



# Oregon

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AGENDA ITEM 5  
APRIL 20-21, 2023 - LCDC MEETING  
ATTACHMENT A

**Charge to the Department and the Rulemaking Advisory Committee  
for Amendments to the Climate-Friendly and Equitable Communities rules  
by the Land Conservation and Development Commission**



**April 2023**

## **Summary**

This charge from the Land Conservation and Development Commission is intended to provide guidance to the department and the Rulemaking Advisory Committee (RAC) for amendments to the Climate-Friendly and Equitable Communities rules. LCDC initiates this rulemaking activity, guides it, and will ultimately decide what rules to adopt. The rules are meant to implement climate pollution reduction actions to comply with Oregon's climate pollution reduction targets.

The commission expects that the rulemaking process will take seven months from initiation to adoption.

## **Rulemaking Scope**

The rulemaking is expected to focus on amendments to the Transportation Planning Rules ("TPR"), Oregon Administrative Rules ("OAR") chapter 660, division 12. The scope of this rulemaking activity is narrow, and includes two categories of amendments:

1. Minor clarifications and corrections as listed in this charge; and
2. Review of temporary amendments adopted by the commission in April 2023.

The department and rulemaking advisory committee may propose other minor changes as necessary to make the rules work effectively or changes recommended by legal counsel.

## **Desired Outcomes**

The commission charges the department and the Rulemaking Advisory Committee with recommending amendments to rules that will advance these outcomes:

1. Continue to confirm and advance the outcomes of the Climate-Friendly and Equitable Communities Rulemaking;
2. Continue to work toward ensuring underserved populations guide decision making processes that are built to accommodate them;
3. Continue to clarify rules that can be successfully implemented by local governments and the state; and
4. Continue to help meet Oregon's climate pollution reduction goals, specifically the division 44 climate pollution reduction targets and Statewide Transportation Strategy targets.

### Expected Clarifications and Corrections

The following is a list of minor clarifications and corrections expected to be addressed as part of this rulemaking process. Proposed amendments may include the listed rules or other rules as needed to meet the objective of the listed issue. All listed rules are within the TPR (OAR chapter 660, division 12).

Item	Clarification or Correction	Affected Rule or Rules
1	Define multi-unit housing consistently.	0005, 0300, 0630
2	Add definitions of performance standards and performance measures	0005
3	Clarify provisions for TSP requirements related to UGB expansions during the interim period.	0012, 0350
4	Modify effective dates of some rules to line up with a major TSP update.	0012, 0210, 0215
5	Clarify how the horizon year may be determined. Clearly allow flexibility for coordinated horizon years with the Metro RTP.	0100(3)(b), 0140(5)(c)
6	Clarify requirements for counties; remove overly broad language.	0110(3)
7	Clarify in the rule when each type of equity analysis should be performed.	0135
8	Clarify language of functional classification for each mode. This provision may need to be repeated or referenced elsewhere in the rules.	0155(4)
9	Clarify intent, remove confusing language.	0180(2)
10	Fix numbering.	0215
11	Clarify how rule 0215 works in the Portland metropolitan area.	0215, 0140
12	Clarify confusing language, particularly concerning comprehensive plan and land use regulation amendments.	0325
13	Amend to use consistent terminology.	0400 through 0450
14	Clarify to allow counties to use this provision.	0405(4)(a)(A)
15	Fix an erroneous reference.	0405(4)(e)
16	Clarify the limited application of a requirement for canopy trees in parking lots.	0405(4)(e)
17	Clarify language with differing references and “multiunit” terms.	0415

<b>Item</b>	<b>Clarification or Correction</b>	<b>Affected Rule or Rules</b>
18	More specifically identify the referenced map.	0415(1), 0435
19	Clarify unbundled parking requirements would apply to new leases.	0425, 0435
20	Add exemptions for townhomes and rowhomes for consistency across these rules.	0435(3), 0445(1)(a)(A)
21	Clarify how requirements for parking along transit work together.	0440(3)
22	Allow annual code adjustment based on transit frequency instead of constant adjustment.	0440(3)
23	Clarify language on historic buildings.	0445(1)(b)(H)
24	Clarify that “all” schools means K-12 schools, not preschools.	0505(1), 0605(1)
25	Clarify the definition of “right-of-way” to exclude right of way used for utilities or other non-transportation purposes.	0510(3)(c)
26	Clarify how jurisdictions are expected to align TSPs with plans developed or adopted by a transit service provider.	0700(1)(d)
27	Clarify to differentiate between TSP requirements and project development.	0810(5)
28	Clarify terminology, use “public involvement strategy” consistently in rule.	0830(5)(a)
29	Clarify how this rule functions in the Portland Metro area.	0910