

City Council Issue Summary

Subject: Legislative public hearing on text amendments to the Bend Comprehensive Plan and Bend Development Code to implement OAR 660-012-0405: Parking Regulation Improvements and OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities of the Climate Friendly and Equitable Communities (CFEC) rules (PLTEXT20230111)

Staff Member, Department: Pauline Hardie, Senior Planner, Community and Economic Development Department

Meeting Date: 12/20/2023

Action(s) Required:

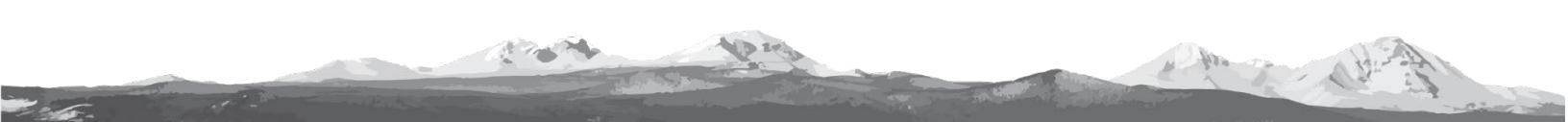
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|--|--|---|
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> Ordinance First Reading | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Information/Direction | <input checked="" type="checkbox"/> Ordinance Second Reading | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Motion | | |

Recommended Motion:

On second reading: I move for the second reading and adoption by roll call vote of the Ordinance amending Bend Comprehensive Plan Chapter 7, Transportation Systems and Bend Development Code (BDC) Chapters 1.2, Definitions, 2.2, Commercial Zoning Districts (CB, CC, CL CG), 3.1, Lot, Parcel and Block Design, Access and Circulation, 3.2, Landscaping, Street Trees, Fences and Walls, 3.3, Vehicle Parking, Loading and Bicycle Parking, 3.6, Special Standards and Regulations for Certain Uses, and 4.2, Minimum Development Standards Review, Site Plan Review and Design Review, as recommend by the Planning Commission, with the proposed amendment to BDC 2.2.500.D, Building Orientation Standards as proposed by Planning Staff.

Issue / Council Decision & Discussion Points:

- The following highlights the package of proposed amendments implementing OAR 660-012-0405: Parking Regulation Improvements and OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities of the Climate Friendly and Equitable Communities (CFEC) rules.



- Staff work to implement other aspects of the CFEC rules, including designating Climate Friendly Areas, is ongoing. The City’s Growth Management Division will provide an update on those efforts at the December 20 Council meeting during the work session.

OAR 660-012-0405: Parking Regulation Improvements

- Amend Comprehensive Plan Policy 7-42 to support the conversion of existing underused parking areas to other uses.
- Require designated employee parking areas in new developments with more than 50 parking spaces to provide preferential parking for carpools and vanpools.
- Require a minimum tree canopy or solar panels in conjunction with trees planted along parking lot driveways and drive aisles for developments with new surface parking areas over one-half acre.
- Update pedestrian connectivity requirements throughout parking lots.
- Require minimum standards for tree planting no lower than the 2021 American National Standards Institute A300 standards.

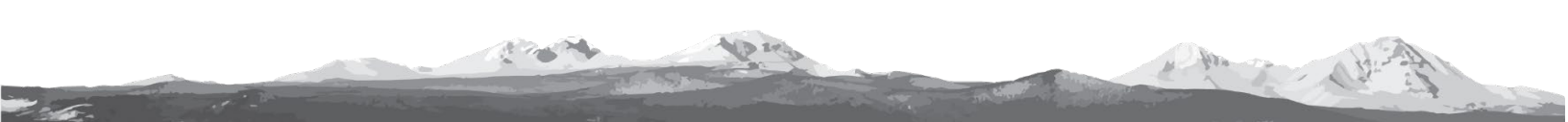
OAR 660-012-0415: Parking Maximums and Evaluation in More Populous Communities

- Update parking maximums for multi-unit residential developments.
- Require buildings with more than 65,000 square feet of floor area in designated climate-friendly areas or within one-half mile of a frequent transit route to be limited to no more surface parking area than the floor area of the buildings on site.

Background:

In March 2020, Governor Kate Brown issued an Executive Order directing state agencies to take actions to reduce and regulate greenhouse gas emissions and mitigate the impacts of climate change while also centering the needs of Oregon’s most vulnerable communities. The Executive Order says that it intends to help advance the state’s adopted goal of reducing greenhouse gas emissions 75% below 1990 levels by 2050, while also increasing participation and engagement opportunities for underserved communities that have historically experienced discrimination and racism in land use and transportation planning policies and decisions throughout the state. In response, on July 21, 2022, the Oregon Land Conservation and Development Commission (LCDC) adopted the Climate Friendly and Equitable Communities administrative rules, located in Chapter 660, division 12 of the Oregon Administrative Rules, that articulate required changes to local transportation and housing planning systems. The rules require cities over a certain size, including Bend, to make a number of changes to parking codes, both in how parking is regulated and how much parking can be required.

On Feb. 1, 2023, the City Council adopted Ordinance 2462 that repealed all parking mandates in compliance with OAR 660-012-0420: Exemptions for Communities without Parking Mandate. In addition, the ordinance included requirements for electric vehicle charging in compliance with OAR 660-012-0410: Electric Vehicle Charging.



On April 20, 2023, LCDC initiated the 2023 rulemaking for the CFEC rules and adopted temporary rules that became effective on May 12, 2023, and remained in effect for up to 180 days. The rulemaking aimed to retain the outcomes of CFEC while making implementation easier for cities and counties. On Nov. 2, 2023, LCDC adopted the amended rules. Proposed text amendments to implement the rules are briefly summarized below.

Bend Comprehensive Plan

Chapter 7, Transportation Systems

- Amend Policy 7-42 in compliance with OAR 660-012-0405(2).

Bend Development Code (BDC)

Chapter 1.2, Definitions

- Add new definitions (canopy, climate-friendly area, frequent transit route and loading space).
- Amend existing definitions (driveway, parking space, pedestrian facilities, and street tree).

Chapter 2.2, Commercial Zoning Districts (CB, CC, CL, CG)

- Clarify usable pedestrian spaces.
- Clarify building orientation standards.
- Clarify commercial design review standards for exterior walls.
- Remove reference to City of Bend color guide since it no longer exists.

Chapter 3.1, Lot, Parcel and Block Design, Access and Circulation

- Update requirements for pedestrian ways in compliance with OAR 660-012-0405(4)(c)(A through D).
- Clarify gates are not permitted as part of a master plan.

Chapter 3.2, Landscaping, Street Trees, Fences and Walls

- Delete tree preservation incentive for reduced parking since there are no longer any minimum parking requirements.
- Add tree canopy and parking lot driveway and drive aisle tree requirements for developments with more than one-half acre of new surface parking area in compliance with OAR 660-012-0405(4)(a and b).
- Clarify that required tree planters must have a minimum dimension of four feet by four feet for consistency.
- Require soil preparation, planting and care to be installed in accordance with the American National Standards Institute ANSI A300 (Latest Edition).
- Require root barriers for street trees.

Chapter 3.3, Vehicle Parking, Loading and Bicycle Parking

- Add a parking maximum for buildings totaling more than 65,000 square feet of floor area in compliance with OAR 660-012-0415(1)(c).
- Update parking maximums for multi-unit residential in compliance with 660-012-0415(1)(a).
- Add an employee parking area requirement in compliance with OAR 660-012-0405(1)(a).
- Add a tree canopy requirement and a solar panel and parking lot driveway and drive aisle tree requirement for developments with more than one-half acre of new surface parking lot area in compliance with OAR 660-012-0405(4)(a and b).
- Revised bicycle parking standards requiring u-style racks and bicycle storage.

Chapter 3.6, Special Standards and Regulation for Certain Uses

- Mobility Hubs: Replace transit “station” with transit “area” because the minimum requirements listed implement the Bend Mobility Hubs Feasibility Study and Pilot Project Development, Table 3. Mobility Hub Phasing Summary, do not necessarily require a building in Phase 1.

Chapter 4.2, Minimum Development Standards Review, Site Plan Review and Design Review

- Updated landscape plan submittals to reflect the new tree canopy and parking lot driveway and drive aisle tree requirements for developments with more than one-half acre of new surface parking lot areas.
- Require coordination with electric utility companies for developments where the tree canopy at fifteen years will be within ten feet of an overhead powerline, transformer or underground electrical service in compliance with OAR 660-012-0405(4)(d).
- Add a standard for residential MDS to require a hard surface pedestrian access route, a minimum width of four feet, to be provided from each dwelling unit to the street upon which it is addressed. If the route is fenced, there must be a gate to allow access.

The proposed amendments support Council’s goal of “Affordable Housing and Sustainable Development” and strategy to “Plan for growth in alignment with climate, economic, and housing affordability strategies to ensure sufficient land supply for future needs.” The strategy includes an action to “Initiate an update to our plan for growth that is aligned with the Climate Friendly and Equitable Communities (CFEC) rules, ensures Bend has a sufficient land supply and adheres to the concept of ‘complete neighborhoods’ as we work to meet future needs for housing and jobs.”

The Planning Commission held a public hearing on Nov. 13, 2023, to consider the proposed amendments and voted 4-0 (2 absent) to recommend City Council approval. During the hearing, the Commission discussed BDC 2.2.500.D, Building Orientation Standards and was interested in allowing entrances to face areas other than a public street or side yard. During the Council hearing, Council reviewed and supported the following recommended amendment (in bold) to BDC 2.2.500.D:

2.2.500 Site Layout and Building Orientation.



- D. *Building Orientation Standards*. Developments within all Commercial Districts ~~shall~~ must be oriented to a street ~~where practical~~. ~~The building orientation standard is met when all of the following standards are met~~ in compliance with at least one of the following:
1. Buildings ~~shall~~ must have an entrance(s) visible or oriented to (facing) a street. Building entrances may include entrances to individual units, or lobby entrances, ~~entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).~~
 2. ~~Alternatively, a~~ A building may have an entrance facing a side yard, pedestrian plaza, or breezeway/courtyard when a ~~convenient and~~ direct pedestrian walkway facility is provided between the building entrance and the street right-of-way.
 - ~~2.~~ 3. Exceptions to the Building Orientation Standards. Developments in conformance with subsection (C)(2) of this section as illustrated in Figure 2.2.500.A, "Shopping Street" layout, ~~do not need to comply with the building orientation standards.~~

Budget and Financial Impacts:

No budget or financial impacts are anticipated with these text amendments to the Bend Comprehensive Plan and Bend Development Code.

Community Outreach Process and Potential Impacts:

A notice of the November 13, 2023, Planning Commission public hearing was printed in the Bend Bulletin on October 22, 2023, and mailed and emailed to the Neighborhood Associations on October 20, 2023. A notice of the December 6, 2023, City Council public hearing was printed in the Bend Bulletin on November 12, 2023, and mailed and emailed to the Neighborhood Association Land Use Chairs on November 2, 2023. Staff emailed the proposed amendments to the people who have expressed an interest in the CFEC amendments, to the Bend Development Code Update Group and to the Neighborhood Association Land Use Chairs on October 17, 2023. Public comments can be viewed in the Online Permit Center Portal. Open the Portal and select the *Application Search* link under the Planning & Historic header, then enter the project number PLTEXT20230111 in the search bar to find the project.

Department Director Review: Click or tap here to enter text.

Financial Review: Samantha Nelson

Legal Review: Click or tap here to enter text.

Attachments:

- Attachment A – Ordinance

- Exhibit A – Text Amendments
- Exhibit B – Planning Commission Findings

