



February 15, 2021

House Committee on Economic Recovery and Prosperity  
Oregon State Capitol  
900 Court Street NE  
Salem, Oregon 97301

***Testimony: SB 391***

Chair Lively, Vice-Chair Cate, Vice-Chair Kropf, and Members of the Committee,

Central Oregon LandWatch (“LandWatch”) is a conservation organization which for more than 35 years has protected Central Oregon’s beautiful forests and high desert, rivers and springs, fish and wildlife, and our vibrant communities. We work to conserve the region’s ecosystems, wildlife habitat, and working rural lands balanced with a responsible, sustainable approach to planning and fostering thriving communities.

***LandWatch’s position on HB 2282 is reserved, pending amendment.*** Bill proposes requiring DLCD to approve expanding Bend’s UGB on specified lands to which a TDO is transferred.

HB 2282 proposes expanding the City of Bend’s urban growth boundary (UGB) to include 261.6 acres of land owned by the Oregon Department of State Lands (the “Stevens Road tract”) located adjacent to the current Bend UGB on the east side of the City. The current version of the bill proposes only a loosely defined vision for future development of the Stevens Road tract, and does not go far enough to ensure this public land will provide affordable housing. LandWatch believes the bill should be more specific about how the tract will be used in order to best benefit the City of Bend. We offer the following recommendations.

**1. The bill should set the overall proportion of land to be designated for housing.**

The bill does not identify how many acres of the 261-acre tract will be designated for housing. The Bend Comprehensive Plan (BCP) requires new developments to be “complete communities” with housing located near employment opportunities, public facilities, and commercial services like grocery stores, restaurants, and retail. The other half of this DSL land, already inside the UGB, is planned in this manner, and is subject to several specific comprehensive plan policies guiding its development (see the attached list of key provisions). Specifically, the BCP requires the following:

“This area shall provide for a mix of residential and commercial uses, including 163 gross acres of residential plan designations, 60 gross acres of residential and/or public facility plan designations, 46 gross acres of commercial plan designations, and 93 gross acres of industrial plan designations, including one large-lot industrial site.” (Policy 11-67)



“[T]he residential plan designations shall include 196 gross acres of RS, 9 gross acres of RM, and 19 gross acres of RH[.]” (Policy 11-68)

Will the proximity of the planned non-residential uses, and/or the planned mix of residential uses, affect the planning for the Stevens Road tract (this bill)? With 46 acres of commercial and 93 acres of industrial land planned next to the Stevens Road tract, we recommend planning for more housing on the tract to complement the complete community planned inside the UGB. To that end, at least 200 acres of the 261-acre Stevens Road tract should be dedicated to housing.

**2. The percentage of land dedicated to low and moderate income housing should be greatly increased.**

The bill at Section 9(1)(j) requires

“(j) The designation of between 12.4 and 12.6 acres that, on or before January 1, 2029, are restricted so that the area may be zoned, planned, sited or developed only for residential housing units that, notwithstanding ORS 91.225 and 197.309, will be preserved for a period of no less than 50 years as affordable to own or rent by:

- (A) Low income households as defined in ORS 456.270 on at least 80 percent of the area; and
- (B) Moderate income households as defined in ORS 456.270 on no more than 20 percent of the area[.]”

The definition of “low income household” at ORS 456.270 is “a household with income less than or equal to 80 percent of the area median income” and the definition of “moderate income household” is “a household with income less than or equal to 120 percent and greater than 80 percent of the area median income.” These income thresholds are not sufficient to ensure that the Stevens Road tract housing is affordable to the neediest members of our community. We recommend that significant housing be affordable to own or rent for households making 50 percent or less of area median income.

This section of the bill provides 2.5 acres for middle income housing and 10 acres for low income housing. First of all, in the absence of the bill providing guaranteed acreage for housing (versus commercial, industrial, or other uses of land) measurement by acreages is inappropriate at this point. Second, and more importantly, 12.5 acres (or 4.8%) of affordable housing are not enough on this 261-acre tract. As the Stevens Road tract is public land and has a public purpose, significantly more land should be dedicated to affordable housing. If that is not done, some other public funding will be necessary to ensure affordable housing on this property. Urbanizable public land, especially on a tract of this size, is a rare and valuable tool that can make real progress in reducing Bend’s affordable housing deficit. We recommend at least half of the 261 acres be dedicated to affordable housing.



**3. If included in the Bend UGB, the Stevens Road tract should be included in any future buildable lands inventory and housing needs analysis.**

The Bill in Section 6(2) provides that these lands to be added to the UGB will *not* be included within an adopted inventory of buildable lands before the earlier of January 1, 2026, or when DSL no longer owns or manages the land. It is not clear what is the intent of this provision, but such denial of reality is not consistent with the City's responsibility to do an accurate Housing Needs Analysis by December 31, 2024 under HB 2003. LandWatch recommends striking this provision to ensure that future buildable lands inventories and housing needs analyses accurately reflect on-the-ground realities.

With an amendment to the bill substantially aligned with these recommendations, LandWatch hopes to be moved from reserved to a position of support. We would look forward to working with interested parties to improve HB 2282.

Respectfully submitted,

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Staff Attorney  
Central Oregon LandWatch

Attachment



**ATTACHMENT TO CENTRAL OREGON LANDWATCH RECOMMENDATIONS  
FOR HB 2282, FEBRUARY 15, 2021**

**Bend Comprehensive Plan Policies for DSL Property inside the existing UGB**

**DSL Property:**

11-65 Master planning is required for this area. The master plan must be consistent with both master plan standards in the development code and policies 11-66 through 11-74, below.

11-66 The overall planning concept for the DSL property as identified in Figure 11-4 is for a new complete community that accommodates a diverse mix of housing and employment uses, including the potential for a large-lot industrial site.

11-67 This area shall provide for a mix of residential and commercial uses, including 163 gross acres of residential plan designations, 60 gross acres of residential and/or public facility plan designations, 46 gross acres of commercial plan designations, and 93 gross acres of industrial plan designations, including one large-lot industrial site. (Gross acreages exclude existing right of way.)

11-68 In order to provide sufficient housing capacity and mix, the residential plan designations shall include 196 gross acres of RS, 9 gross acres of RM, and 19 gross acres of RH. Acreages exclude existing right of way. The acreage of RS includes roughly 21 acres for an elementary school site and up to 35 acres of parks and public open space, which may be designated PF if land has been acquired by the school or park district at the time of the master plan. Alternatively, the master plan may demonstrate that this area will provide capacity for a minimum of 1,000 housing units, including at least 11% single family attached housing and at least 41% multifamily and duplex/triplex housing types.

11-69 Subsequent planning for this area shall address preservation of at least 50 acres for a large lot industrial site in compliance with the policies in Chapter 6.

11-70 Coordination with the Bend-La Pine School District is required in order to identify a suitable site for an elementary school within this area.

11-71 Coordination with Bend Park and Recreation district is required in order to address provision of parks and/or trails within this area.

11-72 Coordination with other special districts and utility providers is required within this area.

11-73 Bat habitat shall be mapped and potentially added to the City of Bend's Goal 5 inventory. And Environmental, Social, Economic and Energy (ESEE) analysis shall be conducted to determine the significance of the resource and a management plan shall be provided as appropriate to protect the resource.

11-74 Trails should be provided along canal easements and through other open space wherever feasible.

