

## ORDINANCE NO. NS-2523

### AN ORDINANCE OF THE CITY COUNCIL AMENDING CHAPTER 2.7 OF THE BEND DEVELOPMENT CODE TO AMEND THE STONE CREEK MASTER PLAN TO REDESIGNATE 1.11 ACRES FROM PUBLIC/COMMUNITY USE TO MULTI-UNIT RESIDENTIAL TO ALLOW HOUSING ON AN UNDEVELOPED PORTION OF THE SILVER RAIL ELEMENTARY SCHOOL SITE.

#### Recitals

- A. On December 27, 2024, the Bend LaPine School District submitted a Type III Quasi-judicial application for a Bend Development Code text amendment to the Stone Creek Master Plan.
- B. On March 24, 2025, the Planning Commission held a public hearing and issued a recommendation that the City Council adopt an ordinance to amend Chapter 2.7 of the Bend Development Code to redesignate 1.11 acres in the Stone Creek Master Plan from Public/Community Use-School to Multi-Unit residential to allow housing on an undeveloped portion of the Silver Rail Elementary School site.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of Bend Development Code 4.1.423-4.1.425. On April 2, 2025, notice was mailed by the Planning Division to surrounding owners of record and addresses of property within 500 feet of the subject properties and to the designated representative of the Old Farm Neighborhood District. On April 3, 2025, a "Proposed Development" sign was also posted at the property frontage subject to this amendment, visible from the adjacent right-of-way of Stone Creek Lane.
- D. The Bend City Council held a public hearing on April 16, 2025, to consider the Planning Commission recommendation.
- E. The Type III quasi-judicial Bend Development Code text amendments approved by this Ordinance meet all applicable Development Code criteria, policies of the Bend Area Comprehensive Plan, and Oregon Statewide Planning Goals.

#### **Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:**

- Section 1.** Chapter 2.7 of the Bend Development Code is amended to redesignate 1.11-acres in the Public/Community Use-School subdistrict of the Stone Creek Master Plan to Multi-Unit as shown on the attached Exhibit A, and as recommended by the Planning Commission.
- Section 2.** In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit B.
- Section 4.** If any provision, section, phrase, or word of this ordinance or its

application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

**Section 5.** All other provisions of the Bend Development Code remain unchanged by this ordinance and remain in effect.

First Reading Date: April 16, 2025

Second Reading and adoption by roll call vote: May 7, 2025

YES: Kebler, Franzosa, Méndez, Norris, Riley

NO:

ABSTAIN: Perkins



Melanie Kebler, Mayor

ATTEST:

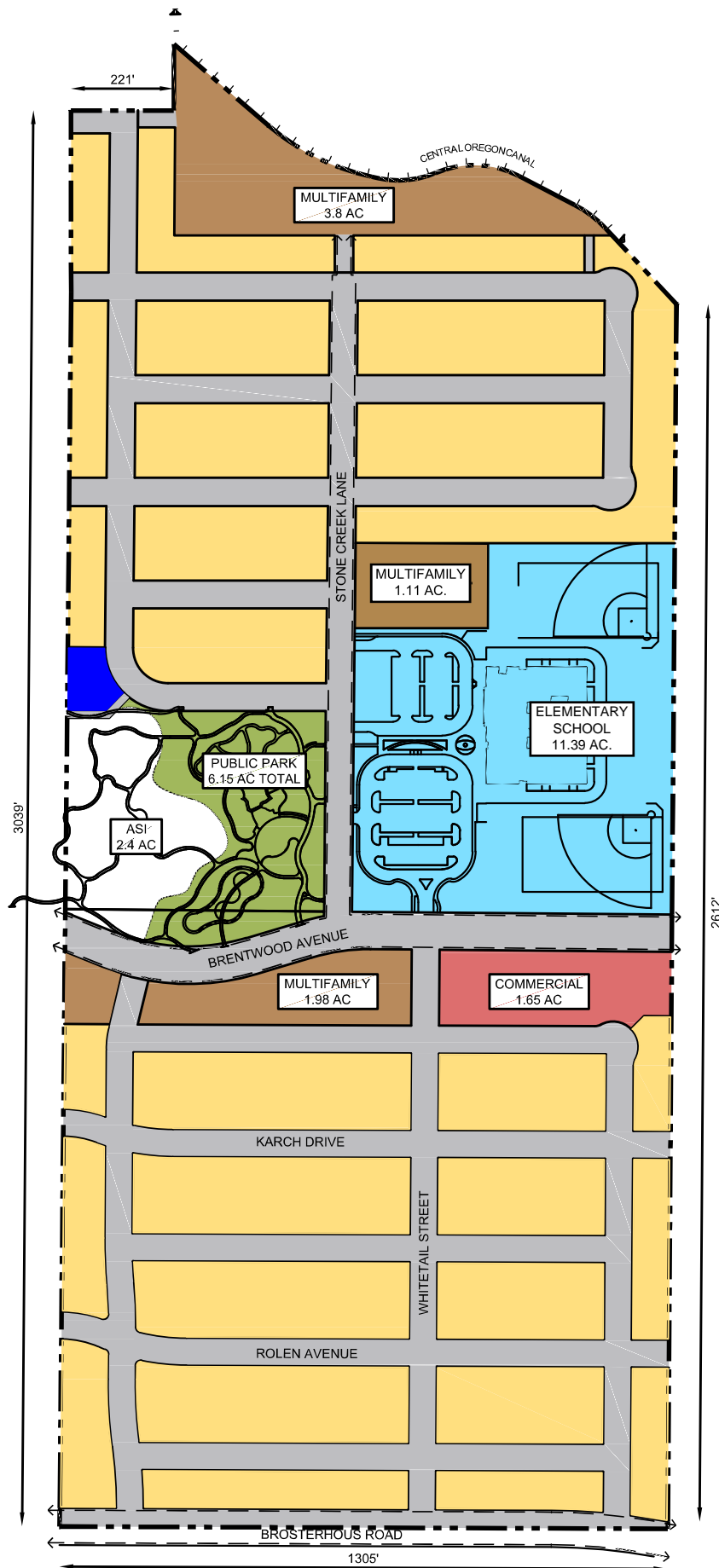


Ashley Bontje, City Recorder's Office

Approved as to form:



Ian Leitheiser, City Attorney



## LEGEND

- Site Boundary
- Pedestrian Park Paths
- ←
→
 Bike Lane
- ◀
▶
 Pedestrian Connections
- Single-Unit District
- Multi-Unit District
- Public/Community Use District**
  - Park
  - Rec Center
  - School
  - Commercial District



## EXHIBIT B

### CITY OF BEND PLANNING COMMISSION FINDINGS



COMMUNITY  
DEVELOPMENT

**PROJECT NUMBER:** PLTEXT20240724 (Type III Text Amendment)

**HEARING DATE:** March 24, 2025 at 5:30 p.m.  
City of Bend Council Chambers (hybrid)  
710 NW Wall Street, Bend, OR 97703

**REPORT DATE:** March 12, 2025

**APPLICANT:/  
OWNER:** Bend LaPine School District  
520 NW Wall Street  
Bend, OR 97703

**AGENT:** Chris Munson  
845 NE 11st St  
Bend, OR 97701

**PROJECT  
LOCATION:** 61530 SE Stone Creek Lane  
Deschutes County Assessor's Map 18-12-09BA, Tax Lot 03300

**REQUEST:** Quasi-Judicial Bend Development Code Text amendment of Figure 2.7.3075.A. in the Stone Creek Master Plan to redesignate 1.11 acres in the northwest portion of the Silver Rail Elementary school site from Public/Community Use District-School to Multi-Unit District. (Type III Quasi-Judicial Planning Commission recommendation to City Council)

**STAFF  
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Rio Johnson, Engineering Associate  
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#### I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

##### Bend Development Code (BDC)

###### Approval Criteria

Chapter 4.6, Land Use District Map and Text Amendments  
Chapter 4.5, Master Plans

###### Standards

Chapter 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans  
Article XII, Stone Creek Master Planned Development  
Section 4.5.200, Community Master Plan



## Procedures

Chapter 4.1, Development Review and Procedures

## **Bend Comprehensive Plan Policies**

Chapter 11, Growth Management

## **Oregon Administrative Rules**

Chapter 660, Division 15, Statewide Planning Goals

### **II. FINDINGS OF FACT:**

- 1. LOCATION:** The subject property is located at 61530 SE Stone Creek Lane and is further identified as Tax Lot 3300 on the Deschutes County Assessor's Map 18-12-09BA.
- 2. ZONING AND PLAN DESIGNATION:** The subject property is zoned Medium Density Residential (RM) and designated RM on the City of Bend Comprehensive Plan Map. The property is also identified as being in the Public/Community Use District (School subdistrict) of the Stone Creek Master Plan.



*Existing Zoning (no changes proposed)*

- 3. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is located within the Stone Creek Master Planned Development. Overall area of the subject property is 12.50 acres. The property is primarily developed as Silver Rail Elementary School, with associated buildings, parking, fields, playgrounds and other ancillary facilities.



The school is located in the center of the subject property with parking lots to the west and southwest and playgrounds and playfields to the north and south. Approximately one acre to the east of the school is undeveloped (native vegetation). 1.11 acres in the northwest portion of the subject property is also undeveloped and is the area subject to this application.

To the north, the Stone Creek Phase 2 subdivision, zoned RM, is developed with detached single-unit dwellings. To the east lies the Reed Market Industrial Area subdivision, which is zoned Light Industrial (IL) and developed with light industrial uses. Brentwood Avenue borders the subject property to the south beyond which is a property zoned Convenience Commercial (CC) and approved for a 3-story mixed-use development (PLSPR20230571). SE Stone Creek Lane borders the subject property to the west, beyond which is the Stone Creek Phase 1 subdivision, zoned RM and developed with single-unit dwellings, and Stone Creek Park.

- 4. PROPOSAL:** The applicant proposes a Quasi-Judicial Bend Development Code (BDC) Text amendment of Figure 2.7.3075.A. in the Stone Creek Master Plan to redesignate 1.11 acres in the northwest portion of the Silver Rail Elementary school site from Public/Community Use District-School to Multi-Unit District.

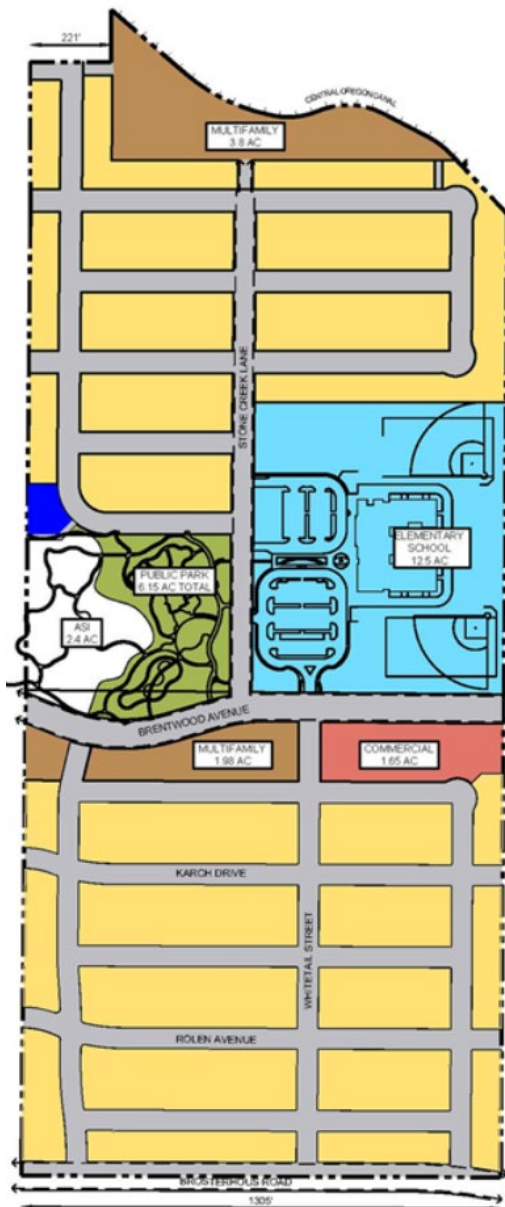


Figure 2.7.3075.A (existing)

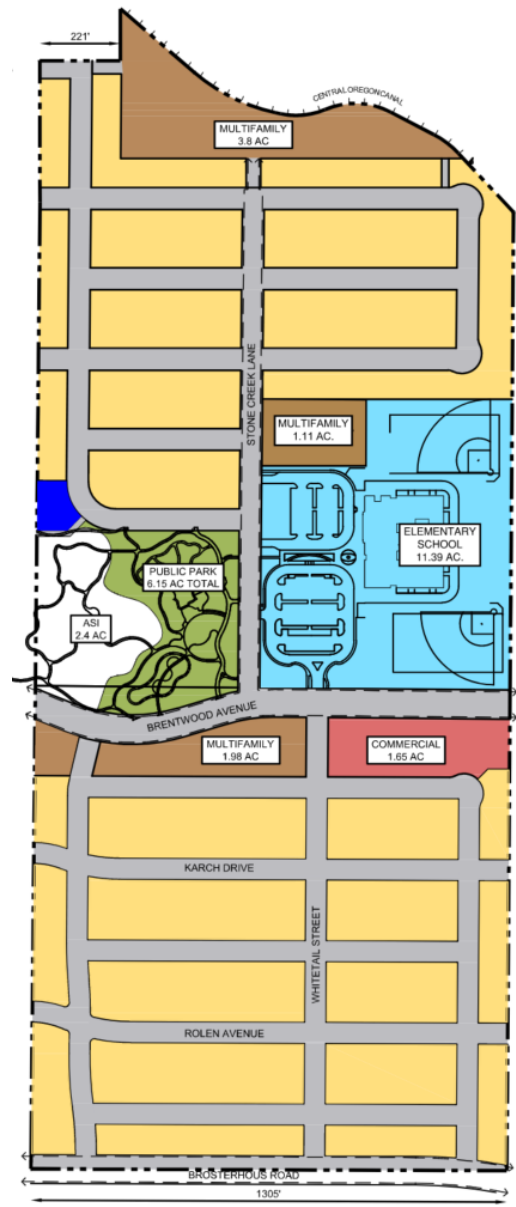
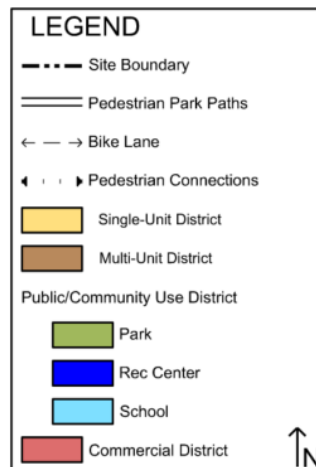


Figure 2.7.3075.A (proposed)



- 5. BACKGROUND:** The Stone Creek Master Plan was adopted by the Bend City Council on August 6, 2014, effective September 5, 2014. The Public/Community District includes three subdistricts: Park, Rec Center and School.

The School sub-district of the Public/Community Use District of the Stone Creek Master Planned Development area was created solely for the purpose of constructing Silver Rail Elementary School and associated facilities. The Bend-La Pine School District has since declared a vacant and unused 1.11-acre section in the northwest portion of the elementary school site as surplus property and no longer necessary to provide educational services, with the desire that it be used to develop housing, with a special focus on school district employees earning 120% or less of area median income (AMI). The school district has entered into a contract with Bend-Redmond Habitat for Humanity to construct housing on the surplus site; to do so requires the master plan redesignation of Public/Community Use District—School to Multi-Unit District that is requested with this application.

A BDC update was recently adopted (Ordinance 2515, effective January 3, 2025) for compliance with state laws regarding housing. This code update added BDC 3.6.250.B (Income Qualified Housing Allowed Outright) as an allowed use in the Public/Community District of the Stone Creek Master Plan; however, BDC 3.6.250.B applies when *each* unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income (AMI). Since not *all* units would be available to potential homeowners below 80 percent of the AMI, BDC 3.6.250.B. does not apply.

Therefore, this application is to redesignate a portion of the School subdistrict of the Public/Community District to Multi-Unit District, since BDC 2.7.3060, Public Community Use Districts, states “No other uses are permitted in these districts, except for shelters and income qualified housing allowed outright.”

- 6. PUBLIC NOTICE AND COMMENTS:** In accordance with BDC 4.1.215, the applicant held a neighborhood public meeting on January 13, 2025. Five people attended, including the designated representative of the Old Farm Neighborhood District. Concerns raised at the meeting primarily addressed future development of the area subject to this application, primarily onsite parking, emergency ingress/egress, vehicle speeding, tree preservation and intersection safety.

On February 25, 2025, the Planning Division mailed notice of the Planning Commission public hearing to surrounding owners of record as shown on the most recent property tax assessment roll and to the addresses of property (based on the City’s current addressing record) within 500 feet of the site, and to the designated representatives of the Old Farm Neighborhood District. A “Proposed Development” sign was also posted on the site on February 24, 2025. Notices were also sent to participating City Departments and other affected agencies for comment. The agency comments and recommendations that the Planning Division received in response are contained in the project file and were considered in this staff report.

The required notice to the Department of Land Conservation and Development (DLCD) was provided on February 14, 2025, more than the required 35 days prior to the first public hearing.



As of the date of this report, one public comment letter was received by the Planning Division in opposition to the proposed amendment. Two individual provided oral comments at the Planning Commission public hearing in opposition to the proposed amendment.

7. **APPLICATION ACCEPTANCE DATE:** This application was submitted on December 27, 2024 and deemed complete on February 18, 2025 upon submittal of all required submittal information. This application for a quasi-judicial Development Code text amendment is not subject to the 120-day statutory time limitation for review.
8. **RELATED APPLICATION(S):** The applicant has submitted a partition application (CityView file PLLD20240723) to create a parcel coincident with the boundaries of the requested overlay designation from Public/Community District to Multi-Unit District. The partition is being reviewed administratively, independent of this application. A future Site Plan Review or Land Division application will be required for further residential development of the 1.11-acre parcel.
9. **RECORD:** The documents in CityView for PLTEXT20240724 are made part of the record and are placed before the Planning Commission for consideration during the proceedings on the amendments. The documents are available for review and can be viewed in the Online Permit Center Portal at [www.permitcenter.bendoregon.gov](http://www.permitcenter.bendoregon.gov) on the City of Bend website by opening the portal and selecting the Application Search link under the Planning & Historic header and entering the project number PLTEXT20240724 in the search bar to find the project.

### III. APPLICATION OF APPROVAL CRITERIA:

#### **4.6.300 Quasi-Judicial Amendments.**

***A. Applicability, Procedure and Authority. Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.***

**FINDING:** This application is for a text amendment to certain Bend Development Code (BDC) sections in Chapter 2.7 and does not include an amendment to the Bend Comprehensive Plan text or map or a zone change. The text amendment involves the application of existing policy to a specific factual setting, affecting a limited group of properties, specifically the Stone Creek Master Plan, which is codified in BDC Chapter 2.7, establishing unique standards for the master plan.

The BDC requires this application be considered through a Type III quasi-judicial procedure, pursuant to BDC 4.1.426(A), for two reasons. First, although the application amends the text of the BDC, the City's acknowledged land use regulations, the amendment applies narrowly, only to the areas within the Stone Creek Master Plan. Second, BDC

4.5.100(D) provides that master plans and amendments of this type are processed as quasi-judicial applications and not legislative applications. Therefore, the following criteria from BDC 4.5.200.D. are addressed for this quasi-judicial text amendment application.

#### **4.5.200 Community Master Plan**

##### **D. Community Master Plan Criteria.**

**1. Minor or Major Community Master Plan. The City may approve, approve with conditions, or deny a proposed minor or major community master plan application based on meeting all of the following criteria:**

**a. The community master plan complies with subsection (E) of this section, Standards and Regulations.**

**FINDING:** The applicable standards and regulations in subsection (E) are addressed below.

**E. Standards and Regulations. Minor and major community master plans must comply with the following standards:**

**1. Access to Commercial Goods and Services. Access to commercial goods and services must be provided in compliance with the following standards:**

**a. The community master plan must have access to commercial goods and services by walking or biking a distance not greater than a one-half mile radius measured from all points along the perimeter of the master plan boundary to any land planned, zoned or developed for one or more such services.**

**FINDING:** Redesignation of the subject parcel from Public/Community Use District – School to Multi-Unit Residential does not change the access to commercial goods and services for other properties within the Master Plan. The proposed redistricting of the Silver Rail Elementary School surplus property will provide residents easy access to not only the school immediately adjacent to the site, but also to nearby commercial zones and employment areas.

**2. Multimodal Connections. Multimodal connections must be provided on site in compliance with the City of Bend Transportation System Plan (TSP) and the Bend Parks and Recreation District Parks, Recreation, and Green Spaces Comprehensive Plan, latest editions, and the existing and planned trail systems adjacent to the community master plan must be continued through the entire community master plan.**

**FINDING:** The parcel abuts Stone Creek Lane, which is identified as a low-stress route in the City's TSP. As noted in the Traffic Analysis Memo prepared for this proposed amendment (PRTFR202407874), no multimodal improvements will be required for this fully improved street.

### **3. Housing Density and Mix...**

#### ***b. Minimum standards are as follows:***

- iii. RM Comprehensive Plan Designation. At least 60 percent of the maximum gross density of the RM Comprehensive Plan designation, with middle housing and/or multi-unit residential housing units comprising at least 67 percent of total housing units.***

**FINDING:** The underlying zoning of Medium Density Residential (RM) requires a density between 7.3 and 21.7 dwelling units per acre. The parcel redesignated to Multi-Unit Residential subdistrict in the Stone Creek Master Plan must be developed with at least 60 percent of the maximum gross density of the RM Comprehensive Plan designation (13.02 dwelling units per acre), with middle housing and/or multi-unit residential housing units comprising at least 67 percent of total housing units.

Bend-Redmond Habitat for Humanity has developed a conceptual plan for 18 middle housing units for this 1.11-acre site, resulting in a gross density of 16.2 dwelling units per acre, in compliance with the required master plan minimum density and housing mix. This standard can be met and will be confirmed with a future land use application for the housing development.

#### ***4. The community master plan must contain a minimum of 10 percent of the gross area as public or private open space...***

**FINDING:** BDC Figure 2.7.3075 shows a 2.4-acre Upland Area of Special Interest (ASI) and a 6.15-acre public park in the Stone Creek Master Planned Development to meet this minimum open space requirement. The proposed 1.11-acre property sought to be redistricted to the Multi-Unit District does not lie within these open space areas, and the park and ASI are not subject to this amendment. This standard is met.

***(CONTINUED from page 7)***

### ***D. Community Master Plan Approval Criteria.***

#### ***1. Minor or Major Community Master Plan.***

- b. Existing water and sewer facilities have adequate capacity to serve the proposed development in compliance with the Collection Systems Master Plan and the Water System Master Plan, latest editions, or adequate facilities will be installed prior to occupancy or use.***

**FINDING:** The 2014 approval of the Stone Creek Master Planned Development area found that “All necessary public facilities and services are currently available and either have adequate capacity to support the proposed development or will be provided at the time of development.” No change to available services has occurred since then.

Public water and sewer mains exist directly west of the 1.11-acre property to be redistricted in SE Stone Creek Lane, along the property frontage.

The applicant provided water and sewer calculations, and the City issued a Utility Availability Memo under PRSWA202407874 with specific conditions applicable to the concurrent partition of the school property and future development of the parcel subject to this requested re-designation. The analysis concluded that adequate capacity exists within the water and sewer systems to serve the property under the requested re-designated district overlay. This criterion is met.

***c. The community master plan complies with BDC Chapter 4.7, Transportation Analysis.***

**FINDING:** The applicant submitted a Transportation Facilities Report (TFR) according to the standards of BDC 4.7.400.A and B., which was reviewed under PRTRFR202408326. The City reviewed the TFR and issued a Traffic Analysis Memo (TAM), outlining specific conditions of approval applicable to future development of the property subject to this requested re-designation. These conditions of approval will apply to the partition and/or any other future land use application for housing and are not necessary as part of this request. The 1.11-acre property to be redistricted abuts SE Stone Creek Lane, a street fully improved to approved master plan development standards.

***2. Minor Community Master Plan...***

**FINDING:** The Stone Creek Master Plan was adopted as a major master plan. The criteria in this section do not apply

***3. Major Community Master Plan. In addition to the approval criteria in subsection (D)(1) of this section the City may approve, approve with conditions, or deny a proposed major community master plan application based on meeting all of the following criteria:***

- a. The community master plan land uses and densities must be consistent with the Bend Comprehensive Plan Map designations. If rearranging the plan designation locations and/or zoning is proposed as part of the master plan application, the master plan must retain the same total area of all plan designations on the subject site or within one percent of the same total acreage and maintain the density/housing numbers consistent with the allocations prescribed by the existing plan designations except as provided in subsection (E)(3) of this section. Any other changes to the plan designations and density/housing numbers, or other changes to the Comprehensive Plan Map designations, require a Comprehensive Plan and Zoning Map amendment to be processed concurrently in accordance with BDC Chapter 4.6, Land Use District Map and Text Amendments.***

**FINDING:** The requested amendment does not change the underlying comprehensive plan map designation or zoning of Residential Medium Density (RM); only the Stone Creek Master Plan overlay subdistrict of the future 1.11-acre parcel is proposed to be amended. The redesignation of the subdistrict allows residential development that is otherwise



allowed in the underlying zone. As noted above, the density required for subsection 4.5.200 (E)(3) will continue to be met.

- b. The applicant has demonstrated that the standards and zoning district requirements contained in BDC Title 2, Land Use Districts, and BDC Title 3, Design Standards, are capable of being met during site plan or land division review, except as proposed to be modified by the applicant as part of a major community master plan.***

**FINDING:** A future Site Plan Review or Land Division application will be required to develop housing on the 1.11-acre portion of the site subject to this amendment. As noted above, the density required for subsection 4.5.200 (E)(3) will continue to be met, and the mitigation measures for development of the site identified in the traffic analysis memo and utility availability analysis memo noted above can be implemented. The proposed use of the property and any applicable design standards will be reviewed with subsequent land use applications and/or permits.

- c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend Comprehensive Plan amendment must demonstrate compliance with the following:***

- i. Approval of the request is consistent with the Statewide planning goals that are designated by the Planning Director or designee; and***

**FINDING:** The amendments are consistent with the applicable State land use law. In particular, they satisfy Statewide Planning Goals 1, 2, 5, 6, and 8-14. Statewide Planning Goals 3, 4, 7, and 15-19 do not apply.

### **Goal 1, Citizen Involvement**

***To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

**FINDING:** The City's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC 4.1.215. The applicant held a neighborhood public meeting on January 13, 2025. Notice was provided to property owners located within 500 feet of the 12.5-acre school property, as well the Old Farm Neighborhood Association, in compliance with BDC 4.1.215. The required City form for Verification of Compliance Public Meeting, as well as documentation of the mailing of notices and email to the land use chair of the Old Farm Neighborhood District were included in the submittal. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing. The requirements of this goal have been met.

Conformance with Goal 1 is further achieved through compliance with Title 4 of the Bend Development Code, Applications and Review Procedures. Section 4.6.300 of the

Development Code establishes that quasi-judicial amendments must follow a Type III procedure as governed by Chapter 4.1.

An initial public hearing before the Planning Commission will precede a second public hearing before the City Council. The public involvement procedures identified in the Development Code are being followed, which will ensure compliance with Statewide Planning Goal 1.

## **Goal 2, Land Use Planning**

***To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**FINDING:** The proposed text amendments are within a Development Code that has been crafted to be consistent with the Bend Comprehensive Plan policies. The Bend Comprehensive Plan was acknowledged by the Oregon Department of Land Conservation and Development (DLCD). The proposed text amendment serves to implement the applicable BCP Policies and do not alter the administration of the code or the established requirements which ensure a factual base for all decisions.

The City will review and process this application consistent with the procedures detailed in BDC Chapter 4.1, including consideration of any agency and public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.

## **Goal 3, Agricultural Lands**

***To preserve and maintain agricultural lands.***

## **Goal 4, Forest Lands**

***To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.***

**FINDING:** There are no designated agricultural or forest lands within the project area. Therefore, Goals 3 and 4 do not apply.

## **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**

***To protect natural resources and conserve scenic and historic areas and open spaces.***

**FINDING:** The subject property does not include any of the following Goal 5 resources: riparian corridors, wetlands, Federal Wild and Scenic Rivers, State Scenic Waterways, groundwater resources, approved Oregon Recreation Trails, natural areas, wilderness

areas, mineral and aggregate resources, energy sources and cultural areas. BDC Figure 2.7.3075 shows a 2.4-acre Upland Area of Special Interest (ASI) in the Stone Creek Master Planned Development; however, the proposed 1.11-acre property sought to be redistricted to the Multi-Unit District is currently designated for a school and does not lie within these open space areas. For the above reasons, the requirements of Goal 5 are met.

## **Goal 6, Air, Water and Land Resources Quality**

***To maintain and improve the quality of the air, water and land resources of the state.***

**FINDING:** Air and water quality are regulated by the Oregon Department of Environmental Quality. For areas within the Bend UGB, the Bend Development Code includes regulations for the Waterway Overlay Zone (WOZ) and Areas of Special Interest (ASI), which has been acknowledged by the Department of Land Conservation and Development. No portion of the Stone Creek Master Plan is located within the WOZ. A 2.4-acre ASI is located within the master plan boundaries but not within the 1.11-acre property subject to this application, as noted above. The Bend Development Code has established standards, requirements, and procedures for reviewing applications involving natural resources, including Areas of Special Interest (ASI). Maintaining or improving the quality of the community's air, water and land resources will be assured through enforcement of state and local regulations. Noise levels will not exceed DEQ noise regulations.

Through the 2016 Bend UGB expansion, the City found that the UGB expansion satisfied Goal 6 for several reasons:

- *“The proposal does not include new areas along the Deschutes River or Tumalo Creek; the proposed efficiency measures and areas for expansion direct growth away from these areas.*
- *The proposal will maintain and improve the quality of air resources because it has been designed to reduce the growth of vehicle miles traveled (VMT), which will help in limiting or avoiding new greenhouse gas emissions from auto and truck traffic.*
- *The planned housing mix makes a shift from single-family detached, to more attached housing types, which studies have shown typically consume less energy than single-family dwellings.”*

The adopted Comprehensive Plan policies ensure compliance with Goal 6.

## **Goal 7, Areas Subject to Natural Hazards**

***To protect people and property from natural hazards.***

**FINDING:** No 100-year floodplains or mapped landslide areas are located within the subject property. Therefore, Goal 7 is satisfied.

## **Goal 8, Recreational Needs**

***To satisfy the recreational needs of citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts..***

**FINDING:** The City adopted the Bend Comprehensive Plan, and the Department of Land Conservation and Development has acknowledged that Plan. Chapter 2 of the Bend Comprehensive Plan establishes Goals and Policies which address Natural Features and Open Space needs within the City of Bend and prescribes responsibilities of both the City and the Bend Park and Recreation District (BPRD), via Policy 2-2.

BDC Figure 2.7.3075 shows a 2.4-acre Upland Area of Special Interest (ASI) and a 6.15-acre public park in the Stone Creek Master Planned Development, which has been developed as Stone Creek Park and is managed by BPRD. The proposed 1.11-acre property sought to be redistricted to the Multi-Unit District is currently designated for a school and does not lie within these open space areas. Further, the applicant has coordinated with BPRD, and by a letter dated December 11, 2024 (Exhibit J of the application), the District has stated that the subject property contains no planned trails and is not within a park search area on the District's comprehensive plan.

Because the proposal is consistent with the adopted Bend Development Code, and the acknowledged Bend Comprehensive Plan, it is also consistent with this Statewide Planning Goal. Therefore, Goal 8 is satisfied.

### **Goal 9, Economic Development**

***To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

**FINDING:** The Stone Creek Master Planned Development set aside 1.65 acres of designated commercial land as shown in BDC Figure 2.7.3075.A in order to comply with Goal 9 as implemented by the Bend Comprehensive Plan and Bend Development Code. The proposed redistricting of 1.11 acres of the Public/Community Use District—School does not affect the economic development opportunities of the Stone Creek master plan area or the City as a whole. Therefore, Goal 9 is satisfied.

### **Goal 10, Housing**

***To provide for the housing needs of the citizens of the state.***

**FINDING:** The 1.11-acre northwest portion of the Silver Rail Elementary School site is vacant and undeveloped, and the Bend-La Pine School District has declared the property as surplus land to the current and future needs of the school district. Changing the master plan designation of the surplus property from Public/Community Use District—School to Multi-Unit District will provide for needed housing on land that otherwise has no use, increasing population density within the urban growth boundary and optimizing the use of this currently vacant urban land in compliance with Goal 10.

### **Goal 11, Public Facilities and Services**



***To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

**FINDING:** The 2014 approval of the Stone Creek Master Planned Development area found that “All necessary public facilities and services are currently available and either have adequate capacity to support the proposed development or will be provided at the time of development.” No change to available services has occurred since then; the Stone Creek development is still encompassed by the City and the fire & police protection that it provides, along with other governmental services provided by the City and Deschutes County; the Bend-La Pine School District; and the Bend Park and Recreation District. Energy and communications services have since been extended to and through the Stone Creek development, and the applicant has obtained “will serve” letters from power, telecommunications and natural gas providers (Exhibits K-N of the application).

Public water, sewer and transportation facilities exist directly west of the 1.11-acre property to be redistricted in SE Stone Creek Lane, a street fully improved to approved master plan development standards; a water main and sewer main also exist within the street along the subject property frontage. Although residential use of the subject property was not contemplated during the original 2014 master plan approval, as detailed in the Traffic Analysis Memo (PRTFR202408326) and Utility Availability Memo (PRSWA202407874), which are included in this application file, the existing transportation network and sewer and water systems are adequate to service the redistricted 1.11-acre property. Therefore, Goal 11 is satisfied.

## **Goal 12, Transportation**

***To provide and encourage a safe, convenient and economic transportation system.***

**FINDING:** Goal 12 is implemented by OAR 660-012-0060, which in turn is implemented by the Bend Comprehensive Plan (including the Transportation System Plan) and BDC Chapter 4.7. Compliance with BDC Chapter 4.7 demonstrates compliance with Goal 12.

All of the vehicle trips potentially generated by redistricting the surplus school property to residential use have been calculated as additive to the original 600-student capacity elementary school development originally accounted for with the adoption of the Stone Creek Master Planned Development. Per the submitted Transportation Facilities Report and Traffic Analysis Memo (PRTFR202408326), the additional trips generated by future development on the 1.11-acre parcel will not trigger a Traffic Impact Analysis and off-site mitigation is not required. Therefore, since the proposed amendment and associated future development will not have a “significant effect” on any transportation facility, Goal 12 is satisfied.

## **Goal 13, Energy Conservation**

***Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.***

**FINDING:** Goal 13 generally imposes obligations on local governments to develop plans and implementing measures that conserve energy. In 2016, Council found that the 2016 UGB expansion satisfied Goal 13 because it was designed to conserve energy by directing more growth in housing and employment to opportunity areas inside the existing UGB, considering energy in the evaluation and arrangement of land uses in the UGB expansion areas, and ensuring that the areas added to the UGB are well connected to the transportation system.

The redistricting of surplus land currently designated for a school to the Multi-Unit District will allow for the development of needed housing immediately adjacent to Silver Rail Elementary, approximately 250 feet walking distance from Stone Creek Park and approximately 900 feet walking distance to the commercial area of the Stone Creek development located south of Brentwood Avenue and east of SE Whitetail Street, and can be expected to minimize potential vehicular trips as compared to a development not in such close proximity to these amenities. Therefore, Goal 13 is satisfied.

#### **Goal 14, Urbanization**

***To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

**FINDING:** The subject property lies within the Stone Creek Master Planned Development, which in turn lies within the city limits and urban growth boundary of Bend. The proximity of the surplus property to the elementary school, Stone Creek Park, and nearby commercial and employment lands will promote a livable community and an efficient use of land. Additionally, utilizing the surplus property as housing will encourage compact development, and by extension avoiding subsequent corresponding future expansion of the UGB that may otherwise be required. As such, the proposal is consistent with Goal 14.

#### **Goal 15, Willamette River Greenway**

#### **Goal 16, Estuarine Resources**

#### **Goal 17, Coastal Shorelands**

#### **Goal 18, Beaches and Dunes**

#### **Goal 19, Ocean Resources**

**FINDING:** Goals 15 through 19 are not applicable to the proposed amendments because the subject property does not include any of the noted features and are not located within the coastal or Willamette Valley regions.

***(CONTINUED from page 9)***

***c. In lieu of the approval criteria in BDC 4.6.300, Quasi-Judicial Amendments, major community master plan applications that do not propose a Bend***

***Comprehensive Plan amendment must demonstrate compliance with the following:***

***ii. Approval of the request is consistent with only the relevant policies of the Bend Comprehensive Plan Chapter 11, Growth Management, that are designated by the Planning Director or designee.***

**FINDING:** The “goals” established in the Comprehensive Plan express the desires of the residents of Bend as the City progresses into the future. The “goals” are generally carried out through “policies,” which are statements of public policy. The following Goals and Policies are applicable:

## **Chapter 11, Growth Management**

***11-1 The City will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled and facilitate non-automobile travel.***

**FINDING:** The subject 1.11-acre property has been declared surplus by the Bend-La Pine School District and no longer is needed for Silver Rail Elementary School. Changing the Stone Creek Master Planned Development designation from Public/Community Use—School to Multi-Unit District will enable the property, which currently can only be used for school purposes and is vacant and undeveloped, to be developed as needed housing.

The proximity of the surplus property to the elementary school, Stone Creek Park, and nearby commercial and employment lands will reduce vehicle trips and mileage by making such trips much more feasible via bicycling and/or walking. Additionally, utilizing the surplus property as housing, rather than continuing to let the property sit vacant and unused, will encourage compact development, adding 1.11 acres to the lands within the current urban growth boundary (UGB) and by extension avoiding subsequent corresponding future expansion of the UGB that may otherwise be required.

***11-6 Medium and high-density residential development should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to highest concentrations of population.***

**FINDING:** The redistricting of surplus land currently designated for a school to the Multi-Unit District of the Stone Creek Master Planned Development provides access to the desired services and amenities outlined in this policy. The requested change will allow for the development of needed housing, allowing townhome subdivisions and/or multi-unit housing to be developed at RM densities immediately adjacent to Silver Rail Elementary, approximately 250 feet walking distance from Stone Creek Park, approximately 900 feet walking distance to the commercial area of the Stone Creek development located south of Brentwood Avenue and east of SE Whitetail Street and approximately one-quarter mile walking distance to the nearest light industrial zoned properties and businesses to the east in the vicinity of American Lane.

None of the Stone Creek Master Planned Development is immediately adjacent to current fixed bus routes of Cascades East Transit (CET). However, the current 2040 CET Transit

Development Plan does identify the Brosterhous Road/American Lane corridor to the east and Reed Market Road corridor to the north, both approximately 1000 feet distant as the crow flies from the surplus property site, as being identified for future medium- to long-term route expansion.

**11-11** *The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.*

**FINDING:** The proposed redistricting of the Silver Rail Elementary School surplus property to multi-unit housing use will provide future residents easy access to not only the school immediately adjacent to the site, but also to nearby parks, commercial zones and employment areas. Such proximity can be reasonably expected to reduce both overall vehicle trips and also trip lengths.

By way of example, it would generally be expected that a family with younger school-aged children living in the newly redesignated Multi-Unit District would walk to Silver Rail Elementary School. Overall vehicle trips are thereby reduced, especially at critical school drop-off and pickup times when traffic congestion can be a factor.

**11-34** *Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment, and public open space to provide the maximum access to the highest concentrations of population.*

**FINDING:** This policy is identical to Policy 11-6, and the finding is the same.

**11-35** *Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks. The School District and Park District facilities plans will determine the location and size of needed schools and parks.*

**FINDING:** Silver Rail Elementary School opened in 2015. Ten years later, the Bend-LaPine School District has determined that a 1.11-acre section in the northwest portion of the site is surplus to its current and future needs. Policy 11-35 states that the school district should be the decision-maker as to the size and location of the lands necessary to meet the district's needs.

The Public/Community Use District—School designation in the Stone Creek Master Planned Development allows no other use besides the Silver Rail Elementary School. As discussed above, the proposed redesignation of the surplus property to Multi-Unit District furthers the aim of Statewide Planning Goal 10, the guidelines for which state that “Ordinances and incentives should be used to increase population densities in urban areas...” and Goal 13 guidelines: “Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land....” The redesignation of the surplus property to residential use will allow for easy, safe and convenient access to Silver Rail Elementary School and Stone Creek Park in accordance with Policy 11-35.



**11-51** *Residentially designated land within master plans must meet higher minimum density standards than established for the residential plan designations generally and must provide for a variety of housing types. The City will set appropriate standards in the Development Code for housing mix and density for master plans in each residential zone/plan designation. Such standards will ensure minimum densities and minimum housing mix that are no less than those listed in Table 11-1.*

**FINDING:** Policy 11-51 is implemented by BDC 4.5.200(E)(3)(b)(iii) for RM-zoned lands. The minimum density requirement of RM-zoned lands in master planned developments is 60% of maximum density (21.7 units/acre), or 13.02 units/acre, and the minimum master plan housing mix (middle housing and/or multi-unit developments) is 67%, which is identical to Table 11-1 in the Comprehensive Plan. The minimum density of this 1.11-acre surplus land redesignated under the Stone Creek Master Plan Development to residential use must have a minimum density of 15 units (1.11 acres x 21.7 units/acre x 60%).

**IV. RECOMMENDATION:** Based on the plans and supporting documents submitted by the applicant, and the findings of fact in this staff report which are based on the applicant's burden of proof narrative addressing the relevant criteria for approval, the Planning Commission recommends the Bend City Council adopts an ordinance to amend Figure 2.7.3075.A. in the Stone Creek Master Plan to redesignate 1.11-acres in the northwest portion of the Silver Rail Elementary school site from Public/Community Use District-School to Multi-Unit District.