

LAND USE APPLICATIONS

Frequently Asked Questions

What is a land use application?

A land use application is a form completed by a property owner (or their project manager) outlining a proposed development for a property located within Bend for which they need a permit. The application is submitted to the City of Bend, which then ensures compliance with the standards outlined in the [Bend Development Code \(BDC\)](#). There are four types of land use applications. Some types are reviewed and approved internally by City staff, others require a public hearing. All types include a requirement to inform affected members of the community and may provide opportunities for them to comment on the proposal.

What are the types of land use applications and how do they differ?

| | TYPE I | TYPE II | TYPE II CONDITIONAL USE PERMIT (CUP) | TYPE III | TYPE IV |
|---------------------------|---|--|---|--|---|
| SUMMARY | Applications for projects that do not vary from the existing development or improvement standards and have little to no impact on surrounding properties. | Applications for projects that may have physical characteristics that differ from existing development or improvement standards. | Applications for projects, which due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. | Applications for projects that require a quasi-judicial land use decisions by a governing body, after a public hearing. | Citywide legislative policy matters that affect a wide range of community members. |
| APPLICATION EXAMPLES | Lot Line adjustments Accessory Dwelling Units (ADUs) Duplexes | Subdivisions Short term rentals (STRs) in residential zones Site plan reviews | Building a new school in a residential area. | Zone changes when consistent with the Comprehensive Plan Master Plans | Bend Development Code Amendments Urban Growth Boundary (UGB) Expansion Comprehensive Plan Amendments. |
| NOTIFICATION REQUIREMENTS | None | Property owners within 250 feet Neighborhood Association where the project is located. Posted notice on property during public comment period. | Property owners within 500 feet Neighborhood Association where the project is located. Posted notice on property during public comment period. | Property owners within 500 feet Neighborhood Association where the project is located. Posted notice on property during public comment period. | All Neighborhood Associations Legal Notice in the Bend Bulletin Posted notice on property. |



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| PUBLIC COMMENT OPPORTUNITIES | None | Any person may comment in writing within 14 days of date from when the notice was mailed. | Any person may comment in writing within 14 days of date from when the notice was mailed. | Any person may comment in writing within the noted period from when the notice was mailed. Public hearing with Planning Commission or a Hearings Officer. | Any person may comment in writing within the noted period from when the notice was mailed. Public Hearing with Planning Commission AND City Council. |
| WHO DECIDES APPROVAL OR DENIAL? | Administrative approval by City Planning Division. | Administrative approval by City Planning Division. | Administrative approval by City Planning Division. | Planning Commission or a Hearings Officer. | City Council with recommendation of Planning Commission. |
| APPEAL PROCESS | Can only be appealed by the applicant. | Can be appealed to a Hearings Officer by parties to the record. | Can be appealed to a Hearings Officer by anyone "adversely affected" by the project. | Can be appealed to City Council or the Land Use Board of Appeals. | Can be appealed to the Land Use Board of Appeals. |

For a comprehensive list of development applications and which application type they fall under, check out the table in [BDC 4.1.1600](#).

What applications require the applicant to conduct a public meeting with neighborhoods?

Certain applications require the applicant to make a presentation at [a publicly noticed meeting with the affected neighborhood](#). There are seven applications that have this requirement:

- Bend Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Conditional Use Permit
- Master Plan
- Land Division
- Site Plan Review for new development for buildings greater than 10,000 square feet
- Site Plan Review for an alteration/addition to one or more buildings containing a total of 10,000 square feet or more.

What are the steps in processing a land use application?

Each type of application requires a different process. The City of Bend has designed [Planning Application Processes](#) to illustrate the process for each type from pre-application to final decision.



Where is a land use application and its supporting information found? Whom do I contact if I have questions about the application?

Once a land use application is submitted, the application and its supporting information is stored in the City's [Online Permit Center](#), which can be difficult to navigate at first. We recommend using the City's [Community Development Data Explorer](#), which allows you to zoom in on the application's site and find the relevant project information.

For questions, contact the assigned City planner who will be identified in the project details online in the above resources, or reach out to the City of Bend's Planning Division, which can provide assistance at planning@bendoregon.gov or (541) 388-5580 ext. 3.

When can I comment on a land use application?

There are several opportunities for the public to share their comments and concerns about a land use application. For some application types, the earliest and potentially most influential opportunity comes before the actual submission of the application to the City. This opportunity is at the Neighborhood Public Meeting, referenced in an earlier question. This meeting is the most direct opportunity that the public has to converse with the applicant before they have finalized their development proposal. Comments given to the applicant at the Neighborhood Public Meeting are not recorded in public record, but may encourage action and/or changes to the final application they submit.

Following the completion of the land use application, for some Type II applications as well as Type III and IV applications, there are additional opportunities where members of the public may become a "party to the record":

- After a [Notice of Application](#) is mailed to surrounding properties and the affected Neighborhood Association(s), opening the public comment period. The notice will specify the length of the comment period.
- After a [Notice of Decision](#) is mailed, which opens a 12-day appeal period where anyone who commented on the application, or for a Conditional Use Permit (CUP), or individuals who believe they are adversely impacted by the decision, can submit an appeal.
- And for Type III and IV applications only, when a public hearing is held with [Planning Commission](#) and/or [City Council](#).



What does it mean to become a party to the record?

To become a “party to the record,” public comments on land use applications must be submitted directly to the City after the application has been deemed complete by City of Bend Planning Staff.

A “party” means anyone who participates in a Type II, III, or IV application or a legislative action. One can participate by providing written comment to the City and/or oral comment at a public hearing.

These actions give one “[standing](#).” Standing, or becoming a party of record, is necessary for anyone who thinks they may want to appeal the decision on a project. This means a person needs to become part of the Public Record, which means providing written or verbal testimony during the official comment period or public hearing. An individual whose participation consists only of signing a petition is not considered a party.

What is a public hearing process?

A public hearing is a formal proceeding held in order to receive oral and/or written testimony from all interested parties, including the general public, on a proposed development or policy decision. The public hearing establishes a formal record that the decision makers such as the Planning Commission or City Council rely upon to make a decision on the application.

What are the criteria used when approving a land use application?

The decision-maker, whether City of Bend staff or an appointed or elected body like Planning Commission and City Council, must base a review and decision on criteria established within the [Bend Development Code \(BDC\)](#). The decision-maker may not ignore applicable criteria or make decisions based on factors or arguments not related to the applicable criteria. Different types of development have different approval criteria.

Can a land use application be approved outside of these criteria?

Yes. Sometimes the City will issue an exception in the form of a [waiver](#) to [public improvement standards](#) or a [variance](#) to [minimum development standards](#). Generally, a waiver or variance is specific to a regulation, such as height or lot coverage, that must be met. Waivers and variances are subject to their own criteria for the City to approve them.



What do I do if I am concerned about something that is allowed by the current Bend Development Code?

The [Bend Development Code \(BDC\)](#) can be amended by the City Council. The BDC is regularly updated to meet the needs of our growing City. The first step is for concerned community members to [notify their Neighborhood Association](#) with the code sections that you feel are inadequate and why. Neighborhood Association leadership may choose to [bring this to the attention of the Neighborhood Leadership Alliance \(NLA\)](#), an advisory committee to Council with one representative from each Neighborhood Association. If the NLA sees that it is enough of a citywide issue to explore, it could be brought up to decision-makers, and with enough community support from varied perspectives, the BDC could be amended.

How do I appeal a land use decision?

Those who provide oral or written comments during the public comment period become a “party to the record” and may appeal a land use decision. This gives the noticed individual [standing](#) to make an appeal if desired. Appeals must be made within the required timeframe following a Notice of Decision. Appealing land use decisions can be extremely costly (thousands of dollars for some), and it is important to understand what factors are relevant to a decision in order to evaluate whether an appeal has an opportunity to succeed.

The [Bend Development Code \(BDC\)](#) outlines the process to appeal a land use decision in [BDC 4.1.1100](#).



Accommodation Information for People with Disabilities

To obtain this information in an alternate format such as Braille, large print, electronic formats, etc. please contact Makayla Oliver, Community Relations Manager at moliver@bendoregon.gov or (541) 323-8571. Relay Users Dial 7-1-1.

