



MEETING MINUTES

Bend Planning Commission

Monday, 2/9/2026, 5:30 p.m. Regular Meeting

The hybrid meeting started at 5:31 p.m., in-person and online.

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

1. Roll Call:

- Nathan Nelson – Vice Chair
- Bob Gressens
- Suzanne Johannsen
- Erin Ludden
- Katie Schnur
- Scott Winters

Commissioners Present: All Commissioners were present except Margo Clinton – Chair.

Staff Present: Ian Leitheiser, City Attorney; Colin Stephens, Community Development Director; Renee Brooke, Planning Manager; Pauline Hardie, Senior Planner; Karen Swenson, Senior Planner; and Russ Grayson, Chief Operations Officer.

2. Visitors:

The Vice 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 PLTEXT20250659: Amendment to Neighborhood Commercial (CN) zoned properties

Proposed amendments to Bend Development Code (BDC) 3.6.500, Short-Term Rentals, to require properties within the Neighborhood Commercial (CN) zoning district to follow the



Short-Term Rental (STR) review type, concentration limit, and number of STRs allowed per property as the underlying Residential Land Use Designation.

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

Senior Planner Hardie **presented** the proposed amendments to Bend Development Code, 3.6.500, Short-Term Rentals (STR), which would align STR regulations in the Neighborhood Commercial (CN) zone with the standards of the underlying Medium Density Residential (RM) Comprehensive Plan Map designation. Hardie noted only five properties would be impacted, as the CN zone was eliminated in 2006. All five properties are in the Old Bend Neighborhood District. Hardie explained the amendments would align the CN properties with the RM zoning district process by requiring a Type II review process with public notice; requiring a 500-foot separation between STRs; and limiting one STR per property. According to Hardie, the change would address City Council's housing strategy to accelerate complete neighborhoods while removing barriers to missing middle-income housing, affordable housing, and infill development. Hardie will be returning to Planning Commission on February 23rd for the public hearing, and City Council's public hearing is scheduled on April 15th.

Commissioner Johannsen asked about the amendments previously proposed during the December 2024 City Council public hearing, which the Council ultimately tabled. Planning Manager Brooke explained that the Council tabled the discussion due to the late hour and the challenge of drafting amendments that would either allow a percentage of the total on-site dwelling units to be used as STRs or permit one STR per CN-zoned property. Hardie clarified that Council revisited the amendments in November 2025, at which time they decided to move forward and directed staff to reprocess the amendments.

Vice Chair Nelson asked for clarification that there is only one active STR permit among the five CN-zoned properties. Hardie confirmed there is just one active STR and it is allowed to continue operating as long as the permit remains active, but if the proposed amendments are adopted the other four remaining properties are unlikely to qualify for an STR due to the number of existing STRs within 500 feet.

Commissioner Johannsen asked if Bruno's Market, Active Culture, and The Delaware Annex were zoned differently than CN and Hardie confirmed they are zoned differently.

Commissioner Ludden asked what the CN-zoned properties are currently being used for. Hardie explained that one property is Jackson's Corner, and the abutting property is a single dwelling unit. The property on Hill Street has several small businesses. The last two properties, located next to each other on Congress Street, include one single dwelling unit and the former Iron Horse antique store.

4. Quasi-Judicial Public Hearing:

4.1 **PLSPD20250647 (Major Master Plan) and PLTEXT20250648 (Comprehensive Plan Text Amendment):**



Proposal for Bend Development Code (BDC) Text amendment to amend BDC Chapter 2.7 for a new 260.6-acre Major Community Master Plan in the Stevens Road Tract Urban Growth Boundary Expansion Area, and a Comprehensive Plan Text amendment to amend policies for the Stevens Road Tract Urban Growth Boundary Expansion Area.

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

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

Vice Chair Nelson convened the hearing at 5:45 p.m. and asked the Commission if anyone had pre-hearing contacts, bias, prejudice, or personal interest. Commissioner Ludden disclosed that she had visited the site. The Vice Chair then asked meeting attendees if there was any challenge with respect to Commissioners' bias, prejudgment, or personal interest. No one presented a challenge.

Senior Planner Swenson **presented** an overview of the Legacy Village (Stevens Road Tract) Master Plan and related Comprehensive Plan amendments required to implement HB 3318. The amendments provide flexibility for affordable-housing placement, reduce the number of minimum required market rate high-density units, and revise parcel-size requirements. Staff noted that these changes are needed to align the Comprehensive Plan policies with the quantitative requirements of HB 3318 and to correct inconsistencies between policy language, the Concept Plan, and master plan mapping.

The proposed master plan includes 2,487 homes, exceeds required affordable-housing land conveyances, and maintains 39.5 acres of open space including a 23-acre community park. Transportation improvements were identified, and agency coordination occurred, with ODOT and Deschutes County noting facility impacts that were addressed through required mitigation measures. To achieve planned housing types, meet density requirements, and implement the "main street" design, the applicant requested development code deviations as follows: residential lot sizes, setbacks, and lot coverage; block lengths; commercial-area standards; and to allow frontage on Ferguson Road to orient resident views away from the landfill. Staff highlighted that these deviations still meet the intent of the code and many of the deviations are consistent with other approved master plans. Swenson concluded with next steps, including a Planning Commission recommendation at the scheduled City Council hearing on March 18th.

Joey Shearer, Joe Bessman and Jenn Kovitz representing the Hayden Homes applicant team provided additional information. Kovitz stated that Legacy Village reflects a long-standing commitment by Hayden Homes to support the local workforce, deliver complete communities, while emphasizing educator-focused affordable housing. Shearer presented how Legacy Village would provide a complete, multimodal community with commercial areas, diverse housing, substantial open space, and regional infrastructure improvements while fulfilling HB 3318 and the Comprehensive Plan requirements.



Commissioner Ludden asked what the building heights would be to achieve the density projections in the plan. Shearer explained that level of detail is not completed until the site plan review phase, but based on similar developments, the multifamily buildings would be three to four stories high.

Commissioner Ludden expressed concern that the traffic analysis was performed during the summer when school related congestion was not an issue and was limited to a one-mile radius. Bessman explained that the traffic studies were conducted over a longer period, including July, to ensure that the traffic from schools was included and that traffic from detours was not. Ludden emphasized the concern about the number of projects planned for the area over the next 20 years, specifically the Reed Market corridor. Bessman noted that coordinated, incremental construction of new arterials, collectors, and roundabouts will ensure safe connections, minimize disruption, and align improvements with the City's broader transportation upgrades. Bessman concluded by stating that early phases of the development would not be within existing planned infrastructure improvements areas.

Commissioner Johannsen and Ludden asked if there was a plan to connect Reed Market with Stevens Road. Bessman said that it has been discussed with the City and that there are right of way concerns that will need additional collaboration to solve. That connection is not part of the Legacy Village improvement plans, and is required by other developments.

Commissioner Johannsen asked if the pedestrian paths would connect the development to the nearby schools. Bessman explained that there is a plan to have a multi-use trail installed with the Ferguson Road extension, along with pedestrian crossings on all four sections of the planned roundabout at Ferguson and 27th. There is coordination to have connectivity of all multimodal paths being constructed by multiple agencies.

Commissioner Johannsen noted that on the conceptual plan the 100-foot-wide open space along the western boundary would be abutting a significant amount of the medium and high-density residential buildings, which was why a deviation for smaller residential setbacks was requested. However, the proposed plan reduced the abutting residential building density. Johannsen asked why the setback deviation would be needed. Shearer explained that the development is exceeding the 10% open space requirement by 5%, in addition to the multifamily housing open space requirements, so they focused on diversifying density within each phase.

Commissioner Johannsen asked why the conceptual plan allotment of 480 high-density residential units was reduced to 300. Shearer explained that Hayden Homes was concerned that the housing market would not support a density of 40 units an acre on the edge of town. The overall number of units stayed the same; they will achieve the mixed housing goals while maintaining a lower overall density within the development and are meeting density requirements set by HB 3318.

Commissioner Ludden asked how the lot size reduction deviation relates to the reduction in high density units. Shearer said the goal was to blend the Standard Density Residential (RS) and Medium Density Residential (RM) zones' standards across the development. Vice Chair



Nelson summarized by asking if the goal was to have similar housing densities side-by-side even though the zoning may be different? Shearer said, "exactly," Hayden Homes wanted to ensure that over the course of the decade it might take to develop, that there would always be a mix of housing types within a phase. When there is variety, housing sells more quickly.

Commissioner Johannsen asked if Hayden Homes also develops commercial lands? Kovitz said that Hayden Homes intends to partner to develop the commercial zones. Kovitz mentioned that Hayden Homes is aware of the concerns around commercial developments and they are working with City Council to ensure commercial viability. Shearer added that commercial can be challenging to develop, especially on the edge of a city, but Hayden Homes sees commercial as an amenity that can be supported at this site.

Commissioner Johannsen asked if the City Council comes up with a plan to address commercial developments after Legacy Village is approved, would that mean the Legacy Village Master Plan would be exempt from the rules? Community Development Director Stephens clarified that under state statute, rules in effect on the date an application is submitted are what are applied to that application. Kovitz added that the Legacy Village is bound by legislation, when other master plans are not.

Commissioner Winters asked why the Mixed Employment District (ME) areas were divided across the development when the concept plan had all ME clustered in the southwest corner. Shearer explained that the idea was the same as with mixed residential zoning: each phase will be more successful if there is a range of housing and uses being developed at the same time instead of each phase containing a distinctly different type of development.

Commissioner Gressens asked why the development phasing would start on the south end as opposed to the north end, where it seems more intuitive. Shearer said that's where the infrastructure is available.

Commissioner Johannsen questioned why the houses nearest the landfill would need a deviation when the landfill is set to be closed. Shearer mentioned that since it's the first section of the development to be built and the applicant does not have control over the timing of the landfill closure, they are planning accordingly.

Commissioner Winters inquired as to what the small black squares outlined on some of the High Density Residential (RH) zones were. Shearer explained that they denoted where potential sewer lift stations would be located. The square at the northeastern corner is dedicated space for an Avion water holding tank.

Commissioner Winters requested more information about the block length deviation. Shearer explained that the abutting development to the west and the conceptually approved street connections leave no opportunities to meet the block length standards. Senior Planner Swenson added that the proposed code would allow blocks to be up to 1,200 feet long and block perimeters at 3,000 feet. When a block length exceeds 800 feet or a perimeter of 2,650 feet, a pedestrian corridor is required at least every 660 feet.



Commissioner Winters asked what the plans were for bike lanes on the north-south road at the center of the development. Shearer said that it's a local road that will have a wide, multiuse path on the west side, and the road itself would be shared lanes. Winters then pointed out that the east-west road would have multi-use paths on both sides of the road and varied in width. Shearer explained those intervals were to create on-street parking.

Commissioner Johannsen asked why there is an incomplete road at the southwest corner and expressed fire safety concerns about the distance needed travel within that area. Shearer said the incomplete road is intended to create frontage for additional houses and the team coordinated with the City Fire officials to ensure that there were no dead ends longer than 150 feet. There is also a minimum of two access points for each of the phases.

Commissioner Gressens explained that a formal statement from the leadership of Hayden Homes would help alleviate concerns surrounding the intent to development commercial sites. Kovitz noted the concerns from the Commissioners and mentioned that she could not speak on behalf of executives but reiterated that Hayden Homes demonstrated that they meet and exceed expectations when possible.

Commissioner Schnur inquired about how the requirement for educator housing would operate. Shearer explained that Hayden Homes' obligation is to convey the dedicated land to the City of Bend, to then partner with a developer. Planning Manager Brooke confirmed that the City would carry out the requirements of HB 3318 and partner with a developer to develop the land.

Commissioner Schnur asked if the applicant worked with fire safety on the proposed four-foot set back. Shearer explained that there was no need to as previous master plans adopted the same setback, so there is proof of concept. Shearer added that if the setbacks were reduced to within 3 feet of the property line, building fire code would be triggered.

Commissioner Schnur asked if the five acres of commercial dedication was mandated through HB 3318. Brooke explained that the total was reflective of a policy decision made by City Council, 11-160 of the City of Bend's Comprehensive Plan. City Attorney Leitheiser confirmed that HB 3318 only calls for sufficient commercial area. Shearer explained that there are seven acres of Mixed Employment (ME) in addition to the five acres of General Commercial District (CG), both allow commercial developments.

Vice Chair Nelson asked for a timeline on when they expect to build the first residential unit, specifically if construction would overlap with the Reed Market overpass construction. Shearer estimated that Spring of 2027 would be the earliest horizontal infrastructure could be installed, which typically takes six months to complete. Hayden Homes was unable to answer the specific question about timing related to the Reed Market overpass.

Vice Chair Nelson opened the public testimony portion of the hearing:

Adam Conway spoke on behalf of Gary Miller, the developer of the adjacent Stevens Ranch Master Planned Development: Mr. Miller supports the Stevens Tract (Legacy Village) development but is concerned that the plan relies on roadway and utility



connections that do not yet exist and are not expected in the near term. Coordination is essential because the plan proposes a substandard, constrained street section requiring deviations, yet its developers have not engaged with him to address infrastructure, access, or sequencing issues.

Barbra Gardner inquired about the timeline for the completion of the Ward Road to Stevens Road extension along the eastern boundary.

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

Shearer and Bessman responded to the question about Ward Road, stating that it may be 10 years, depending on market conditions. The extension of Ward Road is triggered when an access point connects to Stevens Road. The intent is to have the Stevens Road and Ward Road roundabout completed before traffic from this site hits Stevens Road.

Commissioner Johannsen asked if Ferguson Road and Ward Road would eventually connect. Bessman confirmed, yes, but timelines are unclear as they are designing improvements to be flexible to prevent any need to throw away and rebuild sections. Shearer added that if the adjacent Stevens Ranch development begins expansion on their south end before Legacy Village breaks ground, then the Ferguson Road extension plan changes slightly as development at 27th and Ferguson in Stevens Ranch triggers the Ferguson extension.

Commissioner Johannsen asked for more information about coordinating with Stevens Ranch developers to construct the shared roads between the properties. Shearer said that Hayden Homes expressed their willingness to collaborate on constructing infrastructure, but the timelines for each development are hard to predict. The focus during early phases is to ensure there is sufficient emergency access.

Vice Chair Nelson closed the public hearing at 7:54p.m. and the Commissioners deliberated.

All Commissioners expressed that the Legacy Village plans were well thought out, and Hayden Homes demonstrated the desire to have a complete community. However, concerns about commercial development were also unanimous.

Commissioner Schnur argued that five acres of CG is not enough and that a grocery store is needed in the area. Vice Chair Nelson and Commissioner Gressens pointed out that Stevens Ranch has commercial zoning along 27th street. Schnur's concern remained that the distance is about a mile or more from Legacy Village's residents to 27th street.

Commissioner Gressens explained that he was supportive of the plan, specifically the idea of phased mixed housing options. Gressens stated that the allotted commercial zoning is adequate since Northwest Crossing is less than 5 acres while supporting a large community. Regarding the deviation requests, Gressens was supportive as the deviations meet applicable criteria.

Commissioner Winters questioned the follow-through on commercial development and emphasized the need for complete communities. Winters was supportive of the plan to



break up zone types but is concerned that the commercial zones would be developed as affordable housing due to state legislation.

Commissioner Johannsen expressed concern about the increase of traffic across town if the commercial zones are not developed. Moreover, the lack of access to grocery stores on the southeast side of town, not just the lack of neighborhood commercial sites, needs further discussion. Johannsen does not have confidence that the commercial zones will remain commercial.

Commissioner Ludden is worried about traffic impact, and the lack of grocery stores and pharmacies in southeast Bend. Ludden understood that there was an opportunity to have a lot of affordable housing developed, but believes high density located on the outskirts of town is concerning, stating that the affordable housing needs to be more centrally located. Ludden supported the Legacy Village plan for several small parks and one large park.

Vice Chair Nelson stated that the proposal meets and exceeds all the goals and targets that the applicant team needed to meet.

Commissioner Ludden moved to recommend that the City Council adopt an ordinance to amend the Bend Comprehensive Plan policies for the Stevens Road Tract Urban Growth Boundary Expansion Area, as proposed by the applicant, with the draft findings provided by staff.

The motion was seconded by Commissioner Gressens. The motion passed unanimously.

Vice Chair Nelson moved to recommend that the City Council adopt an ordinance to amend Chapter 2.7 of the Bend Development Code to add the Stevens Road Tract (Legacy Village), Master Plan, as proposed by the applicant, with the draft findings provided by staff.

The motion was seconded by Commissioner Gressens. The motion passed on a 4-2 vote, with Commissioners Johannsen and Winters dissenting.

Commissioner Schnur was nominated to bring the recommendation of the Commission to the City Council on March 18th.

6. Communications:

6.1. Reports From Planning Commissioners

Commissioner Ludden met with the Old Farm Neighborhood District the previous week. Old Farm expressed concern that the public noticing mailing radius of 500 feet and the posted signs are not large enough.

Vice Chair Nelson announced that he was choosing to not participate in the Neighborhood District Liaison program. Nelson expressed concern that the current structure of the Neighborhood Districts does not elevate the underserved, and it would be unfair to the districts that are interested in a liaison to be paired with someone reluctant. Commissioners Gressens and Schnur will take on Southern Crossing and Mountain View, respectively.

6.2. Report from Chief Operations Officer

Russ Grayson, Chief Operations Officer, reported that the City Council and the newly hired consultant were working toward streamlining communication between the City, Planning Commission, and the Neighborhood Districts to ensure consistency. The districts do serve a purpose and are in the Muni code, so there is a need to bolster the districts, but the City does not have a budget to financially support the Neighborhood Districts. Grayson asked the Commissioners to be understanding that the Planning Division staff is limited and they process a thousand land use applications a year, but the group would be notified once a schedule is finalized.

6.3. Report from Planning Manager

Renee Brooke, Planning Manager, reported that City staff are providing input for amendments to the legislation that allows for affordable housing within lands zoned for commercial uses. Additionally, the 2026 Bend Wildfire Preparedness Fair will be held on May 9th from 10 a.m. to 1 p.m. with more information to come.

6.4. Report from Community Development Director

Colin Stephens, Community Development Director, reported that the Senate Bill 974 that requires cities to process engineering permits within 120 days, goes into effect on July 1st and there is a recorded presentation from the Private Development Engineering staff.

6.5. Report from City Attorney

Ian Leitheiser, City Attorney, had nothing to report.

The meeting was adjourned at 8:52 p.m.

Minutes submitted by Kaylin Landry.



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