

Minutes

Bend Planning Commission

Monday, September 09, 2024, 5:30 P.M. Regular Meeting



The hybrid meeting started at 5:34 P.M., in-person and online.

The public was invited to watch online at: www.bendoregon.gov/planningcommission

1. ROLL CALL:

- Margo Clinton – Chair
- Scott Winters – Vice Chair
- Bob Gressens
- Suzanne Johannsen
- Nathan Nelson
- Jeff Payne

Commissioners Present: All Commissioners were present except Suzanne Johannsen.

Staff Present: Ian Leitheiser, Assistant City Attorney; Colin Stephens, CEDD Director; Renee Brooke, Planning Manager; Pauline Hardie, Senior Planner.

NOMINATION: Chair Margo Clinton called for a vote to nominate Commissioner Scott Winters to be the Vice Chair for the remainder of 2024. Commissioners voted unanimously in favor of the nomination.

2. VISITORS:

The Chair opened the floor for comments on non-agenda items. Attendees were encouraged to fill out a speaker slip and approach the podium, or raise their hand online, to provide comments.

No public comment was given.

3. LEGISLATIVE PUBLIC HEARING:

3.1. PLTEXT20240438: Floodplain BDC Amendment

Legislative amendments to the Bend Development Code (BDC) implementing the State of Oregon Model Flood Hazard Management Ordinance. The proposed amendments are to BDC Chapters 1.2, Definitions; 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans; 4.9, Annexations and 5.1, Variances. (Type IV process with Planning Commission recommendation to City Council)

Staff: Senior Planner, Pauline Hardie - phardie@bendoregon.gov

Chair Clinton convened the hearing at 5:37 PM.

Senior Planner Hardie gave her [presentation](#). She provided background on the City of Bend's participation in the National Flood Insurance Program (NFIP), administered by the Federal Emergency Management Agency (FEMA). She explained that participation in the NFIP ensures that the City remains eligible for Federal disaster assistance in floodplain areas. The objectives of the NFIP are to ensure that new and existing buildings are protected from flood damage, while ensuring that natural floodplain functions are maintained. Hardie emphasized the importance that the City complies with the Oregon Model Flood Hazard Management Ordinance to remain eligible for federal disaster assistance and federally backed loans for floodplain developments.

Hardie explained that the proposed amendments primarily involve updating definitions, wordsmithing to align Bend's code with the state model code, and maintaining the City's higher standards for floodplain management, such as elevating new residential construction above the base flood elevation and restrictions on building critical facilities in high-risk areas. The draft amendments have been reviewed by the Department of Land Conservation and Development to ensure they are compliant with the state code.

She highlighted the timeline for the City Council's public hearing on October 16th, with a second reading on November 6th and an effective date of December 6th, ensuring compliance with the State Model Ordinance.

Commissioner Nelson asked for clarification about how the updated code would apply to projects on Riverfront Street. Hardie confirmed that the updated standards would apply, particularly in areas mapped as flood zones. Planning Manager Renee Brooke presented FEMA's flood map, explaining that the scope of these regulations is limited to floodplain areas, such as Zone AE, near the Deschutes River, which is why these amendments can be carried out within Chapter 2.7, Waterway Overlay Zone.

Chair Clinton opened the public testimony portion of the hearing. No public testimony was provided.

Chair Clinton closed the public hearing at 5:45 PM, and the Commissioners deliberated.

Commissioner Nelson expressed support for aligning the city's code with state requirements. Chair Clinton agreed.

Commissioner Payne moved to recommend that the City Council approve the legislative amendments to the Bend Development Code implementing the State of Oregon Model Flood Hazard Management Ordinance.

Commissioner Nelson seconded the motion.

Chair Clinton called for a vote, and the motion passed unanimously.

Commissioner Nelson was nominated to bring the recommendation of the Commission to the City Council.

4. APPROVAL OF MINUTES:

The Planning Commission approved the June 3, 2024 and June 10, 2024 meeting minutes.

5. COMMUNICATIONS:

5.1. Reports From Planning Commissioners

Commissioner Nelson reported on the City Council's approval of the Pro Housing Grant, which will provide \$5 million toward addressing housing issues in Bend.

Commissioner Winters announced an upcoming event by the Bend Chamber on innovating housing solutions.

5.2. Report From Planning Manager

Renee Brooke, Planning Manager, provided an overview of upcoming fall meetings and mentioned the need for a possible special meeting on November 4th due to scheduling conflicts with regular meeting dates.

5.3. Report From Community and Economic Development Director

Colin Stephens, CEDD Director, shared that the City Council has a busy agenda for the rest of the year, including housing initiatives. He noted that community development activity is steady but slightly below projections, possibly due to rising interest rates, and that the City will start its budgeting process by the end of the calendar year.

5.4. Report From City Attorney

Ian Leitheiser, Assistant City Attorney, updated the Commission on the pending Land Use Board of Appeals appeal related to the Development Code tree preservation code changes. He clarified that the code remains in effect despite the appeal, and that the City will defend the legislative decision.

The meeting was adjourned at 5:55 p.m.

Minutes submitted by Maggie St. Onge