

# ZONING

## *Frequently Asked Questions*

### ***What is zoning?***

Zoning is a mechanism used by government entities to control growth and development by [dividing land in a city or county into zones](#) in which certain land uses are designated for each property. Zoning defines what can (or cannot) be built on a property by regulating **activities** (agriculture, commercial, residential), **densities** (single-family or multi-family housing, apartment complexes) and **characteristics** (parking, landscaping, building heights, setbacks). Zones can be small or large, and can vary greatly in activity, density and characteristics.

### ***How is zoning established? Does the state play a role?***

The State of Oregon requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect ([OR 197.175](#)). A comprehensive plan must follow [Oregon's 19 Statewide Planning Goals](#), and be created through a transparent and public process that includes the community and identifies what development should look like. It also establishes how far a city should expand by identifying how much land is needed for urbanization over the course of two decades. Zoning is one tool used to guarantee the comprehensive plan's vision is met at the individual property level. The plan undergoes periodic updates by the City of Bend to incorporate updated data such as population forecasts. These updates are reviewed by the state's [Department of Land Conservation & Development \(DLCD\)](#) to ensure compliance with new state laws and administrative rules. Amendments to the comprehensive plan can trigger changes to zoning laws and land-division ordinances, and all must be vetted through a public process.

### ***What is the Bend Development Code?***

The [Bend Development Code \(BDC\)](#) is a published compilation of City land-use laws that regulate development within Bend. It serves as the principal vehicle for implementation of [Bend's Comprehensive Plan](#). The Plan's goals and policies provide a framework for decisions that are



consistent with the goals of the Bend community. Once the comprehensive plan is adopted or amended, the zoning and land division policies identified within the plan are codified into the BDC.

### ***How was the Bend Development Code created? Can it be amended?***

The [Bend Development Code \(BDC\)](#) is a living document. The current code was drafted in 2006. Every year, several code amendments are brought to [City Council](#) for a variety of reasons including new regulations driven by state legislation, City Council Goals, updated plans or data, and important community concerns. It's important to know that the BDC will change over time to align with controlling documents such as the comprehensive plan, new legislation at the state level, or because the City Council approves code amendments for other reasons. To stay updated on proposed BDC amendments, you can contact Pauline Hardie, [phardie@bendoregon.gov](mailto:phardie@bendoregon.gov), and get on the email list.

### ***Can zoning be changed?***

Yes, as long as the applicable [Bend Development Code \(BDC\)](#) criteria for a zone change are met. Currently, the criteria for a site-specific zone change involve demonstrating consistency with the Comprehensive Plan map, and demonstrating the existence (or planned development) of adequate public facilities, services, and transportation networks to support the use. Changes to the Comprehensive Plan designation for a property involve additional criteria. The two most common zone changes are, a) zone changes and corresponding comprehensive plan amendments initiated by the City to better meet the community's changing needs (i.e. expanding the Urban Growth Boundary if land supply projections are insufficient to meet growth), and b) when a property owner requests a zone change and comprehensive plan amendment to permit different land uses than designated for that area.

### ***What is the difference between a waiver and a variance?***

Within the [Bend Development Code \(BDC\)](#) are a list of public improvement standards which provide requirements for design and construction of infrastructure (transportation, sewer, water, utilities) that development must comply with. These standards are non-negotiable unless an applicant pursues a waiver or variance. A [waiver](#) can be granted in some instances where the code anticipates that an applicant cannot meet a regulation. For example, when inadequate right of way exists that prevents an applicant from building a full-width street, and the applicant does not have the ability to obtain



additional right of way, a waiver may be granted. A [variance](#) may be requested in instances where there is a site-specific reason that an applicant cannot meet a regulation and that reason is not a self-imposed hardship.

### ***How can I influence zoning or rezoning?***

Community members can influence the outcome of zoning decisions in Bend. There is a public process when creating or amending zoning laws. The public process includes opportunities for community engagement through advisory committees and during public meetings and hearings. Collaboration with various community groups helps to increase the volume of the shared concerns and perspectives for decision-makers. [Neighborhood Associations](#) exist to support this effort, and commonly bring community concerns to the [Neighborhood Leadership Alliance](#), [Planning Commission](#) and [City Council](#) for consideration.

### ***How can I find out what land uses are permitted for my property or surrounding properties?***

You can view the City of Bend's zoning by using the [Community Development Data Explorer](#) and navigating to the "Zoning Lookup Tool" tab, which identifies the established zoning districts. Zoom in and click on your property to see what land uses are permissible in your zone!



#### **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, Community Relations Manager at [moliver@bendoregon.gov](mailto:moliver@bendoregon.gov) or (541) 323-8571. Relay Users Dial 7-1-1.

