

Approved Minutes

Bend Planning Commission

Monday, September 22, 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
- Nathan Nelson
- Erin Ludden

Commissioners Present: All Commissioners were present.

Staff Present: Ian Leitheiser, City Attorney; Colin Stephens, CDD Director; Renee Brooke, Planning Manager; Pauline Hardie, Senior Planner; Amy Barry, Principal Planner.

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. [PLTEXT20250392](#):** Legislative text amendments to the Bend Development Code (BDC) to keep standards relevant, processes efficient, and to identify opportunities for improvements. The proposed amendments are to Chapters 1.0, How to Use the Development Code, 1.1, General Administration, 1.2, Definitions, 2.1, Residential Districts, 2.2, Commercial Zoning Districts, 2.3, Mixed-Use Zoning Districts, 2.4, Industrial Zoning Districts, 2.6, Public Facilities Zoning District, 2.7, Special Planned Districts, Refinement Plans, Area Plans and Master Plans, 2.8, Urbanizable District, 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2, Landscaping, Street Trees, Fences and Walls, 3.3, Vehicle Parking, Loading and Bicycle Parking, 3.4, Public Improvement Standards, 3.5, Other Design Standards, 3.6, Special Standards and Regulations for Certain Uses, 3.8, Development Alternatives, Title 4, Applications and Review Procedures, 4.0, Applications and Review Procedures,

4.1, Development Review and Procedures, 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, 4.3, Land Divisions and Property Line Adjustments, 4.4, Conditional Use Permits, 4.5, Master Plans, 4.6, Land Use District Map and Text Amendments, 4.7, Transportation Analysis, 4.8, Transportation and Parking Demand Managements (TPDM) Plan, 4.9, Annexations, (new) 4.10, Interpretations and Determinations, 5.1, Variances, 5.2, Nonconforming Uses and Developments, and 5.3, Adjustments.

Senior Planner, Pauline Hardie – phardie@bendoregon.gov

Chair Clinton convened the hearing at 5:32 PM.

Senior Planner Hardie gave her [presentation](#) of the proposed amendments to the Bend Development Code (BDC), emphasizing their alignment with City Council goals for housing, transportation, and process efficiency. Hardie stated throughout the presentation that many of the changes were to help with confusion caused by ambiguity, inconsistency, and conflicts. The presentation highlighted key changes across multiple chapters, including codifying existing quasi-judicial procedures, simplifying entitlement processes for middle housing and infill development, and updating definitions and design standards to ensure clarity and consistency. Hardie also addressed amendments affecting commercial, mixed-use, and industrial zoning districts. Hardie noted that the next step for the proposed amendments would be a City Council hearing scheduled for November 5th.

Commissioner John LaMotte asked for clarification on the proposed language for the exemptions in BDC 2.7.3240(B) and 4.2.600(B)(9). Planning Manager Renee Brooke agreed to revise the language during public testimony to ensure that the amendments were easy to interpret.

Vice Chair Scott Winters voiced concern that BDC 2.1.900(C)(3)(b)(iii) stated “sheet metal or plywood shall not exceed 50% of the wall area,” however, metal siding is encouraged due to the low maintenance cost, and plywood is not being used for siding. Winters does not see metal siding as a negative and would not put a restriction on the use of metal siding. Commissioner Erin Ludden did not want the language to limit the materials to a prescriptive list, to which Hardie recommended that they strike all sentences except, “No smooth-faced cedar block construction shall be permitted on front facades.” Chair Clinton agreed that the first two sentences and the last should be struck out.

Chair Clinton opened the public testimony portion of the hearing. Testimony was provided by the following persons:

Sarah Anselment from Bend Park and Recreation District (BPRD) urged the City to revise its code to better support wildfire preparedness in the Upland Areas of Special Interest Overlay Zone (ASI). She recommended: (1) allowing tree removal for fuel reduction and forest health, (2) adopting a streamlined Type 1 review process, and (3) exempting public agencies from

review due to their expertise and partnerships. Anselment stressed that upland ASIs are highly fire-prone and that the current review causes delays, increase costs and risk to nearby neighborhoods.

Zara Hickman, Natural Resources and Trails Manager for Bend Park and Recreation District (BPRD), supported updating the city's code to improve wildfire preparedness in Upland Areas of Special Interest Overlay Zone (ASI). She recommended: (1) allowing tree removal for fuel reduction and forest health, (2) adopting a streamlined Type 1 review process, and (3) exempting public agencies from review. Hickman emphasized that steep, dry ASIs near neighborhoods pose serious fire risks and that current code restrictions delay proactive management. She stressed that public agencies like BPRD are qualified to lead science-based fuel reduction efforts efficiently.

Brad Thomas, urged the City to reconsider two proposed code changes that could hinder housing development. He recommended tabling new bicycle parking requirements for multifamily housing, which could make infill sites undevelopable and reduce auto parking. He also proposed revising the building height definition to give sloped roofs the same flexibility as flat roofs with parapets. Thomas emphasized that these changes could unintentionally discourage housing production and regionally appropriate design.

Vice Chair Winters agreed with the public testimony from Thomas regarding how building height is measured. Hardie mentioned that there are legislative bills that have passed to address building heights, but don't take effect for some time.

Senior Planner Hardie noted that Bend's code aligns with an Oregon Administrative Rule (OAR) requiring bicycle parking for new multi-unit and mixed-use developments of five units or more. However, Bend requires one covered bicycle parking space per unit, exceeding the state's minimum of one-half bicycle space per unit. Additional OAR requirements apply to new retail, office, institutional uses, major transit stops, and park-and-ride lots needing land use approval.

Commissioner Johannsen asked if since car parking requirements were removed, wouldn't more land on the site be freed up for development? Hardie said that was correct. Hardie also clarified that not all the short-term bicycle parking needs to be located near the front door and that only 25% of short-term bike parking must be within 100 feet of the main entrance and the remaining 75% can be located indoors. Hardie repeated that the OAR (660-012-0630) requires one-half bicycle space per unit and the City's code only requires one, and there are no changes being proposed to this as part of this code update.

Commissioner Bob Gressens asked Hardie if she recalled if the impact of increasing the bicycle parking requirement from one-half space per unit to one space was evaluated in terms of housing feasibility and cost? Hardie confirmed that the impact on housing feasibility was not specifically evaluated. However, applicants can request adjustments to reduce bicycle parking requirements, so long as they maintain the state-mandated minimum of one-half space per unit.

Planning Manager Brooke recommended a comprehensive update to the ASI regulations due to outdated terms and unclear processes. Since these codes were not included in the current amendment package, she suggested addressing them in a future, dedicated effort.

Commissioner Gressens agreed with Brooke and suggested that the efforts be limited to fire concerns and requested that Colin Stephens, CDD Director, give an overview of what to propose to staff. Stephens agreed that next steps included prioritizing updates to the ASI code in response to growing wildfire concerns and community input. Stephens suggested exploring a Type 1 review process for fuel reduction projects, provided it aligns with state law, and noted that the City's new Urban Forester will help improve consistency and efficiency in tree-related reviews.

The Commission reviewed Brooke's revised language for amendments to BDC 2.7.3240(B) and 4.2.600(B)(9). Concerns were raised about potential loss of window glazing, prompting discussion. The Core Area Advisory Board recommended limiting net glazing loss to 25%, but the Commission ultimately supported a 50% threshold to allow greater flexibility for adaptive reuse and tenant changes. Members acknowledged that many existing buildings may eventually be redeveloped and agreed that the exemption should apply or that the minimum transparency standards of the Bend Central District are maintained.

Chair Clinton closed the public hearing at 6:59 PM and the Commissioners deliberated.

Commissioner Winters mentioned that it would be good to have more time between work sessions and public hearings.

All Commissioners expressed their support for the amendments presented and future amendments to help with fire risk reduction, as per the public testimonies.

Chair Clinton asked Ian Leitheiser, City Attorney, if the Commission needed to make a motion to recommend to Council that the concerns about fire risks in the ASI be addressed. Leitheiser advised that since there was consensus among commissioners and staff, there is no need for a formal motion. Manager

Brooke said that staff would address the topic of fire risks with Council during the October 22nd work session on the tree preservation standards.

Commissioner Johanssen moved to recommend that the City Council approve legislative amendments to the Bend Development Code to keep standards relevant, processes efficient, and identify opportunities for improvements with the proposed amendments prepared by staff. The motion was seconded by Commissioner Nelson.

The motion passed unanimously.

Commissioners Winters and Johanssen were nominated to bring the recommendation of the Commission to the City Council.

4. APPROVAL OF MINUTES:

No minutes on the agenda to approve.

5. COMMUNICATIONS:

5.1. Reports From Planning Commissioners

Commissioner Gressens shared an email from the Land Use Chair Networking Group about the growing concerns that master plans are approved based on the proposals to include commercial, retail spaces to make “complete communities,” however, developers are not delivering. The email referenced Petrosa, Wildflower, and recent changes in Easton. The group requested that a Planning Commission representative speak at their October 3rd meeting to address the concerns. Staff explained that the City’s development code was superseded by state legislation stating that cities “shall allow” affordable housing in places including commercial land. Moreover, the state legislation does not require master plans to be amended to reflect such changes.

Commissioner Johanssen requested that the Planning Commission have additional sessions that are less formal where the group can discuss their visions for the community, similar to Council goal setting work sessions. She expressed concern with having to go two years between goal setting sessions with Council, citing urgent need to address fire risks. Commissioner Ludden agreed, adding that more joint meetings to address subjects like housing, would be a more productive use of their time. Staff acknowledged their concerns and reminded commissioners that Planning’s workload is guided by Council, not the reverse. City Attorney Leitheiser notified the commissioners that even informal work sessions required public notice and staff participation. Leitheiser said that it is a heavy lift for planning staff to coordinate on behalf of planning commissioners to ensure productive use of the meeting.

5.2. Report From Planning Manager

Renee Brooke, Planning Manager, let the commission know that the next meeting set for October 13th would be cancelled as staff needed additional time to work on items in the queue.

5.3. Report From Community and Economic Development Director

Colin Stephens, CEDD Director had nothing to report

5.4. Report From City Attorney

Ian Leitheiser, Assistant City Attorney, had nothing to report

The meeting was adjourned at 7:38 p.m.

Minutes submitted by Kaylin Landry.