

PATH TO REVIEWING A LAND USE APPLICATION

When you learn about a proposed project in your neighborhood, what do you do next? Do you research the project details and opportunities for public involvement, or do you immediately phone your city councilor or write a letter to the editor of the local newspaper? Before taking action, you might consider the opportunities outlined in this document to help you to participate in the land use process from the earliest point possible.

The types of [land use applications](#) can vary a greatly from one another, which can make defining a single path to learning about a project and reviewing an application difficult. Some community members might be comfortable with the minimum information, but others might have a desire to dig deeper into the details of the project. Regardless of where you fall, the community has an opportunity to be informed and involved. The State of Oregon lists community involvement as the first of [19 statewide planning goals](#) adopted to ensure the highest possible level of livability in Oregon (ORS 197.010 (1)).

Opportunity 1: Get Familiar with Land Use Planning in Bend

- A. **Check out the Land Use Education Webpage.** The [Neighborhood Leadership Alliance \(NLA\)](#) and the City of Bend have teamed up to develop a [Land Use Education Webpage](#) to help community members understand more about land use planning in Bend. This webpage incorporates a collection of resources that cover a wide range of topics including the land use planning process, public participation and the important drivers for land use decisions in Bend.
- B. **Connect with people:**
 - The [City of Bend's Planning Division staff](#) (or the assigned planner, if available).
 - Find your [Neighborhood Association](#) and get on their email list! Neighborhood Associations were developed to represent community interests. The City of Bend notifies these groups of land use applications and decisions within their boundaries. This unique partnership helps the community gain the information they need to advocate for appropriate development of their neighborhoods, and allows association leaders to organize members to respond to land use proposals and follow up through future meetings or public hearings.
 - [Your Neighborhood Association Land Use Chair.](#)
 - Your neighbors!
- C. **Get to know the Bend Development Code.** The [Bend Development Code \(BDC\)](#) is a published compilation of City land use laws that regulate development within Bend. Understanding how to find and navigate the BDC is important for anyone who is interested in learning what land uses are allowed in Bend, and the criteria used by decision-makers in approving land use/development applications.



Opportunity 2: Learn About the Project & Ask Questions

The review period for a complete application is quick, often only a few weeks, which makes it important to begin your participation at the earliest possible date – even before the applicant submits their application.

- A. Research available pre-application materials.** Sometimes, developers and applicants will have an optional meeting with the City Planning Staff prior to scheduling a meeting with neighbors, or submitting an application. These materials are available in the [City's Online Permit Center](#). If you know the site address for the project, you can find the information through “Application Search” under the Planning & Historic section. Not all pre-application meetings result in an application, and some can be very different from the pre-application meeting to submittal.
- B. Attend the Neighborhood Public Meeting.** There are [seven types of land use/development applications](#) that require the developer to hold a [Neighborhood Public Meeting](#). This meeting is the most direct and best opportunity that the public has to converse with the applicant and air concerns for their consideration, before they have finalized their development proposal. Notices are sent to the neighbors within 500 feet of the project site, and to the Neighborhood Association.

Opportunity 3: Review the Land Use Application

Once the applicant completes the application and submits it to the City of Bend, it's time to review! If this is your first time reviewing a land use application, you may not know where to start. Some applications are minor while others are large and include a mix of land uses.

RESOURCES TO HELP IN THE REVIEW OF THE APPLICATION:

The following resources may be helpful in reviewing a land use application:

- Your [Neighborhood Association Land Use Chair](#)
- Navigating the Bend Development Code – *Coming soon!*
 - Siting and Design Standards are located in Title 2 Land Use Districts and in Title 3 Design Standards
 - Process is located in Title 4 Applications and Review Procedures
- Find what can be built next door – *Coming soon!*
- [Deciphering Parking Calculations](#)
- Deciphering Traffic Studies – *Coming soon!*
- [Understanding Land use Waivers & Variances](#)



Reviewing applications involves six types of documents:

1. Bend Development Code.
2. Project plans and documents.
3. Application “Burden of Proof.”
4. Public comments.
5. Planning Staff Report.
6. Notice of Decision.

PATH TO REVIEWING A LAND USE APPLICATION

A. Start with the Bend Development Code

The road map to reviewing a land use application begins with the Bend Development Code. This document establishes all the requirements for land use and development in the City of Bend. Developers and applicants start with the code as the foundation of a project. By understanding the code sections that apply to a project, you can better understand how likely it is to be approved.



B. Review Project Plans

Project plans are available for review once an application has been deemed complete by City staff. After the application is completed, a notice is posted on the project site and sent out to community members within a certain radius. This notice begins a where the public can begin the review of all the plans and documents, including the submitted “Burden of Proof,” and submit comments for the public record. Remember, the submitted application can vary from what was presented in a pre-application or neighborhood meeting.



C. Check the Application "Burden of Proof"

As part of the land use application, the applicant prepares a report called the “Burden of Proof.”. This report should include an analysis of how the project complies with all the development standards required by the Bend Development Code. In most cases, the report will state how the application complies with the relevant standard. In some cases, the report will state a specific standard is not relevant.



TYPE II APPLICATIONS

D. Review & Submit Public Comments

As mentioned earlier, once a land use application is noticed, it begins a 14-day public comment period in which community members can submit comments to be recorded as part of the public record. Towards the end of the 14-day period, you may want to review what



comments have been submitted on the project and assess how they might impact the final decision when compared with the development code.



E. Staff Report (No Public Hearing)

With each application submitted to the City, there is a planning staff member assigned to review it for completeness. The assigned staff planner reviews all the application's plans and documents, plus all the written public comments. The planner may find the applicant may not have complied with a specific standard, and notify the applicant of the application's deficiency. At the end of the staff report, the planner will list all of the project's "Conditions of Approval," which may require the applicant to make changes to comply with the development standards of the Bend Development Code. **For a general Type II application, the staff report is the basis for administrative approval of the application.**

TYPE III APPLICATIONS

D. Review & Submit Public Comments

A notice for a Type III application must be mailed at least 20 days prior to the evidentiary hearing for those matters set for one evidentiary hearing, or 10 days prior to the first evidentiary hearing where two or more evidentiary hearings are held. The staff report for this application must be published at minimum, seven calendar days prior to a public hearing.



E. Public Hearing

A public hearing is then held to listen to the staff report from the staff, and testimony from the applicant and any interested community members and include them in the public record. The decision-making body then reviews all written and oral comments alongside the application and approval criteria listed in [Bend Development Code 4.2.500\(D\)](#). They then publish their findings in a "Notice of Decision."



F. Notice of Decision

Following all public comment opportunities, a decision is made. City staff mails notice of approval or denial of the application to adjacent neighbors and emails the Neighborhood Association.

Opportunity 4: Submit comments

Now that you have general knowledge of land use planning and a good understanding of the project, it's time to prepare a formal comment that will be submitted for the public record.

FIRST TIME SUBMITTING A COMMENT?

Here are [Tips for Submitting Written Comment on a Land Use Application](#) for you to reference!



Community members are not expected to be experts on every section of the Bend Development Code. While some comments are unrelated to the decision-making criteria and likely to be rejected, Bendites need to ask questions if they are to learn how land use works in Bend. The State of Oregon puts great emphasis on public participation in land use planning, and community members need to voice what matters to them to ensure the utmost quality of life for the community through change and growth.

Even with this standard of participation and engagement, it is important to understand what comments can or cannot influence in order to manage expectations when submitting concerns. If a project is meeting all of the requirements outlined in the Bend Development Code, and complies with [Bend Comprehensive Plan's vision](#), then it is likely to be approved. This is one reason that early involvement is important in influencing land use decisions. The earliest opportunity for engagement is during the Neighborhood Public Meeting, which provides the community with an opportunity to engage in discussion directly with the applicant prior to their submittal of an application.

FIVE TYPES OF COMMENTS:

By now you probably understand how the project fits within the City's code requirements, but you might still have questions and concerns. Below are the five types of comments that have historically been submitted by the public:

Examples of comments that would be considered by the City:

1. **Objective compliance with code** (i.e. setbacks and heights).
2. **Subjective interpretation of the intent of the code** (i.e. justification for second access or parking credits).
3. **Engineering judgment** (i.e. trip distribution and site internalization/trip sharing).
4. **Requested variance or waiver** (i.e. taller height and narrower street).

Example of comments that may not be considered by the City but may have value to your Neighborhood Association:

5. **Comments often deemed irrelevant or in conflict with the code** (i.e. parking seems inadequate, too much traffic congestion).

RESPONSES TO COMMENTS

Generally, City staff do not officially respond to individual comments outside of the written land use decision. However, planning staff are always willing to discuss questions or concerns with participating community members.



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 at moliver@bendoregon.gov or (541) 323-8571; Relay Users Dial 7-1-1.

