

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

October 31, 2021

Purpose of this document

- *This presentation is meant to assist NA Land Use Chairs and others with understanding the Climate-Friendly and Equitable Communities Rulemaking Effort.*
- *These proposed rules will be a “sweeping change” to Oregon Administrative Regulations (OAR) which will require the City of Bend to demonstrate compliance.*
- *This document is the first part of a three document package which includes;*
 - *“Understanding the Climate-Friendly and Equitable Communities Rulemaking Effort.” (this document)*
 - *“Appendix Climate-Friendly and Equitable Communities Rulemaking Effort” (Links to the background documents driving the rulemaking for anyone interested in the documents that drive the rulemaking.)*
 - *Content of Current Draft of the Division 12 rules (includes a link to meeting materials for the RAC #9 meeting)*

Considerable effort was made to ensure the documents are objective presentations of the work by the state agency to date. You are encouraged do your own research to understanding the details. The state agency and its RAC has presented their material with lofty goals and expectations, but to borrow a phrase from colleague, “the devil is in the detail.”

Call to Action - Provide Comments To State



We need to speak up now because these new rules are very prescriptive which means the city will have few options. Plus the city will have very little time to comply.

Opportunities to comment:

RAC meetings

#9 November 5th

#10 December 17th

#11 January TBD

Ad-hoc workshops (?)

LCDC meetings

November 18-19

February 3-4

March 31 - April 1

May 19-20 (Adopt)

Local workshops / forums?

NLA meetings

Land Use Chair Network meetings

NA sponsored meetings?

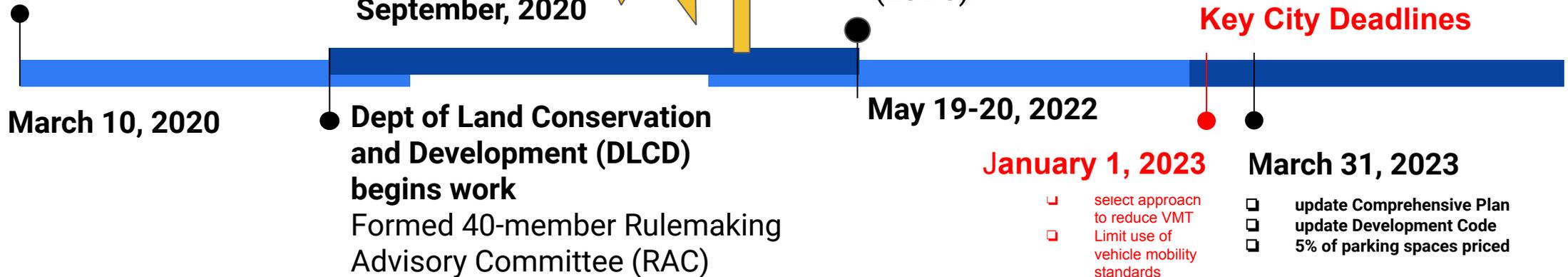
City sponsored meetings?

Status Overview

Governor Brown signed Executive Order 20-04
Obligates 20+ state agencies to quickly generate action plans intended to meet emissions and equity goals.

Email to NA's from MO 9/21/2021

Target Adoption Date
DLCD hopes to have these new rules adopted by the Land conservation and Development Commission (LCDC).



March 10, 2020

September, 2020

● Dept of Land Conservation and Development (DLCD) begins work
Formed 40-member Rulemaking Advisory Committee (RAC)

● May 19-20, 2022

Key City Deadlines

January 1, 2023

- select approach to reduce VMT
- Limit use of vehicle mobility standards

March 31, 2023

- update Comprehensive Plan
- update Development Code
- 5% of parking spaces priced

Why Should NA's Care about these rules?

- ❑ The sheer 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."*
- ❑ The state rules are very "prescriptive" which leaves very few options for the city to choose from. Plus, the offered options deviate very little from each other.
- ❑ The proposed rules include numerous actions to be completed by a city in a very short amount of time.
- ❑ The proposed rules seem to be based more on "assumptions" rather than the *"establishing a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."* (Oregon Statewide Goal #2)

..." [DLCD] hopes the market will respond." (Kevin Young with DLCD in the October 26 Community Engagement)

Potential consequences if assumptions are wrong:

- ❑ Will community funds be prioritized on projects which few in this community may "utilize"?
- ❑ Will the result be more traffic congestion and overflow of parking into adjacent neighborhoods and businesses?
- ❑ Will new requirements fail to marketplace's expectation and exacerbate Bend's housing shortage/gentrification?

Overview of Divisions to be Changed

Division 7 Metropolitan Housing Rules

Only applies to Portland.

Division 8 Interpretation of Goal 10 Housing Rules

One major change

By June 30, 2023, a local government subject to the requirements of OAR 660-012-0310 shall designate area(s) that at least 30 percent of housing units [existing and future for the 20 year planning period] within the urban growth boundary as Climate-Friendly Areas (CFS)

By June 30, 2024, a local government shall adopt land used requirements for CFA's. The rules will require more stringent requirements for CFA/s than the rest of the community.

Division 12 Transportation Rules

The majority of rules are occurring in this division. See next slide.

Division 44 Metropolitan Greenhouse Gas Reductions

Meet designated targets.

Our Metropolitan Planning Area (Bend, Deschutes River Woods and Tumalo) will be required to perform planning to demonstrate how this “area” will meeting designated targets. This entity is referred to as the Metropolitan Planning Organization, MPO and performed a similar parallel function when the city prepared its Transportation System Plan.

6 Concepts of Division 12 (Transportation) Rulemaking

Prioritize and Select

Equity for priority populations

Climate-Friendly Areas

More density

Limit Minimum Off-street Parking Mandates

Reduce supply & charge for parking

Support Electric Vehicle Charging Facilities

Mandate charging capacity

High Quality Pedestrian, Bicycle, Transit

Develop alternatives to the vehicle option

Limit Use of Motor Vehicle Congestion Standards

Alternative Performance Measures

Equity for Priority Populations and Impacted Communities

Prioritize and Select

Equity for priority populations

Primary relevant sections: 660-012-0120 to 0130

Highlights:

- Proposed rules are intended to address 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) regularly assess and report on progress
- 0130 How to complete an equity analysis. The purpose of the analysis is to identify impacts of proposed projects and policies and potentially inequitable consequences or burden on impacted communities.

Climate-Friendly Areas

Primary relevant sections: 660-012- 0310 to 0325

Highlights:

- 0315 (1) shall designate sufficient lands with Climate-Friendly Areas to accommodate at least 30% of the total existing and future identified housing need over the planning period [20 years].
- 0320 (1) ... outright permitted uses; multi-family, attached single family, office, retail/service/commercial and public uses.
- 0320 (5)(c) require a minimum density of 30 units per acre and a maximum height of at least 85 feet in one CFA and at least 60 feet in all other CFS's, **or** 0320 (6) (d) adopt development regulations in CFA's to facilitate at least 50 homes and jobs per acre.
- See 0435 for special parking standards.



**Climate-Friendly
Areas**

More density

Limit Minimum Off-street Parking Mandates

Primary relevant sections: 660-012-0405, 0415 to 0450

0405 Highlights:

- 0405 (1) preferential parking for carpools and vanpools
- 0405 (2) encourage the conversion of existing underused parking to other uses
- 0405 (4) for parking lots > 1 acre, install solar panels or pay a \$1,500 per space fee

0415 Highlights:

- 0415 (1) shall study local conditions and set appropriate parking maximums...be no higher than 1.2 off-street spaces per studio and 2 spaces per residential unit.....

0420 Highlight :

- communities that do not include parking mandates are exempt from 0425 to 0450

Continued on next page.

**Limit Minimum
Off-street Parking
Mandates**

*Reduce supply &
charge for parking*

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

0425 Highlights:

- can meet mandate with; garage spaces, on-street parking, shared parking within 2,000 ft., with solar and wind generation in development, car sharing, electric charging stations.

0430 Highlights:

- 0430 (1) require no more than one space per unit in residential developments
- 0430 (2) require no spaces for facilities for; child care, single room occupants, units smaller than 750 sf., affordable housing units, publicly-supported housing, and numerous special care facilities.

0435 Highlights:

- no mandates in CFA's and parcels within ¼ mile of CFA's and parking spaces provided must be unbundled for multi-family developments **or...**
- Adopt parking benefit district
- require no more than ½ parking space per new housing unit
- require no parking spaces for commercial mandates

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

0440 Highlights:

- 0440 (1) No parking mandates within ½ mile of priority transit corridors
- 0440 (3) cities adopting parking mandates shall require parking spaces for multi-family to be unbundled.

0445 Highlights:

- 0445 (1) adopt one of two parking management approach options;
 - fair parking policy approach - at least 3 of five provisions offered which include unbundling parking and a tax on revenue from commercial lots, etc. **or....**
 - 14 provisions in the “reduced regulation parking management approach” which includes repeals of mandates for twelve specific uses, plus two other provisions.

0450 Highlights:

- Price the percentage of on-street spaces per 012-0012 at a rate of at least \$15 per month or \$0.50 per day.

Support Electric Vehicle Charging Facilities

Primary relevant sections: 660-012-0410



**Support Electric
Vehicle Charging
Facilities**

*mandate charging
capacity*

- For new construction of five or more spaces for residential buildings, mixed-use buildings and commercial buildings,
 - Install Level 2 charging stations on 20% of spaces
 - Install Level 1 charging stations on an additional 30% of spaces
- In areas of insufficient transformer capacity, all charging stations can be Level 1.
- Alterations to buildings are required to add charging capacity and conduits depending on the size of the parking lot and the magnitude of alteration.

Note: Level 2 is a 240 volt service that can recharge in about 20 minutes while Level 1 is a 120 volt service that takes many hours to recharge.

High Quality Pedestrians, Bicycles, Transit

High Quality Pedestrian, Bicycle, Transit

*develop alternatives
to the vehicle option*

Bicycle System -

- 0600 Bicycle System Planning - requires a bicycle system element that provides for a substantial portion of 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 local travel needs under 3 miles.
 - higher levels of protection
 - routes must be connected
- 0620 Bicycle System Projects - must develop project prioritization factors
- 0630 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.....for as many bike spaces as the mandated off-street motor vehicle parking spaces.

Pedestrian System / Transit System: *These rules were not reviewed . They are likely to look similar to what Bend incorporated into their recent Transportation System Plan.*

Limit Use of Motor Vehicle Congestion Standards

Statewide Transportation Strategy goal: reduce Vehicle Miles Traveled by 20% from 2010 to 2050.

Primary relevant sections: 660-012-0160, 0170, 0180, 0900, 0910, 0915

Limit Use of Motor Vehicle Congestion Standards

Alternative performance measures

0160 requires cities and counties to use vehicle miles traveled as the proxy for greenhouse gas pollution.

0170 requires cities to **choose a minimum of two standards** from a list of eight identified standards. Mobility is one of the eight options.

0180 requires cities to use inclosed framework for prioritizing projects.

0900 requires annual reports.

0910 requires reporting on local action performance measures to demonstrate actions necessary are being implemented.

0915 requires cities to **set performance targets for each reporting year** for each performance measure.