

## ARGUMENTS THAT WON'T WORK AND WHY

This, as well as Hot Topic: Land Use Chair and You, should guide comments from Neighborhood Association Board as well as members. Understand the statutory and factual background of a debate before grabbing for a popular argument like the following.

**Density** - As much as one believes that there is a lot of bare land abutting Bend that no one should care about preserving in its current state, think again. There are several well funded groups - Land Watch, 1,000 Friends of Oregon, Oregon Natural Desert Association, The Conservation Alliance - that challenge the City planners to show that the Department of Land Conservation and Development (DLCD) urban density standards are being met within City limits before "their" land can be touched.

It is these standards, more than some local preferences, that drive City planning and growth. As a case in point consider the last Urban Growth Boundary (UGB) expansion effort. From the start Bend was behind in density and had just rezoned several acres of the City owned industrial land to residential use. With demands from DLCD to replace the industrial land while increasing density, plans for the SE expansion area ignored the topography information available to planners with a keystroke and placed industrial use where City Code states it doesn't belong because of slope. They ignored a partially developed and valid Planned Unit Development and placed a commercial use designation on it where again slope made collector street access impossible due to inadequate available sight distance. It is the drive to meet State constitutional mandates that force this abandonment of actual city planning. That is what turns planners into "Code Cops" focused on State and developer demands.

So, don't even try a sweeping attack on density as an argument against any Code or development proposal, dig deeper to physical and traffic constraints or nearby community or environmental considerations. Prepare a Neighborhood development/redevelopment plan for density, sidewalks, low stress bikeways, neighborhood commercial. If you wait to respond to a developer's plan you will be too late, it will be designed to meet Code and you will have little to say that City officials can consider.

**Taxes** There are only a handful of States that are as constitutionally constrained as Oregon with regard to tax collection, expenditures, and bonded indebtedness, and even fewer that are, like Oregon, constrained at all of these points. Add to this the County property tax limitations, generally stated as:

- new homes and sale of existing homes are on the assessment rolls at an assessed value driven by the assessed value of that house or of a similar house in 1997 with a 3% annual increase
- a home's assessed value is constitutionally capped at an increase of 3% yearly
- a constitutionally fixed maximum tax rate for Deschutes County is \$1.45, Portland's maximum rate is \$8.00

With Deschutes County among the most limited, you might understand the blank response to arguments of "My taxes are increasing too fast" or "Why can't the City pay ..." or "Why can't the State pay...". When one sets out to "starve the beast" one gets a beast unable to perform. Quite a dilemma.

The above interest groups and Legislators from Portland are guiding DLCD with their plans for what is "urban", leaving Bend planners and others trying to respond with limited resources. One wonders when such cash strapped counties will band together and demand something that better suits their resources. There must be better options than filling the cash shortage with home builders and buyers paying fees that make "affordable" impossible, and better than asking existing residents to open their wallets for street improvements and to step aside for the kinds of density that are now being proposed for the development or redevelopment "next door".

It starts with HOAs and Neighborhood Associations developing their own redevelopment and street improvement plans with a focus on investments and standards that keep home values high enough that density infill options are priced out, and with an involvement in the City's development of street improvement and development plans where collected fees are assigned to projects. If a discussion with the City starts with their approved plan, you loose.