



# **LAND USE & CODE 101**

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# Questions

Now

Later

Anytime



## ***Bend Code (Municipal Code or 'Muni' Code)***

- Most City Laws regarding issues such as:
  - General City Administration
  - Noise, nuisances
  - Business licensing
  - Public rights-of-way
  - Revenue and taxation
  - Public protection
  - Fire and Building (Adopts Oregon Fire and Building Codes)
  - Sign Code (Chapter 9.50) Landmarks Code (Chapter 10.20)



## ***Development Code (Chapter 10.10 of Bend Code)***

- Anything that regulates land use
- Implements the land use and development policies of the General Plan
- Regulates by zoning districts, states what uses are allowed in each zoning district
- Has standards for development and processes for obtaining land use approvals
- Applies city-wide



- Violations of the Code are civil infractions
  - Codes are not voluntary or advisory
- Council traditionally encourages voluntary compliance with the Development Code, but fines could be imposed
- Any restrictions set by HOAs (CC&Rs) are legal contracts between the homeowners and outside the City Code
  - May be more restrictive than City regulations

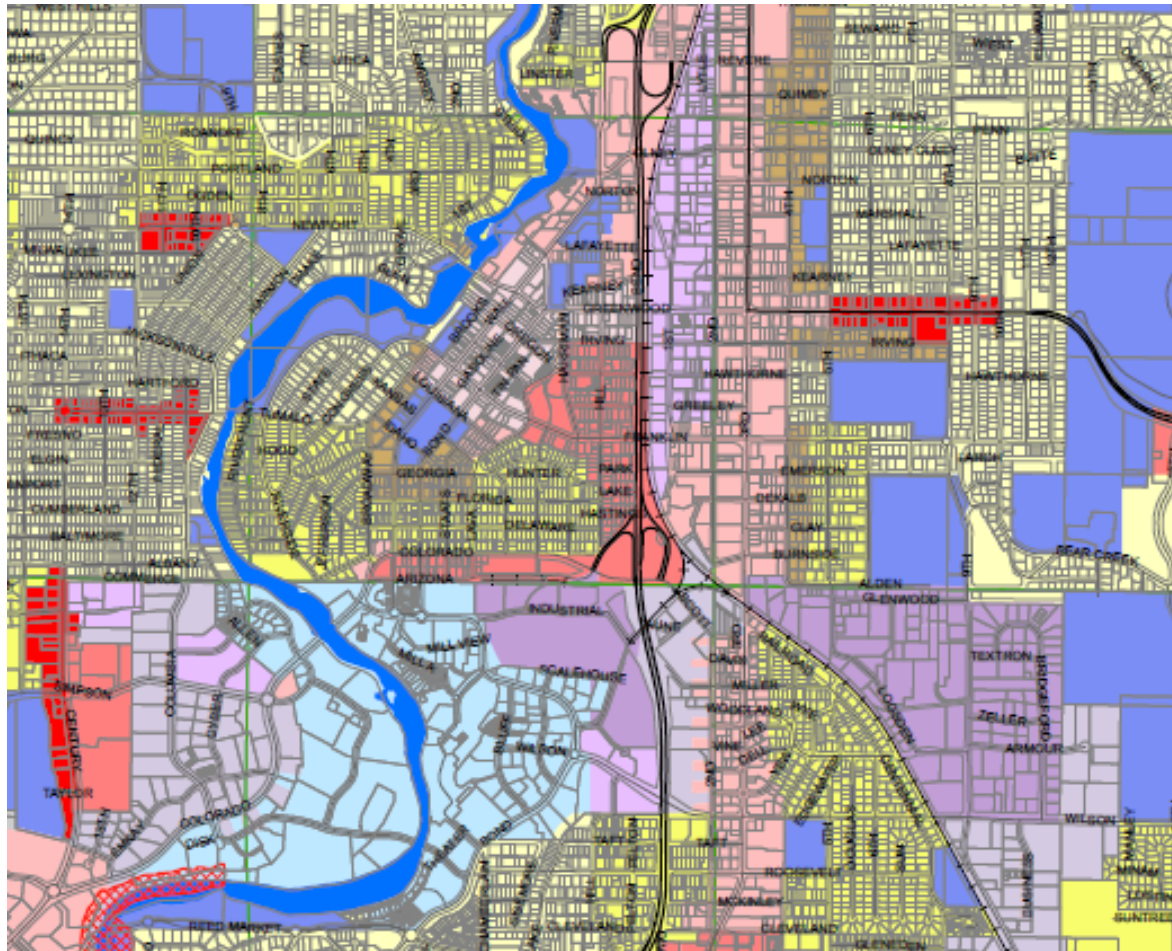


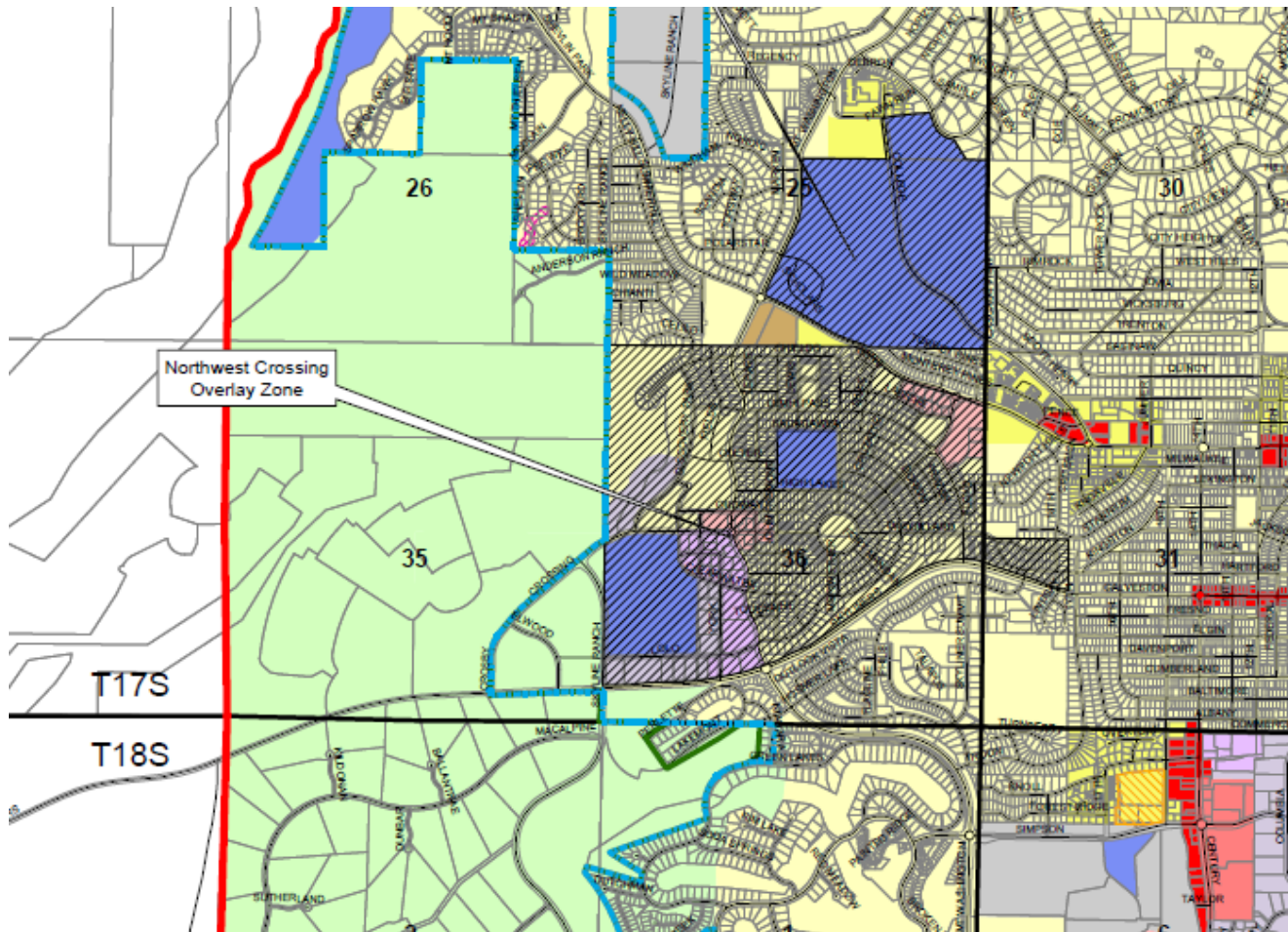
## General Districts

- Zoning Districts – different permitted uses and regulations/standards by district

## Special Districts

- Overlays/Special Planned Areas – additional or different regulations than the underlying zone
- Sign Districts – six districts with differing sign allowances









## ***Type I Application***

- Simple permits, no discretion in criteria (only measurements, counting, etc.)
- No public or NA notification
- Property Line Adjustment & Home Occupations are currently Type I Permits
- Only applicant can appeal a Type I application



## ***Type II Application***

- Limited Land Use Decision - provides some discretion in criteria
- Notification to property owners within 250 ft.
- Letter sent to NA Land Use Chair
- Posting sign on property
- Larger developments must have a public meeting
- Decision issued by staff
- Final decision must be issued within 120 days
- Neighbors can provide written comments and can appeal decision to Hearings Officer



## ***Conditional Use Permit (CUP)***

- One type of a Type II permit is a Conditional Use Permit, also requires:
  - Neighborhood public meeting held by the applicant BEFORE submitting an application
  - Notification of property owners within 500 feet and the NA Land Use Chair BEFORE submitting an application
- Anyone “adversely affected” can appeal – they don’t have to provide comments to the city prior to the decision.



## ***Type III Application***

- Quasi-judicial decisions – made by the Planning Commission or Hearings Officer
- Involves a Public Hearing after mailed public notice to neighbors and NA Land Use Chair
- Used for Deschutes River Design Review, Master Development Plan/Special Planned District, Zone Change, Appeals



## ***Type IV Application***

- Legislative Projects – most are city-wide
- Subject to broad criteria of approval
- Mailed notice to NA Land Use Chair and published in the Bulletin
- Planning Commission provides a recommendation; City Council is final decision-maker – both hold public hearings
- Used for Development Code text amendments- UGB Expansion is another example



## Conditions of Approval

Conditions may be added by the City as a requirement of land use approval

- Must be based on Code criteria
- Must be related to the development
- Must be proportional to the impact of the development



# Planning Commission

- Final decision maker on some applications
  - Waterway Overlay Zone
  - Mixed Riverfront master plans
- Advisory recommendations to City Council on legislative land use matters (e.g. Code updates)
- Citizen Involvement Committee



## Hearings Officer

- Contracted land use attorneys (currently three)
- Handle quasi-judicial hearings on controversial development proposals and appeals
- Initial decision can be appealed to City Council





# Appeals

- Type I and II administrative decisions appealed to the Hearings Officer
- Initial decision of Hearings Officer can be appealed to City Council
- Hearings Officer decision on appeal is to the Land Use Board of Appeals (LUBA)



# LUBA

- Special appellate board established by the legislature
- Panel of three judges with land use experience appointed by the Governor
- Hear all land use decisions appealed beyond the local level
- LUBA decisions may be appealed to the Oregon Court of Appeals



The End