### Understanding the Climate-Friendly and Equitable Communities Rulemaking Effort ... and Potential Impacts to Bend Neighborhoods

This presentation is meant to assist NA Land Use Chairs and others with understanding the Rulemaking Effort. You should do your own research to understanding the details. Please contact Mike Walker at <u>mcwcllc@msn.com</u> if you have any questions.

October 16, 2021

### **Call to Action - Provide Comments To State**



When to comment:

The first Central Oregon community engagement opportunity in the spring of 2021 had a very poor turnout and very few comments submitted. While people in general are favorable toward actions toward reducing climate change, they may not be aware of the impacts of these code changes.

We need to speak up now instead of waiting until the city goes through the process of amending the land use regulations. These new rules are very prescriptive which means the city will have few options. In other words, just like HB 2001, it really was too late to make changes once the City needed to make code changes.

October 26 Noon – 1:30 PM Bend, Corvallis, Albany (click to register here)

- November 5, 2021 Written comments to RAC #9
- □ March (tba) 2022 Land Conservation and Development hearing

### **Status Overview**

Governor Brown sign Executive Order 20-0 Obligates 20+ state ag to quickly generate act intended to meet emiss and equity goals.	4 gencies ion plans Email to NA's from MO 9/21/2021	<ul> <li>Target Implementation Dat</li> <li>DLCD hopes to have these new rules adopted by the La conservation and Development Commission (LCDC).</li> </ul>	
March 10, 2020	Dept of Land Conservation and Development (DLCD) begins work Formed 40-member Rulemaking Advisory Committee (RAC) and "workgroups".	March, 2022	• Cities required to update Comprehensive Plan and Development Code

These rules will require extensive and controversial land use changes for the City of Bend. These are very "prescriptive" one-size-fits-all rules which means citizens will have very little say in their community's land use regulations. The first "heads up" came from Makayla to neighborhood leaders on September 21, 2021, which followed the <u>first Bulletin editorial.</u> published on September 19th.

## Why Should NA's Care about these rules?

#### 1. Expansive rules without much community input.

- a. Lack of transparency with working group (meetings unpublished, minutes unavailable)
- b. City Staff participating in RACs and working groups -no real reporting back to community stakeholders
- c. Very little effort by DCLD/LCDC to engage community
- 2. **Rules are still in development,** the second community engagement is to occur <u>before</u> completion of the drafting. Examples:
  - a. In climate-friendly areas, allowed buildings are <u>no less</u> than 100 feet in height; setbacks eliminated except for safety needs.
  - b. Pedestrian, Bicycle and Transit projects prioritized over vehicle congestion projects (different than what was voted on for Transportation Bond).
  - c. Eliminate all parking mandates or institute long alternative list of reductions. and require a % of on-street parking to be paid parking at \$1 per hour minimum.

The shear volume of these potential rules are nothing like any previous rule changes. To quote Jon Skidmore, Bend Chief Operating Officer, "the proposed rules are sweeping."

#### Two possible outcomes

- a. Projects are prioritized which few in this community will "utilize" while congestion increases and parking becomes harder
- Developers will pause to consider whether the requirements imposed on future development will meet the marketplace's expectation and lead to a dramatic slow down in development and a failure to meet Bend housing needs.

#### "Planning doesn't drive development...the marketplace drives development."

# **Overview of Divisions to be Changed**



### 6 Concepts of Division 12 (Transportation) Rulemaking

**Prioritize and Select** 

Equity for priority populations

Climate-Friendly Areas

More density / different land use standards

#### Limit Minimum Off-street Parking Mandates

Reduce supply & charge

Support Electric Vehicle Charging Facilities

Mandate charging facilities

High Quality Pedestrian, Bicycle, Transit

Prioritize over vehicle projects Limit Use of Motor Vehicle Congestion Standards

Allow congestion to happen

## **Equity for Priority Populations and Impacted Communities**

**Prioritize and Select** *Equity for priority populations* 

- Changes are the result of a long history of discrimination in planning processes and decisions
- 0120 (2) lists 12 priority populations, but does not limit populations to this list ("seniors" are on the list)
- 0125 (1) cities must center the voices of priority populations in processes at all levels of decision making
- 0125 (3) and regularly assess and report on progress
- 0130 How to complete an equity analysis
- 0160 Modeling and Vehicle Miles Traveled Reduction Targets

Take-aways:

 This may benefit senior communities
 The performance metrics for the "equity" objective have not been drafted yet.

# **Climate-Friendly Areas**

Climate-Friendly Areas

More density / different land use standards

- 0310 (6) shall maintain sufficient lands with Climate-Friendly Areas to accommodate at least 30% of the total identified housing need.
- 0320 (2) calculates the housing by estimating building square footage based on net zoned area, building heights and setbacks. Then assume residential dwellings occupy 30% of all building square footage. Lastly, assume average residential unit is 900 sq. ft.
- 0325 has twelve subsections, here are a few of the twelve:
  - (1) only allowed uses are multifamily, attached single family, office, retail/service/commercial and public uses.
  - (5) require a minimum density of **15 units per acre**
  - (6) allowed building height shall be no less than 100 feet
  - (7) may not establish front, side or rear setbacks except for life safety purposes.
  - (8) may not adopt.....such as floor-area-ratio
  - (9) within newly-development areas, the length of any block face shall not exceed 250 feet.

# **Limit Off-street Parking Mandates**

#### 0405 Parking Regulation Improvements - some examples

- (1)(b) Garages count towards off-street parking mandates.
- (1c) Designated employee parking spaces shall provide preferential parking for carpools and vanpools.
- 1(f) Any required parking spaces may be provided off-site, with 2,000 feet walking distance.
- 1(g) Mandates shall be reduced by 1 off-street parking space for each 3 kilowatts of capacity in solar panels or wind power included in development.
- 2(a) Require EV charging stations for 20% of the parking spaces (% increases over time).
- 2(b) Require dedicated charging capacity to accommodate 50% of parking spaces.
- 3(a) Require solar panel installation with capacity of at least 0.5 kW per parking space or create a tree canopy of at least 50% of parking lot at maturity.
- (4) Encourage the conversion of existing underused parking areas to other uses.

Limit Minimum Off-street Parking Mandates

Reduce supply & charge

### Limit off-street parking mandates....continued

#### 0410 Reduction of Parking Mandates - some examples

• (1) Repal all parking mandates or meet the provisions of section (2) through (5)

#### • (3) Shall reduce parking mandates in Climate-Friendly Areas

- (a) not enforce any parking mandates within Climate-Friendly Areas or on parcels that include land within ¼ mile of those areas, <u>or</u> (b)
- (b)(A) adopt a parking benefit district on a majority of on-street parking spaces at a minimum metered cost of \$1 per hour for at least 6 hours per day on weekdays
- (b)(B) require no more than ½ off-street parking space per new housing unit
- (b)(C) not enforce parking mandates for commercial developments.
- (5) adopt a market-based parking management approach as provide in subsection (a) [unbundle parking spaces and building, employers provide free or subsidized parking, a tax on income off lot] or a reduced regulation parking management approach as provided in subsection (b) [ten specific repeals of parking mandates].

**0415 Parking Management for More Populous Communities**.....requirements on major remodels, remove all mandates or price percentage of on-street parking spaces, study local conditions and set appropriate parking maximum rates.

# High Quality Pedestrians, Bicycles, Transit

Bicycle System -

- 0600 Bicycle System Planning requires a bicycle system element that provides for a substantial portion of short urban trips under 3 miles to be by bicycle.
- 0605 Bicycle System Inventory describes how cities must inventory
- 0610 Bicycle System Requirements includes minimum requirements that meets a substantial portion of locat travel needs under 3 miles.
  - higher levels of protection
  - routes must be connected
- Bicycle System Projects must develop project prioritization factors by engaging priority populations
- Bicycle Parking secure parking one space per each unit, charging stations for electric bikes, within 100 feet of main retail entrance, all major transit stations, key destinations in Climate-Friendly Areas......<u>for as many bike spaces as the mandated off-street motor vehicle parking spaces.</u>

<u>Pedestrian System / Transit System</u>: I have not read these proposed rules yet. I suspect the rules will look similar to what Bend incorporated into the Transportation System Plan. These sections need to be reviewed.

High Quality Pedestrian, Bicycle, Transit

*Prioritize over vehicle projects* 

## Want to dig into the details?

1. Appendix - we haven't even completed the full review of all the impacts (!!), but here's another 15 page slide presentation of the detail of our study of the information available so far.

--We have posted these on Bend NA Forums website.

2. You may visit the <u>DLCD website</u> to do your own analysis: