

Approved Minutes

Bend Planning Commission

Monday, September 8, 2025, 5:30 P.M. Regular Meeting



COMMUNITY
DEVELOPMENT

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
- Suzanne Johannsen
- Nathan Nelson
- Bob Gressens
- John LaMotte
- Erin Ludden

Commissioners Present: All Commissioners were present.

Staff Present: Ian Leitheiser, City Attorney; Colin Stephens, CDD Director; Amy Barry, Principal Planner; Pauline Hardie, Senior 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. WORK SESSION:

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

Senior Planner Hardie presented a comprehensive overview of the proposed legislative text amendments to the Bend Development Code (BDC). The amendments span a wide range of topics, including zoning districts, design standards, application procedures, and definitions, and are aimed at improving clarity, consistency, and efficiency across numerous chapters. The updates were informed by feedback from applicants, developers, planners, and other stakeholders, and are intended to align the code with current practices, state statutes, and City Council goals.

Commissioners questioned the rationale behind the change to reduce the time period during which approved subdivisions can develop under previous standards—from three years to one year. CDD Director Colin Stephens explained that the intent behind this change is to ensure consistency with evolving code standards and to avoid scenarios where outdated regulations are applied to new development phases.

Commissioner Nelson inquired about the need to provide distinction between garage doors and overhead doors. Staff clarified that doors 8 feet or wider would be considered garage doors and subject to access restrictions, while smaller doors used for storage or living space would not. This clarification was prompted by concerns about property owners circumventing access limitations by installing wide doors without driveways.

Vice Chair Winters raised a concern regarding the design standards for exterior finishes on vertical surfaces, specifically noting that fiber cement—a commonly used material—was not listed among the acceptable materials in the code. Staff acknowledged the concern and agreed that fiber cement should be added to the list of acceptable materials to reflect current building practices.

In the Commercial Zoning Districts, the proposal would eliminate the conditional use permit requirement for retail buildings over 50,000 square feet, citing inconsistencies in the code and the desirability of such uses. Commissioner Ludden asked whether this would allow large single-tenant stores. Hardie responded that while it could, other design standards and site limitations would naturally constrain building size.

Winters raised a suggestion related to building design flexibility in Mixed-Use Zones, particularly allowing architectural features such as balconies or canopies

to encroach into setback areas above a certain height—typically 14 feet or higher.

Another amendment is to bring local regulations into compliance with House Bill 3019, which prohibits cities from imposing locational restrictions on childcare facilities in Industrial Zones. Commissioner LaMotte discussed the implications of this change, noting that while the use would still require a conditional use permit, applicants would no longer be constrained by location. Staff emphasized that safety concerns—such as proximity to traffic—would be addressed through the conditional use review process.

LaMotte raised a question regarding the rear setbacks in the Light and General Industrial Zones, and whether this could result in buildings being constructed directly adjacent to one another, expressing concerns about maintenance and fire access. Staff responded that while buildings could be built to the property line, fire code requirements would still apply. The discussion also touched on the terminology used in the code, with Winters suggesting that the term “exceptions” might be misleading, as it implies less restriction when in fact it may mean more. Hardie agreed to consider alternative language to clarify the intent of the setback provisions and ensure consistency with fire safety standards.

In the Bend Central District, staff proposed exempting existing buildings from design review requirements to encourage redevelopment, while maintaining standards for new construction. LaMotte expressed concern about potential impacts on pedestrian-oriented design and suggested exploring minimum glazing requirements to prevent storefronts from being boarded up. Hardie agreed to explore language to address minimum glazing.

Winters addressed accessibility requirements for pathways, noting that some of these connections are addressed in the building code under ADA accessibility standards, while others are referenced in the BDC, though not always consistent with one another. Principal Planner Barry clarified that while the development code requires certain connections, it does not always specify that they must be ADA-accessible. However, compliance with accessibility standards is still required under the building code, regardless of whether it's explicitly stated in the BDC.

Winters discussed a provision in the BDC that requires a fire equipment access drive for any portion of a building's first-story exterior wall located more than 150 feet from a public street or approved fire access. This requirement mirrors language found in the fire code, prompting a debate about whether it should remain in the BDC. Staff acknowledged that having the language in the BDC can help ensure consistency with requirements early in the development process and agreed that further consultation with the Fire Department would be necessary before making a recommendation.

Commissioner Nelson raised a concern about the proposed six-month limit for deferring landscaping installation due to seasonal constraints. He noted that this timeframe might be too short to ensure successful establishment of plantings, especially for projects initiated in late fall or winter. Hardie acknowledged that the current language might be too restrictive and discussed the possibility of extending the deferral period to eight months to better accommodate seasonal planting cycles.

Hardie addressed the proposed updates to bicycle parking standards to provide more flexibility and align with state goals. Commissioner Ludden elected for balance between regulation and market-driven solutions, expressing concern about overregulation. Nelson expressed strong support for the changes to bicycle parking standards, particularly the emphasis on u-racks.

Winters discussed the rationale behind the 6-foot separation requirement for detached accessory structures. Staff explained that this standard mirrors building code separation requirements, which help ensure fire safety and allow for adequate maintenance access between structures.

Commissioner Johannsen raised a question about the varying income thresholds used in different sections of the BDC, noting that earlier standards referenced 30%, 50%, and 80% of Area Median Income (AMI), while a newer section referenced 30% and 60%. Hardie explained that the differences stem from the variety of state legislation—including multiple House and Senate bills—each of which defines affordable housing using distinct income metrics.

Hardie presented updates to Title IV, which clarify application and review procedures. LaMotte noted that the procedures could still be confusing for applicants and suggested creating a visual diagram to help users navigate the different review tracks and appeal paths.

Hardie discussed improvements to public notice requirements, including a new provision that pauses the review clock if required site posting is not completed on time. Commissioners Gressens and Johannsen raised concerns about the visibility and readability of posted notices, where signs may be placed in high-speed traffic areas. Suggestions included revisiting sign size, font legibility, and possibly expanding the notification area for large-scale projects. Staff acknowledged these concerns and noted that while some improvements have already been made, such as requiring multiple signs for larger frontages and including QR codes, further refinements may be considered in future updates.

Winters asked for clarification on the term “self-contained food truck” as referenced in the proposed code amendments. Barry explained that a self-contained food truck is one that does not connect to permanent infrastructure such as sewer, water, or electrical systems. While some may use temporary solutions like extension cords, they are not hardwired or plumbed into the site.

These trucks are typically mobile and can be parked without requiring site modifications. The distinction is important because the proposed amendment would exempt self-contained food trucks from undergoing Minimum Development Standards review when placed in an existing approved parking lot, provided no additional site improvements are proposed.

Winters discussed the criteria for Class C variances related to building height, specifically the provision that allows an increase of one story or 20% above the maximum height permitted in the zoning district. A key clarification was that combining a variance with other code-based height bonuses (e.g., for affordable housing or upper-floor residential)—is not allowed. Commissioners recommended removing ambiguous language to prevent misinterpretation. The consensus was to ensure the code clearly reflects that only one height increase mechanism may be used, and that variances must be justified by a specific development constraint.

LaMotte clarified that in the Juniper Ridge Employment Sub-District, buildings must meet a maximum front setback of 30 feet, with at least 60% of the building frontage located within that distance from the property line. This requirement is designed to pull buildings closer to the street, promoting a pedestrian-friendly environment.

Winters raised concerns about a provision in the code limiting T-Court lengths to 150 feet unless connected to a mid-block lane. He questioned whether the 150-foot limit might be more restrictive than necessary, especially for small-scale infill developments where flexibility is important. Staff explained that this standard is generally based on fire code requirements, which restrict dead-end access lengths to ensure fire trucks can turn around safely. It is also intended to avoid long, dead-end streets.

Hardie discussed the next steps in the process. The Planning Commission's public hearing on the proposed amendments is scheduled for September 22nd. The previously planned City Council work session has been canceled due to a full agenda; instead, the Council will proceed directly to a public hearing on November 5th. One Planning Commissioner will attend the Council hearing to represent the Commission's position.

4. COMMUNICATIONS:

4.1. Reports From Planning Commissioners

Commissioners expressed appreciation for the clarity and accessibility of the meeting materials and commended Hardie for her work on the BDC amendments. They also reflected on the evolving nature of the code in response to recent state legislation. Hardie noted that some of these changes, such as the exemption from design review for certain housing types, may affect the BDC requirements. The bills

were later reviewed, and it was determined that the design requirement exemptions likely don't apply to the BDC.

4.2. Report From Planning Manager

Renee Brooke, Planning Manager, was absent from the meeting.

4.3. Report From Community and Economic Development Director

Colin Stephens, CDD Director, provided an update on upcoming Planning Commission meetings:

September 22: Legislative public hearing on the proposed Bend Development Code amendments.

October 13: One Waterway Overlay Zone item scheduled.

October 27: Review of the Union Master Plan, a large annexed property near Murphy Road. This item will follow the Type III CC process, with the Planning Commission making a recommendation to City Council.

4.4. Report From City Attorney

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

The meeting was adjourned at 8:04 p.m.

Minutes submitted by Maggie St. Onge