

[D3d] Path to Reviewing an Application

v. February 23, 2021

The types of Land Use applications can vary a great deal which can make defining a single path to reviewing an application difficult. This document is intended to provide a list of resources to aid the individual wishing to not just take the word of the applicant or staff planner. The State of Oregon lists community involvement as the first goal within the statewide goals adopted to ensure the highest possible level of livability in Oregon (ORS 197.010 (1)).

If this is your first time reviewing an application, it's not necessarily intuitive and not necessarily easy. We have listed many possible resources to help with the process. Some land use applications are minor while others are large and include a *mix* of land uses.

Step One – Homework before beginning the review

A. Land Use Education Program - The Neighborhood Leadership Alliance (NLA) and the City of Bend have teamed up to prepare the Land Use Education Program, a collection of resources bundled in three guides. These documents cover a wide range of topics including but not limited to, the process, the relevant siting and design criteria and what drives the development code:

- Guide to Public Meetings with Neighborhoods for Applicants/Developers (Link)
- Land Use Chair Guide (Link)
- Community Education Guide (Link)

B. Other resources:

- Staff planners in the City of Bend's Planning Division
- Your local Neighborhood Association Land Use Chair
- Your neighbors

The review period for a complete application is often only a few weeks which makes it important to begin your participation at the earliest possible date. This involvement could be participation in a citizen advisory committee considering new code amendments or attending the Bend Development Code required public neighborhood meeting before an application submittal on seven applications.

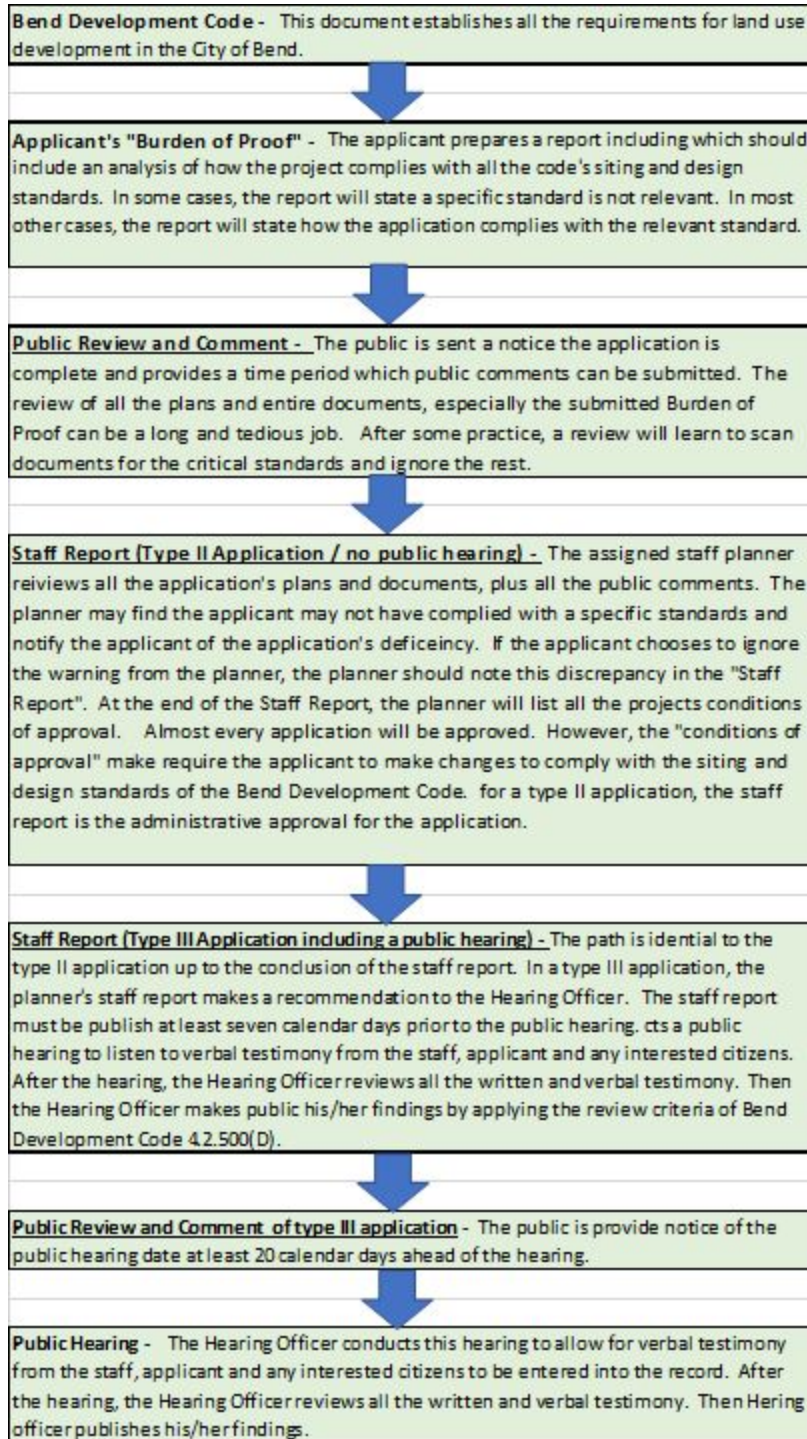
Step Two - Review of the application

The processing of applications involves six basic components:

- Bend Development Code
- Application plans

- Application “Burden of Proof”
- Planning Division documents (“Staff report”)
- Other public comments

The road map to reviewing the application is the Bend Development Code



How to use the resources to help in the review of the application:

Here are links to several resources that may be helpful with reviewing the application.

- Bend Development Code Navigation (link)
 - Siting Standards are located in Title 2 Land Use Districts
 - Design Standards are located in Title 3 Design Standards
 - Process is located in Title 4 Applications and Review Procedures
- Find what can be built next door (link)
- Deciphering Parking Studies (link)
- Deciphering Traffic Studies (link)
- Variance and Waiver Criteria (link)
- Sample Comment Letter (link)

Five types of comments:

- A. Objective compliance with code (examples: setbacks and heights).
- B. Subjective interpretation of the intent of the code (justification for second access or parking credits)
- C. Engineering judgment (examples: trip distribution and site internalization/trip sharing)
- D. Requested variance or waiver (examples: taller height and narrower street)
- E. Comments often deemed irrelevant or in conflict with the code (examples: parking seems inadequate, too much traffic congestion)

No comment is a bad comment.

The public should not be expected to be experts on every section of the Bend Development Code. While some comments are always likely to be rejected, citizens need to ask questions if they are to learn how land use works in Bend. The second reason to ask questions is citizens need to voice what matters to them. The Statewide planning goals were intended to ensure continued “livability” for the community. By tracking the type of concerns citizens have, your Neighborhood Associations(NAs) can share this information with other NAs. If enough citizens

raise a valid concern about a specific siting and design standard, your representatives can bring that concern to the attention of your City Council. Check out this link to “Your Community / Your Code.”

Response to comments.

The applicant should respond to the public’s comments in a supplement to the Burden of Proof and the staff should respond to the public’s comments in the introduction of the staff report.