

**Minutes  
Neighborhood Leadership Alliance  
Land Use Working Group  
November 16, 2020, 3-5 p.m.**



**CITY OF BEND**

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**3:00 p.m. Neighborhood Leadership Alliance (NLA) Land Use Working Group Meeting**

**Call to order 3:04 p.m.**

Staff Makayla Oliver and Russell Grayson opened the meeting with an explanation of the meeting being City-moderated. Mr. Grayson shared the intent and purpose of the meeting as providing another opportunity for the NLA and the development community to meet and discuss the proposed code changes by the NLA.

Mr. Grayson identified the below NLA Members and Development Community Members (in addition to the staff) who would participate in the Item 2 discussion outside of the public comment period.

**NLA Members:** Lisa Mushel, Cassie Giddings, Dave Johnson, Hans Jorgensen

**Development Community:** Joey Shearer, Steve Hultberg, Jerry Jones, Craig Smith, Karna Gustafson

**Staff:** Makayla Oliver, Colin Stephens, Pauline Hardie, Russell Grayson, Ian Leitheiser

**1. Public Comments (15 minutes) (for those not participating in the item 2 discussion)**

a. Written Comment:

- i. Bill Smith, William Smith Properties, Inc. wrote in opposition of the proposed recommendations for public comment and notification processes siting that the changes increase development costs.
- ii. Luke Pickerill, MonteVista Homes wrote in opposition of the proposed recommendations for public comment and notification processes, noting concerns with costs and delay.

Prior to opening for oral comment, staff Pauline Hardie outlined the proposed code change recommendations as they relate to the public comment and notification processes for land use applications.

b. Oral Comment:

- i. Karna Gustafson, Central Oregon Builders Association shared that the timeline for adopting these changes is too fast and that none of the developers that she has spoken to are in favor of the changes. She believes more time is needed for outreach to the development community.

**2. NLA Proposed Bend Development Code Changes – Discussion including NLA members, City staff and representatives of the development community (100 minutes)**

Mr. Grayson explained the public hearing process for these changes, sharing the important dates for Planning Commission and City Council. Mr. Grayson also reminded everyone that the comments and discussion at this meeting would not be included in the legislative record for the changes. Mr. Grayson said that if anyone would like comments to be included in the records as testimony, they need to coordinate with Ms. Hardie.

Mr. Grayson shared that City staff are neutral with the proposed code changes. Staff have worked with the NLA on changes and provided input throughout the process. City staff does not have objection to the proposed changes.

Mr. Grayson asked for opening comments from the development community about the changes:

- a. Steve Hultberg – Says the timeline is fast, citing that the development community had not been involved until the changes were proposed. Believes the issues need to be addressed by the Neighborhood Associations and not the development community. Doesn't understand the need to double the notice size, sees issue with notification sign guidelines leading to procedural error, and doesn't believe the 21-day notice for the Neighborhood Public Meeting is warranted.
- b. Joey Shearer – Encourages finding alternative solutions that don't impose costs and delays on the development community. Primarily concerned about projects that are really supposed to be subjected to clear and objective standards. Increasing public involvement in these processes slow them down. Doesn't believe increasing comments and input on items that are unchangeable will be beneficial, thinks it will increase staff time. Brought a Gantt chart for the group to view.
- c. Craig Smith – Agrees with previous comments. Believes neighborhood meetings provide the wrong expectations. Thinks education is most important on comprehensive plan and guiding documents, as well as standards. Believes the current standards are more than sufficient. Oregon already has some of the most difficult requirements of the states Hayden Homes builds in.
- d. Jerry Jones – Changes are contrary to Council's goals of building more housing. Agrees with previous comments. Requested to be more involved on the education material creation. Wants to pause the changes and see what the education can do.

Mr. Grayson summarized the comments made by the developers and asked the NLA Member Ms. Mushel to provide background on the “why” and rationale on the changes.

Ms. Mushel had Ms. Oliver pull up the Council Check-in slides from July to help explain where the changes came from, where the NLA started with their suggestions versus what they are actually proposing, and outline the other ways that the NLA is helping to inform the public and prevent frustration for neighborhood members:

- Land Use Education Plan
- Information Gathering
- Mailed Notifications: Extend notification radius for Type III applications
- Mailed Notifications: Extend public comment period
- Notifications Signs: Legible from the right of way
- Notifications Signs: Posted through Public Comment Period
- Neighborhood Public Meetings: Extend minimum notice

Member Mr. Jorgensen mentioned that the 500’ radius was Type III specific and that City staff noted that the cost to do this was minimal, a few hundred dollars.

Mr. Grayson explained that if there is not compromise or common ground with the changes, that they would go to Planning Commission and Council and those bodies would make the final decision.

Mr. Shearer shared a Gantt chart with two examples of projects and how they would be impacted by the process amendments.

Mr. Grayson went through the changes one by one and asked if there was compromise from either group:

- Increase notification areas for Type III development applications to 500’:

Mr. Jones said that Pahlisch already does this so they did not find issue with it.

Mr. Smith said that he feels it’s sufficient as is.

Mr. Shearer said of the changes this provides the least concern.

At 4:08 p.m. Ms. Gustafson was brought in as a development community representative to replace Mr. Hultberg who had to leave early.

Ms. Gustafson said that there were no issues with this for a Type III application.

- Extend Type II deadline for public comment period to a 16-day minimum notice:

Mr. Jones asked the NLA to respectfully revise their recommendation. Doesn’t think it is fair to ask the development community to bear the responsibility of the Neighborhood Associations who don’t operate the same.

Ms. Mushel shared that the NLA would be open to moving to business days instead of the current calendar days.

Staff Colin Stephens said everything they do and the development code is written on calendar days but that the City follows the rules for civil procedures and so for the most part, this is already being done. Staff Ian Leitheiser agreed that for consistency the calendar days should remain.

Ms. Gustafson said that at this time the concerns and request for pause are for the two time extensions. She understood that at the time these suggestions were made, emailed notices were not being received by the Neighborhood Associations from the City. She would like to see if that changes the timing issue.

Members Dave Johnson and Cassie Giddings agreed to pausing and seeing if the email notification process helps. Mr. Jorgensen said he was open to more conversation.

Mr. Grayson said that he was hearing that we can hold on the time extension. Ms. Mushel said that she would be open to moving to 15 days, meeting in the middle of a pause and what is currently being proposed. Mr. Grayson said that the NLA will need to have more discussion on the 14 to 16 days.

- Require signs to be legible from the right of way:
- Require signs to be posted for the duration of the Public Comment Period:

Ms. Gustafson was only concerned about liability with these changes. Suggested a good-faith requirement.

Mr. Stephens said that the standard has to be clear and objective and so staff has changed this from “legible” to a numeric value of 5’ or 10’ moving forward. Mr. Stephens also mentioned the current language in the code protects the development community from procedural effects.

Mr. Jones said that 5’ from the right of way doesn’t work for some projects. Right of way may not be dedicated yet, or may be impassible due to concrete or infrastructure.

Mr. Shearer agreed with Mr. Jones. Was concerned about Central Oregon landscape preventing crews from posting signs in the radius proposed.

Staff Pauline Hardie mentioned that they could move it to 10’ as that is still close enough to the road and may give more room for development community to post their signs. Mr. Leitheiser agreed with this suggestion.

- Extend deadline for notification of Neighborhood Public Meetings to a 21-day minimum notice:

Mr. Jones asked the NLA to also pause this recommendation. Same comments as the increased deadline for public comment.

Ms. Mushel suggested that for the Neighborhood Public Meetings, if those were required to be emailed, that could help instead of extending the minimum notice right away.

Mr. Shearer reiterated the need for online meetings and the increased participation they've seen with online platforms.

Mr. Grayson said staff would continue to look into requiring emailed notices instead of just mailed notice. Mr. Stephens recommended shared responsibility of development community and neighborhood associations.

Ms. Mushel clarified that the Land Use Chairs would be receiving the emailed notices.

**3. Upcoming Important Dates (5 minutes)**

Ms. Oliver went through the upcoming dates for the proposed changes.

Planning Commission date changed from Dec. 14 to Jan. 11 to accommodate the NLA meeting schedule.

**Adjourn at 4:47 p.m.**

Respectfully submitted,

Makayla Oliver  
Community Relations Manager