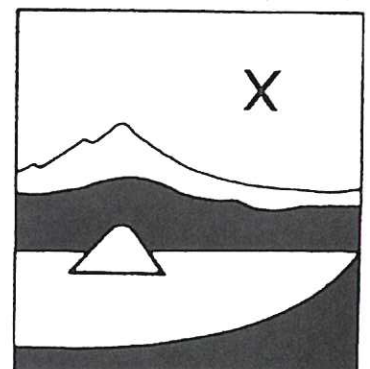


## IMPLEMENTATION



Detroit  
comprehensive plan

## **X: IMPLEMENTATION**

The Comprehensive Plan (Plan) provides a policy framework for guiding all urban growth and development. The Plan, however, is only the initial step in the planning process. The achievement of the goals, and policies of the Plan are also part of the planning process. The devices by which the city may implement the Comprehensive Plan are detailed in this chapter.

The methods by which comprehensive plans are implemented greatly vary, but most always involve the cooperative efforts of private citizens, business enterprise, and local, state and federal governments. These implementing methods may be grouped into four categories: Regulatory Controls, Intergovernmental Cooperation, Public Improvement Financing and Community Program Planning. The second part of this chapter involves a continuous planning process for plan revisions and citizen involvement.

### **REGULATORY CONTROLS**

#### **Zoning Ordinance:**

The zoning ordinance is a means of plan implementation that regulates the use of land by dividing the city into residential, commercial, industrial and other zoning districts. It establishes uniform regulations within each district as to use, building height, lot size, building setbacks from streets and property lines, housing density, landscaping, and other similar requirements.

State laws and recent Oregon Supreme Court decisions have defined the relationship of comprehensive plans and zoning. Oregon law (ORS Chapter 197) not only requires cities to adopt comprehensive plans, it also requires that their zoning ordinance conform to the comprehensive plan.



The *Baker vs. City of Milwaukie* court decision is also supportive of the state mandate. In this decision, the court ruled that in the event of a conflict between a city's zoning ordinance and comprehensive plan, the comprehensive plan shall be the guiding document. As a result, the city must proceed to amend its zoning ordinance to conform to the adopted Comprehensive Plan.

Furthermore, another court decision, *Fasano vs. Washington County*, has ruled that all zone changes must conform to the comprehensive plan. Therefore, once the zoning ordinance has been amended to conform to the comprehensive plan, any subsequent zone change must first be preceded by an amendment of the Comprehensive Plan.

In light of the State land use planning mandate and recent court decisions, the enactment of a new zoning ordinance is an important step in implementing the Plan. Although zoning and other regulatory controls are considered as negative instruments toward regulating standards of development, the proposed zoning ordinance is designed to provide flexibility and incentive for a compatible mixture, with a balanced arrangement of land uses, good layout and design, quality development and open space. Therefore, adoption of the proposed zoning ordinance will give effect to the goals, objectives and policies of the Comprehensive Plan.

Also included in the zoning ordinance is a sign code. This ordinance allows for control of signs as to their overall height, placement, and size. The objective of this ordinance is to encourage signs to be unobstructive and to allow for the recreational theme of the community to be emphasized.

### **Building Code:**

Building code define standards for structure strength, fire, safety, plumbing and electrical installations. These codes help to insure the safety and welfare of the public, but have limited effect in preventing blight in older, built-up areas. Detroit is served by the Marion County Building Department, which uses the Uniform Building Code as a guideline.

## INTERGOVERNMENTAL COOPERATION

Another method of implementing the Plan is through a cooperative effort between the city and other public agencies or cities. Some of the policies and public improvement proposals can best be achieved through a joint effort with other agencies. For example, the State of Oregon and the City of Detroit should work together on any future plans for improvement of Highway 22.

The seeking of advice and consultation by the Planning Commission and city officials is a communication process that can be effective in implementation of the Plan and policies. To develop support from other public and private agencies or groups, both communication and coordination are necessary.

## PUBLIC IMPROVEMENT FINANCING

Most public improvements for streets, sewer and water trunk lines, public buildings and other public projects greatly influence the growth pattern of the city, but require large public expenditures. There are numerous state and federal sources for financial assistance available for public improvements. From the federal government, grants-in-aid are available through the Department of Housing and Urban Development, the Federal Highway Administration, the Department of Health, Education and Welfare, the Department of Agriculture and the Environmental Protection Agency, just to name a few. Funds are available in whole or in part for such projects as streets, sewer and water facilities, parks, open space and public buildings. In addition to direct grants-in-aid, several low interest loan programs are available for both the public and private sector. Low interest, long-term loans for home rehabilitation or new construction (although not public improvements), are available primarily through Rural Development, formerly called Farmers Home Administration, and are clearly in the community interest. Federal revenue sharing funds, and anti-recessionary funds are available, but most often these funds are used for immediate budgeting needs. Community Development Block Grants are also available to the city, though funding is limited and awards are made annually through a competitive application process. Under this program, the city may apply for money to finance such community projects as public works, housing

and social services. Other alternatives within the legal domain of the city for financing public improvements are briefly described below:

1. Pay-As-You-Go - Is the financing of projects from current revenues. Such revenues come from taxation, fees, charges for services, special funds, or special assessments. Advantages of this method include saving of interest costs on borrowed money. The major disadvantage is the need to have uncommitted cash available. Reserve fund financing, such as the city uses, is a variation of this method.
2. General Obligation Bonds - Projects of community-wide benefit are financed by general obligation bonds. Through this method, the taxing power of the city is pledged to pay interest upon and retire the debt. The issuance of this bond requires approval of the electorate. General obligation bonds are used to finance permanent types of improvements.
3. Revenue Bonds - Revenue bonds are sold for such revenue producing facilities as sewer and water systems. The bonds are not included in the state imposed debt limits, as are general obligation bonds, because they are not backed by the full faith and credit of the city.
4. Lease/Purchase - The city may use this method for a needed public works and have it constructed by a private company. The facility is then leased to the city, and at the end of the lease period, the facility is conveyed to the city. The rental over the years will have paid the original cost plus interest.
5. Local Improvement Districts - Here the cost of streets, sewers, sidewalks and other improvements is paid by benefited property owners rather than at public expense. After being built, the projects are turned over to the city for maintenance. The cost of the improvement is apportioned among the owners of the property benefited.
6. Joint Financing - Projects that are mutually beneficial to other agencies can be arranged for joint financing. Such cooperation may bring about projects that would otherwise have to be deferred for many years.

Because of the influence that the provision of public improvements has on the phasing and pattern of urban growth, a capital improvements program and budget (CIP) is perhaps the most important tool for implementing the Comprehensive Plan. Information essential to the development of the CIP can be obtained from the studies and community surveys made in support of the elements of the Comprehensive Plan. For example, population projections provide an estimate of the future growth of the city, and aids in determining what public facilities and services will be needed to meet the needs of the future population base. The Public Facilities Element gives an indication of what exists now and what new public improvements will have to be constructed or furnished to meet future needs and desired growth patterns. Continual reference to the Comprehensive Plan will provide valuable support in preparing the capital improvements program and budget.

Preparation of -the capital improvements program and budget is based upon the prioritization of projects for community development as adopted in the goals, objectives and policies of the Comprehensive Plan. These projects are then programmed into a six-year budget according to existing and possible revenue sources, and anticipated revenue over the next several years at various rates and bases.

The following include some of the more important advantages of capital improvements programming:

1. It presents to the public a profile of the short-term and long-term capital needs of the community.
2. It provides for a coordination of public expenditures.
3. It provides the private sector with some indication of the timing and priority of needed public improvements.
4. It promotes land acquisition in advance of urbanization, thus permitting acquisition at lower costs.
5. It contributes to a more balanced program of bonded indebtedness.

## COMMUNITY PROGRAM PLANNING

The Community Program addresses the community's needs in areas such as expansion of community recreation programs and social and health related programs. Continued growth of the city and changing values will require that new and expanded programs be initiated.

## CITIZEN INVOLVEMENT

No one aspect of the Plan's preparation, review and adoption has been more significant and constructively critical than that of the citizens' involvement in the planning process. The intention is to have a citizen committee function continuously, if only on an ad hoc basis, to periodically review and make recommendations on land use matters and other social and economic development issues. This citizen involvement program is in concert with the first goal of the Statewide Planning Goals and Guidelines established by the Land Conservation and Development Commission which required the development of "... a citizens involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The planning effort in Detroit is open, accessible and solidly supported by the citizens of the city, and the city will expend every effort to keep it this way.

## PLAN REVISION

The value of a Comprehensive Plan as a statement of public policy for the growth and development of Detroit is measured, in part, by the ability of the Plan to reflect the changing needs and desires of the community. Continued growth and development will present new problems and issues which will need to be addressed and resolved. Therefore, the Plan and implementing measures are to be evaluated and revised when public needs and desires change, and when development occurs at a different rate than projected by the Plan. Major revisions to the Plan, however, that would result in a widespread and significant impact beyond an immediate local area are not to be made more frequently than every two years. Changes in the urban growth boundary, Plan map changes from residential to industrial, or any similar changes are considered to have significant impact. Therefore, the Plan and implementing measures are to be reviewed at least once every two years and a public statement issued on whether any revision is needed. The review should begin with an

examination of data on development trends, population growth and effectiveness of policy statements to guide daily and long-term decision-making. The process must also include an evaluation of the social, economic and environmental implications of alternative solutions and strategies for development. Above all, this process is to involve broad citizen participation. If done in a vacuum, the Plan is no longer a statement of the community's desires and values for future development.

Minor changes to the Plan that do not have significant effect beyond the immediate are not to be made more frequently than once a year. Minor plan map changes, such as medium density residential to high density residential, are not considered to have any significant impact. The minor change, however, must be compatible with adjoining existing or future land uses, have streets of sufficient capacity existing or planned, and readily available water service.

Proposals for minor changes to the Plan are to be reviewed collectively at a set time each year. This once-a-year process is important for maintaining the public's confidence in the Plan and the credibility of daily decision-making. Changes to the Plan are to be based on special studies or other resource data and used as a factual basis to support the change. The public need and justification for a change must be documented.

Major revisions and minor changes to the Plan and implementing ordinances must be adopted by the City Council following the forwarding of a recommendation by the Planning Commission based upon citizen involvement, and coordination with other governmental units and agencies. Property owners within 500 feet of an area subject to change are to be notified by mail of proposed changes as is specified by the zoning ordinance.