



CITY OF BEND

## ORDINANCE NO. NS-2540

# AN ORDINANCE OF THE CITY COUNCIL AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP TO REDESIGNATE AND REZONE A 1.93-ACRE PORTION OF TAXLOT 171135D00300 FROM URBAN AREA RESERVE 10-ACRE MINIMUM TO RESIDENTIAL URBAN MEDIUM DENSITY

### Recitals

- A. On May 30, 2025, Chris Munson ("Applicant"), on behalf of Bend La Pine Administrative School District No. 1, submitted an application (PLCPMA20250298) for a Comprehensive Plan Map Amendment and concurrent Zoning Map Amendment to redesignate and rezone a 1.93-acre unit of land (the "Property") from Urban Area Reserve 10-Acre Minimum (UAR-10) to Residential Urban Medium Density (RM).
- B. On September 15, 2025, a public hearing was held in front of a Hearings Officer. Following the hearing, the Hearing Officer recommended City Council adopt an Ordinance to amend the Comprehensive Plan Map and concurrent Zoning Map consistent with the Applicant's request.
- C. Public notice for the City Council hearing was provided in accordance with the requirements of Bend Development Code (BDC) 4.1.423 through BDC 4.1.425. On September 25, 2025, the Planning Division mailed notice to surrounding owners of record of property and residents within 500 feet of the subject property, and to the Summit West Neighborhood District Representative. On September 24, 2025, a sign was posted along the property frontage visible from the abutting right of way indicating a public hearing was to be held regarding the matter.
- D. The Bend City Council held a public meeting on October 15, 2025, to consider the Hearings Officer's recommendation.
- E. The Comprehensive Plan Map and Zoning Map Amendments approved by this Ordinance meet all applicable Bend Development Code criteria, Oregon Statewide Planning Goals, and policies of the Bend Comprehensive Plan.

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

**Section 1.** The Bend Comprehensive Plan Map and Bend Zoning Map is hereby amended as shown on the attached Exhibit A.

**Section 2.** The Bend City Council, by approving this Ordinance, adopts and incorporates the findings in Exhibit B.

**Section 3.** 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 4.** All other provisions of the Bend Municipal Code and Bend Development Code remain unchanged by this ordinance and remain in effect.

## Readings

First Reading Date: October 15, 2025

Second Reading and adoption by roll call vote: November 5, 2025

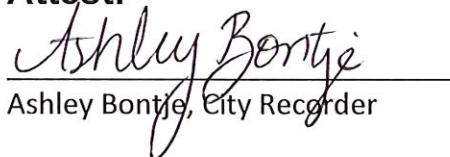
YES: Kebler, Franzosa, Méndez, Norris, Riley

NO:



Melanie Kebler, Mayor

Attest:



Ashley Bontje, City Recorder

Approved as to form:



Ian Leitheiser, City Attorney



### Language Assistance Services & Accommodation Information for People with Disabilities

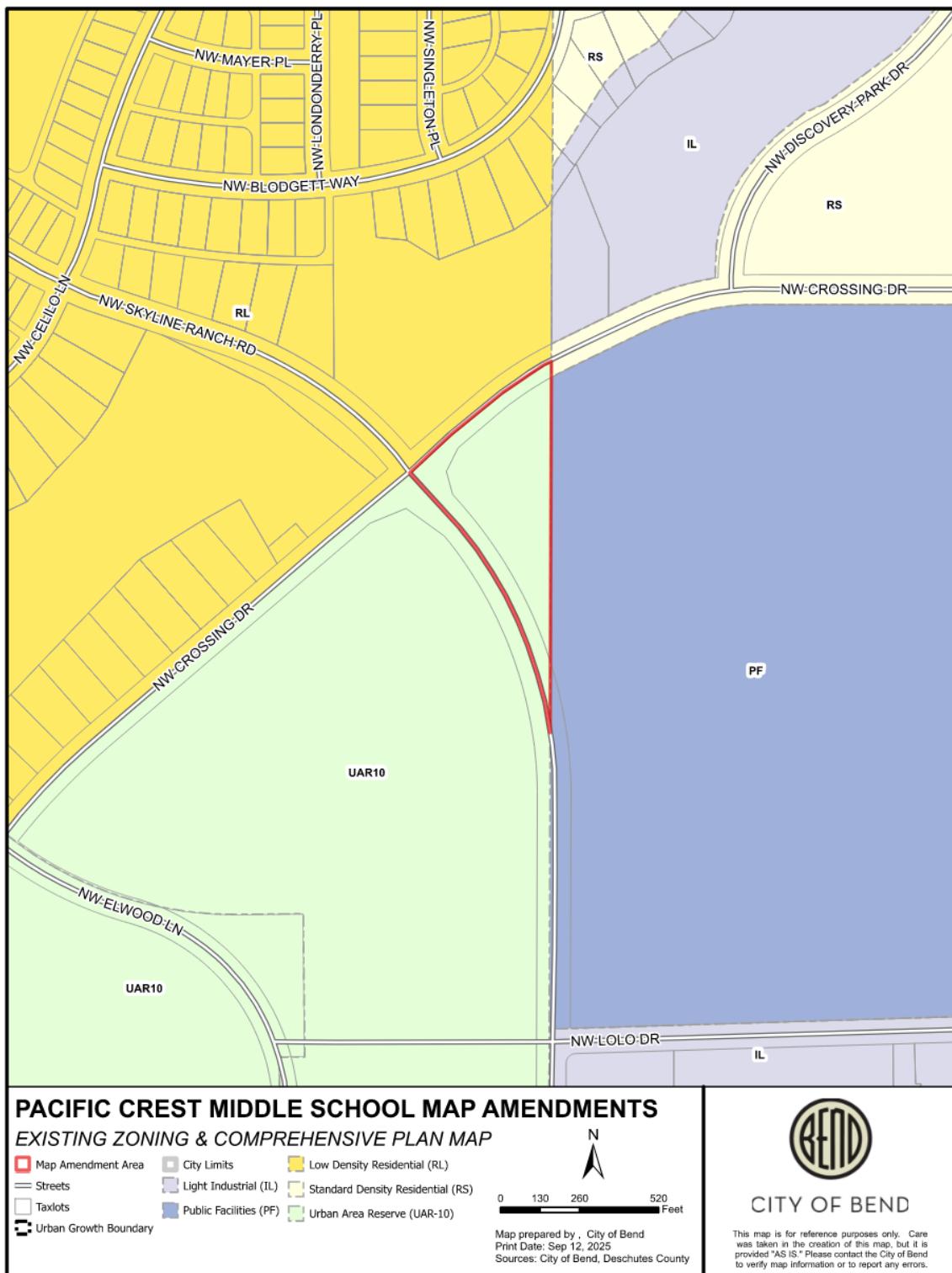
You can obtain this information in alternate formats such as Braille, electronic format, etc. Free language assistance services are also available. Please contact Nicolas Lennartz at [nlennartz@bendoregon.gov](mailto:nlennartz@bendoregon.gov) or 541-330-4020. Relay Users Dial 7-1-1.

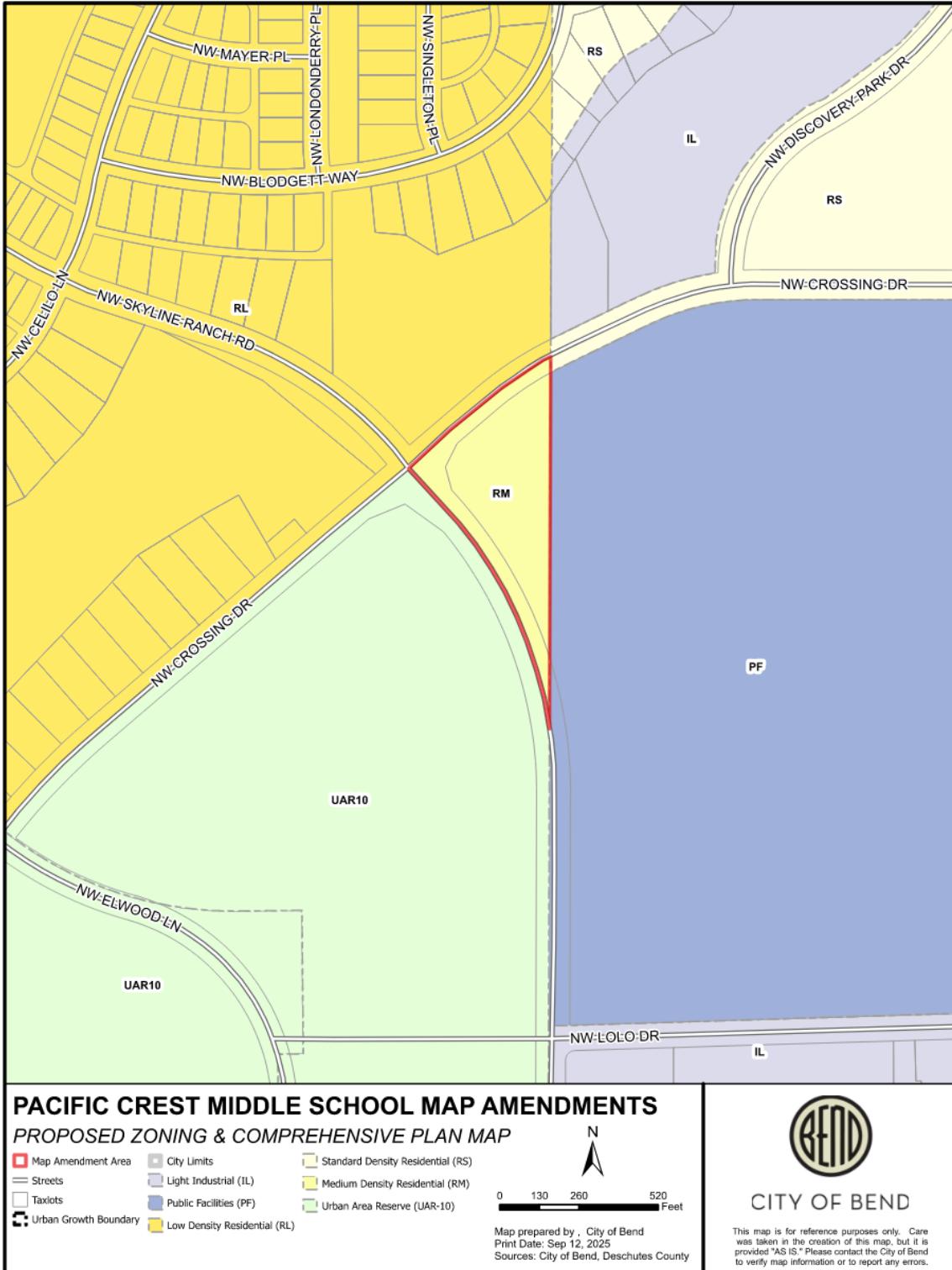


### Servicios de asistencia lingüística e información sobre alojamiento para personas con discapacidad

Puede obtener esta información en formatos alternativos como Braille, formato electrónico, etc. También disponemos de servicios gratuitos de asistencia lingüística. Póngase en contacto con Nicolas Lennartz en [nlennartz@bendoregon.gov](mailto:nlennartz@bendoregon.gov) o 541-330-4020. Los usuarios del servicio de retransmisión deben marcar el 7-1-1.

## Exhibit A





## Exhibit B

### REFEREE'S FINAL DECISION AND RECOMMENDATION



**PROJECT NUMBER:** PLCPMA20250298

**CITY OF BEND**

**HEARING DATE/** September 15, 2025 at 02:00 PM  
**LOCATION:** City of Bend Council Chambers  
710 NW Wall Street, Bend, OR 97703  
Hybrid public hearing via Zoom

**DATE OF DECISION:** September 17, 2025

**OWNER:** BEND LA PINE ADMIN SCHOOL DIST NO 1  
520 NW WALL ST  
BEND, OR 97703

**APPLICANT:** CHRIS MUNSON  
845 NE 11TH ST  
BEND, OR 97701

**LOCATION:** 300 NW CROSBY DR, BEND, OR 97703; TAXLOT  
171135D000300; LOT: PTS PARCEL 1 & 2, BLOCK: 83

**ZONE:** Urban Area Reserve (UAR-10)

**COMP PLAN:** Urban Area Reserve (UAR-10)

**REQUEST:** Comprehensive Plan Map and Zoning Map amendment to redesignate 1.93 acres in the northeast portion of the William E. Miller Elementary School and Pacific Crest Middle School site from Urban Area Reserve (UAR-10) to Residential Urban Medium Density (RM). The area to be redesignated to RM is bounded by NW Crossing Drive to the northwest, NW Skyline Ranch Road to the southwest and the Summit High School site to the east. (Type III Quasi-Judicial Review with Hearings Officer recommendation to City Council)

**STAFF REVIEWERS:** Nicolas Lennartz, Associate Planner, (541) 330-4020,  
[nlennartz@bendoregon.gov](mailto:nlennartz@bendoregon.gov)

Christopher Henningsen, Principal Engineer, (541) 388-5571,  
[chenningsen@bendoregon.gov](mailto:chenningsen@bendoregon.gov)



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## **I. INTRODUCTION**

The hearings officer conducted a duly noticed public hearing on September 15, 2025. After hearing testimony and considering evidence, including the September 4, 2025, Staff Findings and Recommendation (Staff Report), the hearings officer closed the record. Following is the hearings officer's decision and recommendation to the City Council that the request be approved.

## **II. APPLICABLE CRITERIA AND PROCEDURES:**

The hearings officer incorporates the criteria and procedures set forth in the Staff Report.

## **III. FINDINGS OF FACT:**

- 1. LOCATION:** The subject property is located at the southeast corner of NW Skyline Ranch Road and NW Crossing Drive. It is currently part of Tax Lot 171135D000300 but is bisected from the parent property by NW Skyline Ranch Road.
- 2. ZONING AND PLAN DESIGNATION:** The subject property is zoned Urban Area Reserve – 10 Acre Minimum (UAR-10) and it is designated UAR-10 on the City of Bend Comprehensive Plan Map.
- 3. SITE DESCRIPTION & SURROUNDING USES:** The 1.93-acre property is bounded by NW Skyline Ranch Road on the west and NW Crossing Drive on the north. The site is a portion of a larger 43.21-acre lot comprising Pacific Crest Middle School and William E. Miller Elementary School. The abutting rights of way NW Skyline Ranch Road and NW Crossing Drive are both designated as collector streets.

The subject property abuts the western parking lot and the northwestern portion of the track complex of the Summit High School property to the east.

The property to the north across NW Crossing Drive is within the Park/Open Space Area of the Discovery West Master Plan that encompasses the Discovery Trail (BDC Figure 2.7.3730). The property to the west across Skyline Ranch Road is not within a master plan is developed with Pacific Crest Middle School and Miller Elementary School and associated fields.

- 4. RELATED APPLICATIONS:** The applicant submitted a partition application, PLLD20250999, to separate the parent parcel into two parcels. The larger parcel will encompass the Pacific Crest Middle School and Miller Elementary School sites bounded by Skyliners Road, NW Skyline Ranch Road, NW Crossing Drive and NW Crosby Drive. The smaller 1.93-acre parcel will be located at the southeast corner of Skyline Ranch Road and NW Crossing Drive and abut the Summit High School property on the east. This Comprehensive Plan Map Amendment and Rezone is only for the 1.93-acre parcel to be created under PLLD20250999 subsequent to this Comprehensive Plan Map and Zoning Map Amendment.

The intention of creating this property and requesting this designation to urban residential use is to eventually develop the site with affordable housing. A subsequent Site Plan Review application will be required to develop this property.

- 5. PROPOSAL:** This matter is a Type III Quasi-Judicial Comprehensive Plan Map amendment with a concurrent rezone.
- 6. PUBLIC NOTICE AND COMMENTS:** The applicant held a neighborhood public meeting at 5:30 p.m. on May 28, 2025 in accordance with the requirements of BDC 4.1.215. One individual in addition to the applicant team attended the neighborhood meeting, and this individual expressed her desire that school zone signs be upgraded to on-demand rather than set hours.

A notice of the proposed Comprehensive Plan Map and Zoning Map amendment was sent to the Department of Land Conservation and Development (DLCD) on August 11, 2025, more than 35 days prior to the first hearing. Notice for the public hearing before the Hearings Officer on September 15, 2025 was mailed on August 19, 2025. A “Proposed Development” sign was also posted on the two street frontages of the subject property on August 20, 2025. No written public comments were received by the Planning Division. Notices were sent to participating City Departments and other affected agencies for comment.

The hearings officer conducted a public hearing on September 15, 2025. The applicant appeared and was represented in the hearing by Scott Nordquist with Bend-Redmond Habitat for Humanity, which is the anticipated developer. No member of the public spoke in favor of or in opposition to the application.

- 7. LEGAL LOT OF RECORD:** The parent property was created in its current configuration as part of Parcels 1 and 2 of Partition Plat 2007-83 (Deschutes County Record No. 2007-65925), and is a legal lot of record.
- 8. APPLICATION ACCEPTANCE DATE:** The application was received on May 30, 2025. This application for a quasi-judicial Comprehensive Plan Map amendment is not subject to the 120-day statutory time limitation for review.

#### **IV. APPLICATION OF CRITERIA AND STAFF RECOMMENDATION:**

Except as otherwise discussed below, the hearings officer incorporates the Staff Report's discussion of criteria application and recommendations.

- 1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;**

**FINDING:** Oregon Statewide Planning Goals apply to amendments to acknowledged Comprehensive Plan maps and Zoning maps per ORS 197.175(2)(a). The Statewide Planning Goals are addressed below. Certain goals do not apply and are omitted accordingly from this decision.

## **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:** Goal 1 involves adherence to an adopted and required public process. Conformance with Goal 1 is achieved in the City of Bend through Chapter 1 – Plan Management and Citizen Involvement of the Bend Comprehensive Plan and through the implementation procedures that have been adopted in the Bend Development Code, *BDC 4.1.426 Type III Quasi-Judicial Procedures*.

The applicant held a neighborhood public meeting on May 28, 2025, with one attendant from the public providing comments on the proposal. A notice of the proposal was sent to DLCD on August 11, 2025, which hosts a publicly available portal for all Comprehensive Plan amendments. Notice for the public hearing before the Hearings Officer on September 15, 2025 was mailed on August 20, 2025 to all owners of record of property and residents within 500-feet of the subject parcel, as well as the representative for the Summit West Neighborhood District. A “Proposed Development” sign was also posted on the two street frontages of the subject property on August 20, 2025, indicating a hearing would be held on September 15, 2025. Notice was sent to all affected agencies on August 18, 2025, requesting comments on the proposal. The hearings officer conducted a public hearing on September 25, 2025.

In following the notice and review procedures contained within the Bend Code, Goal 1 is satisfied.

## **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:** As stated above, each of the proposed map amendments is being processed concurrently and in accordance with the quasi-judicial procedures in BDC 4.1.426, which has established a process for reviewing all site-specific map amendments based on factual analysis. Following the adopted Development Code review procedures as outlined herein, review of this application is consistent with Statewide Planning Goal 2.

## **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:** The proposed map amendments contribute to the maintenance and improvement of the local air, water and land resources. Considerations for natural resource protection include waste disposal, atmospheric or water pollutant discharges, and separation of uses to ensure livable communities.

The change in zoning from UAR-10 to RM would allow residential development, and capacity for water and sewage infrastructure to serve a future development has been confirmed via review of the Utility Availability Memo PRSWA202503489, issued July 17, 2025. The memo reviews a conceptual 41-unit multi-unit development, finding that provided certain conditions are satisfied the city has capacity to service the site with sewer and water (See Exhibit C). Second, siting residentially-zoned lands within the city limits, and near amenities such as schools, restaurants and other destinations reduce vehicle miles traveled (VMT), contributing to the reduction in atmospheric pollution by passenger vehicles. Within ½-mile of the subject property are Summit High School, Pacific Crest Middle School, William E. Miller Elementary School, medical and office buildings and a commercial node that hosts several restaurants and grocers. The site is well-sited for access to goods, services and employment for future residents. Multi-use pathways near the site facilitate non-auto travel, and connect the NW Crossing corridor to nearby destinations including the schools, Discovery West neighborhoods and recreational opportunities west on Skyliners Road. Lastly, appropriately siting the residential lands in a location where nearby uses do not conflict with the usability and livability of subsequent development helps achieve this goal. Nearby uses do not produce undue hazards such as excessive air pollution, noise pollution or effluent discharge that might conflict with residential uses on the subject property.

In summary, capacity to serve the site with water and sewer, siting residential units within the city limits near amenities, and appropriately siting the residential lands with respect to adjacent uses all contribute to meeting Goal 6.

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

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

**FINDING:** The subject property is not located within any adopted Floodplain Protection Zone, nor any area as mapped by the Federal Emergency Management Agency (FEMA). Wildfire risk and mitigation should be considered; however, the site is insulated by existing development and is not on the urban/rural boundary. Subsequent development, in accordance with all fire and life-safety requirements, can lower wildfire risk to the greatest degree practical. The Hearings Officer finds the proposal is consistent with Goal 7.

### **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 subject property is within the service boundary of the Bend Park and Recreation District (BPRD). The applicant has coordinated the proposed map amendments with the park district, and by a letter dated May 29, 2025 (Exhibit J), BPRD has stated that the subject property contains no planned trails and is not within a park search area in the District's comprehensive plan. Future land use applications for eventual development of the site will need to comply with onsite private and/or common open space and recreational standards. The Hearings Officer finds the request to comply with Goal 8.

## **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 current designation of the subject property is Urban Area Reserve (UAR), which is a residential district according to BDC Chapter 2.1, and does not allow for either commercial or industrial uses. The UAR zone is intended to function as a holding zone for urbanization, with a maximum residential density of one unit per 10-acres. Redesignating the subject property to RM—Residential Urban Medium Density does not meaningfully change the industrial or commercial opportunities for the land, and the subject property will remain a residential district.

Economic development opportunities exist nearby in the form of light industrial lands south of NW Lolo Drive and east of NW Skyline Ranch Road, as well as the Mixed Employment lands east of NW Clearwater Drive, both approximately 1000-feet from the subject property. Further, the commercial districts of the Northwest Crossing and Discovery West developments are around one-quarter mile distance to the east and northwest of the subject property, respectively. Locating housing on the subject property near these areas is expected to enhance their overall vitality by increasing their customer base. The application is consistent with Goal 9.

## **Goal 10, Housing**

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

**FINDING:** This Goal requires cities to inventory all buildable lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. With the city's most recent UGB expansion in 2016, the city was required to document how a 20-year supply of housing can and will be provided in Bend. To ensure an adequate supply of residential lands, the city completed multi-tiered assessments, including the Buildable Lands Inventory (BLI), the Housing Needs Assessment (HNA), and the Urbanization Study. According to the adopted HNA (pages 24-25), Bend is planning for growth of 38,512 people between 2008 and 2028, requiring 16,681 new dwelling units.

The conclusions of the HNA state the following on page 87:

- *Bend's needed housing mix shows an increase in need for denser housing types, such as single-family attached and multifamily housing. The type of housing that is affordable (currently and in the future) to about half of Bend's households is single-family attached or multifamily housing types, with some households able to afford lower-cost single-family detached housing types.*
- *Bend's current policies result in a housing mix (in the Base Case scenario) that is not consistent with needed mix. Bend's land base, under current policies, would result in a mix of housing similar to the historical mix, with 70% of new housing in single-family housing types.*

- Bend's needed density is higher than historical densities. Bend's needed residential density for the 2014-2028 period is 7.2 dwelling units per net acre, a 26% increase over Bend's historical densities over the 1998-2008 period of 5.7 dwelling units per acre. The increase in average density is partially the result of change in the mix of housing, with an increase in the share of denser housing types, and partially the result of policy changes to increase development densities.
- With efficiency measures, nearly 70% of the total housing growth can be accommodated inside the existing UGB. With efficiency measures, the housing mix inside the UGB is closely aligned with the overall needed housing mix.
- Even with efficiency measures, Bend has a residual need for land to accommodate 5,201 housing units outside the UGB. The proposed UGB expansion has been calibrated to accommodate the needed housing units and housing mix to 2028.

Accounting for the units completed between 2009 and July, 2014, the HNA found that a total of 13,770 units would be needed to accommodate the 2014-2028 period. In referencing the currently available data on the City of Bend Housing Dashboard (<https://housingdata.bendoregon.gov/pages/housing-production>), a total of 11,318 housing units have been completed between 2015 and the end of 2024. This results in a deficit of 2,452 housing units needed through 2028. While the city has increased the housing supply significantly since the adoption of these plans in 2016, there remains a deficit of housing units, although the city is on pace to meet the demand.

Regarding housing mix, the HNA details on page 75 that of the 13,770 units needed, 4,819 of those units would need to be multi-family, or 35 percent of the remaining needed units. Table 19 on page 78 of the HNA also identifies that in the time period 2014 through 2028, that 6,869 of the needed units would need to be at 80-percent of the Median Family Income (MFI) or lower, or otherwise 50-percent of the remaining needed units. This proposal redesignates the site from UAR-10 (maximum density of 1 unit per 10 gross acres) to RM (maximum density of 21.7 units per gross acre) with the intent to eventually develop a multi-unit housing project on the site. Bend-Redmond Habitat for Humanity plans on developing housing for households earning up to 80-percent of the Area Median Income (AMI) market segment, with some units for the 50-percent (AMI) and below market segment. These affordable housing units contribute to the demonstrated need as shown in the HNA.

The submitted narrative, in response to Goal 10, states the following on page 9: *The ±1.93 acre northeast portion of the parent school site is vacant and undeveloped, and the Bend-La Pine School District has declared it surplus to the current and future needs of the District. Changing the designation of the subject property from UAR—Urban Area Reserve to RM—Residential Urban Medium Density 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.* This conclusion is accurate, increasing the utility of vacant lands in accordance with adopted housing policies is consistent with Goal 10.

In accordance with the adopted HNA, BLI, and city data on housing construction, the proposed Comprehensive Plan Map and Zoning Map amendments comply with the requirements of 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 subject property is within city limits surrounded by development on all sides, and is an infill area with existing urban infrastructure around the site. There are existing sewer and water mains that retain capacity nearby the site, and abutting streets have been improved. Public recreation facility requirements have been confirmed adequate by BPRD.

Regarding public utilities, the submittal package includes Utility Availability Memo PRSWA202503489, issued July 17, 2025, detailing capacity for the site to be served by City of Bend water and sewer services, and anticipated conditions of future development. The analysis was performed on capacity for the highest-intensity residential development permitted in the RM-zone, which is calculated to be 41-units (1.93-acres x 21.7 u/ac = 41.8 units rounded down to 41 units). Provided certain conditions are satisfied, the site is found to have adequate water and sewer capacity for a residential development at the highest possible density allowed.

The submittal further includes a transportation memo from Transight Consulting, LLC, authored by Joe Bessman on July 7, 2025. The memo details compliance with the Transportation Planning Rule and OAR 660-012-0060. Further review of this memo is below under Goal 12.

The Hearings Officer finds the request is consistent with Goal 11.

## **Goal 12, Transportation**

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

**FINDING:** Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660-012-0060, in addition to local land use regulations. The City of Bend Transportation System Plan (TSP) is implemented through adopted policies of the Comprehensive Plan, along with the standards and criteria of the Bend Development Code. Future development of the property will be required to follow the established processes for entitlement, which will at that time consider compliance with site-specific requirements for transportation mitigations based on anticipated and demonstrated impacts.

Exhibit P of the submittal is a transportation memo authored by Joe Bessman, PE, which reviews the anticipated impacts from the Zone and Comprehensive Plan map changes in conformance with the Transportation Planning Rule and OAR 660-012-0060. The conclusions are summarized on page 28 of the memo, stating the following:

*The proposed rezone does not by itself generate trips or create any off-site impacts. The comparative assessment of potential impacts between the existing and proposed zoning is provided within the Transportation Planning Rule analysis, and demonstrates that no significant impacts results from the proposed rezone.*

The Transportation Planning Rule analysis provides a trip generation comparison of the current most-intensive possible use in the UAR zone, and the most-intensive use should the Zone and Comprehensive Plan map amendment be approved.

With subsequent development, the zone change could eventually result in a net increase of 240 weekday daily trips, and 14 weekday P.M. peak-hour trips. However, the analysis finds that there are no observed safety or congestion issues at the site. Page 6 further states:

*The prior analysis of the NW Crossing Drive/NW Skyline Ranch Road intersection that was conducted for the Westside UGB annexation identified acceptable long-range operations at this intersection, as shown in Figure 3. In fact, this intersection was forecast to operate at Level of Service "A" utilizing only about a quarter of its capacity (see Figure 4). The potential change in trips would reflect a 1.4% increase in the forecast traffic volumes, which would remain well within the carrying capacity and would have no impact on these prior findings.*

*Accordingly, while there is discretion within a rezone application to elevate the analysis to require a formal Transportation Impact Analysis, as the City's significance thresholds are not met, as there are no safety issues present, and since prior analyses have shown adequate remaining capacity, no additional analysis is recommended.*

Therefore, no additional analysis is found necessary. Comprehensive review of the TPR criteria is provided on Table 3 of the memo, on page 11. Out of the 11 total criteria, #1 and #4 were found pertinent to the proposal, and all other criteria are not applicable. These applicable criteria are addressed in the memo suggesting that further coordination with other local agencies, namely Deschutes County, is recommended and that no significant impact is found from the proposal. The report concludes on page 12:

*Based on the minor increase in trip generation potential between the existing and proposed zoning, the proposed application does not have the potential to change the functional classification of any of the surrounding streets. The surrounding local streets will continue to function in the same role for which they were previously approved and constructed per the typical volume thresholds identified by the Federal Highway Administration. The City's adopted performance standards will not be modified as part of the subject application.*

Through analysis of a 'worst-case' scenario development under the proposed RM land use designation and comparing this impact to the current highest possible use of the property with a UAR-10 designation, no significant impact is identified. Therefore, the proposed Zone and Comprehensive Plan map changes do not modify other adopted transportation plans and/or mobility goals, and comply with all applicable criteria. The Hearings Officer finds the request to be consistent with Goal 12.

### **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:** The submitted narratives states on page 10:

*The Bend-La Pine School District has declared a vacant and unused ±1.93 acre section in the northeast portion of the parent property surplus 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 80% or less of area median income.*

*The school district has entered into a contract with Bend-Redmond Habitat for Humanity to construct this needed housing on the surplus site; to do so requires the current UAR—Urban Area Reserve designation of the subject property to be redesignated to RM—Residential Urban Medium Density as requested with this application.*

A guideline of Goal 13, per OAR 660-015-0000(13) states: 3. *Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.* The proposed redesignation of this currently vacant land is in accordance with this guideline. Efficient use of lands, and ensuring lands are occupied by their 'highest and best use', is a best practice in land use planning. The request seeks to increase the utility of vacant land within the UGB in accordance with this goal.

The Hearings Officer finds the proposal is consistent with Goal 13.

**[BDC 4.6.300.B. Continued]**

- 2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;**

**FINDING:** Upon consultation with City of Bend Planning staff, the applicant was directed to address Comprehensive Plan policies 5-38, 5-42, 5-55 and 11-6. The applicant's narrative, as well as staff in closer review of the application, identify additional policies that warrant review. Therefore, all applicable policies are reviewed below.

***Bend Comprehensive Plan***

***Chapter 5, Housing***

***Housing Mix, Density, and Affordability***

**5-9    *The City and County will support public and private non-profit and for-profit entities that provide affordable housing in Central Oregon.***

***Transportation connectivity***

**5-38    *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.***

**5-42    *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.***

## ***Residential Development***

### ***5-55 The City will support residential infill development to help achieve the mix of housing identified in the adopted Housing Needs Analysis.***

**FINDING:** The proposal is consistent with Bend Comprehensive Plan Housing policy 5-9 because the proposal is being initiated with the intent to develop affordable housing. The applicant was consulted for this application by the Bend-Redmond Habitat for Humanity and are preparing to submit for residential development on the subject property. The terms of the purchase and sale agreement for this surplus land owned by the Bend La-Pine School District is for the Bend-Redmond Habitat for Humanity to acquire all applicable entitlements to develop affordable residential units. In order to develop the site with higher density residential uses, this Comprehensive Plan Map and Zoning Map amendment is necessary.

Policies 5-38 and 5-42 encourage the city to site residential development in proximity to schools, parks, commercial services, employment opportunities and transit. Within one-half - mile of the subject property are a multitude of destinations including three public schools, restaurants, clinics, offices, grocers and a 30-acre park with open space. There is also a transit route within 1,000 feet at NW Crossing Drive and NW Washington Drive (Route 3 fixed-route, Cascades East Transit) that provides public transportation to the downtown hub, which accesses all other transit routes city-wide.

Policy 5-55 is addressed in the findings above under Goal 10, Housing, and detail how the proposal is consistent with the Housing Mix requirements of the adopted HNA.

Therefore, the Hearings Officer finds the request to be consistent with the applicable policies of the Bend Comprehensive Plan Chapter 5, Housing.

## ***Chapter 11, Growth Management***

### ***Policies for Land Use and Transportation***

#### ***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.***

#### ***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.***

### ***Policies for Residential Areas and Neighborhood***

#### ***11-32 The City will support re-designation of suitable areas that are within a 1/4 mile walk to transit corridors from a lower density designation to a higher density designation, where plan amendment criteria are otherwise met.***

**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.**

**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:** The proposal supports policy 11-1 because it facilitates additional needed housing units within the current UGB, and integrates future residential uses into an area with amenities and destinations. Siting a higher density of residential uses within proximity to amenities reduces vehicle miles traveled and supports walkability.

Policy 11-6 is identical to policy 5-38, addressed above.

The proposal aligns with policy 11-32 because it would re-designate existing low density residential lands (UAR-10) to a higher density (RM), and the property is within 1,000-feet of a transit route operated by Cascades East Transit (CET). Route 3 of the fixed-routes offered by CET travels between the downtown transit hub, the NW Crossing area, Newport Avenue and COCC. This policy supports the city's decision to redesignate lands in walkable proximity to transit where plan-amendment criteria are otherwise met.

Policies 11-34 is identical to policies 11-6 and 5-38, addressed above. Policy 11-35 is materially identical to policy 5-42, while also delegates authority to the BLPSD and BPRD for school and park siting, which is not pertinent to this request. The proposal complies with these policies.

The Hearings Officer finds the request to be consistent with the policies of the Bend Comprehensive Plan Chapter 11, Growth Management.

**[BDC 4.6.300.B. Continued]**

- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;**

**FINDING:** The subject property is currently provided with adequate public facilities, services and transportation networks that support a future use at the highest possible intensity as permitted in the intended zone (RM).

The applicant submitted a Utility Availability Memo PRSWA202503489, issued July 17, 2025, which details how a subsequent development in conformance with the standards of the RM-zone could be serviced by sewer and water services.

The existing site is not serviced by sewer, but there is an existing 8-inch PVC gravity main located north of the subject property within BPRD-owned lands, as well as an 8-inch PVC gravity main within NW Crossing Drive that is 880 linear-feet from the frontage of the site. Either of these mains are available to extend sewer service to the subject property, although the main within the BPRD property would require an additional easement granted by the owner. There is a 12-inch iron main located north of the property within NW Crossing Drive, and a service lateral. Necessary fire-suppression infrastructure may be extended to future uses. This confirms the site can be serviced with public utilities provided certain conditions are met, as imposed through future land use application review.

Regarding transportation networks, the applicant submitted a traffic memo prepared by Transight Consulting, LLC, as well as a Traffic Analysis Memo (TAM) reviewed by the city under PRTFR202504540. The TAM details the existing transportation infrastructure surrounding the subject property within the rights of way of NW Crossing Drive and NW Skyline Ranch Road. NW Crossing Drive is dedicated a collector street per the Bend TSP, and is 70-feet in right of way width, with 34-feet of asphalt and curbs and sidewalks on each side. NW Skyline Ranch Road is also designated a collector street in the TSP, and is 80-feet in right of way width, with 36-feet of asphalt, curbs on each side but sidewalks only along the east side. The TAM is intended to identify preliminary areas of concern, and determine whether or not a Traffic Impact Analysis (TIA) is required per BDC 4.7, and the review ultimately finds that a TIA is not required. However, the memo finds that while some transportation infrastructure is presently provided to the site, subsequent development of the subject site will be further reviewed for compliance with all applicable standards based on the anticipated impact of the traffic generated by the proposed use.

Therefore, public facilities for water, sewer and transportation are planned to be provided concurrently with the development of the property and so the Hearings Officer finds this criterion is met.

**4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Land Use District Map regarding the property that is the subject of the application; and**

**FINDING:** The area of the Zone and Comprehensive Plan map amendments is vacant, however, the larger property (Tax Lot 171135D000300) is occupied by both William E. Miller Elementary School and Pacific Crest Middle School. Summit High School directly abuts the subject site's east boundary, as well. William E. Miller Elementary school was completed in 2015, and the 1.93-area comprising the subject property has remained vacant. The UAR-10 zone is a holding zone, intended to be a temporary designation until development at an urban scale is viable. Since the original annexation of these lands into the City of Bend in 2007, the neighborhood has experienced significant change. The development of the NW Crossing overlay zone, including in particular the multi-family development (100+ units) completed in 2016 at the corner of NW Crossing Drive and NW Discovery Park Drive, established the area as a dense residential neighborhood. Further development of the Discovery West overlay zone, which has been approved for a multi-phase master plan encompassing 249-acres with commercial nodes, further demonstrates a significant change in the neighborhood. The UAR-10 zone is a holding zone, intended to be a temporary designation until development at an

urban scale is viable. The designation of UAR-10, therefore, does not integrate in the context of these more urban developments, and an update to the designation is considered appropriate. A designation of RM for both the Zone map and Comprehensive Plan map would alleviate this inconsistency, and provide the opportunity for integrated development throughout this neighborhood. The Hearings Officer finds this criterion is met.

**5. Approval of the request is consistent with the provisions of BDC [4.6.600](#), Transportation Planning Rule Compliance.**

**4.6.600      *Transportation Planning Rule Compliance.***

***When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) [660-012-0060](#).***

**FINDING:** The development application includes a proposed Comprehensive Plan amendment to the map, and therefore, this section applies. The applicant submitted a memo from Transight Consulting, LLC dated July 7, 2025 which addresses the requirements of OAR 660-012-0060. Review of this memo, and compliance with the TPR, is reviewed above in this report. The Hearings Officer finds the proposal meets this criterion.

**C. Criteria for Quasi-Judicial Zone Changes.** The applicant must submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial zone change must be based on meeting both of the following criteria:

**1. The amendment will bring the zone map into conformance with the Comprehensive Plan map.**

**FINDING:** The proposal would maintain consistency between the Comprehensive Plan Map and Zoning Map. As proposed, the application is for both a Comprehensive Plan map and Zoning map amendment, to designate the property as Residential Urban – Medium Density (RM). The Hearings Officer find the request meets this criterion.

**2. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.**

**FINDING:** This criterion is identical to BDC 4.6.300.B.3., the findings for which are provided above. This criterion is met.

## Chapter 4.7, Transportation Analysis

### 4.7.200      Applicability.

**A. Applicability.** An applicant must submit a Transportation Facilities Report and follow the steps in BDC [4.7.300](#) when a proposed development involves one or more of the following applications:

4. Bend Comprehensive Plan map amendment;

**FINDING:** The proposal for a Comprehensive Plan Map amendment requires a Transportation Facilities Report (TFR). The applicant submitted a TFR, as required by this section.

### 4.7.300      Process.

**A. The following steps describe the process for assessing the transportation system:**

**Step 1.** The applicant must submit a Transportation Facilities Report in accordance to BDC [4.7.400](#). If the proposed development includes needed housing, the Transportation Facilities Report must clearly state whether the applicant is electing to use a review process for the transportation analysis with clear and objective standards (Clear and Objective Track) or is electing to allow the City Engineer to modify or waive the required information (Discretionary Track). All other proposed developments must use the Discretionary Track.

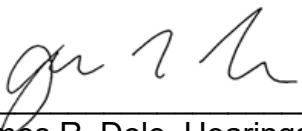
**Step 2.** The City Engineer will review and evaluate the Transportation Facilities Report in accordance to BDC [4.7.400\(C\)](#) to determine if a Transportation Impact Analysis is required. If a Transportation Impact Analysis is not required, the applicant may submit a development application including the Transportation Facilities Report. If a Transportation Impact Analysis is required, Step 3 is triggered. Step 1 and Step 3 may be combined.

**Step 3.** If required, the applicant must submit a Transportation Impact Analysis in accordance with BDC [4.7.500](#).

**Step 4.** If no significant impacts are identified, the applicant may submit a development application including the Transportation Impact Analysis and must pay a proportionate share contribution required under BDC [4.7.700](#), Proportionate Share Contribution. Proposed developments with significant impacts will be required to propose mitigation in compliance with BDC [4.7.600](#), Significant Impacts and Mitigation Measures, as part of the development application and pay a proportionate share contribution required under BDC [4.7.700](#), Proportionate Share Contribution. If mitigation measures have been determined for any significant impacts, then the applicant must include the Transportation Impact Analysis with the mitigation measures identified as part of a development application.

**FINDING:** The applicant submitted a TFR, which was reviewed by the City Engineer or designee under the City's Transportation Analysis Memo (project file PRTFR202504540). The TAM finds that a Traffic Impact Analysis was not required. A future development on the subject site will be reviewed for conformance with all applicable standards. The Hearings Officer finds the applicable standards of BDC 4.7 are satisfied.

**V. CONCLUSION and RECOMMENDATION:** The proposed Comprehensive Plan Map and concurrent Zoning Map amendments comply with all applicable criteria in the Bend Development Code. Based on the foregoing findings, the hearings officer recommends that the City Council approve the Comprehensive Plan Map Amendment and concurrent Zoning Map amendment .



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James R. Dole, Hearings Officer