

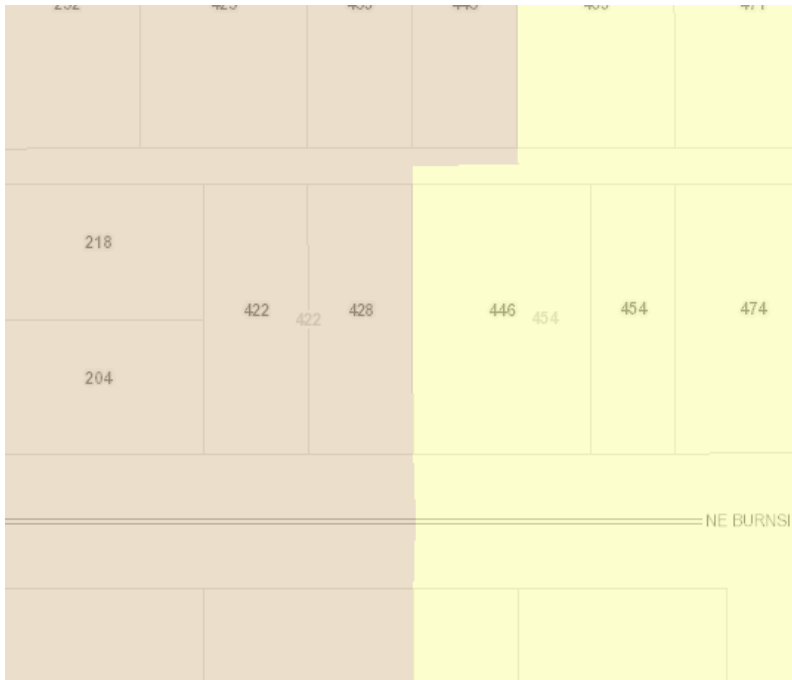


# PLAN/ZONE ALIGNMENT PROJECT

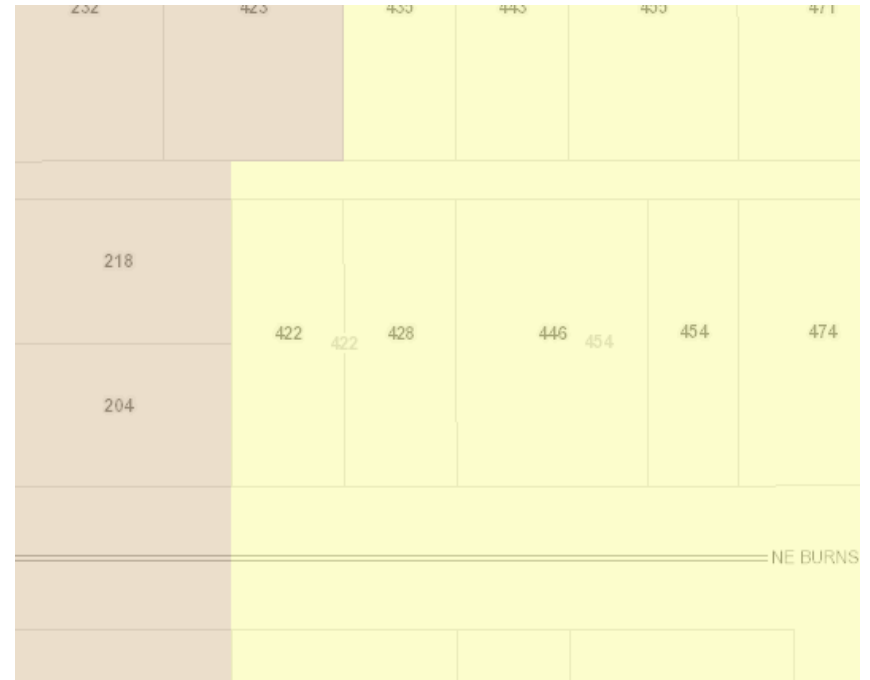


## What is a plan/zone conflict?

Plan Designation


























Zoning























# LEGENDS



## Zoning

 CB - CENTRAL BUSINESS DISTRICT	 PF - PUBLIC FACILITIES
 CC - COMMERCIAL CONVENIENCE	 PO - PROFESSIONAL OFFICE
 CG - COMMERCIAL GENERAL	 PO/RM/RS
 CL - COMMERCIAL LIMITED	 RH - RESIDENTIAL URBAN HIGH DENSITY
 CN - COMMERCIAL NEIGHBORHOOD*	 RL - RESIDENTIAL URBAN LOW DENSITY
 IG - INDUSTRIAL GENERAL	 RM - RESIDENTIAL URBAN MEDIUM DENSITY
 IL - INDUSTRIAL LIGHT	 RS - RESIDENTIAL URBAN STANDARD DENSITY
 IP - INDUSTRIAL PARK	 SM - SURFACE MINING
 ME - MIXED EMPLOYMENT	 SR2-1/2 - RESIDENTIAL SUBURBAN LOW DENSITY
 MR - MIXED RIVERFRONT	 UAR - URBAN AREA RESERVE
 MU - MIXED URBAN	 DESCHUTES COUNTY ZONING INSIDE UGB
 MN - MIXED NEIGHBORHOOD	

## Comp Plan

 CB- Central Business District	 PF- Public Facilities
 CC- Commercial Convenience	 PO- Professional Office
 CG- Commercial General	 PO/RM/RS
 CL- Commercial Limited	 RH- Residential Urban High Density
 IG- Industrial General	 RL- Residential Urban Low Density
 IL- Industrial Light	 RM- Residential Urban Medium Density
 IP- Industrial Park	 RS- Residential Urban Standard Density
 ME - Mixed Employment	 SM- Surface Mining
 MR - Mixed Riverfront	 UAR- Urban Area Reserve
 MN - Mixed Neighborhood	
 MU - Mixed Urban	



Why are we doing this?

Maintaining zoning districts that do not correspond with an acknowledged Comprehensive Plan is highly discouraged in Oregon.



## **Baker V. Milwaukie** - Oregon Supreme Court 1975

*“We conclude that a comprehensive plan is the controlling land use planning instrument for a city.*

*Upon passage of a comprehensive plan a city assumes a responsibility to effectuate that plan and conform prior conflicting zoning ordinances to it.” (emphasis added)*



## Oregon Revised Statutes (ORS)

- **197.175(2)**... each city ...shall:
  - (d) make land use decisions and limited land use decisions in compliance with the acknowledged plan and land use regulations.
- **197.195(1)** A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans...



## **227.175 Application for permit or zone change**

(4) The application shall not be approved unless the proposed development of land would be in compliance with the comprehensive plan for the city...

# BEND COMPREHENSIVE PLAN POLICIES





## PRACTICAL ISSUES



- Property cannot be developed with wrong zone
- Cost – approximately \$6,000 in application fees plus private-side costs
- Delay – introduces a public hearing process where one wouldn't otherwise be required
- Sets unrealistic expectations for community about what uses are allowed
- Equity – some properties are mis-zoned, others aren't

## EXPECTATION EXAMPLE



This is not the same as the recent Troy Field and COCC Plan Amendment examples

Plan amendments requires a demonstration that:

- There has been a change in the neighborhood or a mistake or inconsistency in the Plan or Zoning map
- There is a public need and benefit for the change

# EQUITY EXAMPLE



Zoning



Comprehensive Plan Designation

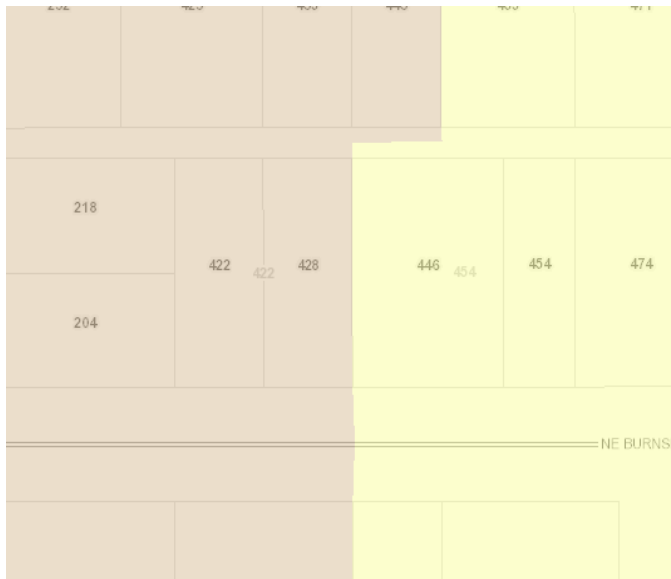


# DEVELOPMENT EXAMPLE



6,000 @ 7.3 du/acre = 1 dwelling unit maximum

6,000 @ 21.7 du/acre = 3 dwelling units minimum





## Why haven't we done this already?

- Would have been easier prior to 1991 TPR adoption
- Bend didn't align plan/zone prior to 1991 – remember, it was a different era, no internet, mills were closing, low development pressure
- After 1991 extensive transportation study needed
- 1998 Comprehensive Plan adoption added more conflicts
- 2012 the TPR was changed by DLCD to allow zone changes when a city has an acknowledged TSP
- Bend's TSP was acknowledged in 2013

# EVEN LAPINE IS DOING IT

