

Minutes

Bend Planning Commission

Monday, June 24, 2024, 5:30 P.M. Regular Meeting



The hybrid meeting started at 5:30 P.M., in-person and online.

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

1. ROLL CALL:

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

Commissioners Present: All Commissioners were present except Margo Clinton and Sue Gordhammer. Commissioner Bob Gressens attended the meeting virtually. Given that both the Chair and Vice Chair were absent, the commissioners present were asked to nominate a temporary chair. Commissioner Johannsen nominated Scott Winters and the motion was seconded by Commissioner Nathan Nelson. Commissioner Winters accepted.

2. Staff Present: Planning Manager Renee Brooke, Senior Planner Aaron Henson, Assistant City Attorney Ian Leitheiser

3. 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.

4. QUASI-JUDICIAL PUBLIC HEARING:

4.1. PLDR20240232: Waterway Overlay Zone application to replace a 1-story second dwelling unit with a new 2-story second dwelling unit on a 6,970 square foot lot in the Residential Medium Density (RM) Zone.

Staff: Senior Planner, Aaron Henson – ahenson@bendoregon.gov

Temporary Chair Winters convened the hearing at 5:34 PM and asked the Commission if anyone had pre-hearing contacts, bias, prejudice, or personal

interest. The Chair then asked meeting attendees if there was any challenge with respect to Commissioners' bias, prejudgment, or personal interest.

Planning Manager Brooke explained the quasi-judicial procedural requirements of State law.

Senior Planner Henson gave his [presentation](#) for PLDR20240232. He mentioned that the property was located on the west side of NW Riverfront Street, and that the applicant seeks to remove an existing one-story house and replace it with a two-story structure. The property is situated within multiple overlay zones, including a 30-foot riparian corridor and a 100-year floodplain, both requiring Planning Commission oversight. Key features of the site include a proposed covered porch and hot tub near the 40-foot building setback from the river, with plans to preserve several trees, except for one small aspen. The project must comply with tree removal standards, floodplain regulations, and design review criteria. Additionally, the new structure must be elevated above the base flood elevation, and several conditions of approval were recommended, including adherence to submitted plans, final drainage approval, and compliance with lighting regulations. Henson concluded that the project aligns with applicable standards and is similar to a recent approval for a neighboring property.

The applicant, Jesse Thomas, introduced himself as the property owner and mentioned that he did not have a formal presentation prepared, but just wanted to clarify that the aspen tree previously noted for removal had already been taken down by a beaver a few months prior, indicating that the site plan was outdated in this regard. Jesse expressed his long-term ownership of the property and his desire to build a larger home for his family, concluding that he had no further details to add.

Temporary Chair Winters opened the public testimony portion of the hearing.

No public testimony was provided.

Temporary Chair Winters closed the public hearing at 5:51PM and the Commissioners deliberated.

Commissioner Johannsen noted that the development could contribute to creating a "canyon" effect in that section of the river as houses are built closer and taller on one side, and the opposite bank is already forming a canyon-like appearance. Johannsen acknowledged that if the project complies with all regulations, there may be limited options for intervention, but she wanted to voice her apprehension of such developments in the area.

Johannsen referenced past flooding events, particularly one in the mid- to late-1980s caused by an ice dam. She stressed the need for diligence in evaluating potential future flooding risks, given recent news about increased flooding incidents. Her main concern was that building in proximity to the floodplain

could inadvertently contribute to future problems and urged careful consideration of the potential long-term impacts.

Commissioners Payne and Nelson expressed that they did not have any concerns with the application proposal. Temporary Chair Winters agreed, and also acknowledged the concerns that commissioner Johannsen shared.

Commissioner Payne moved to approve the Waterway Overlay Zone application **PLDR20240232** to replace a 1-story second dwelling unit with a new 2-story second dwelling unit at 321 NW Riverfront Street based on the findings and subject to the conditions recommended by staff.

The motion was seconded by Temporary Chair Winters. The motion passed on a 4-1 vote, with Commissioner Johannsen dissenting.

5. APPROVAL OF MINUTES:

There were no meeting minutes to approve.

6. COMMUNICATIONS:

6.1. Reports From Planning Commissioners

Commissioner Johannsen reported on the recent City Council meeting regarding the tree ordinance. She mentioned that while the Council accepted some suggestions proposed by the Commission, they allowed for the 3-year maintenance period to begin at either the final land division recordation or Certificate of Occupancy, added a discretionary track for larger industrial uses, and requested more information on how tree preservation requirements might be modified to apply to deed-restricted affordable housing in the future. Council did not retain the allowance for additional building height in the Southeast Area Plan in exchange for a developer preserving more than the required number of trees.

Commissioner Johannsen raised concerns about the annual review process to analyze how the code is being used by developers, as the Commission had requested evaluations for five years, but the Council indicated only one review would occur in 2025. Clarification was sought for this.

Additionally, she mentioned that the Council did not amend the code to require a developer to walk through a cascading flow chart for tree preservation, opting instead for a single standard with all options available. The Council exempted residential developments under one acre from all tree regulations. There was also discussion about counting trees in the right-of-way in overall calculations. The meeting concluded with a first reading of the tree preservation ordinance, with hopes that annual reviews would assess its effectiveness and allow for future revisions.

Commissioner Bob Gressens also reported on his attendance at the City Council meeting, praising Suzanne for her effective presentation of the Planning Commission's recommendations. Gressens emphasized the importance of ensuring the tree ordinance includes a five-year review period rather than leaving it optional. He also reflected on the Council's discussions regarding recommendations that were not supported, particularly the handling of low-income housing.

Assistant City Attorney Ian Leitheiser and Planning Manager Renee Brooke provided further clarification on the City Council meeting regarding the tree preservation ordinance, addressing uncertainty regarding the potential annual review process in particular. They also mentioned that while some proposed ideas from the Planning Commission were considered, they couldn't be integrated into the code immediately but may be revisited in future amendments. Lastly, the Council plans to further explore best practices and potential incentives for tree preservation and will address amendments related to tree preservation standards in their next meeting.

6.2. Report From Planning Manager

Renee Brooke, Planning Manager reported that the meeting scheduled for July 8, 2024, will be canceled due to a lack of agenda items. However, a meeting is planned for July 22, 2024, where a waterway overlay zone application involving a detached dwelling unit will be on the agenda. She emphasized the importance of having at least four commissioners present, as two members will be absent and requested that any other commissioners who might be unavailable on July 22 inform her as soon as possible.

She also reported that the upcoming quarterly goals update for the Council is scheduled for July 17, 2024, at 3 PM, focusing heavily on the Community and Economic Development department with topics including the growth management work plan and ongoing process improvements within the department, along with additional agenda items.

6.3. Report From Community and Economic Development Director

No Report

6.4. Report From City Attorney

No Report

The meeting was adjourned at 6:19 p.m.

Minutes submitted by Cristopher Oliveira