



# COMMUNITY DEVELOPMENT

## LAND DIVISION APPLICATION

Subdivision

Partition

Replat

### Contact Information

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

ePlans Submitter: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

### Property Information

Site Address: \_\_\_\_\_ Tax map & lot number: \_\_\_\_\_

Comprehensive Plan Designation: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Total Land Area: \_\_\_\_\_ Present Use: \_\_\_\_\_

### Proposal

Name of Subdivision (if applicable): \_\_\_\_\_

Number of lots: \_\_\_\_\_ Number of Phases: \_\_\_\_\_

Transportation Review BP # \_\_\_\_\_ Utility Availability Review BP # \_\_\_\_\_

To the best of my knowledge, all statements and information contained in this application and attached exhibits are true and correct. I authorize City of Bend staff and/or Hearings Body to enter the property for inspection of the site in conjunction with this land use application.

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

## SUBMITTAL REQUIREMENTS

All plans must be submitted electronically. Please complete this application, save it to your computer, and e-mail it to [BendPlanning@bendoregon.gov](mailto:BendPlanning@bendoregon.gov). Once the application is received by the City and entered into our system, you will receive emailed instructions on how to upload your application materials to the City's ePlans electronic permitting system. Application fees may be paid in person or mailed to the City of Bend Permit Center, 710 NW Wall Street, Bend, OR 97703. Credit card payments may also be made by phone after you receive the ePlans upload request. Call (541) 388-5580 and select option #3 for the Planning Division to pay with a credit card.

*Prior to Land Division application submittal, these two applications must be submitted:*

- A Transportation Facilities Report (TFR) is required for all land divisions creating 2 or more new parcels as determined by the Bend Development Code 4.7.400. Please submit [this Transportation Review Application](#) along with the TFR directly to the Private Development Engineering Division at [comdeveng@bendoregon.gov](mailto:comdeveng@bendoregon.gov) prior to submittal of this land use application. The Engineering Division will provide a Traffic Analysis Memo upon review and payment of the Transportation Review application that must be submitted as part of this Site Plan Review application for it be deemed complete.
- A Water and Sewer Analysis application is required for all land divisions creating 2 or more new parcels where properties will be served by City utilities. Please submit [this water/sewer analysis application](#) directly to the Private Development Engineering Division at [comdeveng@bendoregon.gov](mailto:comdeveng@bendoregon.gov) prior to submittal of this land use application. The Engineering Division will provide a Utility Availability Memo upon review and payment of the water/sewer application that must be submitted as part of this Site Plan Review application for it be deemed complete.

*The following information is required to be submitted with this application:*

- General information required:
  - Letter or narrative report documenting compliance with the applicable approval criteria.
  - Proposed or existing name of the subdivision.
  - Names, addresses and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Division by the applicant.
  - Date of preparation, true north, scale, and gross area of the proposed subdivision, partition or replat.
  - Appropriate identification of the drawing as a tentative plan for a subdivision, partition or replat.
  - Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
  - Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.
  - A Title Report or a Subdivision Guarantee prepared within the previous ninety (90) days.

- If a tract of land has water rights, the application shall be accompanied by a water rights division plan approved by the irrigation district or other water district holding the water rights, or when there is no such district, by the County Watermaster.
  - A letter or other written documentation from the Bend Metro Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed subdivision, partition or replat and provide the District an opportunity to review the design for options to enhance existing parks and trails, and develop new parks and trails.
  - Utility Availability Memo issued by the City (see above). Where a water service is provided by another utility (Avion or Roats), a 'will serve' letter shall be provided. The letter shall confirm that there is adequate system pressure capacity and flows to serve the proposed use.
  - Traffic Analysis Memo issued by the City (see above).
- ☐ Existing Conditions. Information concerning existing on-site conditions and conditions within 150 feet of all property included in the proposed subdivision, partition or replat:
- Location, names, and widths of existing improved and unimproved streets and roads, bikeways, and access corridors.
  - Location of any existing features such as section lines, section corners, city and special district boundary lines, and survey monuments.
  - Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, and any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
  - The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;
  - Location and direction of water courses, and the location of areas subject to flooding and high water tables, including areas lying below the 100-year flood elevation as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
  - Location, width, and use or purpose of any existing easement or right-of-way for utilities, bikeways, and access corridors within and adjacent to the proposed subdivision, partition or replat.
  - Existing sanitary and storm sewer lines, water mains, septic facilities, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision, partition or replat.
  - Topographic contour lines shown at one-foot intervals for slopes of 10 percent or less. For slopes greater than 10 percent, contour lines shall be shown at two-foot intervals. Slopes greater than 25% shall be identified.
  - Bend Area Comprehensive Plan and Zoning Map classification of lands within and adjacent to the proposed subdivision, partition or replat.
- ☐ Information concerning proposed subdivision, partition or replat:
- Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to existing and projected streets within 150 feet.
  - Location, width, and purpose of all proposed easements or rights-of-way for utilities, bikeways, and access corridors, and relationship to all existing easements and rights-of-way within 150 feet.

- Location of at least one permanent bench mark within the existing or proposed subdivision, partition or replat boundary.
- Location, approximate area, and dimensions of each lot, parcel, or designated unit of land and proposed lot or parcel numbers.
- Location, approximate area, and dimensions of any lot, parcel, or unit of land proposed for public use, the use proposed, and plans for improvements or development thereof.
- Proposed use, location, approximate area, and dimensions of any lot, parcel, or unit of land intended for nonresidential use within a residential land division.
- Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans and all other utilities.
- Description and location of any proposed common area and community facility.
- Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized.
- Statement from each utility company proposed to serve the proposed land division or reconfiguration stating that each such company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of such service. Each utility purveyor shall be noted on the tentative plan.
- Proposed fire protection system for the land division or reconfiguration, including fire hydrant locations and sizes of water mains.
- Solar Access. Provide a statement relative to the solar access to be provided by the subdivision plan in accordance with BDC Chapter 3.5.

- Future Subdivision. Where a tract is proposed to be divided into parcels, lots, or units of land of an acre or more, the Review Authority may require an arrangement of parcels, lots, units of land and streets such as to permit future subdivision in conformity to the street requirements and other requirements contained in this Code.

### **Phased Tentative Plan**

- Overall tentative plan, including phase or unit sequence, and the schedule for initiation of improvements and projected completion date.
- Overall facility development phasing plan, including transportation and utility facilities plans that specify the traffic pattern plan for motor vehicles, bicycles, and pedestrians, water system plans, sewer system plans and utility plans.
- Development and phasing plans for any common elements or facilities.
- Plan of development pattern for streets, bikeways, and access corridors for adjoining lands as required by the Review Authority.

### **Verification of Neighborhood Meeting**

The applicant for a Subdivision shall present the proposal at a public meeting prior to submitting the application to the City Planning Division. The presentation shall be made at either a regular or special meeting with a neighborhood association recognized by the City of Bend whose boundaries the subject property lies within, or a public meeting arranged and conducted by the applicant. It shall be the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected neighborhood of the date, time and location of the meeting/presentation. Such meeting shall

be held no less than 15 days and no more than 45 days from the date that the applicant notifies the designated representative of the affected neighborhood association.

The applicant shall send mailed notice of the public meeting to all property owners within 500 feet of the boundaries of the subject property, and, if any part of the subject property is within the boundaries of a neighborhood association recognized by the City of Bend or within 500 feet of any other neighborhood association recognized by the City of Bend, notice shall be sent by Priority Mail with Delivery Confirmation to the designated representative of such neighborhood associations. The mailing list shall be compiled from the Deschutes County Tax Assessor's property owner list from the most recent property tax assessment roll. The address for the designated representative of the affected neighborhood associations shall be obtained from the City of Bend. The notice shall be sent a minimum of 15 days prior to the public meeting, and shall include at a minimum:

- Date, time and location of the public meeting.
- A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernible.
- The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessors map) which depicts the subject property.

The applicant shall provide the following documents with their application:

- Provide [Verification of Compliance](#) Form with signature from the Neighborhood Association representative.
- Provide [Verification of Public Meeting](#) Form with signature from the Neighborhood Association representative.
- Provide copy of the notice mailed to property owners within 500 feet of the subject site as well as a copy of the mailing list and copy of Priority Mail Delivery Confirmation to the Neighborhood Association representative.

**BEND DEVELOPMENT CODE SECTION 4.3.300.E  
CRITERIA FOR SUBDIVISION, PARTITION OR REPLAT**

1. The proposal provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, and other natural and historic resources to the maximum degree practicable.
2. The proposal allows for the development of adjacent property in accordance with the provisions of this code.
3. The proposal meets all standards and requirements of this code.
4. All required public facilities have adequate capacity, as determined by the City, to serve the proposed subdivision, partition or replat.
5. The proposal contributes to the orderly development of the Bend area transportation network of roads, bikeways, and pedestrian facilities, and allows for continuation and expansion of existing public access easements within or adjacent to the subdivision, partition or replat.
6. Each lot, parcel, or designated unit of land is suited for its intended use.
7. That the placement of utilities is in accordance with the adopted City standards.
8. The proposal meets the requirements of the Fire Code, adopted flood protection standards, and other adopted standards intended to protect against natural hazards.
9. The proposal is in substantial conformance with any applicable approved master development plan, master facilities plan, refinement plan and/or special area plan.
10. The proposal complies with the standards of the zoning district in which the project is located and the standards of the zoning district that implements the Comprehensive Plan designation of the subject property.



# COMMUNITY DEVELOPMENT

## EXPEDITED LAND DIVISION FORM

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This form must accompany all subdivision and partition applications

### **What is an Expedited Land Division?**

The expedited land division process provides an alternative to the standard procedures for subdivisions and partitions. An applicant may choose to use the expedited land division process if their request meets the criteria specified in Oregon Revised Statute (ORS) 197.360. The steps in this procedure differ from the regular subdivision procedure, but still include public notice and opportunity for appeal to a hearings officer.

The expedited land division process has existed since 1995. However, the 2015 Oregon Legislature expanded the eligibility criteria and required that all applicants elect whether they wish to use the process.

### **Is it faster than the regular subdivision process?**

The expedited land division provides local process where the final decision must be rendered within 119 days. A typical land division decision must be made within 120 days under State law. However, in Bend the average processing time for a land division application is approximately 60 to 70 days.

### **What are the requirements to qualify for the Expedited Land Division process?**

ORS 197.360 lists the requirements to qualify for an expedited land division review. These requirements are summarized below. The full text of ORS 197.360 – 197.365 is included on the reverse side of this form.

The proposed subdivision or partition:

1. Must be on residentially zoned land and must be solely for the purposes of residential use;
2. Must not create building lots that provide for dwellings or accessory buildings within areas that contain natural resource protections;
3. Must satisfy all City street standards and connectivity requirements; and
4. Must either:
  - a. Create enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
  - b. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

### ***Are you applying for an Expedited Land Division?***

Yes       No  (If yes, please attach a written description of how the proposal satisfies ORS 197.360)

Property Location: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Applicant Signature \_\_\_\_\_

## EXPEDITED LAND DIVISIONS

**197.360 "Expedited land division" defined; applicability.** (1) As used in this section:

(a) "Expedited land division" means a division of land under ORS 92.010 to 92.192, 92.205 to 92.245 or 92.830 to 92.845 by a local government that:

(A) Includes only land that is zoned for residential uses and is within an urban growth boundary.

(B) Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

(C) Does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:

(i) Open spaces, scenic and historic areas and natural resources;

(ii) The Willamette River Greenway;

(iii) Estuarine resources;

(iv) Coastal shorelands; and

(v) Beaches and dunes.

(D) Satisfies minimum street or other right-of-way connectivity standards established by acknowledged land use regulations or, if such standards are not contained in the applicable regulations, as required by statewide planning goals or rules.

(E) Will result in development that either:

(i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

(ii) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

(b) "Expedited land division" includes land divisions that create three or fewer parcels under ORS 92.010 to 92.192 and meet the criteria set forth in paragraph (a) of this subsection.

(2) An expedited land division as described in this section is not a land use decision or a limited land use decision under ORS 197.015 or a permit under ORS 215.402 or 227.160.

(3) The provisions of ORS 197.360 to 197.380 apply to all elements of a local government comprehensive plan and land use regulations applicable to a land division, including any planned unit development standards and any procedures designed to regulate:

(a) The physical characteristics of permitted uses;

(b) The dimensions of the lots or parcels to be created; or

(c) Transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

(4) An application for an expedited land division submitted to a local government shall describe the manner in which the proposed division complies with each of the provisions of subsection (1) of this section. [1995 c.595 §7; 2015 c.260 §1]

**197.365 Application for expedited land division; notice requirements; procedure.** Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360:

(1)(a) If the application for expedited land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for an expedited land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

(3) The notice required under subsection (2) of this section shall:

(a) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.

(b) Set forth, by commonly used citation, the applicable criteria for the decision.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the place, date and time that comments are due.

(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.

(f) Include the name and telephone number of a local government contact person.

(g) Briefly summarize the local decision-making process for the expedited land division decision being made.

(4) After notice under subsections (2) and (3) of this section, the local government shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the local government's land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

(A) Shall not hold a hearing on the application; and

(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.

(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:

(A) The summary statement described in paragraph (b)(B) of this subsection; and

(B) An explanation of appeal rights under ORS 197.375. [1995 c.595 §8; 2015 c.260 §3]