

Approved Minutes

Bend Planning Commission

Monday, March 24, 2025, 5:30 P.M. Regular Meeting



The hybrid meeting started at 5:32 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
- John LaMotte
- Erin Ludden
- Nathan Nelson

Commissioners Present: All Commissioners were present except Chair Margo Clinton and Commissioner John LaMotte

2. **Staff Present:** Ian Leitheiser, City Attorney; Colin Stephens, CEDD Director; Karen Swenson, Senior Planner; Chief Operations Officer, Russel Grayson

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.

John Halen expressed gratitude towards the Planning Commission for their efforts in addressing the housing crisis. He commended the Commission's understanding of the issue, highlighting the severe impact on his staff, some of whom are living out of their cars. Mr. Halen emphasized the urgency of the situation, noting that over 4,000 people are unhoused in Deschutes County.

4. QUASI-JUDICIAL PUBLIC HEARING:

4.1 [PLTEXT20240724](#): **Stone Creek Master Plan Text Amendment to redesignate 1.11 acres in the Public/Community Use subdistrict to Multi-Unit Housing**

Planner: Senior Planner, Karen Swenson - kswenson@bendoregon.gov

Vice Chair Winters convened the hearing at 5:35 PM and asked the Commission if anyone had pre-hearing contacts, bias, prejudice, or personal interest. Vice Chair Winters mentioned that he had worked with Habitat for Humanity on a previous, unrelated project. The Vice Chair then asked meeting

attendees if there was any challenge with respect to Commissioners' bias, prejudgment, or personal interest. No challenges were made.

CEDD Director Colin Stephens explained the quasi-judicial procedural requirements of State law.

Senior Planner Karen Swenson gave her [presentation](#) on the Stone Creek Master Plan text amendment. She explained that the amendment pertains to a 1.1-acre property within the school overlay, changing its designation to multi-unit residential to provide affordable housing for school staff and teachers. The amendment is consistent with the Comprehensive Plan and Statewide Planning Goals, and maintains access to commercial goods and services, multimodal connections, housing density and mix, and open space requirements. Swenson noted that the school district has partnered with Habitat for Humanity to provide homes up to 120% of the area median income (AMI). Several neighbors expressed opposition to the change, citing concerns about affordable housing on school property.

Commissioner Suzanne Johannsen asked if there was a number of units they were anticipating building. Swenson responded that there are two additional steps required: a partition and a subsequent site plan review application. Although the site plan review application has not yet been submitted, preliminary information submitted by Habitat for Humanity suggests the construction of up to 24 duplex-style units, consisting of multiple small buildings on one site.

Vice Chair Winters asked for a rough estimate of what 120% of the Area Median Income (AMI) would be. City Attorney Ian Leitheiser provided an estimate based on data from April 2024, indicating that 120% AMI for a household of four was approximately \$125,000.

Commissioner Nathan Nelson sought clarification on the purpose of the amendment, asking if the school district intended to provide housing opportunities for teachers and staff. Swenson confirmed that the school district had issued a request for proposals to affordable housing developers, with Habitat for Humanity being selected.

Commissioner Erin Ludden clarified that the land in question is unused and not required for school purposes. She asked if the housing would be offered first to school district staff and teachers. Swenson confirmed, explaining that if there is insufficient response from school district staff, the housing would then be offered to the general public. Specific policies are determined by the school district.

Grace Weger, Vice President of Construction with Bend Redmond Habitat for Humanity, and Chris Munson, an engineer and land use consultant, addressed the Planning Commission. Weger explained that eight of the units will be

dedicated to school district employees, and eight units will be for households earning up to 120% of the area median income (AMI). The site plan currently shows 18 units in total, with the remaining units for households earning up to 80% AMI. All units will be deed restricted to ensure long-term affordability.

Commissioner Ludden asked if Habitat for Humanity will own the land. Weger explained that ownership of the properties is under a land lease model, which involves Habitat maintaining ownership of the land while homeowners pay a small monthly fee for land lease. This model supports long-term maintenance and affordability.

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

Kathy Seddiqui spoke in opposition of the project, raising concerns about the impact of the proposed housing development on the neighborhood, particularly the many trees that contribute to the environment of the neighborhood. She urged the Commission to consider choosing another location for the housing project to minimize the impact on the neighbors and preserve the trees.

Daniel Seddiqui spoke in opposition as well. He raised concerns about the density of the proposed 18 units on the one-acre site, noting that it would infringe on the school's property and playgrounds, while increasing traffic congestion.

The applicant was offered an opportunity to provide rebuttal to the public testimony. They declined to speak.

Vice Chair Winters closed the public hearing at 6:00 PM and the Commissioners deliberated.

In response to concerns raised during public testimony, Swenson provided a zoomed-in view of the undeveloped property in question, highlighting the trees that would be affected. She mentioned that any future site plan review application would be subject to the tree code. Regarding traffic concerns, she explained that each traffic impact analysis is integrated into the city's overall transportation model.

Commissioner Johannsen inquired about the possibility of a roundabout at the intersection with American Lane. Staff did not have information on any plans for a roundabout at that location.

Commissioner Ludden asked how the vacant land designated as convenience commercial contributes to having services within a half-mile radius. Swenson explained that commercial development often follows housing development because businesses need a sufficient number of residents to justify their market.

Vice Chair Winters noted the presence of a nearby park in the aerial view.

The Commissioners expressed support for the land trust model in providing affordable housing and confirmed that the proposal and draft findings meet the criteria of the Comprehensive Plan and State Land Use Laws.

In response to the concerns over tree removal, Johannsen expressed hope that there would be some effort in preserving trees in the construction process through the tree code.

The Commissioners discussed the traffic impact. Johannsen mentioned that if the number of units exceed what is allowable for the existing infrastructure, the applicant would be required to make transportation improvements, which doesn't seem like the case. They also discussed how the proposed housing is intended for school staff, which may not increase trips if the staff is working on site.

Commissioner Bob Gressens highlighted the added benefit that students and families will get by having more teachers living within the Bend community.

Commissioner Johannsen moved to recommend that the City Council approve the Stone Creek Master Plan Text Amendment, as presented in Exhibit A, with the findings as recommended by staff in Exhibit B. Commissioner Ludden seconded the motion. The motion passed unanimously.

4.2 [PLTEXT20250071](#): OSU-Cascades Overlay Zone Text Amendment to modify subdistrict boundaries, increase building height in the Innovation District, realign Innovation Way, specify application of architectural standards, and modify the landscaping standards.

Planner: Senior Planner, Karen Swenson - kswenson@bendoregon.gov

Vice Chair Winters convened the hearing at 6:10 PM. and asked the Commission if anyone had pre-hearing contacts, bias, prejudice, or personal interest. Commissioner Nelson mentioned that he is a student at the OSU Cascades campus. The Vice Chair then asked meeting attendees if there was any challenge with respect to Commissioners' bias, prejudgment, or personal interest. No challenges were made.

CEDD Director Colin Stephens explained the quasi-judicial procedural requirements of State law.

Senior Planner Karen Swenson gave her [presentation](#) on the OSU Cascades Overlay Zone Text Amendment, which involves changes to the master plan in the development code. The area in question is zoned as mixed-use urban and includes several amendments:

- Realignment of Innovation Way.

- Changes to the boundaries of the subdistricts.
- Adjustments to the uses and maximum height in the Innovation District.
- Modifications to architectural standards and landscaping requirements.
- Allows manufacturing use, up to 25,000 square feet per tenant, and without a retail component.

The amendments are consistent with the Comprehensive Plan, Statewide Planning Goals, and Comprehensive Plan Policies. There are no anticipated changes to uses, square footage, or impacts on the transportation system, water facilities, or sewer facilities. Multimodal connections remain unchanged, and the campus provides more than the required 10% open space. Housing will be provided in the residential district and allowed in the Innovation District.

Written public comments included concerns from Bend Parks and Recreation District about their property, which is surrounded on three sides by the master plan area. The River West Neighborhood District Chair and a property owner to the east expressed concerns about shading and solar access, which were addressed in shading diagrams.

Commissioners Gressens and Johannsen asked about the 85-foot height limit for buildings on Chandler Avenue adjacent to the bowl, specifically whether the height would be measured from street level or from the bottom of the building if it started below street level. Swenson clarified that architectural standards, such as glazing requirements, would apply at the pedestrian access level from Chandler Avenue, even if it is three stories up from the other side of the building. For the Innovation District, the height limit would be 65 feet, measured from the bottom of the building, with the calculation accommodating slope sites by averaging the height on all four sides.

Concerns were raised about the potential canyon effect of tall buildings along the perimeter. Swenson noted that existing buildings and slopes would mitigate this effect. Additionally, the shadow plan addresses concerns about shading.

Vice Chair Winters asked about the terminology change from "planting strip" to "median" in the updated cross-section street plans, and if this distinguished between landscaped and non-landscaped space. Swenson clarified that the medians would be within a public access segment, not city right of way, and would therefore not be subject to city landscape standards.

Commissioner Ludden inquired about the shared lanes for bikes and cars in the cross-section plans. Swenson explained that the design accommodates two types of cyclists: family or meandering cyclists who would use the multi-use path, and commuter cyclists who prefer shared roadways for faster travel. All cross-sections include an off-street multi-use path for bicycles and pedestrians.

Commissioner Ludden posed a question about the designation of buildings as manufacturing but used as laboratories. Swenson clarified that the mixed-use urban zone allows a variety of uses, including academic and campus-related activities.

Steve Pittman, Director of Facilities and Operations for the Cascades campus, and Eric Ridenhauer, consulting architect and planner, from the applicant team, presented the OSU Cascades Master Plan update. The presentation focused on upcoming projects, including a health and recreation center and a new residence hall. He discussed the lessons learned and changes requested in the text amendment.

Ridenhauer, who has been involved with the OSU Cascades Master Plan development since its inception, explained the details of the proposed changes. The plan approved in 2018 showed specific building footprints, but the revised map now shows opportunity sites and development sites, allowing for flexibility in building placement. The realignment of Innovation Way provides a better intersection location with Mount Washington Drive, improving both horizontal and vertical sightlines.

The presentation included a detailed map of street cross sections, highlighting major roads expected to have higher traffic volumes and secondary roads with special conditions. Changes to the landscape strips aim to allow the multi-use path to flow with the landscape, sometimes diverging from the road. The intent of having both multi-use paths and shared lanes is to accommodate different types of cyclists: experienced cyclists who prefer shared roadways and novice cyclists who use the multi-use path. This design ensures safety and comfort for all users.

Loading service standards were also addressed, with a proposed maximum to ensure the Innovation District remains focused on prototyping, experimentation, and research rather than major manufacturing.

Regarding building height, the intent is to provide flexibility for floor-to-floor height to accommodate mechanical equipment and facilitate material movement. The average height difference between Chandler Avenue and the bowl is approximately 40 feet, allowing buildings to engage both levels. The visual impact of taller buildings would be mitigated by design tools, such as adjusting the bottom level of buildings. The difference in shadows cast between 65-foot and 85-foot buildings was analyzed, focusing on the nominal difference.

Landscape standards aim to cultivate an authentic environment, with research on appropriate plant types and their acclimation to the site. Smaller plant starts have shown rapid growth and stability due to their root systems adapting to the porous pumice soil.

Commissioner Gressens expressed concerns about the proximity of the existing 65-foot building on Century Drive to the sidewalk, preferring it to be set back or terraced. The applicant clarified that future buildings in the Innovation District would be set further back, alleviating these concerns.

Commissioner Ludden raised concerns about the cross-section 1.3 design, noting that it provides the least bike access at critical points where cars enter the campus, suggesting that bikes should be more protected in these areas rather than exposed. The applicant clarified that where two cross-section numbers are side by side, cross-section 1.6 might be more suitable for areas with higher traffic volumes and residential entrances, prioritizing bike safety.

Vice Chair Winters asked about the application of architectural standards to buildings with recessed terrain south of the bowl. The applicant noted that practical scenarios would likely involve buildings engaging both the north and south sides, ensuring comfortable access and avoiding blank facades.

The discussion focused on whether buildings set back from Chandler Way and without a pedestrian entrance should still comply with the standards. If a building is within 80 feet but lacks an entrance, the architectural standards for the lower floors would not apply, allowing for flexibility in design. Commissioners questioned the necessity of including this language in the amendment. Swenson responded that the intent is to define what is considered ground floor from a public street level.

Swenson clarified that the architectural standards in section 2.600 apply to buildings within 80 feet of Chandler Way if they have a pedestrian entrance facing Chandler. These standards include requirements for ground floor windows, weather protection, and other architectural features to ensure an engaging street frontage.

Vice Chair Winters asked about the removal of deciduous trees in the landscaping plan, noting that native deciduous trees exist in Central Oregon and can be drought-resistant. The applicant team explained that while deciduous trees can be drought-tolerant once established, they tend to require more water during the establishment period compared to conifers. The goal is to have landscaping that does not need irrigation after establishment, which is why ponderosa pine is predominantly planted.

Commissioner Nelson asked about the types of small-scale manufacturing planned for the Innovation District. The applicant explained that they are keeping their options open to ensure an economically viable district. The request for the removal of the retail component requirement is to remove barriers for industries focused on research and prototyping rather than retail sales.

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

Public testimony was provided by Garrett Chrostek, attorney representing Bend Parks and Recreation (BPRD), who spoke in neutral of the amendment, but wanted to bring an ongoing issue to the Planning Commission's attention. He explained that BPRD owns a property that is situated adjacent to the OSU Cascades campus area that, historically, has had access via a primitive road along its western boundary. This road has now been replaced by a new private street constructed by OSU Cascades. The public access easement for the new private street omits a one-foot section along the western boundary of the BPRD property, creating a gap that prevents BPRD from having legal access to the new street and impacts potential redevelopment.

BPRD attempted to negotiate an easement to cover the gap but was unsuccessful. Chrostek asserts that the proposal does not comply with Bend Development Code section 3.1.200, which requires developments to produce complete blocks bounded by a connecting network of streets. He also cited several policies from the Bend Comprehensive Plan, including encouraging compact development, efficient use of land, and ensuring safety, access, and mobility.

The applicant was offered an opportunity to provide rebuttal to the public testimony. Pittman addressed the concerns raised and clarified that OSU Cascades has always provided and continues to provide permissive access to BPRD's property, in compliance with the city's conditions. The one-foot gap was intentionally included to ensure the easement serves its intended purpose of providing public access to the campus, rather than access across OSU's entire property.

Pittman emphasized that OSU Cascades believes a private access easement, rather than a public access easement, is the appropriate tool to address BPRD's concerns. This would provide BPRD with legal access while allowing OSU Cascades to retain control over the nature and extent of access. He stated that OSU Cascades remains open to negotiating such an easement with BPRD, provided it includes reasonable terms that protect the interests of both parties.

Commissioner Johannsen clarified that OSU Cascades deliberately created the one-foot boundary, which prevents BPRD legal access without a public access easement. Pittman responded that it was deliberate in that they do not wish to grant access to the entire public, rather, their intent is to grant access to BPRD through a private access easement.

Commissioner Gressens mentioned that if ownership of the property was to change, this access easement would be void. Pittman stated that while this is a possibility, that is not their intent.

Commissioner Ludden wondered why this issue has not been resolved if the private access easement fulfilled the goals of both sides.

City Attorney Ian Leitheiser clarified that in terms of access, OSU Cascades has provided BPRD with permissive access, which is different from legal access. Legal access implies a right, whereas permissive access is a privilege extended by OSU Cascades.

Russ Grayson, Chief Operations Officer, explained his involvement with OSU Cascades from the initial planning stages. He highlighted the intent behind the master plan aimed to configure internal roads within the campus area, bounded by major roads on the outside. OSU Cascades preferred these roads to be private, but the city required public access easements to ensure properties take access from the lowest priority road adjacent to them, typically the internal access roads. He emphasized that the city consistently communicated the intent for these private roads with public access easements to function like local streets, allowing adjoining lots to take access from them. He acknowledged that the one-foot strip in the easement was an oversight and reiterated the city's consistent stance that the internal roads should act as a local street system.

Vice Chair Winters closed the public hearing at 8:17 PM and the Commissioners deliberated.

Commissioner Johannsen brought up concerns over the location of e-bikes on the road, whether in the shared path or on the road where the speed limit is higher. Staff responded that that is a matter of state law. She also voiced concerns about having additional semitrucks on the road to service the proposed loading docks.

Commissioner Ludden mentioned that there should be clarification on the designated safe bike lanes, recommending the removal of section 1.3 entirely, using 1.6 in its place.

Vice Chair Winters felt that the language regarding the exclusion of deciduous trees should be removed, stating that the landscaping should still meet city standards, which would contribute to the overall aesthetic of the campus. Reducing this requirement for this project sets a precedent for other future projects with landscaping requirements. The other Commissioners generally supported the idea of using native landscaping and smaller tree sizes, recognizing the research conducted by OSU Cascades faculty on effective propagation methods.

The Commissioners agreed that the language regarding the street frontage along Chandler Ave. needed to be revised for clarity.

The Commissioners agreed that the issue with the BPRD access needs to be resolved before approving the amendment. They discussed the importance of providing legal access to the BPRD property from the internal roadway system.

Commissioner Johannsen made a motion to recommend that the City Council approve the OSU Cascades Overlay Zone Text Amendment as presented in

Exhibit A, with the findings as recommended by city staff in Exhibit B. Commissioner Gressens seconded the motion.

Commissioner Ludden made a motion to amend the main motion with the condition to remove Figure 1.3 as an option for street cross-sections, defaulting to Figure 1.6 where applicable. Commissioner Johannsen seconded the motion. The motion passed on a 4-1 vote, with Commissioner Nelson dissenting.

Commissioner Johannsen made an amendment to the main motion that their recommendation is contingent on the access from the internal roadway to the Bend Park and Recreation District (BPRD) property be resolved. Commissioner Gressens seconded the motion. The motion was passed unanimously.

Commissioner Ludden made a motion to approve the amended motion. Commissioner Johannsen seconded the motion. The motion passed unanimously.

Swenson mentioned that a Commissioner will be needed to bring the recommendation forth on the April 16th meeting. Commissioner Johannsen volunteered to bring the recommendation of the Commission to the City Council.

5. APPROVAL OF MINUTES:

The Planning Commission approved the [January 27, 2025, Minutes](#).

6. COMMUNICATIONS:

6.1. Reports From Planning Commissioners

There were no reports from Planning Commissioners.

6.2. Report From Planning Manager

Covering for Planning Manager Brooke was Colin Stephens, CEDD Director, who mentioned that for the upcoming April 14th meeting, there are two Waterway Overlay Zone applications. The Commissioners received an email from a neighbor encouraging them to do a site visit, for which Stephens mentioned that there is no obligation on behalf of the Planning Commission to act or respond. The other item on the agenda for that meeting is the Site Specific TIFF program.

6.3. Report From Community and Economic Development Director

Colin Stephens, CEDD Director, had nothing to report.

6.4. Report From City Attorney

Ian Leitheiser, Assistant City Attorney, had nothing to report.

The meeting was adjourned at 8:58 p.m.

Minutes submitted by Maggie St. Onge.