 247-22-000123-PA, 22-124-ZC



Deschutes County GIS, Sources: Esri, USGS, NOAA





For Recording Stamp Only

4. Deschutes County Resolution of Support

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution in support of the City of Bend's	*	
Application for a Pilot Program for Urban	*	RESOLUTION NO. 2018-029
Growth Boundary expansion for Affordable	*	
Housing under HB 4079		

WHEREAS, the Oregon Legislature passed House Bill 4079 in 2016, creating a pilot program to provide an adequate supply of land within urban growth boundaries that is dedicated to affordable housing, encourage the development of affordable housing on land dedication to affordable housing, and protect land dedicated to affordable housing from conversion to other uses before or after the development of affordable housing; and

WHEREAS, among the State's public policy goals are ensuring that affordable housing developed through the initiative continues to be affordable for a period of at least 50 years; and

WHEREAS, this program is being managed by the Oregon Department of Land Conservation and Development (DLCD); and

WHEREAS, increasing affordable housing is regional priority as well a top priority for the Bend City Council; and

WHEREAS, the City of Bend nominated a pilot project ("Bend Pilot Project") on a site of approximately 50 acres, located on the eastern border of Bend's urban growth boundary at 21455 Highway 20, 21420 Hwy 20, and possibly including a portion of 62225 Hamby Road in Deschutes County, Oregon ("Bend Pilot Project Site"), owned by private owners; and,

WHEREAS, The Bend Pilot Project is competing to be selected for the HB 4079 Affordable Housing Pilot Project for a city with a population over 25,000. If selected, the City of Bend intends to include the Bend Pilot Project Site within the urban growth boundary of Bend, for annexation into the City of Bend, and development as needed affordable housing; and

WHEREAS, the application also requires a resolution of support for the pilot project adopted by the governing body of the county (Deschutes County) in which the pilot project site is located; and

WHEREAS, the City has represented that it intends to submit the application for the pilot project to DLCD by August 17, 2018; and

WHEREAS, the City and Deschutes County must work together to follow state land use laws for completion of a urban growth boundary expansion if the City's application is selected by DLCD; and,

WHEREAS, a decision by the State is expected to occur in fall 2018; now therefore,


BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY AS FOLLOWS:

SECTION 1. That Deschutes County directly supports the submission of the Application by the City of Bend to the DLCD and generally supports those actions necessary to expand the City of Bend Urban Growth Boundary if the Bend Pilot Project is selected by DLCD.


SECTION 2. Effective Date. This Resolution shall be effective upon adoption.

Dated this 18 of June, 2018

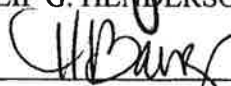
BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



ANTHONY DEBONE, Chair



PHILIP G. HENDERSON, Vice Chair



TAMMY BANEY, Commissioner

ATTEST:



Recording Secretary