

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 1: RAC Meeting 7 Packet Cover Memo**
DATE: August 11, 2021

Thank you for your continued participation in this process. Your comments and questions are helping us to build policies that will help shape the future of our state for decades to come.

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Meeting Overview

This meeting marks the beginning of the advisory committee's review of the draft rules for climate-friendly and equitable land use and transportation planning. At this meeting, we will provide a brief overview of our approach to amendments to the Transportation Planning Rules, then engage the RAC in a discussion on the amendments. The meeting is dedicated to discussions of two key topic areas: Climate-Friendly Areas and parking/electric vehicle charging. The other topic areas will be discussed at the September meeting. Draft rules in this packet have not yet been reviewed by legal counsel.

There are six key documents for your review ahead of this meeting:

- **Item 3:** The [Key Questions Worksheet](#) is both a worksheet for you as well as a feedback guide for staff. You may find it useful to make notes during the meeting. After the meeting, we will send you a survey based on these questions for you to provide additional written feedback. We

encourage all RAC members and alternates to provide feedback in this way. Your written comments continue to be very helpful.

- **Item 4:** The Climate-Friendly Areas Summary provides an overview of the concepts and draft rules to implement Climate-Friendly Areas. The memo provides a plain language explanation of the draft rule language that is included in both the Draft Transportation Planning Rules Amendments (Item 7) and Draft Housing Rules Amendments (Item 8). The draft rules require local governments to designate Climate-Friendly Areas and allow for minimum zoning requirements within those areas.
- **Item 6:** The Parking and Electric Vehicle Charging Memo provides an overview of the concepts and draft rules for how local governments manage parking and electric vehicle charging. The memo provides a brief introduction about why parking reform is necessary, then goes on to describe how the draft rules work. The draft rules require local governments to implement parking management best practices and to reduce the amount of mandated parking. Local governments have some choices between certain requirements.
- **Item 6:** The Draft Transportation Planning Rules Summary provides a short summary of each of the rules within the Transportation Planning Rules that we expect to either amend or add. This document includes a proposed rule number, title, and a short description. The draft rule language can then be found in the draft rules document.
- **Item 7:** The Draft Transportation Planning Rules include draft rule language for key parts of the updated Transportation Planning Rules, including rules having to do with equity, Climate-Friendly Areas, parking, and electric vehicles. We have included a summary of each rule we expect to amend or add to the division, but in many cases, we do not yet have draft rules to share with the advisory committee. These rules will be available at the September advisory committee meeting.
- **Item 8:** The Draft Housing Rules include draft rule language for some updates to the Housing Rules. These updates connect to provisions in the updated Transportation Planning Rules having to do with development in Climate-Friendly Areas.

Items 9 through 11 include: a summary of the last RAC meeting, including notes from the breakout sessions and Jamboard responses (Item 9); responses to the Key Questions from the last RAC meeting (Item 10); and public comments received since the last RAC meeting (Item 11).

Draft Transportation Planning Rules Amendments

Background

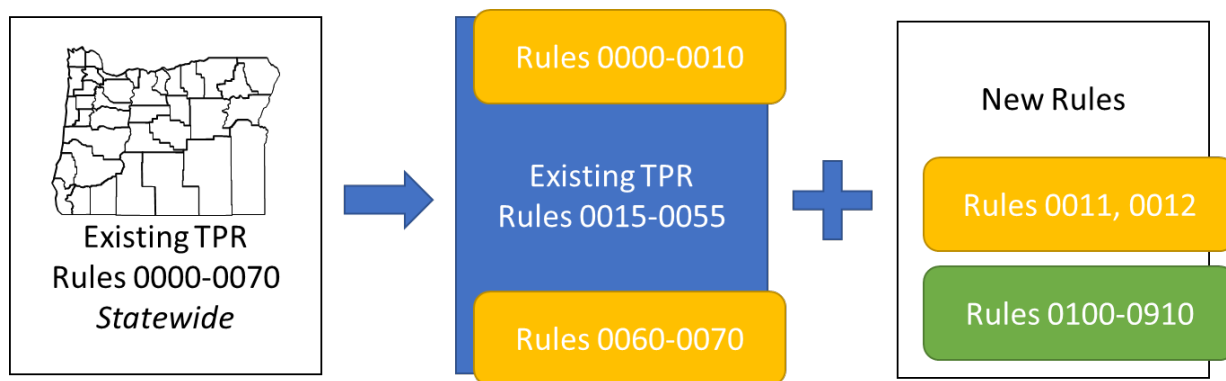
Since 1991, the Transportation Planning Rules (“TPR”), [OAR Chapter 660, Division 12](#), have set transportation planning requirements for all Oregon cities and counties. These rules are designed to ensure coordinated land use and transportation planning and that plans include all modes of transportation. In metropolitan areas, the rules require that jurisdictions plan to increase transportation choices and reduce reliance on the automobile.

It has become clear over the last decade that Oregon’s rules are not sufficient to meet the state’s goals for reducing climate pollution. The Transportation Planning Rules do not require local jurisdictions to meet any climate goals, and the mechanisms requiring additional planning in metropolitan areas are

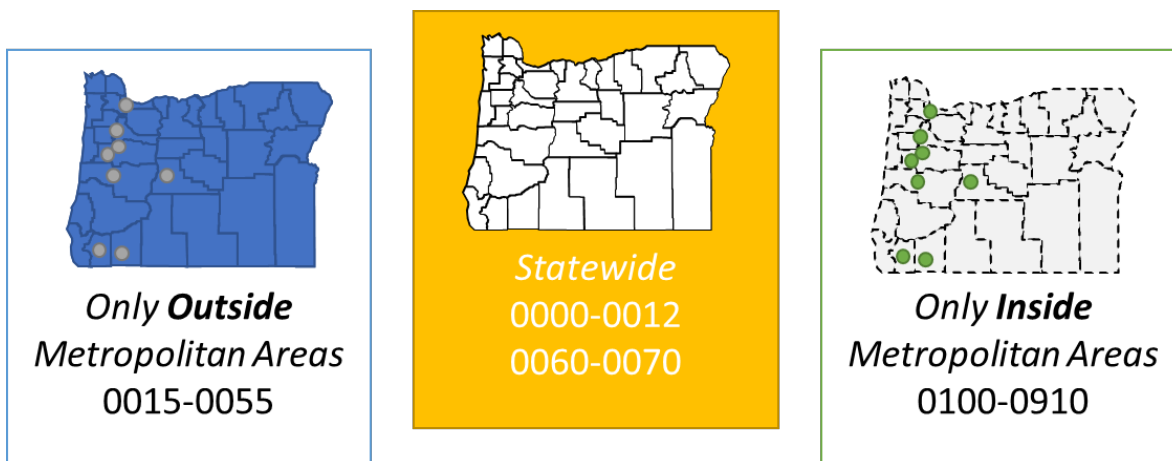
outdated and ineffective. The voluntary nature of the climate pollution reduction targets outside of the Portland metropolitan area has not resulted in plans or actions that make a significant reduction in climate pollution. In many places, existing plans do not even move us in the right direction – they will likely result in additional climate pollution.

Proposed changes to the Transportation Planning Rules will work together with the proposed rules for scenario planning to meet greenhouse gas reduction targets reviewed by the advisory committee earlier this year. These changes together are intended to move land use and transportation plans in the right direction toward meeting Oregon’s climate pollution reduction goals, while also ensuring that the decision-making process centers voices that have historically been excluded, and that the outcomes of those decisions are equitable.

Overview of Changes to the Rules



The proposed amendments to the rules make some changes to existing rules, but also add new rules. The new draft rule OAR 660-012-0011 states that some rules will apply statewide (in yellow), some rules will only apply within metropolitan areas (in green), and some existing rules will only continue to apply outside of those metropolitan areas (in blue). Rule 0011 is the key place to look if you are confused about what rules apply to which places.



We are proposing relatively few changes to rules that apply statewide or only to jurisdictions outside of metropolitan areas. Most of the changes or additions to the rules will apply within metropolitan areas. This is consistent with the [rulemaking charge](#), and also reflects the fact that the majority of the representation on the advisory committee comes from metropolitan areas.

The other key rule to understand when reviewing the draft rules is rule 0012, which provides for applicable dates for other rules throughout the division. Staff expects it will take time to phase in some aspects of new requirements.

As we go over the substantive changes to requirements, we will review the rules that implement those changes. For example, in this meeting we will discuss the implementation of Climate-Friendly Areas, which are mainly implemented in rules 0310, 0320, and 0325. Some rules are not directly related to the key substantive topics where we are making changes, but are needed to make the entire set of rules work. We will not necessarily review every new or updated rule in an advisory committee meeting. However, we welcome feedback from advisory committee members and alternates on any draft rules.

Conclusion

As always, there will be a livestream of this RAC meeting on the [DLCD YouTube channel](#). A recording of the meeting will be available for later viewing as well.

Please remember that the [project website](#) has many related materials available. You can find the [packet from RAC Meeting 6](#) there, as well as a [video recording](#) of the last meeting and prior meetings.

Please note that all our email addresses have changed. The updated addresses are below.

Finally, if you have any questions on the materials in this packet or anything else about the rulemaking process, please contact us via phone or email at DLCD.CFEC@dlcd.oregon.gov. Emails to this address go to several people on our project team, including those listed below.

On behalf of DLCD and the Land Conservation and Development Commission, we continue to be grateful for your participation in this important initiative!

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**Climate Friendly and Equitable Communities
Rulemaking Advisory Committee (RAC)
Meeting 7**

August 18, 2021; 9:00am – noon



This meeting will be available for livestreaming, and later available for viewing on the [DLCD YouTube channel](#). A link to this stream and a recording of the meeting will also be posted on the [rulemaking web page](#).

Public comments may be submitted to the Rulemaking Advisory Committee by sending them to DLCD.CFEC@dlcd.oregon.gov. Comments received at least three working days before the meeting will be distributed to committee members prior to the meeting. Comments also will be shared with members of the Land Conservation and Development Commission.

AGENDA

Time	Topic	Who
<i>8:45 – 9:00 am</i>	<i>Arrive and Settle In</i>	RAC members
<i>9:00 – 9:10 am</i>	Welcome, Opening Remarks, and Review Agenda	Nick Lelack, LCDC Commissioner Sylvia Ciborowski, Meeting Facilitator
<i>9:10 – 9:20 am</i>	Climate-Friendly and Equitable Communities Rulemaking Schedule and Draft Rules Overview	Bill Holmstrom, DLCD Staff Kevin Young, DLCD Staff
<i>9:20 – 10:35 am</i>	Review and Discuss Draft Rules for Climate-Friendly Areas <ul style="list-style-type: none">• Presentation and breakout groups discussion	Kevin Young Sylvia Ciborowski
<i>10:35 – 10:45 am</i>	Break	
<i>3:00 – 3:30 pm</i>	Review and Discuss Draft Rules for Parking and Electric Vehicle Charging: <ul style="list-style-type: none">• Presentation and discussion	Evan Manvel, DLCD Staff Sylvia Ciborowski
<i>11:55 – noon</i>	Next Steps and Wrap Up	Sylvia Ciborowski Kevin Young Stuart Warren, LCDC Commissioner

Upcoming Meetings	
Date/Time	Meeting
September 15, 2021, 9am – noon	Climate Friendly and Equitable Communities RAC Meeting 8
September 23-24, 2021	Land Conservation and Development Commission Update
November 1, 2021, 1pm – 4pm	Climate Friendly and Equitable Communities RAC Meeting 9

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Kevin Young and Bill Holmstrom, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 3: Key Questions Worksheet**
DATE: August 11, 2021

To meet our ambitious timeline and schedule, meetings of the advisory committee will need to be a space for robust conversation and discussion about agenda items. To facilitate this type of discussion, we have pulled specific topics, questions, and decision points from the meeting packet into this central discussion worksheet document. The intent of this document is to mirror the flow of the discussion and agenda items. You may use the document to collect your thoughts, comments, questions, and concerns on specific points.

As you review the meeting packet contents prior to our meeting on **August 18, 2021, from 9:00 am – noon**, please use this worksheet to take down notes or to formulate your questions for the project team. We will send committee members and alternates a link to a fillable version of this discussion worksheet to collect additional questions or comments.

RAC Meeting Discussion Items: Climate-Friendly Areas

1. Proposed rule OAR 660-012-0310, relating to the Designation of Climate-Friendly Areas, contains deadlines for local governments to designate Climate-Friendly Areas.
 - Cities and counties with a population of more than 10,000 within an urban growth boundary must designate Climate-Friendly Areas by March 31, 2023.
 - Cities and counties with a population above 2,500 must designate Climate-Friendly Areas by March 31, 2024.
 - Local governments within the Portland Metro region must adopt regional or town center boundaries as Climate-Friendly Areas by March 31, 2023.

Do these deadlines strike the right balance of taking quick action to reduce climate pollution, as directed by Governor Brown, and allowing local governments the time needed to successfully designate Climate-Friendly Areas? If not, how would you suggest amending the proposed rules?

2. Proposed rule OAR 660-012-0320, related to the process for local governments to designate Climate-Friendly Areas, contains a number of key components, including:
- A methodology for calculating the amount of land needed with Climate-Friendly Areas;
 - Requirements for local governments to adopt CFAs as a required element of a comprehensive plan;
 - Requirements for public engagement, including analysis of how local governments will achieve fair and equitable housing outcomes and address potential displacement impacts; and
 - A requirement for cities with a population above 10,000 to utilize the information from the Climate-Friendly element of the comprehensive plan as a basis for subsequent Housing Production Strategy Reports.

Does the proposed rule adequately address equitable outcomes, while providing clear direction to local governments? If not, how would you suggest amending the rule?

3. Proposed rule OAR 660-012-0325 establishes land use requirements for Climate-Friendly Areas. Does the proposed rule strike the right balance between providing sufficient and clear direction for desired development in Climate-Friendly Areas, while not establishing overly-complex regulations that might serve to impede desired development? If not, how would you suggest amending the rule?

4. The proposed amendments to the Housing Rules (OAR Chapter 660, Division 8) clarify how local governments will plan for housing development within Climate-Friendly Areas. These provisions include a phased-in requirement to meet housing goals within CFAs to justify a UGB expansion based on housing needs beginning January 1, 2026. The proposed amendments also provide more specific direction for cities required to adopt Housing Production Strategy Reports for how to address housing production in CFAs. Do the proposed rules move us towards meeting our climate and equity goals in a clear and feasible way? If not, how would you suggest amending the rule?

RAC Meeting Discussion Items: Parking and Electric Vehicles

5. Do the draft parking rules strike the right balance on reforming parking and provide enough options for communities to choose a reform approach that best works for them?

6. Do the draft parking rules help support the right types of development in the right areas, or are there other types or areas that should be targeted for reform of parking?

7. While proposed rule OAR 660-012-0415 only applies to more populous areas, are there additional provisions that should not apply to less populous communities? Which provisions and what population communities?

8. Are there additional parking reform best practices that aren't included and should be?

Other Proposed Rules

9. This meeting was focused on discussions around the key topics of Climate-Friendly Areas, and parking and electric vehicle charging. Staff was able to provide draft rules for these areas, as well as some other parts of the draft Transportation Planning Rules amendments. These other parts include some rules about how cities and counties in metropolitan areas:

- Develop and update local transportation system plans;
- Centering priority populations, in the transportation planning process, including engaging, informing, and in making decisions;
- Report on progress on a regular basis.

Do you have any thoughts or feedback on these parts of the rules?

General Questions

10. What was the most valuable aspect of this meeting for you?

11. Please share any recommendations to help improve your understanding or the productivity of future meetings.

Thank You!

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Kevin Young, Senior Urban Planner
SUBJECT: **RAC 7 Item 4: Climate-Friendly Area Rules**
DATE: August 11, 2021

In July staff presented conceptual approaches to Climate-Friendly Areas at Rulemaking Advisory Committee meeting and at the meeting of the Land Conservation and Development Commission. We heard general support for the conceptual approaches and have completed a draft set of rules on these topics. These draft rules are expected to change based on input received from the Rulemaking Advisory Committee and the Commission.

We appreciate your thoughts and guidance as we work from this draft to final rule language.

Questions may be directed to Kevin Young, kevin.young@dlcd.oregon.gov, or 503-602-0238.

Background

Oregon cities cannot continue to grow as they have in the past. Large areas of low-density, single-use development that are dependent upon an automobile to meet transportation needs has resulted in increased climate pollution and inequitable outcomes for Oregonians. We know that, in addition to not meeting our climate pollution reduction goals, low density residential development is also more expensive for local governments to serve and is increasingly less affordable for renters and homebuyers.

The good news is that compact, mixed-use neighborhoods have the potential to create more affordable housing options and greater employment opportunities than single-use neighborhoods, while facilitating more transportation choices and a more active lifestyle for people who work and live in these areas, all while advancing both our climate and equity goals.

Within the *Statewide Transportation Strategy*, efficient land use was identified as one of the key actions needed to reduce climate pollution. The *Every Mile Counts Multi-Agency Implementation Work Plan*, which operationalizes STS strategies consistent with Governor Brown's Executive Order 20-04, describes actions in this area as follows:

“Strategies in this category focus on infill and mixed-use development in urban areas to reduce demand for vehicle travel, expand non-auto travel mode choices for Oregonians, and enhance the effectiveness of public transportation and other modal options.”

More specifically, the Statewide Transportation Strategy roadmap to meet the state's climate pollution goals identifies a trajectory for 30% of the urban households in the state to live in compact, mixed use neighborhoods by the year 2035, with a higher portion of residents in these areas in subsequent years. The Statewide Transportation Strategy estimated that in 2010, approximately 20% of urban households in Oregon lived in compact, mixed-use neighborhoods.

Relatedly, the Statewide Transportation Strategy trajectory is for metropolitan urban growth boundaries to expand at about 15% of the rate of metropolitan area population growth. This target will necessarily require a more efficient use of land within Urban Growth Boundaries.

Draft Rules: Plain Language Overview

What follows is a plain language overview of the proposed rules; for detailed language refer to the draft rules themselves in Items 7 and 8 of this packet. The amendments are in two different divisions of rules to ensure implementation in transportation and housing planning contexts.

- Item 7 contains draft amendments to the Transportation Planning Rules (OAR Chapter 660, Division 12). Proposed rules for Climate-Friendly Areas are in rules 0310 through 0325 within Item 7. Other rules included in rules 0300 through 0399 will establish requirements for coordinated land use and transportation system planning that would not be limited to Climate-Friendly Areas.
- Item 8 of this packet contains proposed amendments to the Housing Rules (OAR Chapter 660, Division 8), which pertain to the designation of Climate-Friendly Areas, as well as Urban Growth Boundary expansions.

Proposed Amendments to the Transportation Planning Rules OAR Chapter 660, Division 12

Rule 0005 Definitions. Although the amendments to this rule providing definitions are not yet complete and has not been included in Item 7, the proposed definition for a Climate-Friendly Area is as follows:

Climate-Friendly Area – An urban mixed-use area that contains, or is planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned to be served by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. To maximize community benefits these areas should not contain or require large parking lots and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees.

Rule 0310: Designation of Climate-Friendly Areas

This rule requires cities and counties in metropolitan areas to designate Climate-Friendly Areas by the deadlines in OAR 660-012-0012. This requirement does not apply to cities below 2,500 population and does not apply to counties that do not have with planning jurisdiction for areas within urban growth boundaries.

Section (1). This section states that Climate-Friendly Areas may not include areas subject to protection from natural hazards consistent with Statewide Planning Goal 7. The rule clarifies that Climate-Friendly Areas may be designated in places that currently contain, or are planned to contain, a mixture of allowed uses. Lastly, the rule allows Climate-Friendly Area designation of urban centers and in areas served by, or planned to be served by, high quality transit.

Section (2). This section refers to deadlines for Climate-Friendly Area designation by cities and counties outside the Portland Metro region in Section (6) of OAR 660-012-0012. The proposed rule requires Climate-Friendly Area designation by:

- March 31, 2023, for cities and counties with a population of more than 10,000 within an urban growth boundary; and

- March 31, 2024 for cities or counties with a population of more than 2,500 within an urban growth boundary.

Section (3). This section establishes requirements for cities and counties within the Portland Metro region to adopt regional or town center boundaries as Climate-Friendly Areas by March 31, 2023. The Portland Metropolitan region was required to develop and implement a plan for climate pollution reduction by House Bill 2001(2009) and Senate Bill 1059 (2010).

Metro’s *2040 Growth Concept* provides a framework for the region to meet climate pollution reductions goals, based in part on the development of compact, mixed-use neighborhoods in key areas. Title 6 of Metro’s Urban Growth Management Functional Plan identifies a number of centers and other areas throughout the region that are anticipated to be the centers of urban life in the region.

Although many local governments within the region have adopted boundaries for these designated areas, some have yet to do so. Because the Metro region is already implementing a well-thought-out plan, this rule is intended to build off the *2040 Growth Concept* by requiring local governments within the region who have not yet done so, to adopt boundaries for their town and regional centers. The rule then provides minimum zoning standards to meet to guide the development that is allowed to occur within these areas consistent with the Climate-Friendly Area standards for cities in metropolitan areas in the rest of the state.

Sections (4 and 5). These sections establish ongoing requirements for growing cities and counties to:

1. Designate Climate-Friendly Areas within two years of reaching a population exceeding 2,500 within an urban growth boundary.
2. Address requirements referenced in Section (6) to address Climate-Friendly Area housing needs and Climate-Friendly Area housing production as part of Housing Capacity Analysis and Housing Production Strategy work required for cities once their population exceeds 10,000. (see related amendments to the Housing Rules in OAR Chapter 660, Division 8)

Sections (6 and 7). These sections establish an ongoing requirement for cities and counties to maintain sufficient lands within Climate-Friendly Area to accommodate at least 30 percent of the total identified housing need within an urban growth boundary. Because only cities with a population above 10,000 are required to regularly update their Housing Capacity Analyses and Housing Production Strategies, the requirements and methodology in Section (6) is different from that in Section (7).

Section (8). This section clarifies that the Land Conservation and Development Commission may either: initiate periodic review, or issue an enforcement order for a local government that fails to designate Climate-Friendly Areas as provided in this rule.

Rule 0320: Process for Designation of Climate-Friendly Areas

This rule describes the process to be followed for cities and counties to designate Climate-Friendly Areas, including consideration for, and mitigation of, potential inequitable impacts that might result from Climate-Friendly Area designation, such as the displacement of priority populations.

Section (1). This section requires that cities and counties designate sufficient land to accommodate at least 30 percent of the total identified number of housing units needed within an urban growth boundary over the planning period. This section also clarifies that local governments may designate one or more Climate-Friendly Areas to meet these needs.

Section (2). This section provides a methodology for determining the net land area necessary to accommodate a specific number of dwelling units within a Climate-Friendly Area. The methodology allows local governments to determine potential “building envelopes” within Climate-Friendly Areas,

and to assume that residential developments will occupy 30 percent of the potential building envelope within these areas, with an average unit size of 900 square feet (Recent data suggests that the average apartment size in the United States is 900 square feet).

Section (3). This section describes the process required for cities and counties to adopt Climate-Friendly Areas as a required element of a comprehensive plan. Items (a through e) describe the required information and analysis to be adopted as part of a Climate-Friendly element of the comprehensive plan. Required information includes:

- a. Maps of Climate-Friendly Areas, along with calculations of Climate-Friendly Areas;
- b. Documentation that the appropriate development standards and requirements from Rule 0325 have been adopted and are effective within Climate-Friendly Areas;
- c. The number of existing dwellings, and existing income-restricted dwellings within Climate-Friendly Areas;
- d. A narrative summary of the public engagement process used to consider and designate Climate-Friendly Areas, consistent with proposed rules in OAR 660-012-0115 through 660-012-0130; and
- e. An analysis of how the local government will achieve fair and equitable housing outcomes within Climate-Friendly Areas, including the analysis of areas that may lead to displacement of persons who are members of state and protected classes, along with the identification of actions that will be employed to mitigate or avoid displacement.

Section (4). This section requires that cities with a population over 10,000 shall use the information provided in Section (3) as a basis for subsequent Housing Production Strategy Reports to assess progress towards fair and equitable housing production goals in Climate-Friendly Areas.

Rule 0325: Land Use Requirements in Climate-Friendly Areas

This rule describes development code and other land use requirements cities and counties must adopt for Climate-Friendly Areas. These requirements are intended to provide local governments with clear and simple rules that will serve to facilitate development within Climate-Friendly Areas, without adding complex or aspirational requirements that might serve to inhibit desired development.

Sections (1 and 2). Section (1) describes the types of uses that must be allowed in Climate-Friendly Areas, including:

- a. multifamily residential;
- b. attached single family dwellings;
- c. office;
- d. retail, services, and other commercial uses; and
- e. public uses, including school and childcare uses.

Section (2) prioritizes locating government facilities that serve the public in Climate-Friendly Areas. Not all Climate-Friendly Areas will contain these types of facilities initially, but this provision will help to direct such uses into Climate-Friendly Areas in the future.

Section (3). This section clarifies that all allowed uses and development standards must apply throughout any Climate-Friendly Area.

Section (4). This section requires that development in Climate-Friendly Areas must be permitted through a non-discretionary land use decision process. This is necessary to facilitate desired development within Climate-Friendly Areas by eliminating lengthy discretionary review processes and by providing a clear set of standards for a developer to address and for a local government to review.

Section (5). This section establishes a minimum residential density requirement of fifteen units per net acre within Climate-Friendly Areas. Research has shown that this is the minimum residential density that can support frequent, high-quality transit services. Additionally, this requirement will help to ensure the compact land use patterns within Climate-Friendly Areas, which are also necessary to support access to daily needs from active transportation modes, such as walking and bicycling and provide for needed housing.

Sections (6 and 7). Section (6) establishes a minimum allowed building height of one hundred feet in Climate-Friendly Areas. Section (7) eliminates building setback requirements in Climate-Friendly Areas, unless required for life safety purposes (which may or may not be related to build code requirements).

Section (8). This section precludes cities and counties from applying other land use requirements that would conflict with the allowances in this rule. An example would be the adoption of a Floor-Area Ratio requirement that would effectively reduce allowed building heights below the 100-foot standard in this rule.

Section (9). This section is intended to apply within developing or large redeveloping areas within Climate-Friendly Areas. To ensure that blocks within Climate-Friendly Areas are scaled to enhance the connectivity and the pedestrian experience, this requirement establishes a maximum block dimension of 250 feet. This section also allows pedestrian accessways, trails, alleys, and other connections within a block to serve in lieu of a public street to meet the block dimension standard.

Section (10). This section requires local governments to prioritize locating parks, open space areas, plazas, and similar public amenities within Climate-Friendly Areas. Although many Climate-Friendly Areas will already be provided with these types of public areas, this requirement encourages redevelopment or new development to provide these areas where they are not present within Climate-Friendly Areas.

Section (11). This section refers to requirements that may be specific to Climate-Friendly Areas or which may be generally applicable requirements in other sections of the Transportation Planning Rules. Most of these sections are under development and have not been included in the RAC #7 packet, with the exception of the parking requirements. These requirements include:

- a. general land use requirements;
- b. applicable parking requirements in OAR 660-012-0410;
- c. applicable pedestrian system planning requirements;
- d. applicable bicycle system planning requirements;
- e. applicable bicycle parking requirements;
- f. applicable public transportation system planning requirements; and
- g. applicable street and highway system planning requirements.

Section (12). This section pertains to cities and counties within the Portland Metro region. As explained earlier, the Portland Metro region has already made significant progress to implement the *2040 Growth Concept*. This provision requires the cities and counties within the region to demonstrate that either:

- a. Adopted development allowances within an adopted town or regional center are consistent with the requirements of this rule, or
- b. Demonstrate adopted development allowances within a town or regional center will achieve equal or better climate and equity outcomes in relation to the requirements of this rule.

Proposed Amendments to the Housing Rules OAR Chapter 660, Division 8

Unlike the above amendments to the Transportation Planning Rules, which propose many new rules in addition to the existing rules, the proposed amendments to the Housing Rules are best described as surgical updates to the existing rules. The following analysis will describe the effect of the proposed amendments in plain language and will provide an explanation of why the changes are necessary and what they are designed to accomplish.

660-008-0010 – Allocation of Buildable Land

The existing rule clarifies how cities are to prepare a buildable land inventory for residential lands within an urban growth boundary, as well as the requirement that a housing needs projection must specify the necessary mix and density of needed housing. These are fundamental elements of a Housing Capacity Analysis. Oregon cities with a population above 10,000 are now required to update their Housing Capacity Analyses every six or eight years, as provided in OAR 660-008-0045.

Section (2). This section requires cities with a population above 10,000 to specifically address housing needs within Climate-Friendly Areas as part of each subsequent required Housing Capacity Analysis. As cities grow, they may need to expand the size of existing Climate-Friendly Areas or designate new Climate-Friendly Areas to meet the requirement to accommodate at least 30 percent of needed housing within Climate-Friendly Areas. This section also requires local governments to plan and zone new or expanded Climate-Friendly Areas consistent with the Land Use Requirements for Climate-Friendly Areas in OAR 660-012-0325.

Section (3). This section clarifies that local governments beginning a Housing Capacity Analysis prior to December 31, 2025, may rely on data from recent development activity within Climate-Friendly Areas to forecast land need projections, notwithstanding the zoned housing capacity within those areas.

Section (4). This section marks the shift from current land use assumptions to make more efficient use of land within Urban Growth Boundaries. The section stipulates that beginning January 1, 2026, local governments subject to Climate-Friendly Area requirements must demonstrate that at least 30 percent of existing housing units within the Urban Growth Boundary are located within Climate-Friendly Areas to justify expansion of the Urban Growth Boundary based on a residential land need.

660-008-0050 – Housing Production Strategy Report Structure

In addition to the requirement for Oregon cities with a population above 10,000 to update their Housing Capacity Analyses every six or eight years, the same cities are required to develop and adopt a Housing Production Strategy Report one year after the update deadline for a Housing Capacity Analysis. A Housing Production Strategy Report must include “a list of specific actions, including the adoption of measures and policies that the city shall undertake to promote development within the city” that addresses an identified housing need. At the time the rules for Housing Production Strategies were developed, Governor Brown had issued Executive Order No. 20-04, but it was not yet known how rules would address requirements for compact, mixed-use development. Consequently, the following language was provided as part of the required Housing Production Strategy rules in OAR 660-008-0050(4)(a):

“(a) Location of Housing - How the city is striving to meet statewide greenhouse gas emission reduction goals, established under Executive Order No. 20-04, by creating compact, mixed-use neighborhoods available to people part of state and federal protected classes.”

The proposed amendments to Rule 0050 provide additional clarity for those cities with a population above 10,000 that will need to develop and adopt Housing Production Strategy Reports, as well as designate Climate-Friendly Areas.

Section (4)(a). This section clarifies that cities with a population above 10,000 that are also required to designate Climate-Friendly Areas must address issues as part of their ongoing Housing Production Strategy work, including:

- a. Describe actions taken by the city to promote production of affordable housing in Climate-Friendly Areas;
- b. Describe actions taken to mitigate or avoid displacement of members of state and federal protected classes from Climate-Friendly Areas; and
- c. Describe actions taken to increase the number of persons belonging to state and federal protected classes residing within Climate-Friendly Areas.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Evan Manvel, Land Use and Transportation Planner
SUBJECT: **RAC 7 Item 5: Parking and Electric Vehicle Charging Rules**
DATE: August 11, 2021

Staff presented conceptual approaches to reforming parking management and supporting electric vehicles at the July Rulemaking Advisory Committee meeting and at the Land Conservation and Development Commission. We heard general support for the conceptual approaches and have completed a draft set of rules on these topics. These draft rules are expected to change based on input received from the Rulemaking Advisory Committee and the Commission.

We appreciate your thoughts and guidance as we work from this draft to final rule language.

Questions may be directed to Evan Manvel, evan.manvel@dlcd.oregon.gov, or 971-375-5979.

Background

As detailed in the RAC #6 memo and presentation, parking reform is an opportunity to advance Oregon's goals to reduce climate pollution and increase equity.

Reforming how we manage parking – and letting the diversity of people's circumstances and parking demands be served by a broad diversity of developments and parking supply – can free up resources and land for other uses our communities are clamoring for, such as more affordable housing, more viable small local businesses, and additional parks.

The draft rules draw upon research, experience and earlier work and policies from around the country and the world. It builds on Oregon House Bill 2001 (2019) which removed parking mandates for granny flats/accessory dwelling units, administrative rules (OAR Chapter 660, Division 46) limiting parking mandates for traditional middle housing types like duplexes, House Bill 2180 (2021) requiring electric vehicle capacity in new construction, New Zealand's policy repealing parking mandates, and various codes from Oregon, Washington, Michigan, and California.

A critical point to reiterate: **removing parking *mandated* by government does not stop parking from being *provided* by the market.**

Draft Rules: Plain Language Overview

What follows is a plain language overview of the rules content by rule; for detailed language refer to the draft rules themselves in Item 7 of this packet.

Rule 0005 Definitions. The definitions ([see page 7](#) of this memo) would exempt parking for people with disabilities and parking for carpools and vanpools for the purpose of these rules. Staff believe these parking spaces serve the public interest and communities should require such spaces.

Rule 0405: Parking Regulation Improvements

Section (1). The draft rules require codes to follow best practices to reduce the impacts of parking. The largest points:

- Garages are expensive and are often not used for storing cars. The rules would prohibit *requiring* them, though most new single-unit development likely will include garages.
- The rules require communities allow car parking to be redeveloped for transit or bicycle facilities, such as bus stops or bicycle parking.
- The rules allow required parking spaces to be met through on-street parking, leased parking, shared parking, and off-site parking. Many Oregon communities already allow these.
- As climate pollution reduction is a key goal of this rulemaking, the rules reduce parking mandates for developments that include solar or wind power.

Section (2). This section requires electric vehicle charging stations in new development with more than five parking spaces. Initially, at least 20% of new spaces must have stations. The numbers are similar to those in House Bill 2180 (2021). The draft rules require new developments to include capacity for future electric vehicle charging stations, as doing this during construction is much more affordable than retrofitting. The required Level 2 EV charging allows utilities to manage load and monitor charging much more effectively than Level 1 charging, as well as charging vehicles much faster.

Section (3). This section requires developments with large parking lots to address some of the negative impacts of those lots, by providing solar power or tree canopy. The exemption to projects subject to OAR 330-135-0010 refers to an Oregon Department of Energy rule requiring new public buildings dedicate at least 1.5% of the building cost to clean energy.

The rules require features to address walkability; a similar provision exists in the current Transportation Planning Rules.

Finally, rules ask for a redevelopment plan for future use (“shadow plat”), as staff believe the demand for on-site parking is likely to decrease in the future with more self-driving cars that can self-park off-site.

While staff heard feedback the rules should require *both* solar power and tree canopy, solar and trees are not always compatible. Staff are open to suggestions for a blended approach.

Section (4). During the COVID-19 pandemic, communities have discovered some parking spaces may have better uses. This section requires cities to ease conversion of parking to other uses, which should boost walkability and vibrant communities. The few provisions in the draft limit what staff saw as overburdensome requirements in some community policies.

Rule 0410: Reduction of Parking Mandates

Section (1). This section directs communities to choose one of two main approaches to parking management: a *simple* option, where communities fully repeal parking mandates; or a *more complex* option, where mandates are reduced, and cities then choose to either further reduce mandates or adopt local policies boosting fairness in who pays for the costs of parking.

The [flowchart on page 6](#) visually explains these options. Staff recommend reviewing the flowchart before returning here.

Staff believe best practice in parking management is to remove parking mandates and institute fair cost internalization. Staff also often hear development codes are overly complex; removing parking mandates makes them simpler. However, staff want to provide options for communities. Communities fully repealing mandates can skip the rest of this section.

Sections (2)-(4). If communities choose to retain parking mandates, the rules would reduce costly parking mandates for certain *types* of development, and in certain *locations* – Climate-Friendly Areas and along priority transit corridors.

Section (2). This section would remove parking mandates for certain development *types*, including those serving some priority populations in the Equitable Outcomes Statement. Types included:

- publicly-subsidized housing
- housing affordable to those earning less than 80% of area median income
- childcare facilities
- facilities and residences for people with disabilities or in residential treatment
- emergency, transitional and domestic violence shelters
- single-room occupancy facilities and residential units smaller than 750 square feet

Section (3). This section reduces parking mandates in Climate-Friendly Areas. For each Climate-Friendly Area, communities may either remove parking mandates, or use a parking benefit district approach that reinvests in the area, coupled with reduced residential mandates and eliminated commercial mandates. As noted in previous presentations, areas with higher density of housing and jobs – the goal of Climate-Friendly Areas – have lower parking demand.

Section (4). This section removes parking mandates within one-half mile of priority transit corridors. Transit frequency is a major factor in parking demand. Until communities designate priority corridors, this applies to areas with peak transit service of four or more trips an hour.

Section (5). This section offers communities another set of choices: a fair pricing policy approach subsection (5)(a); or a reduced red tape approach subsection (5)(b). Those selecting the fair pricing approach would not be subject to mandate reductions in subsection (5)(b).

Subsection (5)(a). The *fair pricing approach* would require cities adopt at least three of four financial policies and cap multifamily mandates at 0.75 parking spaces/unit. The pairing with reduced multifamily mandates comes from research showing paying for parking separately reduces demand. The four policies:

1. Requiring residential parking spaces in multifamily be rented separately from the unit themselves (aka “unbundling”). This policy has been adopted by several communities in California and Washington. It reduces car ownership and driving. It increases fairness by letting those who do not use parking not pay for it.

2. Requiring commercial parking spaces be rented separately from the unit itself. Santa Monica, CA and Seattle, WA have such requirements.
3. Flexible commute benefits (aka “parking cash out”) policies allow employees who do not use employer-provided car parking to receive a benefit of similar value. Washington, DC and the State of California have such requirements. Such policies significantly shift commute choices to non-drive-alone modes.
4. A tax on income from parking lots. Staff have heard some Rules Advisory Committee members support a tax on parking lots, and therefore provide this as an option for communities. As parking lots have negative impacts on walkability and urban heat, this cost internalization approach is appropriate.

Subsection (5)(b). For communities choosing a *reduced red tape approach*, the rules remove parking mandates:

- In a ½ mile instead of ¼ mile area around Climate-Friendly Areas
- For transit-oriented and mixed-use development
- For group quarters such as dormitories
- For studio and one-bedroom apartments
- For buildings that have been vacant for two years
- For new uses and expansions
- For buildings in historic districts
- For small businesses (fewer than 10 employees or less than 3,000 square feet)
- For energy-efficient buildings under the Reach Code or aiming for LEED certification

The subsection also directs those communities to adopt parking maximums in key areas and designate at least one district where on-street parking is managed.

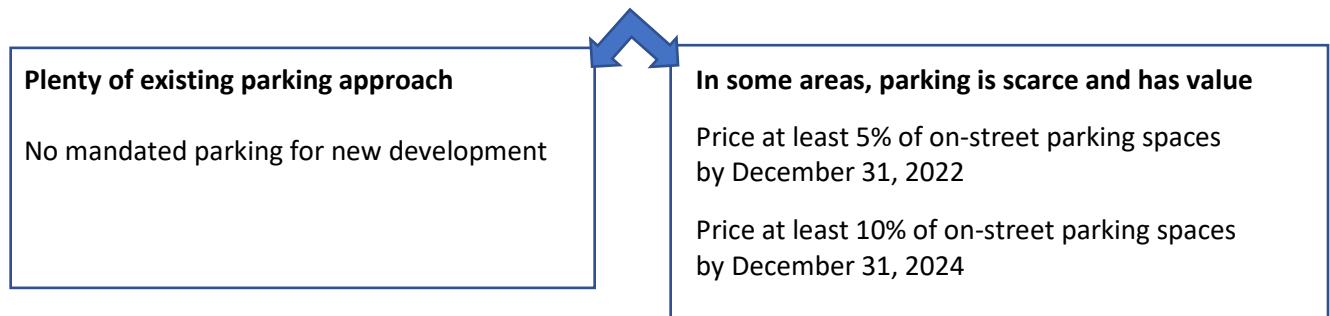
Rule 0415: Parking Management for More Populous Communities

Section (1). This section requires more populous communities (population over 50,000, or over 25,000 in Portland metro) to require electric vehicle charging stations to be installed upon major remodel or renovation, with an exemption if doing so proves too costly.

Section (2). This section requires even more populous communities (population over 100,000 or over 25,000 in Portland metro) to adopt parking maximums in Climate-Friendly Areas and along priority transit corridors. Staff believe maximums are best designed area-by-area, but are open to suggestions for more detailed language.

Those communities would also have to either repeal their parking mandates or start reflecting the value of a small portion of their on-street parking inventory through pricing 5% of spaces by December 31, 2022 and 10% of spaces by December 31, 2024 (see visual below). Prices would have to total at least 50 cents a day, encouraging parkers to consider the value of parking on-street, and other options they may have.

Communities choose one of the following:



Section (3). This section requires Oregon's *most* populous cities (population 150,000+) to study and manage their priced areas every three years, and to adopt provisions to ensure new parking garages are well-considered and have convertible ground floors.

Rule 0410 Flowchart

Communities choose one of these:

Simple option

Repeal all minimum parking mandates



Nothing more required in this rule

Complex option

No mandated parking for these **types** of development:

- Affordable housing (< 80% AMI and publicly subsidized)
- Housing and care facilities for people with disabilities
- Childcare facilities
- Emergency, transition, domestic violence shelters
- Residential units 750 square feet and under
- Single-room occupancy housing

No mandated parking within ½ mile of priority transit corridors

Fair pricing route

No requirement higher than 0.75 space/unit for multifamily

and choose at least 3 of 4:

- Policy: Rent spaces separately from residential units (“unbundling”)
- Policy: Rent spaces separately from commercial units (“unbundling”)
- Policy: Flexible commute benefits for employers 50+ people (“parking cash out”)
- Policy: Implement tax on parking lot income

Limited red tape route

No requirement higher than 1 space/unit for multifamily

No mandates within ½ mile of climate-friendly areas

No mandates for:

- transit-oriented/mixed-use development
- dormitories, retirement homes, and other group quarters
- studio and one-bedroom units
- change of use, redevelopment, expansion
- historic buildings
- LEED and Reach Code buildings
- buildings vacant for 2+ years
- small businesses

Set parking maximums

Facilitate shared parking

Designate at least one residential parking/benefit district

For each designated Climate-Friendly Area, communities choose

No parking mandates in area and within ¼ mile of the area

Adopt parking benefit district

No requirement higher than 0.5 space/residential unit

No commercial requirements

Rule 0005: Definitions

“Level 2 electric vehicle charging station” a device or facility for delivering electricity to motor vehicles that operates on a 40 to 50 amp breaker on a single phase 208/240 volt AC circuit.

“Parking mandates” means requirements to include a minimum number off-street parking spaces as a condition of development or redevelopment.

“Parking maximums” means limits on the number of off-street parking spaces that can be included in a development.

“Parking spaces” means on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or people with disabilities.

“Shared parking” means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 6: Draft Transportation Planning Rules Summary**
DATE: August 11, 2021

This document provides a summary of the draft Transportation Planning Rules provided in Item 7 of this packet. Staff has included only the number, title, and short summary of each rule that we propose to amend or add to the Transportation Planning Rules. Please use this document to help navigate the draft rules.

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
Changes to Existing Rules		<p>The existing rules will mostly remain the same, with some changes as noted below:</p> <ul style="list-style-type: none">0000: Updates to reflect changes across the division.0005: Updates to reflect changes across the division.0015: Changes to remove requirements specific to metropolitan areas.0016: This rule only applies in metropolitan areas and will be deleted.0035: Changes to remove requirements specific to metropolitan areas.0045: Changes to remove requirements specific to metropolitan areas.0060: Updates to reflect changes across the division. <p>We do not propose any alterations to the remaining existing rules in the Transportation Planning Rules.</p>
660-012-0000	Purpose	<p>The purpose provides an overview of the commission’s reasons for adopting the division, including how the division implements the statewide planning goals. A clear purpose statement is useful for everyone who uses the rules; including the public, local governments, and the courts.</p> <p>We propose to adjust the purpose to focus on the challenges of today and the future. The updated purpose also focuses in areas where Oregon is most deficient. Oregon is falling short on transportation safety (with traffic deaths trending higher and four times that of leading countries, and twice that of Canada), so the purpose re-ups the emphasis on safety. As the roadway network is relatively complete for cars, we focus on ensuring quality options for other modes. This purpose highlights climate pollution, and Oregon’s need to meet our goals to reduce that pollution. Oregon’s transportation system has inequitably impacted key priority populations, and decision making has centered the voices of the privileged at the expense of those populations.</p> <p>This purpose acknowledges those problems and focuses on remedies. The purpose retains key coordination and planning elements.</p>
660-012-0005	Definitions	<p>Every division of rules has a list of definitions. We will keep the list of definitions in the existing division, with changes and additions, as necessary. These definitions apply to the existing rules which will continue to apply outside of metropolitan areas, as well as new rules for cities and counties outside of metropolitan areas.</p>

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
660-012-0015	Preparation and Coordination of Transportation Systems Plans	We propose to alter this existing rule. The existing rule gives overarching direction to local governments in how to prepare and coordinate development of local and regional Transportation System Plans. We propose to delete some parts of this rule pertaining only to metropolitan areas. This rule will apply to local governments outside of metropolitan areas. New rules will direct how local governments in metropolitan areas prepare and coordinate development of local Transportation System Plans.
660-012-0016	Coordination with Federally-Required Transportation Plans in Metropolitan Areas	<p>Staff proposes to delete this rule. The rule directs local governments to coordinate local transportation planning with regional transportation plans (RTPs) required to be completed by Metropolitan Planning Organizations (MPOs) under federal law. In practice, this coordination process has not worked well.</p> <p>We expect to use some of the elements in this rule in our updated rules to encourage regional planning efforts. Updated local transportation planning requirements in metropolitan areas will require advanced local actions, including the development of financially constrained local plans, that will inform federally-required Regional Transportation Plans. Additionally, metropolitan areas will be required to undertake regional scenario planning, which is required in the Metropolitan Greenhouse Gas Reduction Rules (OAR Chapter 660, Division 44).</p>
660-012-0035	Evaluation and Selection of Transportation System Alternatives	We propose to alter this existing rule. The existing rule directs how local governments evaluate and select transportation alternatives. We propose to delete some parts of this rule pertaining only to local governments in metropolitan areas. New rules in OAR 660-012-0165 will direct how local governments in metropolitan areas will evaluate and select transportation alternatives.
660-012-0045	Implementation of the Transportation System	We propose to alter this existing rule. The existing rule directs how local implement the local transportation system plan. We propose to delete one section of this rule pertaining only to metropolitan areas. New rules, applicable within metropolitan areas, will replace and update the requirements within this section.
660-012-0060	Plan and Land Use Regulation Amendments	<p>This rule guides cities and counties when they change the acknowledged comprehensive plan after adoption of a Transportation System Plan. The rule provides for consideration of transportation system needs in response to the proposed changes.</p> <p>Substantive changes to this rule are outside of the scope of the Climate-Friendly and Equitable Communities Rulemaking.</p> <p>This rule will continue to apply statewide, both inside and outside metropolitan areas. We are proposing some minor changes to reflect changes in how performance standards work within metropolitan areas.</p>

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
New Rules 0011-0012: Applicability and Effective Dates		These rules are intended to help implement the new rules numbered 0100 and above, which will apply to urban areas inside metropolitan areas. The existing rules will continue to apply to areas outside of urban areas in metropolitan areas. These rules help make it clear what rules apply to which jurisdictions, and when those rules apply.
660-012-0011	Applicable Rules	<p>This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-0100 and above. Local governments in other parts of the state will continue to use the existing rules, although cities outside metropolitan areas may opt into using the updated rules if they wish.</p> <p>The following rules will continue to apply statewide, even in metropolitan areas:</p> <ul style="list-style-type: none"> • OAR 660-012-0000, Purpose • OAR 660-012-0005, Definitions • OAR 660-012-0010, Transportation Planning • OAR 660-012-0060, Plan and Land Use Regulation Amendments • OAR 660-012-0065, Transportation Improvements on Rural Lands • OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land <p>The latter two rules only apply to rural lands statewide.</p>
660-012-0012	Effective Dates	This rule lists the effective dates of some provisions of the Transportation Planning Rules. Most provisions will take effect shortly after the commission adopts the rule amendments, but the implementation of some provisions may be phased in over time.
New Rules 0100-0299: General Provisions		This part of the Transportation Planning Rules will contain general provisions for how cities and counties in metropolitan areas conduct coordinated land use and transportation planning. These include updated rules for how cities and counties undertake Transportation System Plans within urban areas. There are significant changes and clarifications in how this process works, including how cities and counties ensure equitable participation in decision-making, and how plans are amended and updated over time.
660-012-0100	Urban Transportation System Plans	This rule provides the starting point for how cities in metropolitan areas will be required to adopt, amend, and implement local Transportation System Plans in urban areas. The rule lists all the required elements of a Transportation System Plan. The rule also provides for how cities will determine the base and horizon years of a local Transportation System Plan.
660-012-0105	Transportation System Plan Updates	This rule describes how cities update their Transportation System Plans. The rule provides for either a major or minor update to plans. The existing rules were written when most places did not even have a Transportation System Plan, so there is little guidance about how they are to be kept up to date. The purpose of this rule is to clarify that process and make it simpler to adopt smaller updates in between larger updates.

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
660-012-0110	Transportation System Planning Area	This rule sets out requirements for the geographic scope of Transportation System Plans. The default assumption is that cities will plan for the entire urban area within the Urban Growth Boundary, including unincorporated areas. The rule includes provisions if counties opt to handle the planning within urban unincorporated areas.
660-012-0115	Transportation System Planning Engagement	This rule directs how cities must engage the public, and specifically priority populations, in the development and approval of Transportation System Plans.
660-012-0120	Priority Populations	<p>Oregon has a long history of discrimination throughout our laws, budgets, and planning processes and decisions. The Climate-Friendly and Equitable Communities Rules Advisory Committee has helped identify priority populations to consider in this rulemaking, expanding on a list from the Governor’s office. To rectify harms done in the past and in current practice, communities must prioritize these populations in decision-making processes and outcomes.</p> <p>This rule sets out a Definition of priority populations for use in transportation and land use planning consistent with the Equitable Outcomes Statement developed by the Rules Advisory Committee. The rule also requires cities and counties to identify areas with concentrations of priority populations; and to identify and engage with recognized tribes with ancestral lands in the area of the city or county.</p>
660-012-0125	Decision-Making with Priority Populations	This rule directs how local governments center priority populations in decision-making. The rule requires local governments establish a standing advisory committee. The rule requires cities and counties to regularly assess and report on progress.
660-012-0130	Equity Analysis	This rule gives cities and counties direction on how to complete an equity analysis. An equity analysis is required for a variety of actions throughout the division. The purpose of an equity analysis is to identify impacts of proposed projects and policies and potentially inequitable consequences or burdens on impacted communities.
660-012-0140	Transportation System Refinement Plans	This rule provides cities and counties with the opportunity to defer some decisions that would otherwise be made in a Transportation System Plan to a later refinement planning process. This rule is largely based on existing language within the Transportation Planning Rules, in OAR 660-012-0025.
660-012-0150	Transportation System Inventories	This rule includes general requirements for inventories of existing facilities and services in Transportation System Plans. The specific requirements for each mode of transportation are in separate rules, as noted in this rule. There are basic levels of inventories required, and larger cities will be required to do more advanced inventories.
660-012-0160	Transportation Planning Modeling and Vehicle Miles Travelled Reduction Targets	This rule sets requirements about how cities and counties may use modeling and analysis in transportation planning. The rule includes a requirement that Transportation System Plans are consistent with the regional greenhouse gas reduction target, by way of using a Vehicle Miles Traveled reduction target.

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
660-012-0165	Evaluation and Selection of Transportation System Alternatives	This rule provides criteria for cities and counties to use when evaluating and selecting between transportation system alternatives in a Transportation System Plan.
660-012-0170	Transportation Performance Standards	<p>This rule provides a framework for how decisions are made using transportation performance standards. These include decisions made about transportation system planning, reviewing comprehensive plan and land use regulation amendments, and in the local review of development proposals.</p> <p>Currently many, but not all, decisions have relied heavily on performance standards related to motor vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and mobility.</p>
660-012-0180	Transportation Prioritization Factors	This rule sets the context for prioritizing projects in local Transportation System Plans; and how cities, counties, Metro, and state agencies make decisions about investments in the transportation system. The prioritization framework places an emphasis on reducing pollution, increasing equitable outcomes, safety, and accessibility.
660-012-0190	Temporary Projects	This rule makes clear that certain temporary or pilot projects need not be included in the Transportation System Plan to be implemented. These are expected to be short-term trials or temporary fixes in advance of a plan update.
660-012-0200	Combined and Illustrative Project Lists	This rule describes how cities and counties take the combined list of projects developed in the modal elements of the Transportation System Plan, develop multimodal projects, and produce a combined project list. The rule requires cities and counties to use the combined project list to develop an illustrative project list. The illustrative project list must include a set of projects that would meet targets for reductions in per capita Vehicle Miles Traveled.
660-012-0205	Transportation System Financial Plan	This rule describes how cities develop a Financial Plan in the Transportation System Plan. The Financial Plan includes a list of funding sources that are expected to fund transportation facilities and services, and the amount of funding available for transportation projects over the planning period.
660-012-0210	Financially-Constrained Project List	<p>This rule gives cities and counties a method to develop a financially-constrained project list. Projects on the financially-constrained project list are the planned projects to be considered for further project development, funding, and construction. The financially constrained list of projects in the local Transportation System Plan will inform the federally required Regional Transportation Plan. The financially constrained list will also be the only projects that may be assumed as “reasonably likely” when considering if an amendment to a comprehensive plan or land use regulation has a “significant effect” on the transportation system.</p> <p>The financially-constrained list must result in equitable outcomes, demonstrate a reduction in per-capita Vehicle Miles Traveled, and support meeting targets set against a range of performance measures.</p>

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
New Rules 0300-0399: Coordinated Land Use and Transportation Planning		The Transportation Planning Rules are, at their heart, a guide for local governments to make coordinated plans for both land use and their transportation system. This part of the Transportation Planning Rules focus on land use requirements, including requirements for Climate-Friendly Areas.
660-012-0300	Coordinated Land Use and Transportation System Planning	This rule contains general provisions for cities and counties in how they accomplish coordinated land use and transportation planning.
660-012-0310	Designation of Climate-Friendly Areas	This rule describes the requirements for the designation of Climate-Friendly Areas. The rule sets out some basic standards for which areas should and should not be considered for designation as a Climate-Friendly Area.
660-012-0320	Process for Designation of Climate-Friendly Areas	This rule describes the process to be followed for cities and counties to designate Climate-Friendly Areas, including consideration for, and mitigation of, potential inequitable impacts that might result from Climate-Friendly Area designation, such as the displacement of priority populations.
660-012-0325	Land Use Requirements in Climate-Friendly Areas	This rule describes development codes and other land use requirements cities and counties must adopt for Climate-Friendly Areas.
660-012-0330	Land Use Requirements	<p>These land use requirements apply to cities and counties within metropolitan areas and have to do with how land use interacts with the transportation system. Many of these requirements are in the existing rules, however this rule extends and adds to the existing requirements. These requirements apply across the urban area, and are in addition to the Climate-Friendly Area specific requirements in those areas.</p> <p>The rule requires local governments to provide for walkable and connected neighborhoods; for commercial and mixed-use districts to be oriented towards pedestrians and transit, to place limits on auto-oriented land uses; some additional requirements for larger cities; and to have protections for existing and future transportation facilities.</p>
660-012-0340	Land Use Assumptions	This rule describes how cities and counties make assumptions about the future development of the urban area, for purposes of transportation planning. These assumptions are based on the required population forecasts, existing comprehensive plans and land use regulations, and other provisions in the Transportation Planning Rules. These assumptions are used to help make coordinated land use and transportation plans.
660-012-0350	Urban Growth Boundary Expansions	This rule includes requirements for local jurisdictions to ensure they are being consistent with coordinated transportation planning requirements when proposing to expand an Urban Growth Boundary. The rules provides for requirements prior to undertaking an Urban Growth Boundary Expansion, requirements as part of the process of expanding the Urban Growth Boundary, and requirements for planning areas brought into the Urban Growth Boundary.
660-012-0360	Key Destinations	This rule lists key destinations for use in coordinated transportation and land use planning. These are important places for all people to be able to access to meet daily needs and participate in society.

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
New Rules 0400-0499: Parking		This part of the Transportation Planning Rules relates to how cities and counties manage parking. The rules follow current best practice and move cities and counties away from one-size-fits-all mandates for development to build a large amount of costly off-street parking, towards more targeted management strategy and more deference to builders and property owners to provide parking for the diversity of development types as the market dictates.
660-012-0400	Parking Management	This rule directs jurisdictions to implement the parking rules.
660-012-0405	Parking Regulation Improvements	<p>This rule works to include best practices of managing the details of parking codes. For example, it limits requirements to build the most costly form of parking (garages). It also provides builders to find cost-effective solutions for providing parking if on-site is not feasible, or if shared parking (e.g. between a morning coffee shop and an evening movie theater) is feasible.</p> <p>This rule also works to encourage electric vehicle infrastructure in line with recent legislation.</p> <p>Finally, this rule aims to reduce the negative externalized impacts of parking. It works to make large parking lots more walkable, and to address some of the heat island effects through trees. It aims to mitigate the climate impacts of driving and parking through either increased clean energy or increased tree canopy. It also aims to ensure communities allow for the temporary or permanent conversion of parking to more valuable uses.</p>
660-012-0410	Reduction of Parking Mandates	This rule reduces costly parking mandates, following the trend in planning practice and previous Department rulemaking on traditional missing middle housing types. The rule works to reduce regulatory burdens for developing certain types of needed development, such as child care facilities. The rule also targets locations that usually have lower parking demand – those with better transportation choices and more walkable development patterns – for reduced mandates. Finally, the rule provides a choice for communities to either adopt best practices when it comes to internalizing the costs of parking on the users of that parking, or to reduce their parking mandates more significantly.
660-012-0415	Parking Management Requirements for More Populous Communities	<p>This rule aims to support retrofitting of existing development with electric vehicle charging in Oregon’s most populous communities.</p> <p>The rule also aims to encourage those communities to better manage existing parking supply before requiring significant amounts of new parking.</p> <p>The rule further aims to ensure communities set parking maximums, where appropriate, to ensure car-heavy development does not dominate places where walkable development should be emphasized.</p> <p>Finally, the rule looks to make sure the most populous communities try demand-management approaches before building large new parking structures.</p>

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
New Rules 0500-0599: Pedestrian System		This part of the Transportation Planning Rules relates to planning for the pedestrian system. The pedestrian system is intended to serve people walking, as well as people using mobility devices or other vehicles that operate at a pedestrian speed and scale. Larger and faster vehicles are served through the bicycle system.
660-012-0500	Pedestrian System Planning	This rule is the umbrella rule that describes how cities must plan for their pedestrian transportation system. Cities must plan for a complete and connected pedestrian system that includes safe and accessible sidewalks and crossings.
660-012-0505	Pedestrian System Inventory	This rule describes how cities must inventory their pedestrian system.
660-012-0510	Default Pedestrian System Requirements	This rule provides the minimum requirements for the planned pedestrian system. Cities may choose to exceed the standards in this rule.
660-012-0515	Alternative Pedestrian System Requirements	This rule gives cities an alternate path to develop pedestrian system requirements in lieu of the default requirements in OAR 660-012-0510.
660-012-0520	Pedestrian System Projects	This rule guides cities in determining the list of pedestrian system projects.
New Rules 0600-0699: Bicycle System		This part of the Transportation Planning Rules relates to planning for the bicycle system. The bicycle system is intended to serve people riding bicycles, as well as people using other types of vehicles that operate at a bicycle speed and scale. These rules also include updated requirements for bicycle parking.
660-012-0600	Bicycle System Planning	This rule, and subsequent rules, describe how cities must plan for a safe, accessible and connected bicycle network that serves a variety of users. The rule requires a bicycle system element that provides for a substantial portion of short-distance urban travel to be by bicycle.
660-012-0605	Bicycle System Inventory	This rule describes how cities must inventory their bicycle system.
660-012-0610	Default Bicycle System Requirements	This rule includes the minimum requirements for the bicycle system. Cities may choose to exceed the standards in this rule.
660-012-0615	Alternative Bicycle System Requirements	This rule gives cities an alternate path to develop bicycle system requirements in lieu of the default requirements in OAR 660-012-0610.
660-012-0620	Bicycle System Projects	This rule guides cities in determining the list of bicycle system projects.
660-012-0630	Bicycle Parking	This rule includes updated requirements for bicycle parking. Existing statewide requirements require bicycle parking for commercial and multi-family land uses. This rule expands this to require covered and secure parking for some uses where longer-term parking is expected, and short-term parking at retail uses, transit facilities, and other key destinations. The rule requires that long-term parking include provisions for electric charging and to accommodate a range of devices beyond bicycles.

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
New Rules 0700-0799: Public Transportation System		This part of the Transportation Planning Rules relates to planning for the public transportation system. The public transportation system is intended to serve people riding transit within urban areas, as well as travel within regions or between cities. This set of rules also includes requirements for a local Transportation Options plan element.
660-012-0700	Public Transportation System Planning	This rule describes how cities and counties must plan for their public transportation system. Urban Transportation System Plans must include a public transportation system element that meets the requirements of this rule. Cities must work in close cooperation with transit service providers in order to complete the public transportation system element of the Transportation System Plan.
660-012-0705	Public Transportation System Inventory	This rule describes how cities must inventory their public transportation system.
660-012-0710	Default Public Transportation System Requirements	This rule includes the minimum requirements for safe, connected, and accessible public transportation system facilities.
660-012-0715	Alternative Public Transportation System Requirements	This rule gives cities an alternate path to develop public transportation system requirements in lieu of the default requirements in OAR 660-012-0710.
660-012-0720	Public Transportation System Projects	This rule guides cities in determining the list of public transportation projects.
660-012-0750	Transportation Options Plan	This rule describes how cities develop a Transportation Options plan as an element of their Transportation System Plan.
New Rules 0800-0899: Streets and Highways System		This part of the Transportation Planning Rules relates to planning for the street and highway system. The rules consider that the street and highway system is mostly fully built out. Future planning must assume a reduction in the amount of driving people do, in favor of increased travel in other modes.
660-012-0800	Urban Street and Highway System Planning	This rule, and subsequent rules, describes how cities must plan for their street and highway transportation system.
660-012-0805	Urban Street and Highway System Inventory	This rule describes how cities must inventory their street and highway system.
660-012-0810	Default Street and Highway System Requirements	This rule describes the minimum requirements for the street and highway system. The rule encourages: narrow and slow local streets; identifying arterials that are more focused on longer trips, and those more focused on local access, and treating them differently; and to accommodate the growth of other modes.
660-012-0815	Alternate Street and Highway System Requirements	This rule gives cities an alternate path to develop street and highway system requirements in lieu of the default requirements in OAR 660-012-0810.
660-012-0820	Street and Highway System Projects	This rule guides cities in determining the list of street and highway system projects.

Summary of Amendments to Transportation Planning Rules		
Number	Rule Title	Rule Summary
660-012-0830	Review of Vehicle Miles Travelled-Increasing Facilities	This rule provides for an additional level of review of transportation facilities that could increase Vehicle Miles Traveled. The rule is intended to ensure that additional alternatives are reviewed and tried before investments are made in transportation facilities that are not consistent with the state's climate goals.
660-012-0835	Vehicle Miles Travelled-Increasing Facility Consultation Process	<p>This rule provides for local governments to undertake a consultation process in advance of adopting a Vehicle Miles Traveled-Increasing facility into a local comprehensive plan, including the Transportation System Plan.</p> <p>The consultation process is intended to provide time for the local government to review, assess, and implement alternatives to the Vehicle Miles Traveled-Increasing facility. The goal is to avoid implementation of as many of these facilities as possible, limiting them only to those that are truly necessary to meet the transportation needs of the state and community.</p>
New Rules 0900-0999: Monitoring and Reporting		This part of the Transportation Planning Rules relates to how cities and counties will regularly report progress through compilation of submission of regular reports to the department. Annual reports will include a narrative of progress made over the past year, with more substantial reports required every four to five years.
660-012-0900	Monitoring and Reporting	This rule requires cities and counties to submit a report to the department annually. Most years the report will be a minor report, with an update of activities. However, every four or five years a major report must also include additional information on how the city and region are performing across a range of performance measures.
660-012-0905	Orders Approving a Report	This rule provides a process for receipt, review, and approval of submitted reports. The process in this rule was developed through the 2017-2018 rulemaking process. The rule gives the director of DLCDC to opportunity to review a report for completeness, then either approve the report or refer it to the commission. There is an appeal process for approved reports to the commission. The commission may either approve or remand a report that was referred or appealed to the commission.
660-012-0910	Transportation System Performance Measures	This rule requires reporting on local action performance measures to demonstrate that the actions necessary to achieve the greenhouse gas reduction targets are being implemented. Transportation System Plans are required to include policies and projects that will meet the local target for each performance measure.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 7: Draft Transportation Planning Rules Amendments**
DATE: August 11, 2021

Summary

These proposed amendments to the Transportation Planning Rules (Oregon Administrative Rules Chapter 660, Division 12) are a response to the direction provided in [Executive Order 20-04](#), the multi-agency work through the [Every Mile Counts](#) Multi-Agency Work Program, to implement the [Statewide Transportation Strategy](#). The proposed rules are informed by guidance received from the Land Conservation and Development Commission and the advisory committee, as well as the community conversations that staff held throughout the state in June.

The Transportation Planning Rules guide local governments as they make coordinated land use and transportation plans. The proposed amendments are intended to update Oregon's land use and transportation planning systems at the state, regional, and local levels to meet the state's goals for climate and equity.

To meet our goals, urgent and aggressive action is needed. We must do things differently than we have in the past, or risk unacceptable outcomes. Our existing plans have resulted in a transportation system that serves motor vehicle traffic very well, with a complete network providing convenient and reliable access to anyone who has the ability and means to own and operate a car. However, in comparison to the investments in the automotive system, investments in walking, cycling, and transit have been left behind. As a result, these networks are incomplete.

The results of these decisions mean that:

- Our transportation system inflicts barriers on many people, including people with disabilities, people with lower incomes, people of color, women, and the young and old;
- Our transportation system generates high levels of pollution, including pollution affecting the earth's climate, as well as other air, soil, water, and noise pollution; and
- Our transportation system is costly to governments as well as families.

The proposed amendments are intended to counter these systemic issues by placing an emphasis on building neighborhoods where it is not necessary to own and operate a motor vehicle to fully participate in community life. This includes access to work, shopping, school, medical facilities, parks, and other locations and services that people use every day.

The end goal is to transform Oregon’s communities to be safe, equitable, sociable, and pleasant places where driving is not required, and the amount of driving is reduced. The proposed rule amendments will do this by:

- Requiring cities and counties to create more places where walkable, mixed-use development is allowed and encouraged;
- Prioritizing investments in high-quality, connected, and safe pedestrian, bicycle, and transit networks;
- Right-sizing parking requirements; and
- Changing the methods of planning for transportation, including which standards are used to determine success or failure.

About This Document

- This draft only includes some proposed changes to the Transportation Planning Rules. Staff will release the additional draft rule language in the upcoming months. We have provided the summary text of rules where we haven’t yet provided draft rule language.
- This document is organized with proposed changes to existing rules first, followed by new proposed rules.
- The rules have been divided into several parts, this is just for ease of reading and not part of the rules.
- Where we are making changes to **existing rules**, we use ~~striketrough~~ and underline for deleted and new text. Where the entire rule is new, we just have the text.
- The box at the top of each rule helps to explain it. It is not part of the rules, but just to help readers understand what is in each rule.

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Updated Rules

Changes to Existing Rules

The existing rules will mostly remain the same, with some changes as noted below:

0000: Updates to reflect changes across the division.

0005: Updates to reflect changes across the division.

0015: Changes to remove requirements specific to metropolitan areas.

0016: This rule only applies in metropolitan areas and is proposed to be deleted.

0035: Changes to remove requirements specific to metropolitan areas.

0045: Changes to remove requirements specific to metropolitan areas.

0060: Updates to reflect changes across the division.

We do not propose any alterations to the remaining existing rules in the Transportation Planning Rules.

Changes from the text of existing rules are noted with underline under added text, and ~~strikeouts through deleted text~~.

0000: Purpose

The purpose provides an overview of the commission's reasons for adopting the division, including how the division implements the statewide planning goals. A clear purpose statement is useful for everyone who uses the rules; including the public, local governments, and the courts.

We propose to adjust the purpose to focus on the challenges of today and the future. The updated purpose also focuses in areas where Oregon is most deficient. Oregon is falling short on transportation safety (with traffic deaths trending higher and four times that of leading countries, and twice that of Canada), so the purpose re-ups the emphasis on safety. As the roadway network is relatively complete for cars, we focus on ensuring quality options for other modes. This purpose highlights climate pollution, and Oregon's need to meet our goals to reduce that pollution. Oregon's transportation system has inequitably impacted key priority populations, and decision making has centered the voices of the privileged at the expense of those populations.

This purpose acknowledges those problems and focuses on remedies. The purpose retains key coordination and planning elements.

(1) This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient, and economic transportation system. This division also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in close coordination with urban and rural development. The purpose of this division is to direct transportation planning in coordination with land use planning to:

(a) Provide for safe transportation for all Oregonians;

- (b) Promote the development of transportation systems adequate to serve statewide, regional and local transportation needs and the mobility and access needs of the transportation disadvantaged;
 - (c) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access and circulation, with improved connectivity to destinations people want to reach, such as education facilities, work places, services, shopping, places of worship, parks, open spaces, and community centers;
 - (d) Ensure Oregon meets its statutory and executive goals to reduce climate pollution by reducing pollution from transportation;
 - (e) Recognize and remedy impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting that harmed certain populations;
 - (f) Engage those populations in decision-making and prioritize investments serving those communities;
 - (g) Facilitate the safe flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine transportation;
 - (h) Protect existing and planned transportation facilities, corridors and sites for their identified functions;
 - (i) Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans;
 - (j) Identify how transportation facilities are provided on rural lands consistent with the goals;
 - (k) Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and
 - (l) Ensure changes to comprehensive plans are supported by adequate planned transportation facilities for all modes.
- (+) This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage a safe, convenient and economic transportation system. This division also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in close coordination with urban and rural development. The purpose of this division is to direct transportation planning in coordination with land use planning to:
- (a) ~~Promote the development of transportation systems adequate to serve statewide, regional and local transportation needs and the mobility needs of the transportation disadvantaged;~~
 - (b) ~~Encourage and support the availability of a variety of transportation choices for moving people that balance vehicular use with other transportation modes, including walking, bicycling and transit in order to avoid principal reliance upon any one mode of transportation;~~
 - (c) ~~Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and circulation;~~
 - (d) ~~Facilitate the safe, efficient and economic flow of freight and other goods and services within regions and throughout the state through a variety of modes including road, air, rail and marine transportation;~~
 - (e) ~~Protect existing and planned transportation facilities, corridors and sites for their identified functions;~~

- (f) ~~Provide for the construction and implementation of transportation facilities, improvements and services necessary to support acknowledged comprehensive plans;~~
- (g) ~~Identify how transportation facilities are provided on rural lands consistent with the goals;~~
- (h) ~~Ensure coordination among affected local governments and transportation service providers and consistency between state, regional and local transportation plans; and~~
- (i) ~~Ensure that changes to comprehensive plans are supported by adequate planned transportation facilities.~~

(2) In meeting the purposes described in section (1), coordinated land use and transportation plans should ensure the transportation system supports a pattern of travel and land use in urban areas that will avoid common air pollution, climate pollution, inequity, wasteful spending, traffic and livability problems ~~faced by other large urban areas of the country~~, through measures designed to increase transportation options ~~choices~~ and make more efficient use of the existing transportation system.

(3) The extent of planning required by this division and the outcome of individual transportation plans will vary depending on community size, needs and circumstances. Generally, larger and faster growing communities and regions will need to prepare more comprehensive and detailed plans, while smaller communities and rural areas will have more general plans. For all communities, the mix of planned transportation facilities and services should be sufficient to ensure economic, sustainable and environmentally sound mobility and accessibility for all Oregonians. Coordinating land use and transportation planning will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing climate pollution ~~emissions of greenhouse gases that contribute to global climate change~~.

(a) In all urban areas, coordinated land use and transportation plans are intended to provide safe transportation ~~convenient vehicular circulation~~ and to enhance, promote and facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected network of streets, sidewalks and trails, and supporting improvements for all travel ~~non-driving~~ travel modes.

(b) In urban areas ~~that contain~~ with a population greater than 25,000 persons, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting the provision of transit service and more efficient performance of existing transportation facilities through transportation system management and demand management measures.

(c) Within metropolitan areas, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in dependence ~~reliance~~ on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division promotes increased planning for alternative non-driving modes and street connectivity and encourages land use patterns throughout urban areas that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs. The result of applying these portions of the division will vary within metropolitan areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments, Climate-Friendly Areas, and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be more

1 auto-oriented while still providing for safe and convenient ~~and include more modest~~
2 ~~measures to accommodate~~ access and circulation by other modes. In all instances,
3 infrastructure shall be designed and constructed to ensure safety and convenience for
4 Oregonians of all ages and abilities.

- 5 (4) This division sets requirements for coordination among affected levels of government and
6 transportation service providers for preparation, adoption, refinement, implementation and
7 amendment of transportation system plans. Transportation system plans adopted pursuant to this
8 division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11
9 and chapter 660, division 11, as they relate to transportation facilities. The rules in this division
10 are not intended to make local government determinations “land use decisions” under ORS
11 197.015(10). The rules recognize, however, that under existing statutory and case law, many
12 determinations relating to the adoption and implementation of transportation plans will be land
13 use decisions.

14 **0005: Definitions**

15 Every division of rules has a list of definitions. We will keep the list of definitions in the existing division,
16 with changes and additions, as necessary. These definitions apply to the existing rules which will
17 continue to apply outside of metropolitan areas, as well as new rules for cities and counties outside of
18 metropolitan areas.

19 **0015: Preparation and Coordination of Transportation System Plans**

20 We propose to alter this existing rule. The existing rule gives overarching direction to local governments
21 in how to prepare and coordinate development of local and regional Transportation System Plans. We
22 propose to delete some parts of this rule pertaining only to metropolitan areas. This rule will apply to
23 local governments outside of metropolitan areas. New rules will direct how local governments in
24 metropolitan areas prepare and coordinate development of local Transportation System Plans.

25 **0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas**

26 Staff proposes to delete this rule. The rule directs local governments to coordinate local transportation
27 planning with regional transportation plans (RTPs) required to be completed by Metropolitan Planning
28 Organizations (MPOs) under federal law. In practice, this coordination process has not worked well.

29 We expect to use some of the elements in this rule in our updated rules to encourage regional planning
30 efforts. Updated local transportation planning requirements in metropolitan areas will require advanced
31 local actions, including the development of financially constrained local plans, that will inform federally-
32 required Regional Transportation Plans. Additionally, metropolitan areas will be required to undertake
33 regional scenario planning, which is required in the Metropolitan Greenhouse Gas Reduction Rules (OAR
34 Chapter 660, Division 44).

1 **0035: Evaluation and Selection of Transportation System Alternatives**

2 We propose to alter this existing rule. The existing rule directs how local governments evaluate and
3 select transportation alternatives. We propose to delete some parts of this rule pertaining only to local
4 governments in metropolitan areas. New rules in OAR 660-012-0165 will direct how local governments
5 in metropolitan areas will evaluate and select transportation alternatives.

6 **0045: Implementation of the Transportation System Plan**

7 We propose to alter this existing rule. The existing rule directs how local governments implement local
8 transportation system plans. We propose to delete one section of this rule pertaining only to
9 metropolitan areas. New rules, applicable within metropolitan areas, will replace and update the
10 requirements within this section.

11 **0060: Plan and Land Use Regulation Amendments**

12 This rule guides cities and counties when they change the acknowledged comprehensive plan after
13 adoption of a Transportation System Plan. The rule provides for consideration of transportation system
14 needs in response to the proposed changes.

15 **Substantive changes to this rule are outside of the scope of the Climate-Friendly and Equitable**
16 **Communities Rulemaking.**

17 This rule will continue to apply statewide, both inside and outside metropolitan areas. We are proposing
18 some minor changes to reflect changes in how performance standards work within metropolitan areas.

New Rules 0011-0012: Applicability and Effective Dates

These rules are intended to help implement the new rules numbered 0100 and above, which will apply to urban areas inside metropolitan areas. The existing rules will continue to apply to areas outside of urban areas in metropolitan areas. These rules help make it clear what rules apply to which jurisdictions, and when those rules apply.

0011: Applicable Rules

This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-0100 and above. Local governments in other parts of the state will continue to use the existing rules, although cities outside metropolitan areas may opt into using the updated rules if they wish.

The following rules will continue to apply statewide, even in metropolitan areas:

OAR 660-012-0000, Purpose

OAR 660-012-0005, Definitions

OAR 660-012-0010, Transportation Planning

OAR 660-012-0060, Plan and Land Use Regulation Amendments

OAR 660-012-0065, Transportation Improvements on Rural Lands

OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land

The latter two rules only apply to rural lands statewide.

- (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-012-0012, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide.
- (2) OAR 660-012-0100 through OAR 660-012-0910 apply to the following local governments:
 - (a) Cities within metropolitan areas;
 - (b) Portions of counties within Urban Growth Boundaries of cities in metropolitan areas; and
 - (c) Metro.
- (3) OAR 660-012-0010 through OAR 660-012-0055 apply to all local governments other than those listed in section (2) of this rule, where this division is applicable.
- (4) Cities that otherwise would be required to use rules as provided in section (3) of this rule, may choose to instead adopt a Transportation System Plan meeting the rules that apply to jurisdictions as provided in section (2) of this rule. Upon acknowledgement of such a Transportation System Plan, the city shall continue to be subject to these rules in all respects.
- (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.
- (6) Counties may have different applicable rules in different parts of the county.

0012: Effective Dates

This rule lists the effective dates of some provisions of the Transportation Planning Rules. Most provisions will take effect shortly after the commission adopts the rule amendments, but the implementation of some provisions will be phased in over time.

- (1) The rules in this division adopted on [March XX, 2022], and amendments to rules in this division adopted on that date, are effective April 26, 2022, except as provided in this rule.
- (2) A city or county adopting, amending, or updating a Transportation System Plan that is required to meet the requirements as provided in OAR 660-012-0100 may instead use existing requirements as provided in OAR 660-012-0015 if the city or county has submitted notice of the proposed change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later than May 30, 2022.
- (3) Planning areas as provided in OAR 660-012-0110 are for the entire urban growth boundary until and unless a county acts to separate the planning area as provided in that rule. Inside the Portland Metropolitan Area, cities, counties, and Metro shall designate planning areas within the urban area no later than June 30, 2022.
- (4) The standing land use and transportation planning advisory committee required to be established as provided in OAR 660-012-0125 must be established and hold a first meeting no later than October 1, 2022.
- (5) The requirements of OAR 660-012-0170 limiting the use of motor vehicle congestion standards take effect on January 1, 2023.
- (6) Cities and Counties shall designate Climate-Friendly Areas as provided in OAR 660-012-0310 as follows:
 - (a) A city or county outside a metropolitan service district with a population of 10,000 or more within the urban growth boundary that is subject to the requirements of OAR 660-012-0310(1) shall designate Climate-Friendly Areas as provided in OAR 660-012-0320 by March 31, 2023.
 - (b) A city or county outside a metropolitan service district with a population of more than 2,500 within the urban growth boundary that is subject to the requirements of OAR 660-012-0310(1) shall designate Climate-Friendly Areas as provided in OAR 660-012-0320 by March 31, 2024.
 - (c) Within the urban growth boundary of a metropolitan service district, a county with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services; or a city shall meet the requirements of OAR 660-012-0310 by March 31, 2023.
- (7) Cities and counties must adopt comprehensive plan amendments and land use regulations meeting requirements as provided in OAR 660-012-0400 no later than December 31, 2022.
- (8) Cities and counties choosing to report on the share of on-street parking spaces that are priced as provided in OAR 660-012-0415(1)(a)(B) must, through an annual report required as provided in OAR 660-012-0900:
 - (a) Demonstrate at least 5% of on-street parking spaces are priced by December 31, 2022; and
 - (b) Demonstrate at least 10% of on-street parking spaces are priced by December 31, 2024.

- (9) Cities and counties must implement the requirements for electric vehicle charging stations as provided in OAR 660-012-0405(1) as follows:
- (a) Starting January 1, 2023, at least 20% of parking spots must have a charging station;
 - (b) Starting January 1, 2025, at least 25% of parking spaces must have a charging station; and
 - (c) Starting January 1, 2030, at least 30% of parking spaces must have a charging station.
- (10) Requirements as provided in OAR 660-012-0900 are modified as follows:
- (a) The first reporting year for the reporting requirements as provided in OAR 660-012-0900 is 2022, with reports due no later than May 31, 2023.
 - (b) Cities and counties otherwise required to complete a major report for the 2022 reporting year as provided in OAR 660-012-0900 may delay submission of the major report until the 2023 reporting year. A city or county electing to do so must submit a minor report for the 2022 reporting year and cite this provision in that report.

New Rules 0100-0299: General Provisions

This part of the Transportation Planning Rules will contain general provisions for how cities and counties in metropolitan areas conduct coordinated land use and transportation planning. These include updated rules for how cities and counties undertake Transportation System Plans within urban areas. There are significant changes and clarifications in how this process works, including how cities and counties ensure equitable participation in decision-making, and how plans are amended and updated over time.

0100: Urban Transportation System Plans

This rule provides the starting point for how cities in metropolitan areas will be required to adopt, amend, and implement local Transportation System Plans in urban areas. The rule lists all the required elements of a Transportation System Plan. The rule also provides for how cities will determine the base and horizon years of a local Transportation System Plan.

- (1) Cities shall develop and adopt an urban Transportation System Plan. An urban Transportation System Plan includes the following elements:
- (a) The core Transportation System Plan elements as provided in section (2) of this rule;
 - (b) Transportation System Inventories as provided in OAR 660-012-0150;
 - (c) A pedestrian system element as provided in OAR 660-012-0500;
 - (d) A bicycle system element as provided in OAR 660-012-0600;
 - (e) A public transportation system element as provided in OAR 660-012-0700;
 - (f) A street and highway system element as provided in OAR 660-012-0800;
 - (g) A financial plan as provided in OAR 660-012-0205.
 - (h) A financially-constrained project list as provided in OAR 660-012-0210; and

- (2) Transportation System Plans must also include the following core elements:
- (a) Major core elements to be updated with major updates to a Transportation System Plan as provided in OAR 660-012-0105:
 - (A) The base and planning horizon years for the plan as provided in section (3) of this rule;
 - (B) The land use assumptions used in development of the transportation system plan, as developed under OAR 660-012-0340;
 - (b) Minor core elements to be updated with major or minor updates to a Transportation System Plan as provided in OAR 660-012-0105:
 - (A) A list of all components of the plan, and the date of adoption or amendment of each;
 - (B) The policies in the city's comprehensive plan that apply to coordinated land use and transportation system planning;
 - (C) The goals and policies of the Transportation System Plan;
 - (D) Those areas designated by the city with concentrations of priority populations as provided in OAR 660-012-0120;
 - (E) A record of the engagement, involvement, and decision making processes used in development of the plan, as provided in OAR 660-012-0125, and an equity analysis as provided in OAR 660-012-0130.
 - (F) The dates of each report made to the director as provided in OAR 660-012-0900. These must include all reports made for the planning area, including city and county reports, if applicable.
- (3) The base and horizon years of urban Transportation System Plans shall be determined as follows:
- (a) The base year for an urban Transportation System Plan is the present or past year which is used for the development of plan elements. The base year must be the year of adoption of a major update to the Transportation System Update, or no earlier than three years prior.
 - (b) The horizon year for an urban Transportation System Plan is the future year for which the plan contains potential projects. The horizon year is no more than twenty years from the year of adoption of a major update to the Transportation System Plan.
- (4) Cities must coordinate the development of urban Transportation System Plans with counties, transportation facility owners, and transportation service providers.
- (5) Cities must develop urban Transportation System Plans and amendments to those plans consistent with the provisions of OAR 660-012-0105 through OAR 660-012-0140.
- (6) Adoption or amendment of an urban Transportation System Plan shall constitute the land use decision regarding the need for transportation facilities, services, and major improvements; and their function, mode, and general location.
- (7) Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption or amendment of the Transportation System Plan.

0105: Transportation System Plan Updates

This rule describes how cities update their Transportation System Plans. The rule provides for either a major or minor update to plans. The existing rules were written when most places did not even have a Transportation System Plan, so there is little guidance about how they are to be kept up to date. The purpose of this rule is to clarify that process and make it simpler to adopt smaller updates in between larger updates.

- (1) Cities may adopt a major update to an urban Transportation System Plan as provided in section (2), or a minor update as provided in section (3).
- (2) A major update to an urban Transportation System Plan is any update that:
 - (a) Includes a change to the horizon year of the plan;
 - (b) Any update where the adoption date is fewer than five years prior to January 1 of the planning horizon year of the acknowledged plan; or
 - (c) Is intended to include a Vehicle Miles Traveled-Increasing facility in the plan that has been reviewed as provided in OAR 660-012-0830.
- (3) A city making a major update to a Transportation System Plan must:
 - (a) Include an update to the core Transportation System Plan elements as provided in OAR 660-012-0100, and include all other applicable elements as provided in OAR 660-012-0100.
 - (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the major update to the transportation system plan.
 - (c) Complete the review of any Vehicle Miles Traveled-Increasing facilities in the plan as provided in OAR 660-012-0830 prior to adoption in the Transportation System Plan.
- (4) A minor update to an urban Transportation System Plan is any update which is not a major update as provided in section (2) of this rule. A city making a minor update to a Transportation System Plan must:
 - (a) Include, at minimum, an update to core Transportation System Plan elements as provided in OAR 660-012-0100.
 - (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the minor update to the Transportation System Plan.
- (5) Notwithstanding any other provision in this rule, cities having an acknowledged Transportation System Plan adopted as provided in OAR 660-012-0015 shall adopt a major update to the Transportation System Plan. Cities may use any part of existing acknowledged plans to meet the applicable requirements.
- (6) Notwithstanding any other provision in this rule, cities that do not have an acknowledged Transportation System Plan shall adopt a new plan in the manner of adopting a major update to a Transportation System Plan. Cities may use any part of existing acknowledged plans to meet the applicable requirements.

0110: Transportation System Planning Area

This rule sets out requirements for the geographic scope of Transportation System Plans. The default assumption is that cities will plan for the entire urban area within the Urban Growth Boundary, including unincorporated areas. The rule includes provisions if counties opt to handle the planning within urban unincorporated areas.

- (1) The planning area for Transportation System Plans is the area encompassed by the acknowledged Urban Growth Boundary, including both incorporated and unincorporated areas. The unincorporated area within Urban Growth Boundaries is the urbanizable area.
- (2) Cities are responsible for the development and adoption of urban transportation system plans for the entire planning area. Cities shall work cooperatively with counties to effectively plan for the urbanizable area.
- (3) Counties are responsible for cooperatively working with cities on the development and adoption of urban transportation system plans including the urbanizable area.
- (4) Cities and counties must jointly determine how urban transportation system planning will occur in the urbanizable area, including plan adoption, through intergovernmental agreement.
- (5) In lieu of sections (2) and (3) of this rule, a county may choose to develop and adopt a separate urban transportation system plan for areas in the urbanizable area. The county and associated city must meet the requirements as provided in sections (4) and (7) of this rule.
- (6) In the Portland Metropolitan Area, Metro shall work cooperatively with cities and counties to determine responsibility for planning areas in the urbanizable area. All lands within the Metro Urban Growth Boundary must be within the planning area of either a city or county. Where a county has responsibility for a planning area, the county must meet the requirements as provided under section (7) of this rule.
- (7) Counties planning for unincorporated urban areas as provided in this rule, and associated cities, must meet these requirements:
 - (a) Counties must meet the applicable requirements of this division as if they were a city, even when requirements only refer to cities.
 - (b) Outside of the Portland Metropolitan Area, both the city and county must meet all applicable requirements based on the population of the entire urban area.
 - (c) Outside of the Portland Metropolitan Area, both the city and the county must adopt Transportation System Plans with the same horizon year.
 - (d) In the Portland Metropolitan Area, counties must meet all applicable requirements based on the higher of the population of the planning area, or the population of the largest city in the county.
- (8) Counties must plan areas outside Urban Growth Boundaries as rural, regardless of location within a metropolitan area. Counties planning for unincorporated communities within a metropolitan area must meet requirements as provided in OAR Chapter 660, Division 22.

0115: Transportation System Planning Engagement

This rule directs how cities must engage the public, and specifically priority populations, in the development and approval of Transportation System Plans.

- (1) Cities and counties must develop urban transportation system plans using methods of engaging the public and making decisions consistent with the statewide planning goals and provisions of the local comprehensive plan.
- (2) Public engagement and decision making must place an increased emphasis on centering the voices of Priority Populations as provided in OAR 660-012-0120.
- (3) Cities or counties engaged in a major update of the transportation system plan as provided in OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-012-0340, must make a special effort to ensure priority populations, as provided in OAR 660-012-0120, are informed about the choices that need to be made in the planning process, given a meaningful opportunity to inform the planning process, and to the extent possible, have an equitable share of the decision-making power over key decisions.

0120: Priority Populations

Oregon has a long history of discrimination throughout our laws, budgets, and planning processes and decisions. The Climate-Friendly and Equitable Communities Rules Advisory Committee has helped identify priority populations to consider in this rulemaking, expanding on a list from the Governor's office. To rectify harms done in the past and in current practice, communities must prioritize these populations in decision-making processes and outcomes.

This rule sets out a Definition of priority populations for use in transportation and land use planning consistent with the Equitable Outcomes Statement developed by the Rules Advisory Committee. The rule also requires cities and counties to identify areas with concentrations of priority populations; and to identify and engage with recognized tribes with ancestral lands in the area of the city or county.

- (1) In order to implement provisions of this division, cities and counties must prioritize community-led engagement and decision-making, with specific attention to the priority populations listed in section (2) of this rule.
- (2) When updating or amending a transportation systems plan, cities and counties must identify populations of people living in the community who need prioritized attention with regard to transportation and land use planning due to historic and current marginalization. Priority populations include, but are not limited to:
 - (a) Black and African American people;
 - (b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii Native);
 - (c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity populations);
 - (d) Immigrants, including undocumented immigrants;
 - (e) People with limited English proficiency;
 - (f) People with disabilities;

- (g) People experiencing homelessness;
 - (h) Low-income and low-wealth community members;
 - (i) Low- and moderate-income renters and homeowners;
 - (j) Single parents;
 - (k) Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community members; and
 - (l) Youth and seniors.
- (3) Cities and counties must identify geographic areas with above average concentrations of priority populations.

0125: Decision-Making with Priority Populations

This rule directs how local governments center priority populations in decision-making. The rule requires local governments establish a standing advisory committee. The rule requires cities and counties to regularly assess and report on progress.

- (1) Cities and counties must, as a part of an involvement program required as provided in OAR 660-015-0000(1), center the voices of priority populations in processes at all levels of decision-making under this division. Actions that may accomplish this include, but are not limited to:
 - (a) Establish a standing advisory committee as provided by section (2);
 - (b) Regularly reporting on progress made under this rule as provided by section (3);
 - (c) Conducting equity analyses as provided in OAR 660-012-0130;
 - (d) Engaging in additional outreach activities with priority populations and in areas with concentrations of priority populations. Such outreach activities shall include activities in languages and that formats the can be used by everyone, be accessible to people with disabilities, and be accessible to people without internet access, with limited transportation and child care options, and with schedule constraints around employment or other critical responsibilities;
 - (e) Considering the effect on priority populations when developing plans, including land use plans and plans for public investment;
 - (f) Developing decision-making factors that recognize historic and current inequities, and work to reduce them.
- (2) Cities and counties must establish a standing land use and transportation planning advisory committee. The committee is advisory to local staff, the planning commission, and the local governing body on issues relating to local land use and transportation planning as required in this division.
 - (a) The membership of the advisory committee must include members of the populations in respect to the categories in OAR 660-012-0120(2), in equal proportion as the city or county, to the extent practicable.
 - (b) Cities and counties must give the advisory committee the opportunity to review and comment on the development and implementation of land use and transportation plans developed under this division, and related activities.

- (c) The advisory committee must be engaged in the development of annual reports as provided in OAR 660-012-0900. The advisory committee must approve reports prior to submittal.
- (d) The committee must have significant opportunity to provide information and feedback in a way that meaningfully impacts the decision-making process.
- (e) The advisory committee must meet regularly, at least quarterly, or more frequently if required by the workload.
- (f) The advisory committee may have other duties not listed in this division, as determined by the local governing body.
- (g) Cities and counties may jointly establish a regional advisory committee for all urban areas across a metropolitan area. Every city and county in a metropolitan area that is required to establish an advisory committee as provided in this rule must participate to establish a regional advisory committee.
- (h) Cities with less than 10,000 population within the urban growth boundary, or counties with a population under 50,000, and in metropolitan areas where no regional advisory committee has been established, may use the planning commission in lieu of establishing a separate advisory committee to fulfill the responsibilities of the advisory committee as required in this division.
- (3) Cities and counties must identify those recognized sovereign tribes whose ancestral lands include the area now within the city or county. The city or county must engage with affected tribes to notify them of coordinated land use and transportation planning activities and projects under this division. Cities and counties must engage in consultation with affected tribal governments upon request.
- (4) Cities and counties must regularly assess and report on progress made under this rule by:
- (a) Reporting to the department annually as provided in OAR 660-012-0900;
 - (b) Making regular reports to the established advisory committee as provided by section (2) of this rule;
 - (c) Making regular reports to the governing body of the city or county; and
 - (d) Making regular public reports to the community.

0130: Equity Analysis

This rule gives cities and counties direction on how to complete an equity analysis. An equity analysis is required for a variety of actions throughout the division. The purpose of an equity analysis is to identify impacts of proposed projects and policies and potentially inequitable consequences or burdens on impacted communities.

- (1) Cities and counties must ensure that land use and transportation plans required in this division improve outcomes for priority populations by using an equity analysis. An equity analysis is intended to determine benefits and burdens on priority populations, as provided in OAR 660-012-0120.
- (2) A city or county engaging in an equity analysis must:
- (a) Engage with the advisory committee established as provided in OAR 660-012-0125 to develop key community outcomes;

- (b) Assess, document, acknowledge, and address where past policies and effects of climate change have harmed and are likely to perpetuate harm to priority populations;
- (c) Recognize where and how intersectional discrimination compounds disadvantages;
- (d) Gather lived experience, qualitative, and quantitative information from the community on how the proposed change benefits or burdens priority populations;
- (e) Analyze the proposed changes for impacts and alignment with desired key community outcomes;
- (f) Develop strategies to create greater equity or minimize unintended consequences;
- (g) Develop and track key indicators over time and continue to communicate with and involve the advisory committee; and
- (h) Report back and share the information learned from the analysis and unresolved issues with the advisory committee.

0140: Transportation System Refinement Plans

This rule provides cities and counties with the opportunity to defer some decisions that would otherwise be made in a Transportation System Plan to a later refinement planning process. This rule is largely based on existing language within the Transportation Planning Rules, in OAR 660-012-0025.

- (1) A city or county may, when adopting a major update to the Transportation System Plan as provided in OAR 660-012-0100, defer decisions regarding function, general location, and mode of a refinement plan if findings are adopted that:
 - (a) Identify the transportation need for which decisions regarding function, general location, or mode are being deferred;
 - (b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the Transportation System Plan;
 - (c) Explain how deferral does not invalidate the assumptions upon which the Transportation System Plan is based or preclude implementation of the remainder of the Transportation System Plan;
 - (d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and
 - (e) Set a deadline for adoption of a refinement plan no more than five years after the adoption of the major update to the Transportation System Plan.
- (2) A city or county may not defer decisions to a refinement plan for transportation facilities within a Climate-Friendly Area.
- (3) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.

0150: Transportation System Inventories

This rule includes general requirements for inventories of existing facilities and services in Transportation System Plans. The specific requirements for each mode of transportation are in separate rules, as noted in this rule. There are basic levels of inventories required, and larger cities will be required to do more advanced inventories.

0160: Transportation Planning Modeling and Vehicle Miles Traveled Reduction Targets

This rule sets priorities for how cities and counties use modeling and analysis in transportation planning. The rule includes a requirement that Transportation System Plans are consistent with the regional greenhouse gas reduction target, by way of using a Vehicle Miles Traveled reduction target.

0165: Evaluation and Selection of Transportation System Alternatives

This rule provides criteria for cities and counties to use when evaluating and selecting between transportation system alternatives in a Transportation System Plan.

0170: Transportation Performance Standards

This rule provides a framework for how decisions are made using transportation performance standards. These include decisions made about transportation system planning, reviewing comprehensive plan and land use regulation amendments, and in the local review of development proposals.

Currently many, but not all, decisions have relied heavily on performance standards related to motor vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and mobility.

0180: Transportation Prioritization Framework

This rule sets the context for prioritizing projects in local Transportation System Plans; and how cities, counties, Metro, and state agencies make decisions about investments in the transportation system. The prioritization framework places an emphasis on reducing pollution, increasing equitable outcomes, safety, and accessibility.

0190: Temporary Projects

This rule makes clear that certain temporary or pilot projects need not be included in the Transportation System Plan to be implemented. These are expected to be short-term trials or temporary fixes in advance of a plan update.

0200: Combined and Illustrative Project Lists

This rule describes how cities and counties take the combined list of projects developed in the modal elements of the Transportation System Plan, develop multimodal projects, and produce a combined project list. The rule requires cities and counties to use the combined project list to develop an illustrative project list. The Illustrative project list must include a set of projects that would meet targets for reductions in per capita Vehicle Miles Traveled.

0205: Transportation System Financial Plan

This rule describes how cities develop a Financial Plan in the Transportation System Plan. The Financial Plan includes a list of funding sources that are expected to fund transportation facilities and services, and the amount of funding available for transportation projects over the planning period.

0210: Financially-Constrained Project List

This rule gives cities and counties a method to develop a financially-constrained project list. Projects on the financially-constrained project list are the planned projects to be considered for further project development, funding, and construction. The financially constrained list of projects in the local Transportation System Plan will inform the federally required Regional Transportation Plan. The financially constrained list will also be the only projects that may be assumed as “reasonably likely” when considering if an amendment to a comprehensive plan or land use regulation has a “significant effect” on the transportation system.

The financially-constrained list must result in equitable outcomes, demonstrate a reduction in per-capita Vehicle Miles Traveled, and support meeting targets set against a range of performance measures.

New Rules 0300-0399: Coordinated Land Use and Transportation Planning

The Transportation Planning Rules are, at their heart, a guide for local governments to make coordinated plans for both land use and their transportation system. This part of the Transportation Planning Rules focus on land use requirements, including requirements for Climate-Friendly Areas.

0300: Coordinated Land Use and Transportation System Planning

This rule contains general provisions for cities and counties in how they accomplish coordinated land use and transportation planning.

- (1) Cities and counties must ensure land use and transportation plans are coordinated.
- (2) Cities and counties must, if applicable, adopt and implement Climate-Friendly Areas as provided in OAR 660-012-0310.
- (3) Cities and counties must adhere to the applicable land use requirements as provided in OAR 660-012-0330.
- (4) Cities and counties must, in the development of transportation plans, use the land use assumptions described as provided in OAR 660-0340.

- (5) Cities and counties must develop a list of key destinations, as provided in OAR 660-012-0360.
- (6) Cities and counties must meet the parking management requirements as provided in OAR 660-012-0400.

0310: Designation of Climate-Friendly Areas

This rule describes the requirements for the designation of Climate-Friendly Areas. The rule sets out some basic standards for which areas should and should not be considered for designation as a Climate-Friendly Area.

- (1) Cities and Counties may not designate Climate-Friendly Areas in areas subject to protections established under authority of Statewide Planning Goal 7. Cities and Counties shall designate Climate-Friendly Areas in places that contain, or are planned to contain, a mixture of allowed uses as provided in OAR 660-012-0325. Climate-Friendly Areas may be designated in centers, including planned or existing downtowns, neighborhood centers, or other districts. Climate-Friendly Areas may be designated in areas that are served, or planned for service, by high quality transit services.
- (2) Cities and counties outside a metropolitan service district shall designate Climate-Friendly Areas as provided in OAR 660-012-0012. Counties with planning jurisdiction in areas provided with urban water, sanitary sewer, stormwater, and transportation services within an identified urban growth boundary shall coordinate with the respective city to address Climate-Friendly Area requirements for those areas as provided in OAR 660-012-0012.
- (3) Within the urban growth boundary of a metropolitan service district, a county with planning jurisdiction in unincorporated areas provided with urban water, sanitary sewer, stormwater, and transportation services; or a city shall adopt a regional center or town center boundary as a Climate-Friendly Area consistent with the adopted urban growth management functional plan as provided in OAR 660-012-0012. A local government may adopt regional or town center boundaries larger than those identified in the adopted urban growth management functional plan, but may not reduce the size of these areas.
- (4) After March 31, 2023, a City or County with planning jurisdiction in an unincorporated area within an urban growth boundary provided with urban water, sanitary sewer, stormwater, and transportation services with a population within an urban growth boundary exceeding 2,500 shall designate Climate-Friendly Areas as provided in OAR 660-012-0320 within two years of reaching a population exceeding 2,500.
- (5) After March 31, 2023, a City or County with planning jurisdiction in an unincorporated area within an urban growth boundary provided with urban water, sanitary sewer, stormwater, and transportation services with a population exceeding 10,000 within an urban growth boundary shall comply with the requirements of Section (6) of this rule.
- (6) Local governments subject to OAR 660-008-0045 and the requirements of this rule shall maintain sufficient lands within Climate-Friendly Areas to accommodate at least 30 percent of the total identified housing need. Compliance with this requirement shall be demonstrated in each Housing Capacity Analysis following the designation of Climate-Friendly Areas. Climate-Friendly Area zoning and development regulations shall be established to meet this requirement concurrent or prior to the adoption of the Housing Capacity Analysis as provided in OAR 660-012-0320.

- (7) A local government not subject to OAR 660-008-0045 shall maintain sufficient lands within Climate-Friendly Areas to accommodate at least 30 percent of the city's housing need. Cities shall take all necessary actions to maintain the sufficiency of Climate-Friendly Areas within one year of the release of final population forecasts as provided in OAR 660-032-0020(1) or (2), or concurrent with the adoption of a new housing capacity analysis, as provided in ORS 197.296(10). Housing need estimates based on population forecast data shall determine housing needs for a twenty-year planning period, utilizing the methodology for converting population projections to housing unit needs from the most recent adopted and acknowledged housing capacity analysis. Amendment or expansion of Climate-Friendly Areas shall follow the process provided in OAR 660-012-0320.
- (8) If a city, metropolitan service district, or county has not designated sufficient Climate-Friendly Areas as required in this rule, the commission may:
- (a) Initiate periodic review for the subject local government to address the requirement; or
 - (b) Issue an enforcement order to the local government, consistent with ORS 197.646

0320: Process for Designation of Climate-Friendly Areas

This rule describes the process to be followed for cities and counties to designate Climate-Friendly Areas, including consideration for, and mitigation of, potential inequitable impacts that might result from Climate-Friendly Area designation, such as the displacement of priority populations.

- (1) Cities and counties subject to the requirements of OAR 660-012-0310 shall designate Climate-Friendly Areas sufficient to accommodate at least thirty percent of the total identified number of housing units necessary to accommodate all current and future housing needs over the planning period. A local government may designate one or multiple Climate-Friendly Areas.
- (2) Cities and counties shall calculate the housing that can be accommodated in Climate-Friendly Areas by estimating the buildable square footage within Climate-Friendly Areas, based on net zoned area, allowed building heights, and setbacks established within the Climate-Friendly Area. Where the local government has not established a maximum building height, assumed building height shall be one hundred feet. Local governments may assume that residential dwellings will occupy thirty percent of the full buildable square footage within Climate-Friendly Areas. Local governments may assume an average dwelling unit size of nine hundred square feet in order to convert the estimated residential building area into an estimate of the number of dwelling units that may be accommodated in Climate-Friendly Areas.
- (3) Cities and counties shall adopt a Climate Friendly element to the comprehensive plan concurrent with the designation of Climate-Friendly Areas as provided in OAR 660-012-0012. The Climate Friendly element, and findings adopted in support of the element, shall include the items provided below in subsections a – e.
- (a) Maps illustrating all Climate-Friendly Areas, as well as calculations of dwelling units that can be accommodated within the Climate-Friendly Areas as a percent of the city's housing needs, as identified in the most recent adopted and acknowledged housing capacity report.
 - (b) Documentation that the land use and development requirements identified in OAR 660-012-0325 have been adopted and are effective within designated Climate-Friendly Areas.
 - (c) The number of existing dwelling units within Climate-Friendly Areas and the number of income-restricted dwelling units within Climate-Friendly Areas.

- (d) A narrative summary of the public engagement process used to consider and designate Climate-Friendly Areas, consistent with the requirements of OAR 660-012-0115 through 660-012-0130.
- (e) Plans for achieving fair and equitable housing outcomes within Climate-Friendly Areas, as identified in OAR 660-008-0050(4)(a) - (f). Analysis of OAR 660-008-0050(4)(f) shall include analysis of spatial and other data to determine which potential Climate-Friendly Areas may have the potential to displace residents who are members of state and federal protected classes. The local government shall also identify actions that will be employed to mitigate or avoid potential displacement.
- (4) For cities and counties identified in OAR 660-012-0310(6), the information provided in compliance with OAR 660-012-0320(3) shall provide a basis for subsequent Housing Production Strategy Reports to assess progress towards fair and equitable housing production goals in Climate-Friendly Areas, per OAR 660-008-0050(4)(a).

0325: Land Use Requirements in Climate-Friendly Areas

This rule describes development codes and other land use requirements cities and counties must adopt for Climate-Friendly Areas.

- (1) Development regulations for a Climate-Friendly Area shall allow mixed-use development within individual buildings or on development sites, including:
- (a) Multifamily residential;
 - (b) Attached single family dwellings;
 - (c) Office;
 - (d) Retail, services, and other commercial uses;
 - (e) Public uses, including school and childcare uses.
- (2) Local governments shall prioritize locating government facilities that serve the public within Climate-Friendly Areas.
- (3) Uses and standards required in a Climate-Friendly Area as provided in this rule must be permitted in all parts of each Climate-Friendly Area.
- (4) Development within a Climate-Friendly Area shall be permitted through a non-discretionary land use decision process.
- (5) Development regulations for Climate-Friendly Areas must require a minimum residential density of fifteen dwelling units per net acre, with no maximum density limit.
- (6) Allowed building height within a Climate-Friendly Area shall be no less than 100 feet.
- (7) Local governments may not establish front, side, or rear setbacks for buildings within Climate-Friendly Areas, except those which may be required for life safety purposes.
- (8) Local governments may not adopt other land use regulations in Climate-Friendly Areas that would effectively negate the allowances provided in this rule, such as Floor-Area Ratio restrictions.

- (9) Within newly-developing Climate-Friendly Areas or for redevelopment within developed Climate-Friendly Areas the length of any block face shall not exceed 250 feet. Pedestrian accessways, trails, streets, or public alleys through a block may be used to meet the block face standard.
- (10) Local governments shall prioritize locating parks, open space areas, plazas, and similar public amenities within Climate-Friendly Areas.
- (11) Local governments shall address the following requirements in Climate-Friendly Areas:
- (a) The land use requirements in OAR 660-012-0330;
 - (b) The applicable parking requirements in OAR 660-012-0410;
 - (c) The applicable pedestrian system planning requirements in OAR 660-012-0510 or OAR 660-012-0515;
 - (d) The applicable bicycle system planning requirements in OAR 660-012-0610 or OAR 660-012-0615;
 - (e) The applicable bicycle parking requirements in OAR 660-012-0630;
 - (f) The applicable public transportation system planning requirements in OAR 660-012-0710 or OAR 660-012-0715; and
 - (g) The applicable street and highway system planning requirements in OAR 660-012-0810 or OAR 660-012-0815.
- (12) Local governments within a metropolitan service district subject to the requirements of OAR 660-012-0310 shall either:
- (a) Adopt findings as provided in OAR 660-012-0320(3) that demonstrate that development allowances within an adopted town or regional center are consistent with the requirements of this rule, or
 - (b) Adopt findings demonstrating that development allowances within an adopted town or regional center will achieve equal or better climate and equity outcomes in relation to the requirements of this rule.

0330: Land Use Requirements

These land use requirements apply to cities and counties within metropolitan areas and have to do with how land use interacts with the transportation system. Many of these requirements are in the existing rules, however this rule extends and adds to the existing requirements. These requirements apply across the urban area, and are in addition to the Climate-Friendly Area specific requirements in those areas.

The rule requires local governments to provide for walkable and connected neighborhoods; for commercial and mixed-use districts to be oriented towards pedestrians and transit, to place limits on auto-oriented land uses; some additional requirements for larger cities; and to have protections for existing and future transportation facilities.

0340: Land Use Assumptions

This rule describes how cities and counties make assumptions about the future development of the urban area, for purposes of transportation planning. These assumptions are based on the required population forecasts, existing comprehensive plans and land use regulations, and other provisions in the Transportation Planning Rules. These assumptions are used to help make coordinated land use and transportation plans.

0350: Urban Growth Boundary Expansions

This rule includes requirements for local jurisdictions to ensure they are being consistent with coordinated transportation planning requirements when proposing to expand an Urban Growth Boundary. The rules provides for requirements prior to undertaking an Urban Growth Boundary Expansion, requirements as part of the process of expanding the Urban Growth Boundary, and requirements for planning areas brought into the Urban Growth Boundary.

0360: Key Destinations

This rule lists key destinations for use in coordinated transportation and land use planning. These are important places for all people to be able to access to meet daily needs and participate in society.

- (1) Cities and counties shall use the key destinations described in this rule, as well as other destinations determined locally, for purposes of coordinated land use and transportation planning.
- (2) Key destinations include, but are not limited to:
 - (a) Climate-Friendly Areas;
 - (b) Pedestrian-oriented commercial areas outside of Climate-Friendly Areas;
 - (c) Transit stations, stops, and terminals;
 - (d) Retail and service establishments, including grocery stores;
 - (e) Child care facilities, schools, and colleges;
 - (f) Parks, recreation centers, trails, and open spaces;
 - (g) Farmers markets;
 - (h) Libraries, government offices, community centers, arts facilities, post offices, social service centers, and other civic destinations;
 - (i) Medical or dental clinics and hospitals;
 - (j) Major employers;
 - (k) Gyms and health clubs;
 - (l) Major sports or performance venues; and
 - (m) Other key destinations determined locally.

New Rules 0400-0499: Parking

This part of the Transportation Planning Rules relates to how cities and counties manage parking. The rules follow current best practice and move cities and counties away from one-size-fits-all mandates for development to build a large amount of costly off-street parking, towards more targeted management strategy and more deference to builders and property owners to provide parking for the diversity of development types as the market dictates.

0400: Parking Management

This rule directs jurisdictions to implement the parking rules.

- (1) Cities and counties shall amend their comprehensive plans and land use regulations to implement provisions of OAR 660-012-0405, OAR 660-012-0410, and OAR 660-012-0415, and conform with section (2).
- (2) Cities and counties shall meet the bicycle parking requirements as provided in OAR 660-012-0630.

0405: Parking Regulation Improvements

This rule works to include best practices of managing the details of parking codes. For example, it limits requirements to build the most costly form of parking (garages). It also provides builders to find cost-effective solutions for providing parking if on-site is not feasible, or if shared parking (e.g. between a morning coffee shop and an evening movie theater) is feasible.

This rule also works to encourage electric vehicle infrastructure in line with recent legislation.

Finally, this rule aims to reduce the negative externalized impacts of parking. It works to make large parking lots more walkable, and to address some of the heat island effects through trees. It aims to mitigate the climate impacts of driving and parking through either increased clean energy or increased tree canopy. It also aims to ensure communities allow for the temporary or permanent conversion of parking to more valuable uses.

- (1) Cities and counties shall adopt and enforce land use regulations as provided in this section:
 - (a) Garages and carports shall not be required for residential developments;
 - (b) Garage parking spaces shall count towards off-street parking mandates;
 - (c) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;
 - (d) Property owners shall be allowed to redevelop any portion of existing on or off-street parking areas for bicycle-oriented and transit-oriented facilities and developments, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities;
 - (e) Provision of on-street parking, off-site long-term lease parking, and shared parking shall be allowed to meet parking mandates;
 - (f) Any required parking spaces may be provided off-site, within 2,000 feet walking distance;

- 1 (g) Parking mandates shall be reduced by one off-street parking space for each 3 kilowatts of
2 capacity in solar panels or wind power included in a development; and
- 3 (h) Parking lots with five or more parking spaces abutting a street, sidewalk, trail, bikeway,
4 or walkway shall be screened and buffered with a low wall, vegetative barrier, earthen
5 berm, or similar method. Such screening shall not limit the ability for pedestrians to see
6 cross-traffic.
- 7 (2) Cities and counties shall adopt regulations requiring new development to support electric vehicle
8 charging.
- 9 (a) For new buildings with five or more parking spaces on a lot or parcel, cities and counties
10 shall require the installation of Level 2 or above electric vehicle charging stations rated at
11 6.6 kW or higher. The percentage of parking spaces required to have charging stations is
12 listed in OAR 660-012-0012(9).
- 13 (b) For new buildings with five or more parking spaces on a lot or parcel, cities and counties
14 shall require sufficient dedicated electrical capacity, wiring and conduit to accommodate
15 Level 2 electric vehicle charging stations serving 50% of all parking spaces.
- 16 (3) Cities and counties shall adopt land use regulations for new developments that include more than
17 one acre of surface parking as provided below:
- 18 (a) Developments must provide one of the following:
- 19 (A) Installation of solar panel with a generation capacity of at least 0.5 kW per
20 parking space on the property. In lieu of developing solar on site, cities may
21 allow developers to pay \$1,500 per parking space in the development into a city
22 fund dedicated to equitable solar or wind energy development or a fund at the
23 Oregon Department of Energy designated for such purpose. Developments
24 subject to OAR 330-135-0010 shall be exempt.; or
- 25 (B) Creation of tree canopy covering at least 50% of the parking lot at maturity but
26 no more than 15 years after planting. Trees planted under this requirement must
27 meet the standards in subsection (3)(b).
- 28 (b) Developments must provide street trees along major driveways. The tree species planted
29 must be the largest appropriate for the site. Trees must be planted and maintained to
30 maximize their root health and chances for survival, including having ample high-quality
31 soil, space for root growth, and reliable irrigation. Trees should be planted in continuous
32 trenches where possible. The city or county shall have minimum standards for planting
33 and tree care no lower than 2021 American National Standards Institute A300 standards,
34 and a process to ensure ongoing compliance with tree planting and maintenance
35 provisions;
- 36 (c) Developments must provide street-like design and features along major driveways
37 including curbs, sidewalks, and buildings built to the sidewalk; and
- 38 (d) Developments must submit a redevelopment plan outlining ways the parking area could
39 be repurposed in the future.

- (4) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses. At a minimum, the policies and land use regulations must permit the following types of conversions:
- (a) Temporary on-street and off-street parking area conversions that enable an alternative use for a limited duration without resurfacing or improvement requirements. Temporary parking area conversion permits must provide a duration of at least 90 days.
 - (b) Permanent on-street and off-street parking area conversions. A city or county may establish standards and conditions for permanent conversions in relationship to the proposed use. However, a city or county may not require:
 - (A) Preparation of a traffic or parking impact analysis; or
 - (B) A fee exceeding the administrative cost to review a conversion proposal.
 - (c) Cities and counties must allow at least fifty percent of the existing off-street parking area to be converted, even if doing so reduces the amount of off-street parking below minimum parking requirements.
 - (d) Nothing in this section prohibits a city or county from revoking a permit for failure to comply with applicable standards or for issues related to public safety or health.

0410: Reduction of Parking Mandates

This rule reduces costly parking mandates, following the trend in planning practice and previous Department rulemaking on traditional missing middle housing types. The rule works to reduce regulatory burdens for developing certain types of needed development, such as child care facilities. The rule also targets locations that usually have lower parking demand – those with better transportation choices and more walkable development patterns – for reduced mandates. Finally, the rule provides a choice for communities to either adopt best practices when it comes to internalizing the costs of parking on the users of that parking, or to reduce their parking mandates more significantly.

- (1) Cities and counties shall either repeal all parking mandates or meet the provisions of sections (2) through (5).
- (2) Cities and counties shall not:
 - (a) Require more than one parking space per unit in residential developments with more than one unit. Notwithstanding this requirement, cities must meet requirements as provided in OAR 660-046-0220;
 - (b) Require parking for the following development types:
 - (A) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to residential care facilities, residential training facilities, residential treatment facilities, residential training homes, residential treatment homes, and conversion facilities as defined in ORS 443.400;
 - (B) Child care facilities as defined under ORS 329A.250;
 - (C) Single-room occupancy housing;
 - (D) Residential units smaller than 750 square feet;
 - (E) Affordable housing units as defined in OAR 660-039-0010;

- (F) Publicly-supported housing as defined in ORS 456.250;
 - (G) Emergency and transitional shelters for people experiencing homelessness; and
 - (H) Domestic violence shelters.
- (3) Cities and counties shall reduce parking mandates in Climate-Friendly Areas. In each Climate-Friendly Area, as provided in OAR 660-012-0305, cities and counties shall either:
 - (a) Not enforce any parking mandates within the Climate-Friendly Area and on parcels that include land within ¼ mile distance of those areas; or
 - (b) Significantly manage parking, by:
 - (A) Adopting a parking benefit district with a majority of on-street parking spaces in the Climate-Friendly Area metered at a cost of at least \$1 per hour for at least six hours on weekdays. A majority of those meter revenues must be dedicated to public improvements in the Climate-Friendly Area;
 - (B) Adopting land use amendments to require no more than one-half off-street parking space per new housing unit in the Climate-Friendly Area; and
 - (C) Not enforcing parking mandates for commercial developments.
- (4) Cities and counties shall reduce parking mandates along priority transit corridors. Cities and counties shall not require parking spaces for developments within one-half mile walk of priority transit corridors. Until cities and counties designate priority transit corridors under OAR 660-012-0710, cities and counties may not require parking spaces for developments within one-half mile walk of a transit corridor with busses or rail service arriving with a frequency of at least four times an hour during peak service.
- (5) Cities and counties shall select and implement either a market-based parking management approach as provided in subsection (a) of this section, or a reduced regulation parking management approach as provided in subsection (b) of this section. These provisions must be implemented in the planning area by December 31, 2022.
 - (a) A market-based parking management approach shall include parking mandates for new multifamily residential development no higher than 0.75 space per unit and at least three of the following four provisions:
 - (A) A requirement that parking spaces for each unit in residential developments of five or more leased or sold units on a lot or parcel be leased or sold separately from the unit itself. That requirement must include a requirement for the parking space(s) to be rented or sold at market rates for comparable local off-street parking, and for the renter of the unit to be able to opt out of renting the parking space(s);
 - (B) A requirement that parking spaces serving leased commercial developments be leased or sold separately from the unit itself. That requirement must include a requirement for the parking space(s) to be leased or sold at market rates for comparable local off-street parking, and for the lessor or owner of the unit to be able to opt out of leasing or owning the parking space(s);
 - (C) Requiring employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace to provide a flexible commute benefit of at least \$50 per month to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking; and

- 1 (D) A tax on the income from commercial parking lots collecting no less than 10% of
2 income, with revenues dedicated to improving transportation alternatives to
3 drive-alone travel.
- 4 (b) A reduced regulation parking management approach, shall include all of the following:
- 5 (A) Repeal all parking mandates within ½ mile walking distance of Climate-Friendly
6 Areas;
- 7 (B) Repeal parking mandates for transit-oriented development and mixed-use
8 development;
- 9 (C) Repeal parking mandates for group quarters, including but not limited to
10 dormitories, religious group quarters, adult care facilities, retirement homes, and
11 other congregate housing;
- 12 (D) Repeal parking mandates for studio apartments, one-bedroom apartments and
13 condominiums in residential developments of five or more units on a lot or
14 parcel;
- 15 (E) Repeal parking mandates for redevelopment of buildings vacant for more than
16 two years;
- 17 (F) Repeal parking mandates requiring additional parking for change of use,
18 redevelopment, or expansion of existing businesses;
- 19 (G) Repeal parking mandates for buildings within a National Historic District, on the
20 National Register of Historic Places, or on a local inventory of historic resources
21 or buildings;
- 22 (H) Repeal parking mandates for businesses with fewer than ten on-site employees or
23 3000 square feet floor space;
- 24 (I) Repeal parking mandates for developments built under the Oregon Residential
25 Reach Code;
- 26 (J) Repeal parking mandates for developments seeking certification under any
27 Leadership in Energy and Environmental Design (LEED) rating system, as
28 evidenced by either proof of pre-certification or registration and submittal of a
29 complete scorecard;
- 30 (K) Set parking maximums in appropriate locations, such as downtowns, Climate-
31 Friendly Areas, and transit oriented-developments;
- 32 (L) Adopt regulations allowing and facilitating shared parking; and
- 33 (M) Designate at least one residential parking district or parking benefit district where
34 on-street parking is managed through permits or meters.

0415: Parking Management for More Populous Communities

This rule aims to support retrofitting of existing development with electric vehicle charging in Oregon's most populous communities.

The rule also aims to encourage those communities to better manage existing parking supply before requiring significant amounts of new parking.

The rule further aims to ensure communities set parking maximums, where appropriate, to ensure car-heavy development does not dominate places where walkable development should be emphasized.

Finally, the rule looks to make sure the most populous communities try demand-management approaches before building large new parking structures.

- (1) Cities and counties with populations over 50,000 in the urban area, and cities with populations over 25,000 within a metropolitan service district, shall require the installation of electric vehicle charging infrastructure upon major remodel or renovation of certain buildings or parking lots.
 - (a) Requirements shall apply to existing parking garages or commercial buildings with more than 40 parking spots, residential developments with five or more parking spaces on a lot or parcel, and mixed-use buildings with five or more parking spaces on a lot or parcel.
 - (b) Vehicle charging infrastructure shall include at least Level 2 electric vehicle charging stations rated at 6.6 kW or higher, dedicated electrical capacity, wiring and conduit.
 - (c) At least 20% of parking spots provided must have a charging station.
 - (d) For the purposes of this section, major remodel or renovation means the value of the proposed alterations on the site is 20% or more of existing building or parking lot valuation, or more than \$200,000.
 - (e) An exemption may be granted if the cost of the Level 2 charging installations exceeds 30% of the cost of the proposed alterations.
- (2) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within a metropolitan service district, shall:
 - (a) Adopt one of the following options:
 - (A) Adopt land use regulation amendments to remove all mandates to provide parking spaces, other than parking spaces reserved for people with disabilities, parking required for electric vehicles when parking is provided, or parking for carpools and vanpools; or
 - (B) Price at least the percentage of on-street parking spaces specified in OAR 660-012-0012, and report the percentage of on-street parking spaces that are priced as provided in OAR 660-012-0900. Residential parking permits priced at lower than 50 cents per day per space do not count towards this total.
 - (b) Study local conditions and set appropriate parking maximums to encourage development in Climate-Friendly Areas and along priority transit corridors.
- (3) Cities with populations over 150,000 shall, in addition to requirements as provided in section (1):
 - (a) Study parking use in areas with on-street priced parking at least every three years, and adjust prices to ensure availability of at least 10% of on-street parking spaces within two blocks of all locations at all hours;

- (b) Price on-street parking in an area at least one year before authorizing any new public structured parking including more than 100 spaces in that area;
- (c) Adopt procedures ensuring prior to approval of construction of additional structured parking projects of more than 300 parking spots designed to serve existing uses, developer of that parking structure must implement transportation demand management strategies for a period of at least six months designed to shift at least 10% of existing vehicle trips ending within one-quarter mile of the proposed parking structure to other modes; and
- (d) Adopt design requirements to ensure the ground floor of new private and public structured parking that fronts a public street and includes more than 100 parking spaces shall be convertible to other uses in the future at a reasonable cost.

New Rules 0500-0599: Pedestrian System

This part of the Transportation Planning Rules relates to planning for the pedestrian system. The pedestrian system is intended to serve people walking, as well as people using mobility devices or other vehicles that operate at a pedestrian speed and scale. Larger and faster vehicles are served through the bicycle system.

0500: Pedestrian System Planning

This rule is the umbrella rule that describes how cities must plan for their pedestrian transportation system. Cities must plan for a complete and connected pedestrian system that includes safe and accessible sidewalks and crossings.

0505: Pedestrian System Inventory

This rule describes how cities must inventory their pedestrian system.

0510: Default Pedestrian System Requirements

This rule provides the minimum requirements for the planned pedestrian system. Cities may choose to exceed the standards in this rule.

0520: Pedestrian System Projects

This rule guides cities in determining the list of pedestrian system projects.

1 **New Rules 0600-0699: Bicycle System**

2 This part of the Transportation Planning Rules relates to planning for a safe, accessible and connected
3 bicycle system. The bicycle system is intended to serve people riding bicycles, as well as people using
4 other types of vehicles that operate at a bicycle speed and scale. These rules also include updated
5 requirements for bicycle parking.

6 **0600: Bicycle System Planning**

7 This rule, and subsequent rules, describe how cities must plan for a safe, accessible and connected
8 bicycle network that serves a variety of users. The rule requires a bicycle system element that provides
9 for a substantial portion of short-distance urban travel to be by bicycle.

10 **0605: Bicycle System Inventory**

11 This rule describes how cities must inventory their bicycle system.

12 **0610: Default Bicycle System Requirements**

13 This rule includes the minimum requirements for the bicycle system. Cities may choose to exceed the
14 standards in this rule.

15 **0620: Bicycle System Projects**

16 This rule guides cities in determining the list of bicycle system projects.

17 **0630: Bicycle Parking**

18 This rule includes updated requirements for bicycle parking. Existing statewide requirements require
19 bicycle parking for commercial and multi-family land uses. This rule expands this to require covered and
20 secure parking for some uses where longer-term parking is expected, and short-term parking at retail
21 uses, transit facilities, and other key destinations. The rule requires that long-term parking include
22 provisions for electric charging and to accommodate a range of devices beyond bicycles.

1 **New Rules 0700-0799: Public Transportation System**

2 This part of the Transportation Planning Rules relates to planning for the public transportation system.
3 The public transportation system is intended to serve people riding transit within urban areas, as well as
4 travel within regions or between cities. This set of rules also includes requirements for a local
5 Transportation Options plan element.

6 ***0700: Public Transportation System Planning***

7 This rule describes how cities and counties must plan for their public transportation system.
8 Urban Transportation System Plans must include a public transportation system element that meets the
9 requirements of this rule. Cities must work in close cooperation with transit service providers in order to
10 complete the public transportation system element of the Transportation System Plan.

11 ***0705: Public Transportation System Inventory***

12 This rule describes how cities must inventory their public transportation system.

13 ***0710: Default Public Transportation System Requirements***

14 This rule includes the minimum requirements for safe, connected, and accessible public transportation
15 system facilities.

16 ***0720: Public Transportation System Projects***

17 This rule guides cities in determining the list of public transportation projects.

18 ***0750: Transportation Options Plan***

19 This rule describes how cities develop a Transportation Options plan as an element of their
20 Transportation System Plan.

21 **New Rules 0800-0899: Streets and Highways System**

22 This part of the Transportation Planning Rules relates to planning for the street and highway system. The
23 rules consider that the street and highway system is mostly fully built out. Future planning must assume
24 a reduction in the amount of driving people do, in favor of increased travel in other modes.

25 ***0800: Urban Street and Highway System Planning***

26 This rule, and subsequent rules, describes how cities must plan for their street and highway
27 transportation system.

1 **0805: Urban Street and Highway System Inventory**

2 This rule describes how cities must inventory their street and highway system.

3 **0810: Default Street and Highway System Requirements**

4 This rule describes the minimum requirements for the street and highway system. The rule encourages:
5 narrow and slow local streets; identifying arterials that are more focused on longer trips, and those
6 more focused on local access, and treating them differently; and to accommodate the growth of other
7 modes.

8 **0820: Street and Highway System Projects**

9 This rule guides cities in determining the list of street and highway system projects.

10 **0830: Review of Vehicle Miles Traveled-Increasing Facilities**

11 This rule provides for an additional level of review of transportation facilities that could increase Vehicle
12 Miles Traveled. The rule is intended to ensure that additional alternatives are reviewed and tried before
13 investments are made in transportation facilities that are not consistent with the state’s climate goals.

14 **0835: Vehicle Miles Traveled-Increasing Facility Consultation Process**

15 This rule provides for local governments to undertake a consultation process in advance of adopting a
16 Vehicle Miles Traveled-Increasing facility into a local comprehensive plan, including the Transportation
17 System Plan.

18 The consultation process is intended to provide time for the local government to review, assess, and
19 implement alternatives to the Vehicle Miles Traveled-Increasing facility. The goal is to avoid
20 implementation of as many of these facilities as possible, limiting them only to those that are truly
21 necessary to meet the transportation needs of the state and community.

New Rules 0900-0999: Monitoring and Reporting

This part of the Transportation Planning Rules relates to how cities and counties will regularly report progress through compilation of submission of regular reports to the department. Annual reports will include a narrative of progress made over the past year, with more substantial reports required every four to five years.

0900: Monitoring and Reporting

This rule requires cities and counties to submit a report to the department annually. Most years the report will be a minor report, with an update of activities. However, every four or five years a major report must also include additional information on how the city and region are performing across a range of performance measures.

- (1) Cities and counties shall prepare a report annually on progress toward meeting goals.
- (2) Cities and counties shall submit the report for review by the advisory committee established as provided in OAR 660-012-0125. If the advisory committee approves the report, then the city or county shall submit the report to the director. If the advisory committee does not approve the report, then the city or county shall make necessary revisions and resubmit the report for review by the advisory committee.
- (3) Reports are due to the director no later than May 31 of each year for the report for the previous calendar year. The director shall review reports as provided in OAR 660-012-0905.
- (4) Cities and counties shall submit either a major report, as provided in section (5), or a minor report, as provided in section (6), each year.
 - (a) Major reports shall be submitted for each year in which the metropolitan planning organization representing the city or county approved a regional transportation plan as provided in 23 CFR 450.324.
 - (b) Minor reports shall be submitted each year where a major report is not submitted.
- (5) A major report must include the following information:
 - (a) All information required in a minor report as provided in section (5);
 - (b) An assessment of the regional and local performance measures as provided in OAR 660-012-0910 and OAR 660-044-0110 or 660-044-0210, including:
 - (A) Baseline data;
 - (B) Baseline projections of expected outcomes from existing adopted plans for 2040-2050;
 - (C) Baseline performance measures targets for each major reporting year between the base year and 2050;
 - (D) An assessment that measures local implementation of the actions taken over the reporting period; and
 - (E) A proposal for the actions necessary to meet the performance targets in the next reporting period.

- (6) A minor report must include the following information:
- (a) A narrative summary of the state of coordinated land use and transportation planning in the planning area over the reporting year, including any relevant activities or projects undertaken or planned by the city or county;
 - (b) A copy of the order approving the report from the previous reporting year as provided in OAR 660-012-0905;
 - (c) The planning horizon date of the acknowledged Transportation System Plan, a summary of any amendments made to the Transportation System Plan over the reporting year, and an estimate of planning activities over the near future which may include amendments to the Transportation System Plan;
 - (d) A report on the membership and activities of the standing land use and transportation planning advisory committee, as provided in OAR 660-012-0125;
 - (e) Any temporary projects implemented as provided in OAR 660-012-0190;
 - (f) Any reviews of Vehicle Miles Traveled-Increasing facilities as provided in OAR 660-012-0830 including those with consultations underway, suspended, or completed; and
 - (g) A description of what immediate actions the city or county has considered to be taken to reduce greenhouse gas emissions as provided in ORS 184.899(2).
 - (h) A description of the consultations with the metropolitan planning organization on how the regional transportation plan could be altered to reduce greenhouse gas emissions as provided in ORS 184.899(2).
- (7) The director may grant an exemption to a city or county from a requirement to include any required element of a report when the director determines that collection and reporting of the information would not be possible or would place an undue burden on the city or county. The city or county must request an exemption in writing prior to the due date of the report.
- (8) Counties need only report for those portions of the county within an Urban Growth Boundary inside the metropolitan area. A county may jointly report with a city for the entire urban growth area of the city.
- (9) Reports as provided by this rule are not land use decisions.

0905: Orders Approving a Report

This rule provides a process for receipt, review, and approval of submitted reports. The process in this rule was developed through the 2017-2018 rulemaking process. The rule gives the director of DLCD to opportunity to review a report for completeness, then either approve the report or refer it to the commission. There is an appeal process for approved reports to the commission. The commission may either approve or remand a report that was referred or appealed to the commission.

- (1) Upon receipt of a submitted report as provided in OAR 660-012-0900, the director shall make a determination of completeness based on the applicable criteria in this division.
- (a) If there are any missing items, the director must inform the reporting city or county.
 - (A) The reporting city or county must supply information within 30 days of the director's notification. If the reporting city or county does not supply additional information, the director shall consider the original submission complete.

- (B) If the director does not notify the reporting city or county of missing items within 30 days of submittal, the report shall be deemed complete.
- (b) Upon completeness, the director shall either:
- (A) Issue an order approving the submitted report; or
- (B) Refer the submitted report to the commission for review and action as provided in section (4).
- (c) If the director does not issue an order approving the submittal or make a referral to the commission within 60 days of determining completeness, the submittal shall be deemed approved, and an approval order shall be issued.
- (2) The director shall cause copies of an approval order to be sent to the reporting city or county, posted on a public website, and provided to the commission at their next regular meeting. The order must include information on the process to appeal the director's order as described in this rule.
- (3) A party may appeal an approval order to the commission. An appeal must be submitted within 30 days of the date of the commission meeting at which the commission received a copy of the order. An appeal must clearly identify a deficiency in the submitted report based on the requirements of this division.
- (4) The commission shall hold a hearing on a submitted report referred by the director as provided in section (1) or appealed under section (3). The commission may:
- (a) Remand the submitted report to the reporting city or county with specific directions for needed changes, consistent with the requirements of this division; or
- (b) Approve the submitted report.
- (5) The director shall cause an order of the commission's decision to be issued, with copies sent to the reporting city or county, and all parties that participated in the hearing.
- (6) Final orders under this rule shall be considered orders in other than a contested case. Review of final orders shall be as provided in ORS 183.484. Reports and orders as provided in this rule are not land use decisions.

0910: Transportation System Performance Measures

This rule requires reporting on local action performance measures to demonstrate that the actions necessary to achieve the greenhouse gas reduction targets are being implemented. Transportation System Plans are required to include policies and projects that will meet the local target for each performance measure.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 8: Draft Housing Rules Amendments**
DATE: August 11, 2021

This document includes the proposed amendments to the Housing Rules (OAR Chapter 660, Division 8) as part of the Climate Friendly and Equitable Communities Rulemaking. Proposed amendments are shown with underline for new language.

660-008-0010

Allocation of Buildable Land

(1) The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

(2) For purposes of preparing Housing Capacity Analyses as provided in OAR 660-008-0045, the following provision shall apply to local governments also subject to the requirements of OAR 660-012-0310. Following the initial designation of Climate-Friendly Areas as required in OAR 660-012-0315, local governments shall maintain sufficient lands within Climate-Friendly Areas to accommodate at least thirty percent of identified needed housing. Demonstration of compliance with this requirement shall be included in each subsequent Housing Capacity Analysis. Land use requirements in Climate-Friendly Areas as provided in OAR 660-012-0325 shall be established for any newly designated Climate-Friendly Area concurrent with or prior to the adoption of a Housing Capacity Analysis.

(3) A local government which has submitted a notice of proposed amendment to the department for a housing capacity analysis prior to December 31, 2025, may rely on data from recent development trends and activity within Climate-Friendly Areas for land need projections, notwithstanding zoned housing capacity within these areas.

(4) Beginning January 1, 2026, a local government subject to the requirements of OAR 660-012-0310 must demonstrate that at least 30 percent of housing units within the urban growth boundary are located within Climate-Friendly Areas in order to justify expansion of an urban growth boundary based on an identified residential land need.

Housing Production Strategy Report Structure

As provided in ORS 197.290(2), a city with a population of more than 10,000 people must develop and adopt a Housing Production Strategy Report that includes a list of specific actions, including the adoption of measures and policies that the city shall undertake to promote development within the city to address a housing need identified under ORS 197.296(3) or ORS 197.296(10) for the most recent 20-year period described in the city's Housing Capacity Analysis. At a minimum, this Report must include the following components:

(4) Achieving Fair and Equitable Housing Outcomes – A Housing Production Strategy Report must include a narrative summarizing how the selected Housing Production Strategies, in combination with other city actions, will achieve equitable outcomes with regard to the following factors:

(a) Location of Housing - How the city is striving to meet statewide greenhouse gas emission reduction goals, established under Executive Order No. 20-04, by creating compact, mixed-use neighborhoods available to people who are part of state and federal protected classes. Cities subject to OAR 660-012-0310 must also describe actions taken by the city to promote the production of affordable housing, to mitigate or avoid the displacement of members of state and federal protected classes, and to increase the residency of state and federal protected classes within Climate-Friendly Areas.

(b) Fair Housing - How the city is affirmatively furthering fair housing for all state and federal protected classes. Affirmatively furthering fair housing means addressing disproportionate housing needs, patterns of integration and segregation, racially or ethnically concentrated areas of poverty, and disparities in access to housing opportunity;

(c) Housing Choice – How the city is facilitating access to housing choice for communities of color, low-income communities, people with disabilities, and other state and federal protected classes. Housing choice includes access to existing or new housing that is located in neighborhoods with high-quality community amenities, schooling, employment and business opportunities, and a healthy and safe environment.

(d) Housing options for residents experiencing homelessness – How the city is advocating for and enabling the provision of housing options for residents experiencing homelessness and how the city is partnering with other organizations to promote services that are needed to create permanent supportive housing and other housing options for residents experiencing homelessness;

(e) Affordable Homeownership and Affordable Rental Housing – How the city is supporting and creating opportunities to encourage the production of affordable rental housing and the opportunity for wealth creation via homeownership, primarily for state and federal protected classes that have been disproportionately impacted by past housing policies; and

(f) Gentrification, Displacement, and Housing stability – How the city is increasing housing stability for residents and mitigating the impacts of gentrification, as well as the economic and physical displacement of existing residents resulting from investment or redevelopment.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee

MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 9: RAC 6 Meeting Summary**
DATE: August 11, 2021

This memo includes a summary of the RAC 6 meeting on July 12, 2021. The memo includes an overview of the meeting, breakout sessions, and written feedback with the use of the Jamboard tool.

Attendees

RAC Members

Aimee Okotie-Oyekan; Al Johnson; Alex Georgevitch; Alex Phan ; Bill Graupp; Candice Jimenez; Cassie Lacy; Chelsea Clinton; Elisa Cheng; Emma Newman; Jacen Greene; Jairaj Singh; Jana Jarvis; Jonathan Harker; Kaitlin La Bonte; Kari Schlosshauer; Ken Anderton; Lee Helfend; LeeAnn O'Neill; Lisa Anderson-Ogilvie; Margi Bradway; Mary Kyle McCurdy; Paige West; Patricia Selinger Alt for Bandana; Paul Thompson; Rebecca Lewis; Rob Inerfeld; Ron Irish; Sara Wright; Sarah Adams-Schoen; Shane Witham; Simeon Jacob; Sushmita; Wade Elliott - alt for (Bradley Clark)

Land Conservation and Development Commission (LCDC)

Chair Robin McArthur; Commissioner Nick Lelack; Commissioner Stuart Warren

Department of Land Conservation and Development (DLCD) Staff:

Casaria Taylor; Ingrid Caudel; Bill Holmstrom; Kevin Young; Cody Meyer; Matt Crall; Samuel De Perio Garcia; Evan Manvel; Ethan Stuckmayer

Oregon Department of Transportation (ODOT) Staff:

Amanda Pietz and Brian Hurley

Kearns and West Staff:

Sylvia Ciborowski and Bianca Valdez

Agenda

[Welcome, Opening Remarks, and Agenda Review \(0:00:00\)](#)

Sylvia Ciborowski, facilitator, opened the meeting.

LCDC Commissioner Nick Lelack provided opening remarks and welcomed the participants to the meeting. He recognized the length of time that has passed since the RAC last met and shared his appreciation for the RAC member's continued engagement and effort in the rulemaking process. He shared the focus of the meetings is pivoting from concepts and draft rules focused on regional scenario

planning to begin discussion of the second group of rules being developed to meet the climate and equity goals. Commissioner Lelack provided an overview of the meeting topics and recognized the RAC's work on the effort to reduce climate pollution and refocus the importance of equity outcomes going forward.

Sylvia provided a deeper overview of the meeting agenda noting the key topics. The key topics included staff's overview of concepts for rules in six key areas and a review of the work of the performance measures work group. She then offered participation and meeting logistic tips as well as committee discussion guidelines to ensure the RAC operates in a collaborative fashion.

[CFEC Rulemaking Schedule and Roadmap Review \(0:06:30\)](#)

Kevin Young, DLCD, welcomed the RAC with a few brief updates. He provided an overview of the work that has been done since March 2021. This work included DLCD-held community conversations, a green infrastructure webinar, summarizing guidance and feedback, and working with the performance measures workgroup. Kevin then reviewed the upcoming schedule, including meeting topics. The focus of the sixth RAC meeting is a review of the six new rule concepts. Following the meeting, LCDC will be given an update on July 23, 2021, and DLCD will receive potential preliminary guidance.

For the seventh RAC meeting on August 18th, DLCD plans to provide draft rules in the following three areas of Climate-Friendly Areas, reduce parking mandates, and limit congestion standards. Future RAC meetings content will consist of revisions to rules, and covering draft rules of high quality, bike, pedestrian, transit improvements, transportation project prioritization, and electric vehicle charging. For the final RAC meeting in November, DLCD plans to discuss final rules and review the regional scenario planning rules. Kevin provided a brief overview on the rulemaking timeline following the final RAC meeting.

[Review and Discuss Concepts for Six New Rule Areas \(0:12:31\)](#)

Bill Holmstrom, DLCD, provided an overview of the concepts for the six new rule areas 1) Climate-Friendly Areas, 2) high quality pedestrian, bicycle, and transit, 3) limit minimum off-street parking mandates, 4) limit use of motor vehicle congestion standards, 5) prioritize and select projects, and 6) support electric vehicle charging. He explained the rulemaking charge is divided into two categories of actions of 1) require climate-friendly and equitable land use and transportation planning regulations and, 2) require planning for climate pollution reductions in metropolitan areas.

The previous RAC meetings focus was on the second category of actions and the focus moving forward is on the first category of actions. This first category of actions tells cities and counties how to plan for land use and transportation. There are existing transportation planning rules, Division 12, chapter 660 of the Oregon Administrative rules, that DLCD plans to build on to meet the climate and equity goals. One key differentiation of these new rules is they will be implemented immediately or very soon, and it will apply to cities and counties in the eight metropolitan areas of Oregon.

[A: Climate-Friendly Areas \(0:23:26\)](#)

Kevin Young, DLCD, presented on the concept for the rule area of Climate-Friendly Areas. He noted that DLCD wants to provide information at a concept-level and receive preliminary feedback from the RAC. As DLCD is thinking about implementing this rule, they will think of establishing deadlines for local governments to designate Climate-Friendly Areas, however, the timeline may vary by the size of the city. Climate-Friendly Areas are urban mixed-use areas containing or planned to contain a set of various elements from a mixture of housing, jobs, business, and services, high quality pedestrian, bike, and

transit facilities, affordable housing with a mix of employment opportunities, abundant tree canopy and vegetation, and the opportunity to meet most daily needs without a car.

To ensure the climate pollution reduction and equity goals are achieved, the Climate-Friendly Areas will need to meet certain requirements. The rules are anticipated to include deadlines for cities to designate Climate-Friendly Areas, include requirements for local governments to consider and address potential displacement of priority populations and other negative impacts, include development standards, and include a process for local governments to develop and implement strategies and incentives for desired development in Climate-Friendly Areas.

[B: High Quality Pedestrian, Bicycle, and Transit \(0:28:36\)](#)

Bill Holmstrom, DLCD, presented on the concept for the rule area of high-quality pedestrian, bicycle, and transit. He explained that they are intending to build on and improve existing requirements to get to the level necessary to meet the climate and equity goals. There will be elements of this rule that will be taken into effect immediately and it mostly has to do with how local land use codes connect to the transportation network of rules.

DLCD intends to make the rules clear for local governments, including ensuring accountability. Other elements in this rule area will not happen immediately, such as how local governments make investments and which systems receive investments. The rule will plan for safe, complete networks and focus on Climate-Friendly Areas, neighborhoods with concentrations of priority populations, and access to key destinations.

[C: Limit Minimum Off-Street Parking Mandates \(0:34:51\)](#)

Evan Manvel, DLCD, presented on the concept for the rule area of limiting minimum off-street parking. He shared cities across the world are scaling back costly parking mandates. Cities are reforming parking mandates for several reasons such as parking uses a large amount of land, it can be costly for business owners, it causes people to drive more, and studies have shown a one-size-fits-all approach is exceeding the amount of parking actually needed or used. There is an opportunity cost on using land for parking rather than housing.

Beyond regulations, if parking is priced, consumers will most likely park less. DLCD is hoping to reduce parking mandates for desired types of development and in places development is desired, internalize costs, address negative impacts, avoid car-focused development with lots of parking in walkable areas, and use improved management to efficiently address parking shortages. The timeline for these rules will not be as immediate in order to give time to cities to consider the choices. Additionally, parking mandates do not necessarily mean no parking, and cities may have to manage on-street parking better.

[D: Motor Vehicle Congestion Standards \(0:41:19\)](#)

Bill Holmstrom, DLCD, presented on the concept for the rule area of limiting use of motor vehicle congestion standards. Transportation system performance standards, sometimes called “mobility standards” has to do with motor vehicle congestion. Usually, they are called level of service or volume to capacity (v/c) ratio. These measures assess vehicle throughput and congestion but they do not measure other important goals (people movement, network connectivity, access to destinations).

These standards are used to make transportation plans, regulate plan amendments and zone changes, review development proposals, and implement and operate transportation systems and facilities. He noted that they will limit the applications for congestion-based standards and provided examples of

other standards including reducing vehicle travel, safety, network connectivity, and destination accessibility.

E: Prioritize and Select (0:47:44)

Bill Holmstrom, DLCD, presented on the concept for the rule prioritizing and selecting projects. He noted that transportation system plans need to do better at prioritizing transportation investments. Local plans have prioritized lists with tiers of projects, however all local plans differ.

DLCD intends to require transportation plans to have a prioritized list of transportation investments and make it clear in the rules how they expect the prioritization to happen and work. The prioritization will be based on modal priority, neighborhoods with concentrations of priority populations, Climate-Friendly Areas, and access to key destinations. The prioritized list will be financially constrained by available resources.

F: Electric Vehicles (EVs) (0:50:10)

Evan Manvel, DLCD, presented on the concept for the rule area of electric vehicle (EV) charging. In many cases of places of development, people tend to not want to buy EV because they are not sure they will have a place to charge them. Others do not want to install them because people do not own EV. In 2021, the legislature passed the House Bill 2180, requiring changing availability in 20% of spaces for new multifamily and commercial; DLCD will follow along with this in the rule regarding parking lots.

Approximately 85-90% of charging of EVs occurs at the home. DLCD is hoping to see cleaner vehicles and recognize that this is a piece in larger puzzle in helping meet climate pollution reduction goals. For the largest communities undergoing renovations or remodel they will need to meet standards and install charging stations and this may be more expensive than installing at the time of development. DLCD is also considering e-bikes and other micro-mobility.

Rulemaking Concepts Q&A (0:52:12)

Sylvia opened the meeting for any clarifying questions or overall comments and reflections from RAC members.

Questions and Comments:

- A RAC member requested for clarity on the timeline of whether a rule would be implemented immediately or very soon as DLCD walked through the concepts for the draft rules.
- A RAC member sought clarification on whether the standards of Climate-Friendly Areas will evolve overtime as it may have ripple effects on rules concepts and performance measures.

Response: DLCD explained that the plan is to not change the standards over time. The key distinction is that some areas are most likely meeting all of what would be established as the base level requirements for Climate-Friendly Areas. There are other areas that currently do not meet those standards. Local governments will be asked to identify where they plan to foster these types of development in the future.

- A RAC member asked if local government changes the designated areas overtime and if the Climate-Friendly Areas has the same definition regardless of the size of jurisdiction across the state or if it looks differently depending on size of community.

Response: DLCD responded they are open to input and recognize cities have different scales and levels of development.

- Another RAC member asked for clarification on if an area must meet all criteria, depending on how the thresholds are set, and who is reviewing and changing the criteria over time.

Response: DLCD shared that they welcome input and research that can help think through this. DLCD is looking to establish a baseline of standards that would be adopted by the local government that would qualify as a Climate-Friendly area. A critical mass of activity, jobs, and housing is needed to make this work and it is critical to achieve an environment where people can function, meeting most of their needs without needing a single occupant vehicle.

- A RAC member noted that in the metropolitan region areas, it has been advantageous defining center corridors at a regional level and requested for DLCD to include a regional definition for the Portland-metro area and allow for the region to do modeling and performance measures on a regional level.
- A RAC member suggested the formation of a subgroup to define Climate-Friendly Areas. They added that the present elements are vague, the definition is critical, and communities have similar definitions in their plans already which will be useful to consider and look at.
- Another RAC member shared the material in the presentation is still very conceptual and there is not much to react to.

Response: DLCD explained that it is conceptual on purpose as they are seeking input and a detailed level of feedback from RAC members.

Breakout Rooms (1:01:33)

Sylvia then invited RAC members to go into breakout rooms to further discuss the concepts of draft rules for Climate-Friendly Areas, reduced parking mandates, and limit use of congestion standards. She shared the questions the RAC would be discussing in breakout groups, which included:

1. Climate-Friendly Areas:

- What development standards (permitted use types, building height, etc.) and other requirements are needed to ensure the success of Climate-Friendly Areas?*
- Do you have suggestions or concerns for how to amend Housing Production Strategy requirements to address residential development in Climate-Friendly Areas? Are there other incentives or requirements that should be considered to encourage desired development in Climate-Friendly Areas?*

2. Reduced Parking Mandates:

- Is the overall approach to parking mandate reform on the right track or wrong track? Are there key types of development or places where parking mandates should be particularly scaled back?*

3. Limit Use of Congestion Standards:

- What do you think is the right balance of using transportation system performance standards that are focused on motor vehicle congestion versus other outcomes?*

Following the breakout session, RAC volunteers from each group reported out brief highlights discussed in the breakout room to all attendees. Key themes are presented below, followed by the report outs.

Key Themes

Climate-Friendly Areas

- Uniform definitions and standards
- Flexibility in siting and context
- Ensure benefits prioritize priority populations and minimize displacement
- Needs to include supportive transit and active transportation
- Areas need to be livable, including parks, trees, and amenities

Parking

- Sensitive local issue
- State standards can overcome local opposition
- Move towards market-based approach
- Look for burdens on people with low incomes
- Couple parking reform with other supportive strategies

Congestion Standards

- Need to move towards multi-modal level of service
- Focus on people, communities, and goods over vehicles
- Look for equity considerations in air quality impacts
- Consider connections to SDCs and local impact analysis
- Pricing can create inequitable results

Report Out from Breakout Sessions

Room 1 report out:

- Clear definitions of Climate-Friendly Areas (CFAs) are needed.
- Comments shared regarding streamlining, removing regulatory barriers, looking at regulatory preferences, and flipping the script to preference for single family to density.
- Livability, accessibility, and affordability are critical components of CFAs.
- Comments regarding how CFAs will overlap with marginalized areas/low amenity areas. Concern that these areas can have even lower amenity regarding loss of green space, shade, or redevelopment.
- Appreciation shared for relating Housing Capacity Analysis (HCA) with Housing Production Strategies (HPS).
- General support of the approach of parking and congestion with some comments on potential unintended consequences of decreased off-street parking and need for congestion data.

Room 2 report out:

- Discussed the need for nuance in the rules to avoid unintended consequences and costs.
- Discussed the need to define the size of CFAs and where the priority communities are.
- Noted that reduced parking structure could reduce EV charging requirements.
- Ensure CFAs benefit frontline and environmental justice communities.
- General support of parking approach however ensures alternative modes of transportation.
- Determine how parking is being utilized by houseless communities and ensure no unintended consequences occur.
- Suggested air quality index to measure congestion standards.

Room 3 report out:

- Discussed the need for flexible standards to allow cities to do what works best for them, but with a baseline requirement for densities.
- Discussed the need to look at zoning that requires mixed-used, including affordability.
- General agreement on reducing parking mandates but consider how freight is delivered in spaces.
- Discussed the need to consider congestion standards and what's used to trigger transportation improvement projects.

Room 4 report out:

- Discussion on the amount of work in the Portland metro region and other cities and counties, including middle housing work.
- Regarding development standards, tension between prescriptive at the state level versus responsiveness at the local level.
- Discussed cities have financial incentives they can provide to get development in these areas.
- Suggestion to use an equity lens on parking mandates to avoid unintended consequences.
- On congestion standards, concern regarding safety was discussed.
- General support to discourage driving but ensure realistic alternative modes of transportation.

Room 5 report out:

- Discussion on many existing areas that have facilities listed in CFAs and are multi-modal, however, consideration that many existing areas are affluent and gated. Concern that CFAs are not financially achievable for marginalized communities.
- Ensure public dollars are going to CFAs that need help.
- Ensure disincentivized parking eliminates any burden on low-income or marginalized persons.
- Discussion that the congestion standard comes across that DLCD would be lifting a standard. There is a need to identify what is built if development is not for cars.
- General support on the parking approach.

Written Feedback (1:21:16)

Sylvia, facilitator, reviewed the key questions and opened the meeting for RAC members to provide their written responses using Jamboard, an online comment tool. The following is a copy of the responses received, divided by question.

Do you have suggestions for how the updated rules would ensure better planning for high-quality facilities for people who walk, bike, or take transit? What specific types of things would you like to see in our rules that would make our communities better for walking, cycling, and transit?

Key Themes

- Prioritization of funding
- Separation of non-auto facilities from autos
- Inclusive of all non-motorized modes with emphasis on disabilities
- Multi-modal level of service
- Collaborative effort towards implementation through local, state, federal, and private
- Accessible and sheltered transit stops
- Bike parking

Reponses

- Define what a “connected” system or network is for bicycling and for pedestrian facilities. Prioritize transportation investments – federal, state, local – in these areas.
- Add minimum bike parking spaces requirements.
- Separate bike/ped on busy streets from vehicle traffic by raised sidewalks, divided lanes, etc.
- Prioritize transit over cycling.
- I’d like to make sure that this is inclusive of people who roll (and folks who use mobility devices), not just people who walk, bike, and take transit.
- Encourage public-private-local partnerships in all stages of the process so that all parties are involved including small businesses.
- Special accommodations for the mobility of disabled persons.
- Collaboration between state and local entities, as well as businesses and community/social service organizations about making streets safer and active transportation options.
- Define ‘transit priority corridors’.
- Need to find a way to direct limited resources to areas of largest need. This is a constant challenge for TSP’s and how to balance need with politics.
- Climate Smart Communities – define what a walkable, mixed use area is in terms of land use, within different types of urban, suburban, and rural areas. Promote multi-modal projects and programs, along with middle housing or mixed housing within these communities.
- More state and federal funding for public transit!
- Protected/separated bike lanes or some other way of making them actually safer. Painted bike lanes on busy roads that are unsafe should not be able to count.
- Shelters for transit riders at stops from the weather.
- In MPO areas: coordination by the MPO with counties and cities in developing performance targets.
- Funding to be able to build safe bike-ped facilities and for transit operations.
- Design transit stops to be safe and sheltering from sun, rain, snow. Design pedestrian approaches to the stops to also be safe and accessible.
- Improving signage for pedestrians and to assist with climate emergencies is essential moving forward. Think about making signage multilingual.
- Buffers between sidewalks and streets (curb tight sidewalks immediately along travel lanes do not feel safe).
- Think about how large trucks will navigate these areas to bring in goods and materials.
- Would like to see guidance on speed and separation (for bikes).
- Include trails in first priorities.
- Consider the interaction of police enforcement and mobility for BIPOC individuals.
- Need to have multimodal LOS.
- Understand the cost impacts of these requirements to housing.
- Would like to see guidance on lighting, crossing distance.
- Think about the connectivity of the network – not just facilities inside the climate friendly areas.
- Survey people to see how many people take alternate means of transportation to work (other than SOV) and address concerns of those that don’t.
- Non-car mobility amenities will be higher quality and more likely to be used in a hotter Oregon and in hotter urban heat island areas of cities if vegetation and shade trees are required or

incentivized; avoid destruction of shade trees and reduction of impermeable land whenever possible.

- Prioritize safe, accessible, and connected walking facilities over all other transportation modes.
- When adding requirements or incentives to increase or add high quality amenities, evaluate equitable distribution of such amenities, perhaps using census tract level data. Important to avoid furthering climate injustice and environmental racism.
- Greater bike-holding capacity on public transit.
- Require abundance of bicycle parking facilities.
- Prioritize pedestrian investments in lower income & BIPOC communities and in all CFAs.
- Prioritize transportation funding for walking & biking infrastructures.
- Engage health services as key partners in creating healthy communities.
- Re: transit service in the future – this needs guidance so that it doesn't become based on existing demand but rather where the greatest need is for priority populations to access origin/destinations. This may not be the same as current transit planning.
- Think about how the aging demographics of the U.S. will play into how these facilities are designed and constructed.
- In CFAs at least, all bike and ped facilities must be separated from cars, and from one another where possible.
- Connect rulemaking to ODOT funding...both as carrot and stick.
- Allow Eugene/Springfield and LTD to use existing Frequent Transit Network instead of having to designate a separate priority transit corridor.
- Increase sidewalk widths and buffers (ex. Trees) between sidewalk and vehicles for improved pedestrian safety.
- Multi modal level of service (MMLOS) planning
- Quality also includes frequency and time of service for convenience, which is lacking in some metro areas such as Bend.
- Is the gap in the rules or is the gap in the funding to implement previous adopted rules?
- Require pedestrian connections such as a pathway in cul-de-sac areas. This will help bike and ped trips get into and out of the existing build neighborhoods.
- Make sidewalks a public responsibility with funding to accompany.
- Fund ONLY these things with transportation dollars.
- Require incentives such as parking cash out and transit passes in climate friendly areas. Invest in areas that need help, not in areas already being developed by private sector.
- Coordinate with ODOT's Blueprint for Urban Design to avoid conflicting requirements.
- Concentrate funding on these things and then we will see more this.
- Charge people for vehicle miles traveled by car.
- Adjust modal hierarchy based on land use context.
- Give walking and biking infrastructure more funding.

Staff is considering different methods of prioritizing projects in Transportation System Plans. What is important to you when considering how cities and counties should prioritize which projects are funded?

Key Themes

- Prioritizing projects and funding to benefit priority population neighborhoods
- Prioritizing projects and funding for active transportation modes
- Prioritizing people over vehicles
- Funding sources and triggers for funding
- Accessibility and connectivity

Responses

- Projects should be derived from a neighborhood bicycle/pedestrian circulation plan and have robust public involvement. The projects should provide adequate space for bike/ped forecasted out 50 years, think wide sidewalks!
- Many, if not most, TSP projects are development triggered/constructed with limited jurisdiction involvement in deciding on timing.
- “Prioritizing projects in [...] neighborhoods with concentrations of priority populations” should be a key consideration.
- Set percentage thresholds for multimodal vs vehicular capacity would be good for municipalities. These could progressively change over an implementation period.
- Projects should be prioritized that serve as many priority populations as possible, and different populations should not be viewed as substitutable in planning.
- Prioritizing the movement of people.
- Consider funding sources in prioritization. Ensure that there is flexibility to use ALL transportation funding for transit/biking/walking.
- A question: How are capacity and maintenance projects differentiated? Given maintenance backlogs, it can be difficult for communities to prioritize new investment in bike/walk/transit.
- Explicitly recognize the historic disinvestment in infrastructure for people who walk, bike, roll, and take transit, and prioritize those projects.
- High priority projects can have a higher percentage of TSDC funding than lower value projects.
- Prioritize projects that create cross town connectivity, or connectivity to key destinations (like medical centers, grocery stores, schools, etc.)
- Prioritizing needs of historically excluded populations based on what they need from the transportation system to experience it without barriers.
- Require certain percent of CIP to go toward multi-modal facilities.
- De-prioritizing private vehicles altogether – including electric.
- Prioritize a people-first approach and always with consideration of first peoples and land use management plans already in place by tribal organizations.
- Prioritization is usually done within the context of funding sources. Bike/ped should have funding outside of traditional road funding sources.
- Development ranking criteria parameters.
- Facilities serving priority populations should be prioritized.
- Prioritize projects in areas with higher concentrations of priority populations, in areas that have fewer amenities, in areas where there are more renters; and prioritize projects that connect people in those areas to key destinations like school, work, grocery, and recreation.
- Prioritize moving people by many modes, not cars.

- Prioritize projects in the highest density areas for pedestrians, bicycles, and transit.
- Need to reflect how development pays for infrastructure.
- Evaluate all new projects based on livability score and prioritize better livability first.
- Funding should also prioritize lower income, elderly, and BIPOC communities. This already has to be done with HB 2017 Transportation/Transit funds, so build on that for walking and bicycling.
- Prioritize projects that have climate adaption co-benefits, like urban heat reduction, shade, slope stabilization, rainwater management features, and also projects where the project design increases natural carbon capture or at least doesn't contribute to reduction of sources of natural carbon capture.
- Safety and access at all costs and health in all policies related to transportation system planning.
- Bike/ped/transit projects should be prioritized, especially in the climate friendly areas.
- Aim TSDC funding at projects likely to be constructed by the jurisdiction and developer constructed projects that would have a high benefit to bike/ped/transit.
- Focus on increasing pedestrian connectivity to basic amenities (ex. Parks).
- Develop parameters for ranking criteria don't just leave to local government.
- Prioritize walking for livability and transit for GHG emission reductions.
- Is DLCD going to be prescriptive on how projects are selected? If so, I think a mandate on multimodal level of service should be required. I don't know if it should be specific in the technical but at least require it like we do for auto.
- Prioritize transit frequency and relationality. Building out the transit network will incorporate and take care of needed changes for pedestrian and bicycle infrastructure.

What input do you have for developing rules on electric vehicle charging?

Key Themes

- Incentives will be needed
- Charging needs to be required, not just conduit or breaker panels
- Integrate non-auto charging
- Include charging with parking

Responses

- Public dollars should go first toward electric charging for bicycle fleets, carshare fleets and bus fleet charging...not private car charging.
- Create mobility hubs that include charging for vehicles together with transit and shared mobility. See: <https://usa.streetsblog.org/2021/07/09/u-s-finally-gets-first-mobility-as-a-service-platform/>
- We need to have a sufficient network of rapid charging to help get the acceptance needed to make a difference.
- It makes sense to require some level of EV charging along with other parking types.
- Include utilities in rule development.
- Integrate bike/scooter infrastructure with transit. Focus on non-SOV electrification instead of only investing in charging for EVs.
- Strict rules about equitable distribution of amenities; plus prioritize charging and safe storage for ebikes, carshare, carpool, and bus.
- Public sector should be leaders (rather than followers). State and local governments should install on their campuses for employee and public use as many are in downtowns.

- Look at co-locating at existing gas stations.
- Include wheelchair charging stations in the conversation!
- Require that developers include chargers and not just electric hook-ups.
- Require certain new developments to install charging stations, not just the conduit.
- Make sure this requirement doesn't deter much needed housing units being built due to overly costly burden of development requirements.
- Need to simplify how to pay for charging. Right now, you need to have an account with each provider (sans Tesla which reads the car info directly) and instead just have a credit card to make it as easy as gasoline.
- Prioritize multilingual education, community engagement and outreach around EVs and how to charge them for priority communities.
- The focus should generally be on driving less or not at all before driving green. But I would find ways to make this affordable for folks who live in areas burdened by pollution and other inequities.
- Incentivize more public charging stations and more fast chargers.
- Increase the number of fast charging stations in rural destination cities for those that make longer day trips.
- Make sure there are public, private and individual communication plans in place to ensure equitable access to this resource over time; ensure that this is constantly re-visited as well
- Mandate consideration and internalization of the environmental and social costs of the full life cycle of electric vehicle infrastructure.
- Explore federal and state incentives for commercial and residential facilities for charging stations.
- Mandate and incentivize – carrot & stick are both needed!
- I think the electric utility companies need to help pay for the expansion of these services. Putting some requirements on them would increase adoption/help priority communities.
- State should invest in Climate Friendly areas to build parking (including EV charging) and provide funds.
- Electric passenger vehicles will have different charging requirements than commercial vehicles. Commercial vehicle needs will also vary by equipment size and cities and counties need to plan first for building charging stations for medium-duty trucks/package vans to encourage adoption.
- Incentivize, don't mandate. Sort the 'carrot or the stick' methodology
- This is outside of LCDC's role and these rules should come from PUC.

Performance Measures (1:43:54)

Cody Meyer, DLCD, opened the next agenda item on performance measures and provided a review of the process and outcomes of the Performance Measures Workgroup. He shared appreciation for the group member's participation and input. Brian Hurley, ODOT, and Cody both worked with the workgroup members with subject matter experts to get input on concepts for performance measures.

They started with a list of seventy performance measures and refined the list. They looked at equity concerns and at the previous RAC meeting a ranking exercise was conducted to reveal how close the measures were to the goals of climate and equity. The group wanted to hear back from the rest of the RAC before moving forward. Item 6 in the packet provides a list of twenty draft performance measures. The list will be provided to LCDC to receive further guidance on the results. The subgroup will convene again and refine the list down further.

The workgroup scope consists of providing input to staff to develop performance measures for cities and counties. The performance measures will be used to report on implementation of actions taken to develop climate friendly and equitable communities and assess whether plans and public investments are achieving the expected outcomes of creating climate friendly and equitable communities. Both the subgroup and the rulemaking are not discussing setting of performance targets, rather just coming up with the items to measure.

A performance measure evaluates various aspects of organizations performance to achieving an overall goal. The performance target is a specific numerical value for a point in time for a performance measure. Findings from the regional planning will inform the setting of targets. The three types of performance measures identified in regional planning rules are regional outcomes, local actions, and equity. Although setting performance targets will not be done in the rulemaking, Cody provided a high-level explanation on the framework for setting performance targets. Cody then provided an example of how regional and local performance measures work together.

Sylvia opened the meeting for clarifying questions and discussion.

Questions and Comments:

- A RAC member sought clarification on the specific wording under the regional performance measures for parking, “parking share of workers and non-work trips in regions subject to parking fee” and asked if it is intended to capture all trips.

Response: DLCD noted on page 32 of the meeting packet, there is a table that has proposed local performance measures and how they relate to the regional performance measures. The regional performance measures come out of the Statewide Trajectory Strategy (STS) and vision of the model used for scenario planning. Workers and non-work trips are both being measured in the scenario planning model.

- A RAC and workgroup member clarified in the example provided of the relationship between regional and local outcomes percentage of short trips, there is a 2040 target however clarified that there are additional benchmarks along the way. The performance measures group was not contemplating the outcome would be a 2040 target only, but there would be an appropriate amount of benchmarks along the way.

Response: DLCD explained that part of what was done in the memo was to get everyone to use the same terminology and instead of benchmarks are using the term ‘performance targets’. At the bottom of page 31 in the rules, it states that performance targets are expected for every reporting year until 2050 and beyond.

- A RAC member commented for the metropolitan region the regional and equity goals are one in the same, and they would not differentiate between the two goals. The member addressed an earlier question regarding why non-commute road trips are addressed and explained in the metro region, that mode of travel is the majority of travel. They added that getting ownership and having partners who live and work in a region, an equity representative, who can help define the regional government and what equity means is important.

Next Steps and Wrap Up (2:00:06)

Kevin Young, DLCD, provided next steps and asked RAC members to fill out the post-RAC 6 survey and reminded the RAC they are moving from concept to rules, so specific feedback is very helpful. The RAC will meet again on August 18th to discuss the rules on Climate-Friendly Areas, reduced parking mandates, and limit use of congestion measures. Land Conservation and Development Commissioner Stuart Warren offered closing remarks and thanked the RAC members for their engagement and noted their guidance is vital to meet the climate and equity goals.

Meeting adjourned approximately at 3:50pm P.T.

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee



MEETING 6 KEY QUESTIONS RESPONSES – JULY 20, 2021

TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 10: RAC Meeting 6 Key Questions Responses**
DATE: July 20, 2021

Question 1

Climate Friendly Areas: What development standards (permitted use types, building height, etc.) and other requirements will be critical to ensure the success of Climate-Friendly Areas in reducing climate pollution?

1. Increased building heights to allow for mixed residential-commercial/retail development on different levels. Allowing home offices and other businesses to be legally operated on residential properties. This could also include the allowance of a certain number of agricultural animals that can support local/urban farmers and growers and promote more local production. Considering a form based code for the climate friendly areas could expand the diversity of uses and needs met in the community while still adhering to the desired physical requirements (higher building heights, no minimum parking requirements, reduced building setback, etc.)
2. The development standards that seem the most necessary for a CFA are permitted types, density and parking. While other standards like height, setbacks etc may make it possible to do the density, we recommend not requiring a minimum or require making these changes as part of this process in order to streamline the CFA adoption package. If a property is rezoned to allow the minimum uses and density for a CFA, that zone likely already has appropriate development standards.
3. Parking is the primary driver. All of the other development standards will recalibrate once the parking model is addressed. Our current default system often treats on-street parking like a public park, where there should be enough for everyone, and it should be free. Free public services generate demand and therefore it provides pressure to increase the supply of parking, which we know as off-street parking minimums. However, if you change the model to think of on-street parking as a public fee for service, such as municipal water and then use dynamic fee adjustments to balance out supply and demand, you can do lots of interesting things like remove minimum parking standards and encouraging alternative forms of transportation. Playing around with building heights and permitted uses is just fiddling around at the margins. Take away free parking and that sort of thing will happen on its own as a response.
4. The first paragraph under summary (p. 15 or 41) states “Cities should plan for sufficient Climate-Friendly Areas to increase the population of persons living in these areas from a current estimate of about 20% of urban households to 30% by 2035, and over 30% by 2050.” What has not been clear to me during this RAC process is the geographical applicability of this statement to the metropolitan areas (except for the Metro areas) these rules are intended to apply to. I would suggest three steps:

- Define “Climate Friendly Areas”. I would assume that this would begin with the charge in the box but elaborated on and include defining the elements of the definition. I provide further comments later in the section.
- Provide the RAC a spatial analysis and map of the metropolitan areas that this rule is applying to (although probably not needed as much for Metro). How large are they in acreage and population? What are their boundaries? What local governments are included? And where are the areas that might be climate friendly? It has not been clear to me what DLCD means when they refer to various metropolitan areas (except for Metro). For example, is the Bend metropolitan area the Bend MPO or the Bend MSA?
- Applicability to Local Governments. Again, it would be helpful to understand just what jurisdictional boundaries the applicability is being applied to and not just by a name but with spatial map. The last sentence (p. 15 of 41) says “Because larger cities have greater staffing and resources available than small cities, the proposed rules will likely allow more time for smaller cities to designate Climate-Friendly Areas than for the larger ones.” How does giving more time solve the lack of resources or staffing for “smaller cities”? What is “larger” versus “smaller” city? It is not clear to me that “more time” will solve funding issues and would rather see DLCD and the State focus on providing those resources and support rather than leaving the cities behind in the midst of a climate disruption crisis. And maybe for some of these smaller cities it’s more a matter of priorities than resources?

In the first paragraph under Development Standards a sentence reads “development standards will need to be designed to encourage the desired mix and intensity. I agree with the need but is encourage the correct word to use. Encourage to me invokes “trying to convince” which I don’t think is the purpose of development standards. I would replace encourage with result in and would suggest carefully at the intent where encourage is used elsewhere.

Regarding “defining Climate Friendly Areas”. I guess a first element would be what seems to be the accepted definition of “climate friendly” — not harmful to the environment, especially because of not making climate change worse by producing carbon dioxide. I would start with taking a close look at Title 6 of Metro’s Urban Growth Functional Plan (UGMPF) which regards Centers, Corridors, Station Centers and Main Streets. Metro’s previous scenario planning (which was done because of the legislation that our rule making is responding to) determined that approaches (and mapping) done by local jurisdictions was a “high lever” in reducing GHG gas emissions from passenger vehicles. They named this “climate smart” which would be a variation of climate friendly.

Also, staff is suggested in past staff reports that “a lot has been learned” in their scenario planning elsewhere — how does this inform what a climate friendly area is?

Allowed use types. Metro’s State of the Centers is a good source for the type of uses to be allowed for walkable mixed-use areas. Institutional and civic uses should also be part of the consideration. I would also suggest looking at uses allowed in centers and corridors in the City of Gresham code as an example of what it did in response Metro 2040 Growth Concept and UGMFP.

Minimum residential densities. Is the 15 unit per acre a suggestion for a minimum or for a range or? What is the source for this? All of Gresham’s land use district that allow residential set minimum and maximum ranges including mixed-use districts. For example, the Rockwood Town Center is 18 (attached single-family dwellings) and 20 for attached dwelling minimums and 40 maximum (per NET acre). The Corridor Mixed Use is 12 min. and 24 max. [The CMU district is applied to certain clusters of properties along Transit Streets and allows

moderate density, multi-family residential along with small-scale commercial and mixed-use developments). There is also a Corridor Multi-Family district along Transit streets with 12 min, 24 max residential but doesn't permit commercial. The Metro UGM Functional Plan (3.07.640) notes a need for "a critical number of residents and workers" and recommends, for example, 45 persons in corridors and 40 persons in town centers. Has Staff considered including suggesting minimum commercial floor area ratios (FAR) in addition to minimum residential densities? (FAR is requirement for floor area based on a percentage of the lot area). There are different approaches that can be taken. For example, Gresham's Rockwood Town Center also requires a minimum FAR of .5:1. [Note a mixed use development can satisfy the minimum density requirement by having either of the minimums or by satisfying a formula of number of proposed dwellings divided by minimum number dwellings required plus proposed commercial FAR divided by minimum required commercial floor area being equal to 1 or more.] Building Height Allowances. Do you have a standard in mind? Have you considered setting minimum required height? Gresham Rockwood Town Center has a maximum of 4 - 10 stories depending on the use and location (institutional uses for example can be 6 stories). The CMU has a maximum of 45 feet. The Pleasant Valley Town Center (PV is a plan district for an Urban Growth Boundary area) sets a 2 story minimum and a 45 foot maximum Building setbacks. Have considered standards for both minimum and maximum. For example, Gresham's Pleasant Valley Town Center has no minimum required setback and has maximum 5 foot setback for front and street side yards. Rockwood Town Center has a zero foot minimum setback for commercial, mixed use and institutional uses and 5 front setback for residential. Maximums are 10 feet and 20 feet respectively.

Pedestrian-oriented development. I would suggest that development in climate-friendly areas have a strong orientation to the pedestrian and be transit-supportive. Not only should buildings design prioritize pedestrian access over auto access, but it should also facilitate pedestrian access from building to transit. Here are some examples from Gresham's Transit and Pedestrian District standards:

Primary building and entry orientation shall be to the street rather than to a parking lot Primary building entrances shall be architecturally emphasized and visible from the street. Exterior lighting should be an integral part of the architectural and landscape design. The minimum lighting level for non-residential building entries is an average of 3.5 foot-candles. Lighting shall be a pedestrian scale (3 feet to 12 feet) and the source light shall be shielded to reduce glare. For building facades over 300 feet in length on a Design Street, two or more primary entrances facing the street must be provided. Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun. All non-residential development shall provide ground floor windows along street facades. Required window areas must be either windows that allow views into working areas or lobbies, or pedestrian entrances or display window.

Development (on transit streets) shall provide convenient, direct, and barrier-free pedestrian circulation between buildings and adjacent light rail stations, park and ride facilities, public sidewalks, and pedestrian routes.

Public Improvement requirements. I would assume this paragraph would relate to the "B. High Quality Pedestrian, Bicycle, and Transit" section. I don't understand why an inconsistency in standards between jurisdictions makes it "difficult to establish improvement requirements in administrative rules" — could staff explain the why of this conclusion? Aren't there best practices associated with what makes a quality pedestrian, bicycle and transit facilities. Wouldn't those be incorporated into public works standards which are development requirements? Page 16 of 41, Last paragraph. I am not sure what the purpose of mentioning

“market forces” is not what staff means by “market forces”. I believe that term “market force” is contextual and can be a loaded term. Certainly, whether new development be by private development, non-profit development or public development the rule should be clear and understandable (not necessarily “simple”), result in the desired design, density, uses, etc. and be germane to climate friendly areas in the context of the rule making. I would agree that the building code is not subject to this rulemaking but design elements (such as those mentioned earlier the pedestrian oriented comments are considered development code.

Development Strategies and Incentives. I found this section hard to track and to understand how this relates to the outcome of Climate Friendly rule making needs to be. In my experience as local government comprehensive planner and planning director I don’t think that State rules should be providing “incentives” for local governments to be taking the steps needed to address the climate disruption crisis. Instead, the State should be focused on providing clear rules, resources and support. Here are some questions that I have. The first paragraph states a need for “a significant shift from current development trends”. Is this true for all local urban governments or in all the metropolitan areas? I read in the past that the Metro area was on track to meet that goal — is this my misunderstanding? Will staff be providing that language to amend OAR 660-008-0045 in a future RAC meeting?

In both the 2nd and fourth paragraphs staff uses the term “encourage” applied to local governments. By encourage does staff mean “require” or “optional”? I would assume “requirement” as that is what the bullets are characterized as but I am not sure how they are requirements. Why is it important or is there a need to provide incentives to “streamline” UGB expansions? And why would there be an incentive? Are these UGB expansions to provide for needed climate friendly areas? And why is a “safe harbor” an incentive — if having this provision is a good practice why not just make it part of the rule? Will the rules address requiring any future UGBs to comply with creating climate friendly areas?

The Pleasant Valley Concept Plan done by Gresham for a 5,000 acre UGB expansion in the early 2000 ought’s. Required First-floor uses. Codes can require or allow commercial (or civic) uses that are intended to support pedestrian and transit traffic often on main boulevard type mixed use areas on the first floors of otherwise residential or office uses. For example, in one part of Gresham Downtown Plan has this provision for “required first floor uses”: a minimum of 75 percent of the street-facing ground-floor level shall have Commercial uses or Civic uses that generate a significant number of customer visits. Separately I am sending a document I put together earlier (last December) that illustrates a few such developments near where I live in NE Portland.

5. I think it depends on how large the climate friendly areas are geographically. But assuming they are somewhat compact - then uses should be allowed that will allow for housing, services, and employment in an integrated fashion. Greater building heights will be needed to accommodate vertical mixed use, and incorporation of transit facilities and bike/ped facilities should be required.
6. This question worries me, because it gives the impression that DLCD is focusing on minor things that do not matter (e.g., building heights) while missing the forest for the trees. The first step that must be taken – and I believe should have been started by now – is to define CFAs. Almost everything else in these rules depends on defining and mapping these areas. It is clear the RAC is chomping at the bit for this definition. And given that Metro and cities already have similar areas designated to some extent, defining CFAs should happen immediately, and designating them should happen within 6 months of rule adoption. So, these seem to be the critical development standards that are needed:

- Define the characteristics of CFAs. There will and should be a range of scales of places that fit into these parameters. Let cities put forth, and DLCD sign off on, using their existing places that meet these substantially characteristics, or are planned to. These include Metro's designations (as Margy Bradway described), Special Transportation Areas (STAs); Multimodal Mixed-Use Areas (TPR); TODs; pedestrian district (TPR); downtowns; Central business districts; etc..
 - For the contents of that definition, look to how Metro defines a variety of places that would or should meet what is desired by a CFA. This includes ranges of residential densities and people per acre (captures employees because this is necessary for mixed-use areas) depending on things like scale, number of people in the "market area" (e.g., town center v. regional center), existing and planned transit, etc.... Based on the scale, each CFA should have a minimum densities and/or a % of the city's projected HH to achieve, but each city can figure out how to meet that target density within a CFA. Therefore, height limits are irrelevant as long as, e.g., the area within 1/8 mile of a fixed rail transit stop is zoned for at least 45 units/acre. Another method is to allocate expected housing and employment growth to TAZs. This allocation should put half or more of expected growth in CFAs. o The example used in the RAC memo of 15 units/acre is not enough for "high quality" transit (a term that should also be defined). It can support middling levels of bus service. For guidance, in addition to Metro look at the Twin Cities' Metro Council's "Density & Activity Near Transit- Local Planning Handbook." The Puget Sound region has similar guidance for how to define and provide for sufficient residential and mixed-use activity levels near different types of transit, and also varied on whether the mixed-use area is the core downtown area or suburban or in-between. <https://metro council.org/Handbook/Files/Resources/Fact-Sheet/LAND-USE/Density-and-Activity-Near-Transit.aspx>
 - In addition to overall residential density and a mix of uses, the other critical development standards for CFAs should include requirements for pedestrian-oriented design, limits on off-street parking, and street connectivity requirements to assure a fine-grained network of streets to support walkable mixed use development.
 - In designating CFAs jointly with local governments, DLCD should identify the gaps between existing local plans and the CFA parameters, and develop a compliance schedule that lays out how and when plan updates (TSPs, RTPs, Housing plans) for each jurisdiction will be revised to meet targets.
7. The allowed use types are good. See Section 3.07640(b) in Metro's Urban Growth Management Functional Plan (UGMFP) for examples of the types of allowed land uses in 2040 growth concept mixed-use areas.
- Minimum residential densities should be tied to proven thresholds for transit-oriented land uses. This should be residential and employment densities (to get at the number of people living and/or working in the CFA - persons per acre); Section 3.07.640 (a) UGMFP defines minimum persons per acre by mixed-use area type in 2040 Growth Concept.
 - The rule should allow for calculation of households/jobs in CFAs at regional scale (to allow for differences in size and stages of development in a community) as one "safe harbor" approach.
 - Allow for building types and heights that make for climate-friendly areas.
 - Consider designating areas in state policy that are intended to be mixed-use as a safe harbor –multimodal mixed use areas (MMA), Portland Metro area 2040 centers, station communities, main streets and corridors and historic downtowns/main streets in other metropolitan areas. Local gov'ts could then review their code to ensure these areas are

consistent with the amended TPR. This also builds on the MMA concept and the past 25 years of implementing the 2040 Growth Concept in our region.

- CFAs should have an adopted public (e.g., public off-street parking) and on-street parking policy and management plan.
8. I don't think the development standards are particularly relevant. What's relevant is the density requirement and the prioritization of non-SOV transportation.
 9. Allow for at least three story structures (35'?). Reduce or eliminate on-site parking requirements. Require a minimum average residential unit per acre within a CVA, plus some percentage of residential zoning where all new development has to achieve some minimum density (15 units per acre?)
 10. As you described all of them apply in some form. Building height is probably the most critical and allows for greater densities most efficiently. Set backs will need to accommodate wider 15 foot sidewalks, street furniture, transit amenities and art/beauty installations and plazas. Limit requirements to have multi-use buildings which increases building construction costs. Focus more on horizontal diversity with commercial nearby residential. Commercial often lag behind residential to justify a market, consider ways to incentivize commercial to come in sooner. Lastly, climate-friendly areas should have a taxing zone applied to pay for ongoing services and programs to encourage reducing auto use. Taxes would support transit service, parking cash out, bus passes, carshare/bikeshare service, maintenance of plazas/sidewalk furniture, trees, etc.
 11. Need there to be requirements with more specificity, not just allowances, because the market may not build to maximum or not in time expected, which will mean cities will miss targets.
 12. There must be clear access and consolidation of outside requirements to promote the climate friendly concept, such as processes for delivery access (food, supplies, fuel, Amazon, etc.) and expertise not housed in the community like professionals (teachers, repairs, public service, etc.) and these access process must be built in the infrastructure planning.
 13. It will be critical to ensure that resources are directed to under resourced CFAs (in Bend, that would be the Bend Central District / Core Area) and not to CFAs that had economic buy in at the development stage for affluent folks (in Bend, that would be Northwest Crossing). Otherwise, we will end up with CFAs that are segregated with priority populations in less developed CFAs.
 14. Need to define Climate Friendly Area and should be scalable, since it will look different in different metro areas throughout Oregon.
Minimum residential densities – please specify net or gross acres.
On-site parking requirements – in some cases, by not providing parking on-site it means cars are parking on sidewalks or blocking driveways. People may park where they can rather than park blocks away from where they want to go, especially if the requirements do not establish and fund a parking management program to accompany the reductions to required parking. Also, seniors or people with disabilities may not be able to walk very far, so not providing a place for them to park could mean the business or housing is not accessible to that population. We agree that the parking reductions should not impact ADA space requirements.

Question 2

Do you have suggestions or concerns for how to amend Housing Production Strategy requirements to address residential development in Climate-Friendly Areas? Are there other incentives or requirements that should be considered to encourage desired development in Climate-Friendly Areas?

1. I think connecting the urban growth boundary expansion to proof of achievement of the 30% goal is a good idea, and something like this was also a component of the original HB2488 bill. Providing flexible funding for local governments to use towards alternative forms of housing (land trusts, cooperative housing, etc) would also be an incentive to build these types of housing, which tend to be more affordable, in the climate friendly areas. There should be funding available to subsidize affordable housing in climate friendly areas. In terms of the public engagement and equity portions of the Housing Production Strategy, I think this could be a good place for the equity mapping and co-production of data to reappear - perhaps this type of mapping can be made a requirement.
2. That said, if code amendments for development standards are required to be adopted on the same timeline as adoption of the CFAs, it should be clear in the HPS rules that a jurisdiction gets to count any comprehensive plan, zone or code amendments adopted for CFAs towards their HPS and HCA requirements. In addition, it would be helpful if there was more alignment between the CFEC requirement to address marginalized communities and the HB 2003 HPS requirements requiring contextual information from our most recent HCA regarding Socio-economic and demographic trends of households living in existing Needed Housing including a disaggregation of households living in existing Needed Housing by race and ethnicity; there's overlapping goals between the two efforts and it would be great if the requirements were aligned.
3. I would just caution against getting too attached to buzzwords or the land use flavor of the day because that may not lead to anything. Most of this is really just about getting people out of their car and when you start to price on street parking and remove minimum off-street parking requirements, then the car subsidies start to disappear and space dedicated to off street parking suddenly has economic value as potential housing as well which will lead to the outcomes you are seeking to achieve.
4. I have not followed or been part of the Housing Production Strategy requirements to have brought knowledge to the RAC to be able to the first part of the question. Nor have I found staff reports to have helped explain this so that I could respond: What does it mean to designate Climate Friendly Areas (3rd paragraph) as part of housing strategy in the context of this rule making? That is, will the housing strategy work be identifying mixed-use area and transit supportive areas? And how does this fit in with future scenario/regional planning?
Regarding the second sentence. As I mentioned earlier don't think that local governments need or should be "incentivized" or "encouraged" by rule making but rather provided strong and clear rules along with resources and support from the State. Local government action is needed to address our climate disruption crisis and the staff reports and rule making and local government actions should support change not "encouragement". Or are you suggesting incentives for private development? If that is the case in my experience in Gresham incentives (e.g. FAR bonuses or density bonuses) were rarely if ever used and make little difference. Private development needs take the same responsibility to address the climate disruption crisis as local governments and the State need to take.
5. Funding sources outside of local government regulations will be necessary to incentivize.
6. The CFAs should be the focal point for encouraging and even requiring use of some/all Housing Production Strategies. The HPS is intended to make housing relatively more affordable – whether market built housing or nonprofit, regulated affordable housing. But alone they are not enough, because they do not really get at issues of density. The zoning in many CFAs will have to be changed (required, not encouraged) to actually perform as we expect and need CFAs to do to create and enhance walkable neighborhoods and reduce GHG emissions. These memos and this question seem to try to avoid making clear that, for example, residential upzoning will be required in certain places. This needs to be clear. Finally, this should not be just about the HPS.

TSPs and RTPs also include detailed allocations of housing and jobs growth to TAZs. These rules should require that these plans allocate 40-50% of housing and jobs growth to climate friendly TAZs.

7. Lowering the bar for UGB expansions in order to encourage CFAs is counter to and undermines the development of CFAs themselves. This provision is also counter to Executive Order 02-04 and the broader statewide land use program and should not be included in draft rule. Other incentives/requirements that should be considered:
 - Technical assistance and funding incentives – technical assistance, statewide priority funding areas in ODOT STIP and other grant funding processes.
 - Best practices guidance, research that documents the value/benefits of these approaches and other materials to support local implementation.
 - Include regional “safe harbor approaches” within the rule to incentivize doing this work at a regional/metropolitan area-level.
 - Statewide funding for catalyst mixed-use projects in CFAs to stimulate private investment.
8. Residential development in CFAs must be dense. This will probably require upzonings. I don't have any particular opinions about the Housing Production Strategy, but we have to produce a lot more housing, and much of it should be in CFAs.
9. Assign a high percentage of TSDC credit/reimbursement funds at projects within a CFA compared to projects outside a CFA.
10. Not knowing a lot about this subject but knowing about the housing market generally I would suggest not allowing HOA fees, prohibiting vacation rentals and requiring a certain percentage of units are built without parking spaces with reduced rent burden. Require a TDM Plan and associated amenities such as providing carshare and bikeshare to residents, transit passes, etc.
11. Re: % of urban households within CFAs, Cities should plan for CFA of more than 30% by 2050 -- suggest it's at least 50% by 2050. Re: Housing Capacity Analysis -- needs to be strategies in place to prevent the loophole that occurs when this leads to UGB expansions to meet the 20-year need.
12. Primary requirements are 1) food, 2) healthcare, 3) education. These requirements cannot be missing or the commuter living concept will not be broken. There must be assigned lands to allow for access without a car that is flexible and covers all ages.
13. I would like to see requirements that affordable housing be developed in affluent CFA areas.
14. Production of affordable and supportive housing in Climate-Friendly Areas should be highly incentivized.
15. Mixed use neighborhoods / 30% in Climate Friendly Areas – the rules need to allow for climate friendly areas to be different in different cities across Oregon. It needs to take into account the ability for the market to support housing development. A study done for LOCUS/Smart Growth America in Springfield in 2018 showed that 2-story townhomes and 3 story walk-ups were more profitable to build than taller buildings. Thus, requiring more intense development would either mean development doesn't happen (because it's not profitable), or the housing becomes even more out of reach for the large majority of Springfield residents, especially those who need the housing the most. More climate-friendly communities could become less equitable if the development minimums are too costly to build in smaller cities throughout the state. What happens if the market doesn't support development of these areas to the level of development desired/required? What if the strategies/incentives don't work?

Question 3

High Quality Pedestrian, Bicycle, and Transit: Do you have suggestions for how the updated rules would ensure better planning for high-quality facilities for people who walk, bike, or take transit? What specific types of things would you like to see in our rules that would make our communities better for walking, cycling, and transit?

1. Similar to what was proposed regarding the Urban Growth Boundary stipulations, the rules should propose streamlined permitting, funding, and other resources prioritized for local governments showing progress towards high quality pedestrian, bike, and transit improvements within and between climate friendly areas. The City of Eugene, for example, is piloting a e- scooter pilot program <https://engage.eugene-or.gov/escooters> and wants to know what factors should be considered when determining geographical “Equity Zones” for reduced pricing and other geographical distribution requirements for bike share/scooter share. The city of Eugene's "equity zones" could overlap with DLCD's CFA's, and funding could be directed to the equity zones to support reduced pricing for impacted community members wanting to participate in shared micromobility programs. We cannot continue to fund and support infrastructure projects that take us away from our climate and equity goals.
2. We generally support what is proposed but suggest that the data collection and mapping work not be too onerous. Perhaps look at existing tools like the Bicycle Network Analysis. Also, consider density of the protected bikeway network rather than just having protected bikeways on every arterial and collector. It does not seem reasonable to expect that American cities are going to be able to construct protected bikeways on every arterial and collector street but there should be an all ages and abilities bike network that enables people to get around by bike using shared use paths, neighborhood greenways/bike boulevards and protected bikeways.
3. Building a low stress bicycle network on collector streets across the city can be extremely helpful. Local streets usually don't need them and arterials can be too scary for some parts of the population, but collectors tend to be the sweet spot and promote non-motorized transportation. Also, you need to have locations to secure bicycles at both ends of the trip. That can be included in development standards.
4. Paragraph 2 page 18 of 41. It is stated that this work will primarily be implement thru TSPs but maybe some by land use development regulations. I would think that some of rule making will influence public work standards for street sections (that include sidewalks, bike lanes, street trees, and the like).

Paragraph 3 page 18 of 41. This seems the highest priority of walking, then cycling, the transit. Is this correct? If so, why this priority or how would it work? How will this work in terms of priority with the other aspects of TSPs as you mentioned in the last sentence? Or with passenger vehicles?

Paragraph 5 page 18 of 41. Is the clause - likely after adoption of a regional scenario plan — related only to allow local governments to “set their own standards”? Pedestrian and Bicycle System. Can connecting trails be added to where “these requirements will initially focus primarily”? And what does initially focus mean? Is staff referring to standards that might apply, or elements of a TSP that is updated or where expenditures are made?

Public Transportation System. In the first sentence should the word “for” be replace with “by”? Transit districts are special districts and as such are subject to the State Planning Goals (which are the basis for the rule making). Shouldn't this work also address what the transit districts need to do and how they will collaborate with the local governments in doing transit supportive planning.

Minimum bicycle parking space requirements. Gresham, as do many jurisdictions, establish minimum bicycle parking space requirements often distinguishing between short and long term

spaces. And often having requirements regarding sheltered parking spaces. Should this be a consideration for quality bicycle environments? Add street/medium tree requirements for pedestrian and bike ways. Ensuring that trees are part of the infrastructure required for walking and biking will make for a more comfortable and safe environment and thus make it more possible to change modes shares. It also can address equity by addressing heat islands often found in more dense areas with higher concentrations of priority populations. This would typically be address in public works standards (part of the land use code).

5. Requirements for committing funding to bike/ped projects.
6. The TSPs must plan for, at least, a 20% VMT reduction. So, all the pedestrian, bike, transit, and CFA efforts must be aimed at achieving that. The RAC memo on this subject seemed to emphasize inventories. That is fine, but it is just the first step in a gap analysis, which should be required or actually done by DLCDC – the analysis, the solutions, and a timeline to achieve it. And, it seems that many cities have inventories of bike and pedestrian networks largely done already, so completing them and the gap analysis should be relatively straightforward. The proposed rule concepts duplicate much of what is already required by the TPR – which has not been successful, probably due to lack of ambition in the substantive rules, lack of regular monitoring and reporting, and lack of enforcement. Therefore, the rules need to be clear about how these proposed requirements and the resulting plans will be different. The rules should require detailed plans for CFAs that include:
 - Standards for street connectivity.
 - Plan future local street connections and extensions.
 - Identified improvements to slow traffic speeds on major streets to 25 mph or less.
 - Ped improvements (crossings, sidewalks, lighting etc).
 - Transit priority treatments on FTN including stop improvements, signal priority and rose lanes.
7. Complete street and design policies.
 - Local and collector street connectivity requirements for new residential and mixed-use/CFA areas – a well-connected network supports biking, walking and access to transit.
 - Transit-supportive street designs and land uses.
 - Include inventories for TDM and TSMO services and supporting infrastructure in addition to the proposed inventories for walking, biking and transit infrastructure and services.
 - State-level strategy for inventorying and funding pedestrian, bike and transit needs on state-owned arterials in metropolitan areas (e.g., particularly district and regional highways designated in the Oregon Highway Plan).
8. Walking, cycling and transit should be prioritized. Right-of-way and investment in new facilities should be allocated FIRST to walking, biking and transit. Movement of single-occupancy personal vehicles should be the lowest priority. Require all jurisdictions to build out their planned ped and bike networks. Require them to coordinate with transit to establish plans to dramatically expand both coverage and service, and start implementing them. Require that jurisdictions decrease VMT by at least 25%.
9. This is really squishy. It's easy to say "high quality" facilities, much harder to identify what those consist of. It's probably a combination of design standards and the level of interconnectivity. Hard to describe in code, measure, and regulate.
10. Multi Modal Level of Service (MMLOS). Cities need to forecast future demand by the numbers. Once we have a forecasted demand for bike/ped/transit we can allocate the adequate amount of space. Full lanes for bicyclists, full lanes for transit, 15-20 feet wide sidewalks for example...

11. For Pedestrian: would like to see guidance on lighting, crossing distance For Bicycle: would like to see guidance on speed and separation For Transit: Define 'transit priority corridors'; for future projections, need different guidance than what's currently (typically) used by transit agencies, so that service planning doesn't become based on existing demand but rather where the greatest need is for priority populations origin/destinations.
12. It's about 1) safety (even perception of safety) and 2) flexibility. Walking Malls are essential to not have to worry about crossing traffic with children. Key transportation from arterial collection points (parking at the edges of the community) working with flexibility (taxis, Uber, etc) for emergency use when needed.
13. There needs to be resources and funding (both as a carrot and stick) to ensure high-quality facilities for people who walk, bike, roll (use mobility devices), or take transit. And make sure to have more inclusive language around folks with limited mobility. There needs to be a shift from our transportation systems fitting multimodal infrastructure within a system designed for cars, and have cars accommodate people who walk, bike, roll, and take transit.
14. Is the gap in the rules or is the gap in the funding to implement previously adopted plans? What is the gap we're trying to fill with these rule updates? What about the current rules is falling short, or is it really on the funding side where the results are not being produced? How does this relate to the ODOT Blueprint for Urban Design? Is it duplicative or different and in what ways?
 I could see potential value in changes to street network/connectivity standards to account for where bike boulevards are not feasible due to the street network breaking down and not providing parallel routes. Retrofitting in an already built urban area is challenging, but at least the standards could ensure new neighborhoods are built with a well-connected transportation network.
 Adjusting code to make sidewalk maintenance responsibilities the same as roadway maintenance could help. In many communities, the code makes the sidewalk the adjacent property owner's responsibility. There may be opportunities to address the inequities in infrastructure funding for walking vs. driving.
 For transit, it seems as if the transit providers should be identifying the infrastructure needed and implementing that in conjunction with the local jurisdictions. Does the LTD system planning and our adopted Springfield 2035 TSP already fulfill the transit corridor planning requirements? It would be useful if we could use our adopted Frequent Transit Network plan as "priority transit corridors."

Question 4

Limit Minimum Off-Street Parking Mandates: Is the overall approach to parking mandate reform on the right track or wrong track? Are there key types of development or places where parking mandates should be particularly scaled back?

1. The reduced parking mandates are great progress and I appreciate the attention to equity in making sure the full costs of parking is made transparent and that low income and historically underserved populations receive reduced regulatory parking costs. Climate friendly areas as well as environmental justice communities should see reduced parking requirements. Here in Eugene, the area surrounding the University of Oregon and downtown Eugene would, for example, see scaled back parking mandates. Denser, multifamily developments, and areas in transit corridors should see to reduced parking mandates. Conservation areas (parks and open space), urban renewal and redevelopment districts can also be target areas for reduces parking mandates.

2. I am concerned that eliminating parking requirements will lead to negative impacts to surrounding properties. For example, when schools do not have enough parking, parents driving exhibit poor and illegal behavior that negatively impacts people (including students) walking and bicycling. Parking impacts also spread to neighboring areas.
3. We generally support this approach, but it needs to be recognized that making this change could be a large amount of work for local governments. One particular issue we have in our community is a patchwork of incorporated and unincorporated development in a couple of neighborhoods where the unannexed streets are almost all unimproved without clear on street parking rules or standards. We are concerned that if developers in this area do not provide parking or enough parking to accommodate demand on site, there will be spillover onto neighborhood streets that don't have managed parking. This has happened once already and we're concerned that it could lead to opposition to more compact development along the transit corridor in this neighborhood.
4. You need to couple limiting or removing off-street parking mandates with another mandate to go to dynamic pricing of on-street spaces. If you don't do that, then people will continue to over-consume the free public service (on-street parking) and you will lose political support. In addition, when you don't use dynamic pricing for on-street spaces, you create a situation that can result in an increase in greenhouse gas emissions as automobiles circle around an area looking for parking spaces.
5. In terms of "track" I did find the introductory questions somewhat glib, and I am not sure that right approach to implementing the rule. Is this part of the rule making a question of the need to convince local governments of the need to reduce parking mandates or is it coming up with best strategy? I assume it is the latter. I agree that there is a need to address parking — to shift mode shares, to provide more land for compact development and to address equity. As you will see from the questions, I did not find the staff report provided the information match the needs for the rules to the problems expressed. How will the work of this rule making work with how the Middle Housing work addressed parking mandates? In looking at the questions provided in the Introduction did you also look at the impact that reduced parking might have on shifting travel mode from passenger vehicles to pedestrian/bicycle/transit modes? The impact on supporting mixed-use (climate-friendly) areas? And if so, what conclusions did you draw?
Is the "state of the research" described staff in the form of a report that could be shared with RAC members and the general public (or could be made into such a report)?
Reducing or eliminating off-street parking requirements is not a new concept but is one that can be controversial. Staff might want to discuss with Metro staff why Title 2: Regional Parking Policy was repealed (Ord 10-1241B, Section 6). In the late 1990's and early 2000's Gresham reduced minimum required parking requirements and established maximum allowed parking in its centers and mixed-use areas. For example in the Rockwood Town Center there is no minimum required parking for commercial uses and one space minimum required per residential unit. Maximum allowed parking for commercial uses varies by use for example its 3.7 spaces per 1000 square feet for a grocery store and 1.3 spaces for guest room or suite for a hotel. The maximum allowed for residential units is 2 per unit. There are some mixed-use districts, for example the Corridor Mixed-Use district that has larger minimums and maximums. For residential uses in the CMU 2 spaces per residential unit minimum is required and there is no maximum limit. As noted, these have been in place for a long period of time and were not established with climate change or equity as a consideration. When established minimum and maximums code language is needed to identify how different types of parking (for example disabled parking or electric charging parking) count when applied to a minimum or a maximum. Some questions regarding the key findings.

- Can staff explain or provide citations for the finding that minimum parking requirements lead to more car ownership and more driving? This is key element of reducing GHG emissions.
- Can staff explain or cite a source for finding #3 both how those who don't own or use a car "indirectly" pays for other person's parking? Also, what is source of percentage of most carless households in the poorest 20% of households? What is your source (#4) that "parking can be efficiently provided by the market"? In my experience in the past the market has tended to oversupply parking spaces. And while I would suspect that lenders and developers are more in tune with the cost ramifications of providing parking spaces I am not sure that they are in tune with the relationship between parking and GHG emission reductions. Providing maximum allowed parking in climate-family areas is one way to allow the market some flexibility to provide parking needed but not to provide excess parking spaces that will lead back to the problems eliminating/reducing parking minimums is trying to address.
- Finding 5 is a critical finding although I would question how important number of bedrooms is in establishing minimum although that has long been a consideration. Finding 6. Is there a distinction between parking minimums for residential as opposed to commercial or institutional in climate-friendly areas as regards the italicized words of internalized, marginal and avoidable? What is the source of this finding?
- Can staff define or provide more explanation of what the italicized words mean?

Some questions regarding the general principles:

- As I noted before I would suggest the need for maximum allow spaces in climate-friendly areas. I would note that not all developers are local. That not all developers will be tuned into climate change (or equity) as a reason to reduce parking spaces and, like many market decisions, will tend to utilize past practices and stock plans. The #4 general principle seems to support this concept but what would be "targeted areas" in the concept of climate-friendly areas?
- I am not sure how costs can be "internalized" by land use regulations beyond the establishment of minimums and maximums. Is there a distinction in this general principle between residential and commercial parking? I know of recent mixed-use but primarily residential buildings that will provide a covered parking space for a unit only for a fee but how could that be a local government requirement?
- Provisions for parking lots to be designed to be pedestrian-friendly (and climate-friendly) is an important principle. Why solar or trees — why not both? Gresham, like most local governments I would expect does require trees (for shading) based on per stall calculations. As an example of using solar the city hall parking lot provided some carport parking that are solar panels. Minimizing conflicts between pedestrians and car traffic in parking lots is important too.
- Is staff referring to public parking management versus private parking management or both? What is meant by "unpriced supply" specifically and how does that relate to improved parking management? Can public parking management be regulated through TSP rules? Proposed Approach Questions. I am not sure that the "simplest" approach is the right approach in terms of letting "each builder, property owner and individual decide how much parking to provide and consume". Can you provide studies that would show that such an approach would result in reduced GHG emissions by enabling modal splits shifts?
- What is a "price signal" and how does it get institutionalized? I am concerned about the concept that adopting price signals as a way of allowing communities "more flexibility in

how they manage parking”. DLCD can easily monitor and enforce those rules that result in changing to zoning, development code, and the like as once changed any proposal to amend those implementing provisions would be sent to DLCD as part of the decision making process. How, though, would DLCD monitor and enforce a “price signal”, for example charging for on-street parking, if a future local elected body decided to eliminate parking meters?

- Regarding the 4th paragraph. Is this suggesting that reducing or eliminating minimum parking would not be for all housing or for all commercial development in climate-friendly (mixed use) areas?. Why a “lower-cost housing type” and not any multi-family or mixed development in a climate friend-area? Why a historic building which is not a use? Is this a rule that would be intended to relate to uses not in climate-friendly/transit corridors as perhaps is suggested by the fifth paragraph?
- Regarding the 6th paragraph. This seems to relate to paragraph 2? Do you have examples of “codes to ensure those who don’t use parking realizes savings? Regarding the 7th paragraph. Does DLCD have the authority to require using permits or meters? In the TPR? Does “more management” mean that staff has determined that larger cities are doing enough or is it meant to suggest a necessary amount of management and if so what would that be? Equity Benefits and Challenges questions. I would find it helpful to have access to or summaries and citations of the research staff did in order to better understand that assertions made on this issue. I wasn’t able to understand the progression from the inequities staff describes to the approached proposed. Inequity in the Current Approach questions.
- Paragraph 1. Can staff provide an explanation of how “making the costs of parking transparent and avoidable can mean those who own fewer cars or drive less could pay less for their rent and goods, and could receive higher wages”. I can understand how not having to pay for a parking space at one’s residence could mean lower rent I don’t understand how that relates directly to “fewer cars or drive less”. And is it rent only for residences or also for businesses? What is the magnitude of “pay less for goods ... and receive higher wages”? And how does that address inequities in that presumably that would lessen costs and increase wages for everyone?
- Paragraph 2. I wasn’t able to find a coherence in the statistics that were cited for, I assume, validating the first sentence’s assertion nor how they lead to the proposed approach. Also are the statistics comparing total numbers or are they comparing proportionate numbers? And would there be other factors for these numbers besides wealth and privilege? What do these numbers look like if the metropolitan areas that are the focus of the rulemaking?
- Paragraph 3. What is the source of the 15% and does it relate to the metropolitan areas that is the focus of the rulemaking? As stated by staff earlier it is not the intent of rulemaking to eliminate all parking so while having more limited parking standards will increase the ability to compact communities which can lead to more opportunities to walk, bike and transit stating the 15% may seem as exaggerating the impact of the rulemaking.
- Paragraph 4. Can staff provide examples of what is mean by “unpriced” parking and examples how such unpriced parking incentivizes car ownership and car use. This question in context that not all parking is unpriced nor does one necessarily choose to own a car because that have access to a place to park at their residence.
- Paragraph 5. The proceeding paragraphs don’t lead me to understanding this paragraphs assertions. I am not disagreeing that priority populations are “disproportionately bearing the costs of parking, subsidizing more privileged

populations” but I can’t find that this report has explained what costs are being disproportionately born in any specificity or in any magnitude in a way that leads me to the proposed solutions approach. Although I think I understand what staff about “maintaining widespread parking mandates” — something like ‘parking is needed for all’ — I wonder if there is a more understandable way to say this than “regressive, untargeted policy”?

- Equity and Proposed Approach What is mean by “would also reduce regulatory parking costs” — “also” to what and what are the “regulatory parking costs” referred to here? Why this particular list? Is this related to limiting parking minimums or other programs? Is it related to climate-friendly areas or other parts of the metropolitan areas? Is it related to parts of Oregon outside the metropolitan areas? Cab staff provide examples of “policies so people aren’t charged for parking they don’t use” from adopted by cities — in Oregon or elsewhere? It is not clear to me that the issue to be addressed here is “the people who want parking would have options”. As staff I believe has indicated previously priority populations don’t own cars and thus don’t need parking spaces not because they choose not to but often because of financial constraints.
6. In areas where there is robust transit service - parking can be particularly scaled back. However, I have concerns at how reduced parking mandates could adversely affect existing neighborhood areas and will just push parking into adjacent areas and not actually reduce reliance on automobiles.
 7. This section seems to be headed in the right direction, and unlike many of the other sections, it seems DLCD is proposing that these steps be taken right away. Parking mandates should be particularly scaled back or removed in CFAs – mist parking in them should be provided on-street to promote shared parking, higher densities, walkable development. Parking should also be scaled back in large retail and office park developments. Large amounts of free parking in these places will encourage driving and potentially adversely impact CFAs. Plus, they result in large amounts of impervious surfaces, causing heat islands.
 8. The concept is on the right track but should encompass both public and private off-street parking and on-street parking.
 - Has to have good walking, biking and transit options and connectivity in areas with less parking/reduced parking mandates (reduced parking minimums and maximums).
 - Include biking parking and end-of-trip facilities requirements.
 - Allow for a spectrum of parking management approaches to provide flexibility.
 - CFAs should have an adopted public (e.g., public off-street parking) and on-street parking policy and management plan.
 - Include freight loading/unloading areas and other curb management in CFAs.
 - Shared parking, unbundled parking, timed parking and understanding parking usage/needs in CFAs can be steps toward priced parking.
 9. I would like to see all parking minimums removed. Parking can and should be addressed immediately by jurisdictions across the state; it is low-hanging fruit.
 10. The weak link is the reliance of improved regulation of on-street spaces to compensate for a reduction/elimination of on-site spaces. We can't make enforcement in our commercial downtown financially viable without subsidizing it. No way we could expand regulation and enforcement into into mixed use and residential neighborhoods.
 11. Right track...add in a splash of parking lot tax and you will have baked a nice cake.
 12. Parking mandate reform is on the right track. Parking mandates should also incorporate non-car parking, e.g. providing secure bicycle parking at destinations including work, school, medical, apartments, etc.

13. Businesses in the Climate-Friendly Region must be assured that customer traffic have easy ways to reach the storefront as easily as current parking mandates require prior to adoption of parking mandate reform.
14. Yes, it's more or less on the right track, and there needs to be an awareness of the equity impacts. I like the idea of a parking lot tax on developers to shift the cost of parking to developers and use that tax money to provide access to transportation options for priority populations.
15. It is important to focus reduction of parking minimums in locations that are supported by robust transportation options and supportive land uses (along frequent transit networks, where TDM services such as free bus passes, shared cars, etc. are provided, near regional bike routes, etc.). Applying it citywide would be taking it too far. We are more concerned about removing residential minimums than commercial. People will take housing wherever they can get it given the housing crisis. Minimum residential parking standards should be a city level decision. There could also be unintended negative consequences. If there isn't enforcement, people park on two sides of a street where parking is only allowed on one or neither side and can cause emergency access and evacuation route barriers and safety problems. In order for this to be successful, parking management programs would be needed. How do cities typically pay for their parking management programs? In many communities, parking enforcement may not be the highest priority for public safety staff. The rules and performance measures should provide more flexibility for parking management, including time-based parking that does not have a price associated with it. This can be an important incremental step that may be appropriate for more smaller and mid-sized cities instead of going from nothing to priced parking. Unbundling parking from unit costs in multi-unit developments makes a lot of sense. Could add senior facilities to the list on page 22.

Question 5

Limit Minimum Off-Street Parking Mandates: Is the overall approach to parking mandate reform on the right track or wrong track? Are there key types of development or places where parking mandates should be particularly scaled back?

1. For things such as congestion pricing, it may make sense to use normative transportation system performance standards. But other metrics that can show the more nuanced impacts will help in parsing out who should be responsible for footing the bill. Could it be useful for the rules to suggest but not require the use of alternative performance standards and metrics, to at least point local governments in the right direction? Overall, I agree that when making transportation planning decisions, we need to take into account metrics that encompass the human dimensions of transportation issues to shift the focus of planning from cars and onto people.
2. Eliminating motor vehicle congestion standards in development review and in analyzing significant effect on the transportation system for comp plan/zone changes will limit the ability of a jurisdiction to get off-site improvements from development. This may increase the backlog of unfunded improvements needed to address the needs of the transportation system.
3. We generally support this approach, and this is the direction we are moving in as a city. It is important for ODOT to be fully supportive of this approach and to integrate it into the agency's work. It would also be helpful to have other tools to determine the effectiveness of a multimodal transportation network; perhaps DLCD and ODOT could collaborate on developing uniform multimodal mobility tools to be used across the state.

4. Safety and greenhouse gas emissions should be the primary drivers for automobiles. To the extent that safety relieves congestion or relieving congestion reduces greenhouse gases, that is fine, but we shouldn't be putting money into roadway expansion just for the sake of increasing the convenience of automobiles.
5. I don't have the expertise or experience to answer this question or to comment or ask questions to any extent of this section. I do agree that congestion, especially if it's the only criteria, is the wrong approach to deciding the impact of rezoning or UGB expansions or new development on the transportation system in terms of addressing GHG emission reductions and equity in climate friendly areas (or generally within a city/county). A question I do have relates to, as understand the proposal, while the rule would prohibit a local government from solely using congestion standards the rule will not specify what performance standards are to be used. Is this correct? If so how will DLCD assure that the intent of this rule is met? And when will local governments be required to implement the rule? Also, can staff explain why (page 24 or 41 first paragraph) exceptions to the rule "to allow flexibility" are proposed for the rule? What impact does this have on reducing GHG emissions?
6. I don't know what the correct balance is. I would not want to see congestion completely removed from the equation. More cars sitting idling in traffic is not really reducing GHG emissions - we need less cars or cars that are clean as opposed to simply less roadway that can accommodate cars.
7. Exempt CFAs and upzoning in CFAs from mobility standards. Require that jurisdictions show satisfactory progress in reducing VMT before adding capacity to major streets.
8. The concept is on the right track in not setting specific transportation system performance standards to be used in place of vehicle-based motor vehicle congestion standards – at system level, it should be driven by plan goals and desired outcomes which will lead to use of multi-criteria evaluation and performance-based planning and investment decisions.
As written, the OHP Policy 1F processes continue to present a barrier for local governments to measure other outcomes.
 - Ensure system performance standards are multi-modal and address all modes.
 - The performance measures should help identify needs (gaps and deficiencies) and measure adequacy of the system and progress toward the local and regional goals.
 - Focus on desired outcomes rather than impacts on intersections and roadway links.
 - Support prohibition to using motor vehicle congestion standards for development review process when use is allowed by current zoning. Need a trigger and definition for what cities should require be evaluated if not measuring congestion so that multi-modal investments could be required through development process, including increasing street connectivity, building sidewalks, transit stops, and bikeways.
 - For plan amendments, ODOT /OHP Policy 1F still requires motor vehicle congestion standards be used for state-owned facilities under TPR 0060 – this is a gap in this approach – particularly OHP district and regional highways that may serve as a downtown/main street/CFA in a community. In practice, local governments in Portland region have also used the OHP Policy 1F standards or the Oregon Highway Design Manual Standards when evaluating impacts on state-owned facilities in development review and project design.
9. Motor vehicle congestion is not a problem worth solving on its own. Access should be a measure - how many households are within a 30-minute frequent transit ride from good jobs, services, education, etc? Safety should be a measure. Reducing VMT should be a measure. Reliability of travel time should be a measure. Vehicle congestion may be worth measuring, but it should be a very low priority because it doesn't actually matter.

10. The description sounds more like eliminate than limit. Elimination of performance standards is a killer. 30 years worth of TSP guidance, project identification, and TSDC funding amounts based on a project "growth" component would no longer be in sync with the new regulations. Use of a higher % of TSDC funds within CFA's will be our primary source of funding to encourage development in those areas. Many of those projects (and the funds we will want to spend/credit) can be traced back to performance standards being the trigger for a project being in the TSP. If performance standards aren't used to develop/update future TSP's a big chunk of the funding we need to incentivize CFA development will go away. Also wondering how this would apply to highways and ODOT. Will the performance standards in the OHP go away? If not, do those get looked at in a future TPR analysis? I still recall what I-5 looked like when the factory store development in Woodburn went in without adequate upfront analysis.
11. See 3...Multi modal level of service should be the 'alternative' to these limitations on auto planning. You need to plan for something you can't just not plan at all.
12. Standards should be focused on moving people not vehicles.
13. Most current TSP Standards are out of date or not proper for current community needs. They either need to be changed to meet current business and environmental standards or limited in use.
14. Performance standards should really look at all users of the transportation system, and prioritize people who walk, bike, roll, and take transit over cars. It should take someone on transit a similar amount of time (or LESS time) to get from point A to point B than to drive a single occupant vehicle.
15. It would be helpful if the state could take the lead with providing examples of how to develop and incorporate multimodal level of service into local planning work. The Springfield TSP has policies identifying the need to do this, but limited staffing and funding has prevented this policy from being further implemented.
 What happens when there is a conflict between DLCD and ODOT policies? Does this effort include concurrent amendments to the Oregon Highway Plan (Table 6 and other mobility policies)? If not, how do local jurisdictions deal with the conflicts between DLCD and ODOT standards?
 Would these proposed changes limit jurisdiction's abilities to require transportation system improvements as part of proposed development or collect system development charges, which pay for a lot of public infrastructure needed to serve development? There may be unintended consequences to local revenue and impacts to development. In some locations, this could potentially increase transportation safety issues.
 In general, this concept seems to be describing what it isn't and won't be, but does not include very much about what the change will be and what standards would be replacing the existing requirements.

Question 6

Prioritize and Select: Staff is considering different methods of prioritizing projects in Transportation System Plans. What is important to you when considering how cities and counties should prioritize which projects are funded?

1. Does the project support our equity and climate goals for our most impacted community members? If the answer is no, then the project should not be funded. What is the overall greenhouse gas profile of the project? What are the social and public health impacts? What jobs and economic security with the project provide and are the opportunities accessible to the most impacted community members? Each project should go through some kind of climate equity

screening that will include these questions as eligibility requirements for funding. The screening criteria should be determined by the local communities that will be directly and indirectly impacted by the project.

2. There needs to be a recognition of how projects are funded. Some are by grants, which have their own criteria that must be addressed. Others are funded by GO Bond measures that require voter approval. When seeking voter approval, there is strategy needed to provide a range of projects that will garner sufficient votes. This includes addressing geographic dispersal as well as modal dispersal. Forcing prioritization on walking, cycling, and transit and on priority population neighborhoods runs the risk of limiting the ability of a jurisdiction to develop a funding package that will receive voter approval.

3. The City of Eugene already has a financially constrained TSP project list and we intend to continue using such an approach.

4. Safety and does it increase or decrease greenhouse gas emissions.

5. Staff is considering different methods of prioritizing projects in Transportation System Plans.

What is important to you when considering how cities and counties should prioritize which projects are funded? Funding needs to shift from an emphasis auto infrastructure to transit, walking and biking infrastructure. I don't know to what extent the rule making can impact the fundamental and historical and overwhelming funding for auto/truck etc. infrastructure. I tend to think that transit is the highest priority of shifting mode shares and that pedestrian is the highest priority to successful climate friendly areas when it comes to TSP projects.

In the boxed paragraph what is meant by "adopted plan"? Is this referring to scenario or regional plans or? Although I am familiar with the term "financially constrained list of projects" I would suggest that staff provide a side bar to define as such a term might not be understood by those RAC members who are TSP practitioners. Paragraph #4 on page 25 of 41. How was it decided that the hierarchy would be walking, cycling and transit? I would guess that transit can have the largest impact on reducing GHG emissions whereas I would think that walking has the largest impact on community livability and being climate friendly in a greater sense than GHG emission reductions. Why have a hierarchy? Paragraph #5 on page 25 or 41. Will the rule set parameters for local governments to develop "specific project ranking criteria"? When will this be done?

I continue to be concerned about unnecessarily delaying the time line for cities and counties to implement as every year that goes by opportunities are lost and liabilities are gained.

6. Multi-modal projects and projects that prioritize bike/ped/transit should be prioritized.
7. The only projects that should receive transportation funding are those that support transit, walking, or bicycling or that demonstrably contribute to reducing GHG emissions/reducing VMT by 20% per capita. LCDC should adopt default targets that implement the STS for VMT reduction, housing and jobs in climate friendly areas, and mode share. Rules could still allow cities to propose alternative targets that accomplish GHG reduction.
8. Prioritizing and selecting projects should be driven by a TSP's goals and the plan's performance measures. The performance measures should help identify needs (gaps and deficiencies) and measure adequacy of the system and progress toward the TSP's goals.

It is helpful to have local TSPs include a financially constrained project list of what the city/county thinks they can afford.

It would be helpful to have updated TSP guidance on developing the revenue forecast and what local TSPs can include/assume for ODOT projects and transit projects. Because of the complexity of making revenue projections, this requirement should point to the federally required regional transportation plan in each metropolitan area. This in effect will reallocate existing resources rather than creating new resources to invest differently in land use, housing and transportation.

9. Reduction of VMT should be a top priority. (To be clear, this should be matched with increasing the convenience and access of transit, biking and walking.) Every project should include demonstrable and significant reductions in VMT. Jurisdictions should prioritize projects that reduce GHG, reduce VMT, and increase access for communities who currently have less access.
10. Factors to consider would include: Is it within a CFA. Is it a project that is likely to be constructed by a Developer versus the local Agency. Is the project in a location where we want to incentivize growth? What benefits will result (capacity, safety, modal split, connectivity, etc.)?
11. Very concerned about this and the methodology it insinuates. I am a big supporter of drastically changing the way streets are used however I am also very concerned about orphaned streets due to a lack of ongoing maintenance. 100 years ago bicyclists were the greatest advocacy group to pave streets, not automobile drivers. Transit uses streets in all areas of towns not just climate friendly areas...we cannot leave the existing transportation system as a deferred maintenance item. There needs to be a balance.
12. Prioritize movement of people and goods, not vehicles.
13. TSP planning within an economic and environment-friendly zone must be prioritized to account for people to enter the zone from outside without upsetting the balance of needs over the TSP needs of internal aspects of the zone.
14. Given the systemic disinvestment in projects that benefit people who walk, bike, roll, and take transit, cities and counties should prioritize those projects, and in particular, those projects which benefit priority populations. They should also prioritize projects that create connectivity for people who walk, bike, roll, and take transit to essential services (e.g. schools, medical centers, grocery stores).
15. Projects that serve priority populations, or in neighborhoods with higher proportions of residents from a priority population, should receive the highest prioritization.
16. Adding capacity needs to be clearly defined. What would be the impact to new development being able to or being required to build new streets to serve development? What flexibility would there be for projects that are built as development occurs? How does this interact with the prioritization, given that private market forces and other factors determine when certain developments move forward or not?
Are ODOT revenue and project projections incorporated or would it purely look at city and county anticipated revenue? Are interstate system projects included or not? How do we resolve conflicts with federal RTP requirements? We'd like to understand more about the impacts to significant effect. Would this mean that we would not be required to take on improvements to Gateway/Beltline in conjunction with the urbanization of North Gateway? Could this unintentionally prevent jurisdictions from being able to fund projects to address major safety issues?
The modal hierarchy does not seem appropriate for some locations. In general, transit seems as if it should be a higher priority than cycling to take a more equitable approach. Will the modal hierarchy have geographic extents associated with it? How does it relate to the ODOT Blueprint for Urban Design prioritizing different modes based on the adjacent land use contexts?

Question 7

Rule Concepts – General: Do you have additional questions or concerns about the proposed rule concepts? Is there anything important that you think we left out?

1. There is still no language about the invisible costs of electric vehicle manufacturing within the equity considerations. I understand regulating sourcing is outside of the purview of DLCD, but the offshore environmental and social justice impacts should not be ignored.

2. I was a bit confused by why you are proposing rules that seem to mirror requirements that will come out of HB 2180. Why create a duplicate requirement? I also felt that the concept discussion of Climate-Friendly Areas was lacking in a description of how these areas will be defined.
3. We understand that there will be future drafts of amendments to Division 10 Housing. Ideally it will be clear in the UGB planning rules how the CFEC preferred scenario and CFAs are incorporated into UGB planning and what their priority is in the context of meeting any projected needs, particularly if a jurisdiction still shows a need for expansion for housing, jobs or public uses after efficiency measures. We anticipate providing additional comments in the near future; we have some questions about the availability of data at the CFA level that is needed for the performance measures and specifics about the CFA adoption requirements.
4. As mentioned earlier I think the rules should explicitly apply to any UGB expansion. Limiting or prohibiting UGB expansions until the local government work is done should be considered. I have a continuing concern about perceive as a lack of urgency in effecting changes by local governments that will ultimately result in changes to the built environment. This is mostly a concern for what Staff describes as category 2 — Require Planning for Climate Pollution Reductions in Metropolitan Areas — that “will take years to complete”. The deadly and costly impacts that Oregon has already experienced with climate change and the UN's Intergovernmental Panel on Climate Change (IPCC) report that change is happening quicker than previously thought coupled with the time lag from when local government's implement the rule making and changes needed to increase pedestrian, bicycle and transit mode splits I think should make us rethink the value of time and resources consuming regional planning efforts.
5. I have two concerns: The timelines are unclear or too far down the road. The following suggestion on p. 17 should be deleted: “Given the urgent need to mitigate climate change while improving equitable outcomes, some rules may be considered to encourage local governments to do what they can to promote development in Climate-Friendly Areas. Some examples of what requirements could include are:
 - Creating a “safe harbor” for local governments that have located at least 30% of their residential units within Climate-Friendly Areas, which would streamline the UGB expansion process; and
 - Limiting or directing future UGB expansions after 2035 for local governments that have not achieved the 30% goal.

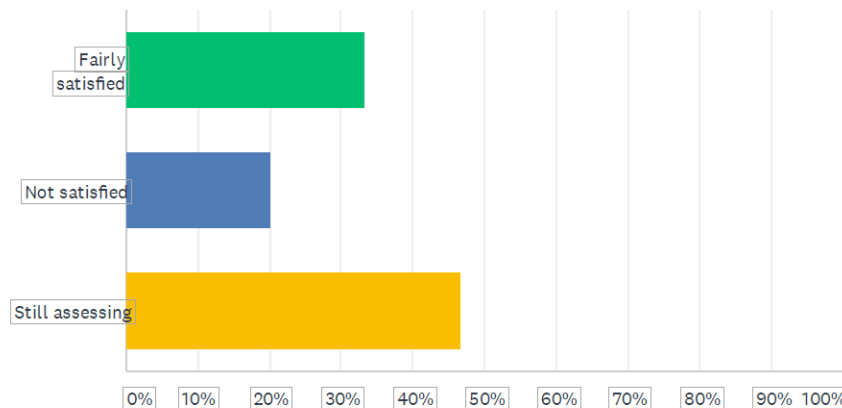
These two bullets do not make sense. How is arguably making it easier to expand a UGB responsive to an urgent need to mitigate climate change? Expanding the urbanized footprint has a potentially detrimental impact on climate change in several ways: increased impervious surfaces, destruction of carbon absorbing natural areas and farm and forest lands, and likely increased driving. UGB expansions should not be tied to doing well on development within UGBs. Legally, they are tied only to a need for additional capacity that requires additional land. They are legally not a reward for good behavior. And, if the CFAs are done right, there is likely to be less need for UGB expansions.

6. The proposed concepts lack a sense of urgency. For example, reporting requirements and timelines should allow for rapid assessment of local and regional efforts.
 - The relative timing for implementation of each concept is unclear.
 - Direction/guidance is needed about expectations for authentic engagement of marginalized communities and ensuring transportation needs of marginalized communities are being addressed in housing and transportation plans and investments.
 - Appreciate and support Concept F on electric charging and especially the emphasis on ensuring equity.

7. I just don't think this is enough. We need to see significant requirements with significant consequences for failing to meet them. No jurisdiction should be given more transportation funding if they are consistently failing. to meet their CFA benchmarks.
8. I'm concerned about the ability of local agencies to carry out the new regulations from both a staffing and cost perspective. I see CFA's looking a lot like encouragement of high-density infill. that will result in much of the development being located within areas that won't have a lot of large-scale TSP projects within them now or in future TSP's. That will limit the funding that can be used as an incentive within CFA's.
9. The changes will take time and it would be useful to have a better understanding of how we can phase these improvements in over time. For example, if we had more planned unit development opportunities over several parcels within a climate friendly area we could identify opportunities. Imagine existing parking that would be developed into a high rise housing complex once the parking demand has decreased due to nearby investments in transit, sidewalks, bikeshare etc. There should be better land use and phased approach planning to ensure we are not requiring the public to make changes before it is realistic for them to do so.
10. A lot of the content sounds good in principle at the conceptual, high level, but is often unclear what issues may arise at the detailed implementation level. It would help alleviate confusion and concerns if explanations were provided as to how the proposed rules are consistent with or will have concurrent amendments to be consistent with ODOT and federal initiatives and policies.

Question 8

RAC Meeting Discussion Items: Performance Measures Workgroup Recommendations As you review and reflect on the proposed performance measures, what is your general level of satisfaction with these?



ANSWER CHOICES	RESPONSES	
Fairly satisfied	33.33%	5
Not satisfied	20.00%	3
Still assessing	46.67%	7
Total Respondents: 15		

Question 9

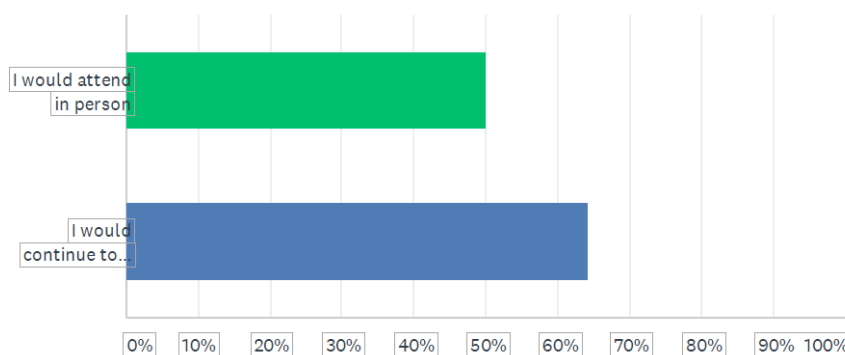
Please share any suggestions you may have for improving the proposed performance measures.

1. Meaningful public engagement needs to be included as its own performance measure category alongside active transportation, parking, mixed use development, etc., in addition to being integrated into each area.
2. How likely is it for arterial streets to have a Level of Traffic Stress of 1 or 2? I am not sure how we would define the percent of our transportation budget spent in Climate Friendly Areas and priority population neighborhoods. Most of our transportation budget is operations and maintenance and is not coded by location. This might be more feasible if it is limited to the capital budget expenditures.
3. We also support performance measures for EV charging facilities.
4. As someone who was part of the working group, I wanted to point out that I, and others, expressed the concern and difficulty of developing performance measures before the performance standards were development e.g. the part of the rule making that this past RAC meeting started. It would be best to revisit the performance measures after the draft rules are written.
5. Clear standards/benchmarks/targets that local governments must take actions to meet - whatever word you want to use, but it must be things like "reduce VMT by 20%," "increase capacity of residential zones in CFAs to accommodate 40-50% of all new housing," "adopt connected pedestrian plan," etc... Establish interim benchmark on way to 2050. Establish deadlines and monitoring schedule, with enforcement. Tie transportation funding to meeting GHG reduction and meeting deadlines for taking required actions to reduce GHG.
6. Appreciate the flexibility, but fewer than 16 measures should be recommended in final rule as minimum reporting requirements. Recognizing the resource constraints of local jurisdictions in measuring 16 measures, strive for a smaller set of key performance indicators that provide enough direction to measure progress. • Better define performance measures terms in staff memo/rule, including these terms: • Performance measure • Performance target • Benchmark • Better distinguish between the three categories of performance measures listed in the memo - Consider simply having "Regional Outcome Performance Measures" and "Local Action Performance measures" with equity measures within each of these categories. That seems to be the intent based on the staff presentation and staff memo.
It is unclear how and when the aggregated regional performance for each metropolitan area will be measured and reported. • The performance measures need to reflect desired land use, climate and transportation outcomes that will lead to GHG reductions in equitable ways. The performance measures should help identify needs (gaps and deficiencies) and measure progress toward the local and regional goals. • Consider having a common set of regional outcomes common across the metropolitan areas that will allow statewide monitoring and reporting on progress. California is using VMT/capita, VMT/employee and VMT/service population in place of level-of-service (LOS) or volume-to-capacity (v/c) ratio. Implementation of the performance measures framework should occur through existing planning and reporting processes, given the significant anticipated cost to collect, maintain and report on performance measures – e.g., TSP updates and comprehensive plan updates.
7. The TDM requirements should be strengthened. Requiring a TDM Plan to be submitted to reduce impact fees will not sustain the program over time. There needs to be an ongoing requirement to participate in a program that is overseen locally. Transit near crosswalks- 100 feet is too close, consider 250 feet.
8. Need to be more well defined.

9. To the extent possible, requiring measures that include reporting on priority populations to disaggregate by each population, rather than grouping them all together.
10. Frequency looks good. Smaller jurisdictions will need support and resources to do reporting. What is the impact of TSP project prioritization, selection, and financially constrained requirements on monitoring and reporting? Is this supposed to start with our next TSP update or include the 2035 existing, adopted plans? Our TSP is through 2035, but with financial constraint rule amendments presented, it would have different anticipated outcomes. Sidewalk infill projects don't show up on the TSP project list, but filling in sidewalk gaps along existing streets would help create more climate friendly and equitable areas. Please adjust to give credit for parking management programs that have time limits, but to not include pricing.
Do Climate Friendly Area designations change (get added/removed) over time? If so, some local performance measures could look as if they're getting worse, when in fact progress has been made. How is this accounted for with the measurements?
It would be helpful to be able to use the existing LTD Long Range Transit Plan and local TSP "Frequent Transit Network" designation instead of having to also designate "transit priority corridors." That being said, we see that priority corridors may have different levels of transit service depending on different metro areas.
For Transportation System Investments, what counts as "investment"? How do we measure the total/percentage or this? Does private development count? Only city/count funded projects? Maintenance vs. enhancement funding? There are gas tax limitations that create challenges. It would be helpful if DLCD could provide example code language and tools to establish TDM programs tied to development that could be used by jurisdictions that don't have the capacity to develop their own unique TDM code updates. We have implemented elements, but a toolbox of resources to draw from or examples to look to that already exist across Oregon would be helpful.

Question 10

General question: Later this fall it will likely be possible to hold meetings in person. We would continue to offer an online option. What are your feelings about attending in person?



ANSWER CHOICES	RESPONSES
I would attend in person	50.00% 7
I would continue to attend online	64.29% 9
Total Respondents: 14	

Question 11

What was the most valuable aspect of this meeting for you?

1. Hearing everyone's stories in the breakout rooms.
2. As an alternate it was nice to be able to participate in a breakout room. I did notice that the reporting back methodology was not consistent -- some showed the notes along with the verbal reporting other only did the verbal reporting. As the verbal reporting reflected summarizing and the particular reporters perspective, I found it helpful to also see the notes.
3. Having the opportunity to learn more about staff's thinking about the concepts, and opportunity to follow-up with this survey given the limited discussion time.
4. Break out groups.
5. Small group discussions.
6. Learning about other viewpoints.
7. Tracking progress of rulemaking and having the opportunity to comment on rule development. It has also been helpful to get to know people across the state.

Question 12

Please share any recommendations to help improve your understanding or the productivity of future meetings.

1. I just appreciate my agency content continually checking in and making sure I'm keeping up with the content. Keep up the great work!
2. When asking questions such a question 10 I would suggest providing a space to be able to explain the why of the answer. For question 10 I answered online because I would want to know the answer to these questions first: will you have proof of vaccination, will you require masks and social distancing, how good in the ventilation system in the space the meeting would take place, what to feel you can accomplish in person that can't be done online; and what is the tradeoff in asking folks to drive to Salem thus likely emitting GHGs versus an online meeting? As a public city planner who has been involved in an extensive number of public participation events I do understand the benefits of in person meetings. However, we all know that we are still in pandemic and we also all know that there can be inequitable resource issues in having to convene in Salem as opposed to where you live.
3. The process seems to lack real dialogue: DLCD solicits comments in these surveys but provides little response. In every meeting, RAC members push for more specificity and clarity in actions that will be required and by when, and we receive vague responses that something more is coming, but we have not seen much of it yet. DLCD should provide feedback, including written responses, to written comments.
4. It would be helpful to receive materials (particularly the draft rules) more than one week in advance. A summary of the feedback received on the rulemaking concepts and how the draft rule revisions address comments provided by the RAC members.
5. Question #10 about attending the meeting in person does not provide enough information to answer it properly. If the meetings are in person, where would they happen? In Salem? And how are you going to provide equitable access to the in person option? I am on the RAC as a volunteer and not as a part of my "day job" so I would have to take an entire day off of work and drive nearly six hours (roundtrip). Are there stipends to offset that time and cost?
6. The meetings are being well run. It seems as if the last two have been lower attendance, perhaps due to summer and general attrition.

Two further comments received by email:

1. From Michael Szporluk

A. climate friendly areas

as we think about housing density, new development and re-development, it is (in my view) paramount that housing is seen through the lens and standard of adequacy, which incorporates not only affordability, but other elements as noted in the Committee on Economic Social and Cultural Rights' General Comment 4 that I've already referenced several times. This includes elements of location, accessibility, availability of services, inhabitability, etc.

One thing I've also thought about - as climate mitigation strategy - is to have or create a standard for planting trees when there is a new development or redevelopment. There was an article in the NYT recently that highlighted the differences in median incomes in urban areas with and without adequate tree canopy. Areas without tree canopy can be roughly 10 degrees hotter than those without. so, as we think about equity and development, I think tree planting requirements should be introduced (i realize that may be beyond your purview, but I just wanted to flag it).

Other issues - can we extend the moratorium on forced evictions? Can we decriminalize homelessness? Can we track gender equality in housing and land ownership?

B. Ped / Bike / transit

as we think about this concept - I think its important to consider both the moving and non-moving (i.e. infrastructure) parts of transit. are the stops accessible? is access to information about the transit system accessible in alternate formats? How inclusive is signage?

Very early on this process - I shared a link to the City of Capetown's accessible bus system, which is worthy of emulation. See: <https://wheelchairtravel.org/cape-town/public-transportation/#:~:text=Wheelchair%20Accessible%20MyCiti%20Bus,Cape%20Town%20International%20Airport%20station.>

One of the innovation is that the busplatform is level with the bus entryway, meaning that once the doors to a bus open up someone who uses a mobility device (wheelchair) or a new parent (with a stroller) can get immediately on the bus. This prevents delays (our buses take small eternities to have the ramps fold out), and makes for more seamless transit. It also means that people who use such devices will need to rely less often on para-transit (which is perennially under-funded and often very inconvenient - i.e. long gaps between when someone requests a ride and when the ride comes).

C. Parking mandates

Can we talk about depaving? I look at the huge wasted lots next to the Lloyd center and movie theater in Portland. some combination of housing, small commercial and parks would be much better.

for parking lots - why not require solar and trees (page 9 of 15 refers to "solar or trees"). Let's have both.

I would like to see - a continued reservation of several spots (depending on density) for persons with mobility impairments, though.

D. Motor vehicle congestion

in transportation planning - and this relates back to concept b above - it is very important to think about the accessibility of the whole system. One accessible system may be more expensive than our current inaccessible systems. However, one accessible system is better for everyone, and is less expensive than operating separate para-transit systems for persons with disabilities (which are inherently inequitable, kind of like segregated facilities in the south).

F. Electric vehicle charging stations

what about piloting an EV share system like Portland's bike share? so people don't have to buy an EV (which is cost prohibitive) but could still use them? obviously a lot more details would need to be worked out - and the risks of misuse are higher. maybe this could be piloted with EV scooters? or maybe that's already in the works?

G. Division 44 Rules Draft

Overall, I appreciate and agree with all the suggestions in the draft. I would add just two additional considerations - and these are very much in line with points I've made in earlier meetings, so hopefully it's not too much of a surprise:

1. 0005 - Definitions (page 22 of 54 in public comment packet) – add a definition for “adequate housing”. The definition for adequate should be inclusive of all seven elements of the adequate housing definition that are in the Committee on Economic, Social, and Cultural Rights General Comment 4. See:

https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/1_Global/INT_CESCR_GEC_4759_E.doc

In addition, this broader concept of adequate housing may need further elaboration elsewhere in the rule (since the implications of a focus on adequacy won't necessarily be immediately obvious), but I wasn't sure where that would be most appropriate.

2. 0040 – preferred scenario planning (page 32 of 54) – the recommended para 2 (a) currently reads : “Consult with affected local governments, representatives of historically marginalized communities, the Port of Portland, TriMet, and the Oregon Department of Transportation.”

However, the requirement for consultation with persons from historically marginalized communities should specify that a representative (i.e. proportional) sample needs to be engaged. Otherwise, the agencies will just consult with 1-2 members from these communities and then report that they’ve fulfilled the consultative requirement. Instead, for example, we know that 25% of Oregonians are persons with disabilities. Thus, roughly 25% of participants consulted need to be a diverse set of individuals who self-identify as disabled. We know that African Americans and other persons of color tend to have higher rates of disabilities within their

communities than persons who identify as white, and thus that also needs to be factored in. Consideration also needs to be given to diversity of impairment, i.e. don't just consult with persons who use wheelchairs (or any other single group). The disability community itself is incredibly diverse (*persons who are blind, deaf, have intellectual disabilities, multiple disabilities, psychosocial disabilities, physical disabilities, persons of short stature, etc.*), and our specific needs are often very different.

The same requirement of proportional consultation should be a universal change – not just in this instance.

From Jonathan Harker

The following pages are a narrative and photographs of mixed-use (commercial ground floor with residential above) development that have been built in my neighborhood (NE Fremont Ave, NE Portland) in recent years.. I created this document after last year's November RAC member to share with a few other RAC members who occasionally have gotten together (virtually of course) to discuss the on going rulemaking. I did not change the document for this correspondence but instead appended what I created previously. It is intended to illustrate mixed use development with reduced or no parking.

As written in the 11/23 RAC staff report (p. 42) an expected outcome of the Climate-Friendly and Equitable Communities rulemaking is to require land use regulations that include that “rules will require jurisdictions to allow dense housing, **mixed-use development**, and limit auto-centric land uses” and will “**limit minimum off-street parking requirements.**”

As a retired city planner, whose projects have included these types of land use rules being discussed, it is easier for me to visualize what occurs under these rules and why they can be effective for reducing GHG emission from passenger vehicles. However, from my experience working those who may not be familiar with these kind of rules, it is useful to provide examples of built projects that illustrate the concepts. This narrative and the accompanying images highlights three recent developments in my neighborhood that illustrate mixed-use and limiting parking concepts.

When I began working for Gresham it, as did other jurisdictions Oregon’s metropolitan areas and indeed throughout the U.S., generally drew hard lines between residential and commercial uses. As well it didn’t allow individual buildings to have both residential and commercial uses and it required large numbers of parking spaces. In Portland metropolitan area this began to change as a result of planning done by region as coordinated by Metro.

At the beginning of the 1990’s leaders in the Metro region became concerned about urban sprawl as developable lands within the Urban Growth Boundary (UGB) were becoming scarce. Lack of land to accommodate projected growth would then lead to UGB expansions. Expanding the UGB would increase vehicle miles traveled (VMT) which would negatively impact air quality. It would also cause conversion of farm, forest, natural resource and recreation areas to urban uses. In 1995, lead by Metro as a regional planning authority, the region adopted the 2040 Growth Concept Plan (2040 Plan). The 2040 Plan included designating mixed-use centers throughout the region for example central city, regional centers, town center, corridors and main streets.

The reasons for mixed-use districts is that by allowing more density within the UGB new population growth could be accorded inside the then existing UGB. Additionally people living or working in these mixed-use districts counter VMT growth by allowing residents and workers to easily trade auto trips with a convenient walk or bike to nearby shopping as well as convenient access to transit. This also has the impact of supporting more transit service and local businesses.

In the years ensuing from 1995 Metro area jurisdictions began amending their comprehensive plans, zoning designations and development codes for these mixed-use districts. Doing this at Gresham was a major part of my work for a number of years. Portland also made changes including area in my neighborhood that I will highlight.

NE Fremont (40th to 51st) was designated by the 2040 Plan as a 'Main Street'. Main streets were expected to be mixed-use and transit supportive areas that would retain their characteristic small, ground-level store fronts. The City of Portland applied the Commercial/Mixed Use 2 zone to this part of NE Fremont. The CM2 zone allows medium scale mixed-use development. Buildings can be up to four stories. No parking is required for commercial uses or for residential uses served by transit. Below (and in the accompany visual) I highlight three mixed-use developments that have been completed along this stretch of NE Fremont in the last one and 13 years.

Within this section of NE Fremont Avenue is a junior grocery store, a hardware store, a bakery and a number of retail and commercial businesses and restaurants. Additionally it is served by a transit and there is full service grocery store about one-mile transit ride away. All three of the development have ground floor retail uses with housing on the upper floors. Two of the developments have limited residential parking and one has no parking.

When the oldest development was proposed the neighborhood association expressed concerns that the limited parking (one per unit) would cause overflow parking into the adjacent neighborhoods. That has not happened. Reducing parking requirements can allow for more affordable housing, additional unit density and more climate-friendly amenities. It also means that those who choose to live in these developments have the option to replace driving trips with walking and transit trips.

The most recent development (2017) is the Bridgetown apartments. It is a 4-story building with the top three stories having 50 residential units described as "net-zero and eco-friendly". Although not visible from the street there are roof top solar panels. Covered parking is available for a monthly fee. Ground level uses include a yoga studio, a coffee shop and a commercial office.

The second most recent development (2014) is the Beaumont Village apartments. It is a 4-story building with the top three floors having 52 residential units. There is no parking. Ground level uses including a barber shop, a health clinic and a restaurant.

The oldest recent development (2007) is Beaumont Village Lofts Condominiums. It is a 3-story building with the top two floors having 26 residential units. Each unit has garage parking space and an electric charging station. Ground level uses include a coffee/pastry shop and insurance office.



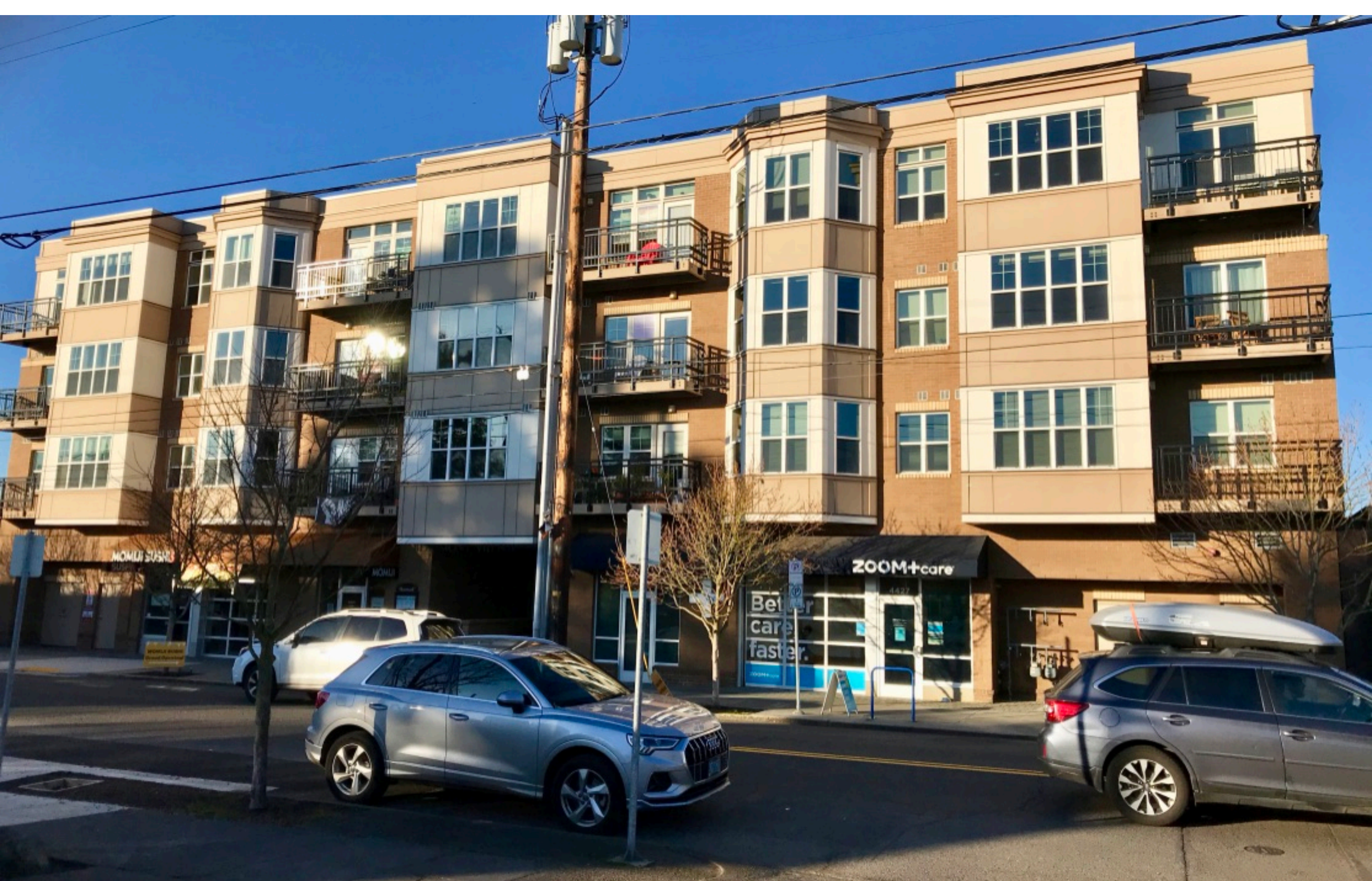
The Bridgetown apartments, 4-story, 50 net zero units; retail/commercial ground floor; covered parking for fee; 2017



Bridgetown apartments - west side



Bridgetown apartments - east side



Beaumont Village apartments; 4-story; 52 units; retail/commercial ground floor; no parking; 2014



Beaumont Village Lofts Condominiums; 3-story; 26 units; retail/commercial ground floor; each unit has covered parking w/electric charger; 2007



Beaumont Village Lofts Condominiums - Parking View

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee MEETING 7



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 7 Item 11: Public Comments**
DATE: August 11, 2021

Comments received from the public since the last advisory committee meeting are attached:

1. Art Pearce, City of Portland
2. Tom Armstrong, City of Portland
3. City of Ashland Climate Policy Commission

July 12, 2021

Kirstin Greene, Deputy Director
Department of Land Conservation and Development

Amanda Pietz, Policy, Data & Analysis Division Administrator
Oregon Department of Transportation

Dear Deputy Director Greene and Division Administrator Pietz,

As part of your agencies' ongoing implementation of Executive Order 20-04, the Portland Bureau of Transportation has been engaging with ODOT and DLCD staff to identify strategies to support achieving City, Metro regional, and state greenhouse gas (GHG) reduction targets while strengthening equitable access and mobility, safety, and efficiency. We will only achieve our shared targets and goals when state, regional, and local transportation decisions are aligned. Since we all in the same climate boat, we need to be rowing in coordination toward the same destination.

PBOT supports two key alignment strategies:

1. **Plan and Policy Alignment:** State, regional, and local plans and policies should be required to show how they will support achieving the metropolitan greenhouse gas reduction targets in OAR 660-044. The Transportation Planning Rule update underway now, led by DLCD and ODOT, with local agency and public input, provides an excellent opportunity to require local TSPs, regional TSPs, and the state's OTP all show consistency with the targets in 660-044;
2. **Funding Alignment:** State, regional, and local project and program funding decisions, including STIPs, TIPs, and CIPs, should also be required to show how they will support achieving the 660-044 targets. ODOT, Metro, and PBOT have all developed methodologies to evaluate the relative contributions of transportation projects and programs and are working to refine methodologies for consistent evaluation to support evidence-based decisions.

We believe ODOT and DLCD should continue working with local governments to develop rule language supporting plan and policy alignment, and funding alignment, across state, regional, and local agencies.

Thank you for the consideration. If you have any questions, please feel free to direct them to me and Eric Hesse, Supervising Planner for Policy Innovation and Regional Collaboration.

Sincerely,



Art Pearce, Policy Planning and Projects Group Director

From: [Armstrong, Tom](#)
To: [CFEC DLCD * DLCD](#)
Cc: [Cowan, Stacy](#)
Subject: CFEC rule concepts
Date: Wednesday, July 21, 2021 4:37:05 PM

The rulemaking concepts are looking good and consistent with the policy direction in Portland's comprehensive plan.

However, the Climate-Friendly Areas concept puts too much emphasis on future growth and development. Portland has a similar concept in our Healthy, Connected Neighborhoods strategy, with a goal that 80% of Portland's 2035 households are located in one of these areas. Currently, about 66% of Portland households meet this goal. As part of our growth scenario analysis, we found that we cannot grow our way to meeting this goal – even if 100% of new residential development (currently about 80%) were located in one of these areas, Portland would not meet our goal. In addition to growing in the right places, we need to make infrastructure investments to create more climate-friendly areas. This half of the strategy is missing from the concepts described in the July 12 Meeting 6 information and should be incorporated into the concept.

Also, in calibrating the 30% target, is there any analysis of how different cities are on-track to meeting this target? Utilizing TAZ transportation modeling inputs may be a way to assess if the 30% target is too low.

Tom Armstrong, Supervising Planner
he/him
City of Portland Bureau of Planning and Sustainability
503-823-3527
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Council Business Meeting

July 20, 2021

Agenda Item	Feedback on State Rulemaking related to Climate-Friendly and Equitable Communities from the Climate Policy Commission	
From	Stu Green	Climate and Energy Analyst
Contact	Stu.Green@ashland.or.us ; 541-552-2085	

SUMMARY

The Oregon Land Conservation and Development Commission (LCDC) is developing amendments to the Oregon Administrative Rules (OARs) to require local governments and other jurisdictions to implement “climate-friendly and equitable land use and transportation planning and land use regulations.” Draft amendments are expected to be published in Fall 2021. LCDC has requested input from local governments and others that will be impacted by these amendments.

The Climate Policy Commission (CPC) has drafted recommended amendments to send to LCDC aimed at strengthening alignment of the OARs with existing city goals and plans, especially Ashland’s Climate & Energy Action Plan. The Climate Policy Commission requests that the City Council direct staff to forward the attached feedback to appropriate State office, in support of advancing Ashland’s adopted climate goals.

POLICIES, PLANS & GOALS SUPPORTED

The CPC feedback presented in the attached memo broadly supports the goals and strategies outlined in the City of Ashland’s 2017 Climate and Energy Action Plan (CEAP).

CEAP Goals Supported

- Overall Goal 1. Reduce Community GHG Emissions.
- Overall Goal 2. Prepare Ashland to be more resilient to climate change.
- Urban form, Land use, and Transportation (ULT) Goal 1. Reduce transportation GHG emissions.
- ULT Goal 2. Reduce community & City employee vehicle miles travelled.
- ULT Goal 3. Improve vehicle efficiency and expand low-carbon transport, including within the City’s fleet.
- ULT Goal 4. Support local and regional sustainable growth.
- ULT Goal 5. Protect transportation infrastructure from climate impacts.

CEAP Strategies Supported

- Strategy ULT-2. Make Ashland more bike- and pedestrian-friendly.

CEAP Actions Supported

- Action ULT-2-2. Explore opportunities to convert to shared streets where appropriate to provide multimodal connectivity.
- Action ULT-4-2. Further revise community development plans to favor walkable neighborhoods and infill density.

PREVIOUS COUNCIL ACTION

March 7, 2017 [Climate and Energy Action Plan](#)

September 19, 2017 [Climate Recovery Ordinance](#)

BACKGROUND AND ADDITIONAL INFORMATION

On July 8, 2021, CPC moved to forward to the City Council the following recommended amendments to the Oregon Administrative Rule 660-12 and 660-8 to forward to the Department of Land Conservation and Development. See Attachment 1 for CPC feedback on LCDC Climate friendly communities rulemaking.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION

N/A

ACTIONS, OPTIONS & POTENTIAL MOTIONS

- I move to direct City Staff to forward the attached recommendations to the Land Conservation and Development Commission in order to advance statewide efforts to reduce climate pollution from the transportation sector, and reduce the cost of living for residents of Ashland and communities throughout the State.
- I move to not direct City Staff to forward the attached recommendations to the Land Conservation and Development Commission.

REFERENCES & ATTACHMENTS

Attachment 1: CPC feedback on LCDC Climate friendly communities rulemaking

To: City Council
From: Climate Policy Commission
Date: July 8, 2021
RE: Climate-Friendly and Equitable Communities Rulemaking Recommendations

As a response to the Governor Brown's March 2020 Executive Order on Climate Action ([EO20-04](#)), the Oregon Land Conservation and Development Commission (LCDC) is developing amendments to the Oregon Administrative Rules (OARs) to require local governments and other jurisdictions to implement "climate-friendly and equitable land use and transportation planning and land use regulations." Draft amendments are expected to be published in fall 2021.

LCDC has requested input from local governments and others that will be impacted by these amendments. The Climate Policy Commission has drafted recommended amendments to send to LCDC aimed at strengthening alignment of the OARs with existing city goals and plans, especially Ashland's Climate & Energy Action Plan.

We seek council's authorization to forward these recommendations to the Department of Land Conservation and Development so that they may be considered by LCDC in the development of climate-friendly rules.

POLICIES, PLANS & GOALS SUPPORTED

The Ashland Climate & Energy Action Plan (CEAP), approved by the City Council in March 2017 and codified in Ordinance 9.40, establishes an overarching goal of reducing greenhouse gas emissions (GHGs) associated with City, residential, commercial, and industrial activities. Specific overarching targets include reducing overall Ashland community GHGs by 8%, on average, every year to 2050, attaining carbon neutrality in City operations by 2030, and reducing fossil fuel consumption in City operations 50% by 2030 and 100% by 2050.

The CEAP includes a chapter focused on Urban Form, Land Use, and Transportation, which sets a goal of reducing community and City employee vehicle miles traveled and GHGs associated with transportation greenhouse gas emissions. One strategy to achieve this goal is to "Make Ashland more bike- and pedestrian-friendly" (Strategy ULT-2). Priority Actions for this strategy include:

- Exploring opportunities to convert to shared streets, where appropriate, to provide multimodal connectivity. (ULT-2-2), and
- Revising community development plans to favor walkable neighborhoods and infill density. (ULT-4-2).

PREVIOUS COUNCIL ACTION

Ashland Climate & Energy Action Plan (CEAP), adopted by City Council, March, 2017, and Ordinance 9.40.

BACKGROUND AND ADDITIONAL INFORMATION

In March 2020, Governor Brown issued an Executive Order on Climate Action ([20-04](#)), “Directing State Agencies to Take Actions to Reduce and Regulate Greenhouse Gas Emissions.” In response, [the Land Conservation and Development Commission \(LCDC\)](#) [directed the Department of Land Conservation and Development](#) to develop amendments to the Oregon Administrative Rules (OARs) including: [Transportation Planning Rules](#) (OAR Chapter 660, Division 12); the Metropolitan Greenhouse Gas Reduction Target Rules (OAR Chapter 660, Division 44); the Metropolitan Housing Rules (OAR Chapter 660, Division 7); and [Interpretation of Goal 10 Housing Rules](#) (OAR Chapter 660, Division 8).

Such amendments are intended to require local governments and other jurisdictions to implement “climate-friendly and equitable land use and transportation planning and land use regulations.” Requirements will include:

1. Requiring jurisdictions to allow high levels of development in climate-friendly areas, including city and town centers, and corridors with high levels of transit
2. Requiring high-quality pedestrian, bicycle, and transit infrastructure planning
3. Limiting minimum off-street parking mandates
4. Limiting use of motor vehicle congestion standards
5. Prioritizing and selecting projects within transportation system plans that generally support achievement of GHG reduction targets
6. Supporting electric vehicle charging facilities.

(More details on the requirements are available at <https://www.oregon.gov/lcd/LAR/Documents/CFEC-Rulemaking-Charge.pdf>, page 3).

Opportunities for Input

The Department of Land Conservation and Development has convened a Rule-making Advisory Committee to assist in managing the amendment process, including soliciting recommended rule changes from jurisdictions that will be impacted by the changes. We understand that input will be most effective if it is received earlier rather than later in the process. The draft rule is expected to be forwarded to LCDC for adoption in fall 2021.

The LCDC rules apply to all cities, counties, and metropolitan planning organizations in Oregon. As an affected jurisdiction, Ashland has a keen interest in providing input on amendments to the OARs. Our interest is further amplified because these rules will impact how Ashland can implement its own climate policy strategies laid out in the CEAP to achieve our established GHG reduction targets.

Ashland Climate Policy Commission (CPC) Recommendations

We are asking that the City Council to endorse the following recommendations, as attached, and to forward them to the LCDC.

The CPC's recommendations address both transportation and housing. Due to the complexity and broad scope of the [Transportation Planning Rule](#) (OAR Chapter 660, Division 12), the bulk of the CPC's recommendations address this issue.

Transportation - "Goal 12 requires cities, counties, and the state to create a transportation system plan that takes into account all relevant modes of transportation: mass transit, air, water, rail, highway, bicycle and pedestrian. The resulting plan should support a variety of transportation modes so residents are not limited in the ways they can access the jobs, goods, or services available in different parts of their community. A well designed transportation plan conserves energy while also minimizing adverse social and economic impacts for disadvantaged areas." (source: <https://www.oregon.gov/lcd/OP/Pages/Goal-12.aspx>).

"The purpose of the Transportation Planning Rule (TPR) is to guide jurisdictions in meeting the broad objectives of the Transportation Goal. "The Rule," as adopted in 1991, "had as a specific objective that metropolitan areas (such as the Rogue Valley Metropolitan Organizations [RVMPO]) and other MPOs throughout the state) reduce per capita vehicle miles traveled by 10 percent over 20 years and by 20 percent over 30 years after a plan is adopted." (source: https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1021&context=cus_pubs&httpsredir=1&referer=)

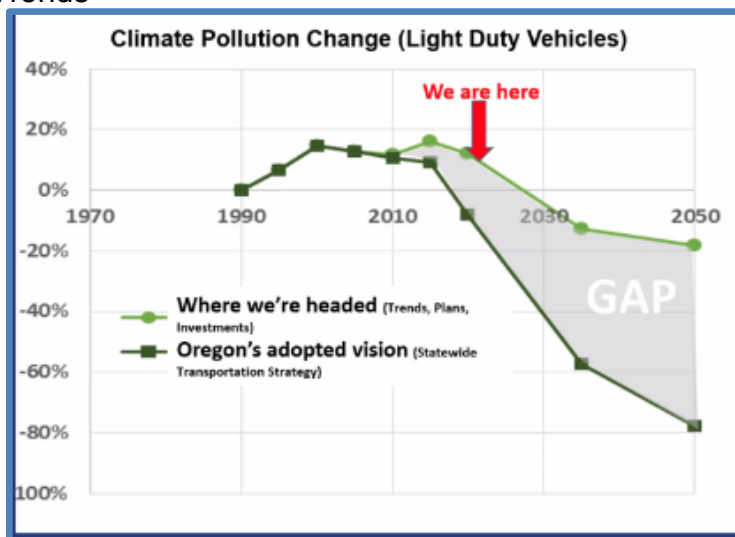
Reducing per capita vehicle miles of travel (VMT) can be achieved in several ways;

- Residents driving their automobiles less frequently (i.e. consolidating trips or making shorter auto trips by shopping locally),
- Residents choosing to walk, bicycle, or using public transit instead of traveling by automobile, or
- Residents using mobility substitutes (telecommunications and delivery services).

Through the efforts of the state's MPOs and others, the Rule was amended in 1995 to allow MPOs to use "alternative standards" to measure reduction in reliance upon the automobile rather than the specific VMT reductions specified in the original 1991 Rule.

Regrettably, the “alternative standards” have not led to a reduction in reliance upon the automobile (as evidenced in Ashland and virtually all other communities in Oregon). Consequently, Oregon is not on a path to reach our state pollution reduction targets for light duty vehicles. (see Figure 1).

Figure 1. Oregon’s Pollution Reduction Targets for Light Duty Vehicles vs. Current Trends



Source: DLCD, Community Conversation Presentation, April 13, 2021

Rationale

The city of Ashland approved a Climate & Energy Action Plan in 2017, which set specific targets for greenhouse gas emission reductions to mitigate our contribution to global warming and climate change. Reducing VMTs is a key strategy of the plan. Policy alignment between different levels of government and organizations, which an amended rule would provide, will support our ability to achieve our goal and statewide targets.

The CPC’s recommended amendments will help Ashland become a city that is more child-friendly, connected, trusting, quiet, accessible, prosperous, resilient, and open to everyone. Specifically, reducing VMTs would provide the following co-benefits for our community:

- Reduced congestion, which will save everyone time and frustration
- Reduced city transportation budget, by making the construction of additional vehicular roadway capacity expansion unnecessary
- Reduced transportation costs for residents, leading to consumer savings (especially among essential workers) which will serve to make Ashland more affordable. (Note: [The Economic Policy Institute estimates](#) that Ashland households spend approximately \$10,305 a year, or 20 percent of the median household income on transportation. As a percent of household income, this expenditure is second only to the cost of housing.

- Greater equity among diverse community members
- Investment fairness between drivers and non-drivers, thus providing residents with modal choice (and not, as it is now, a choice between a “safe” mode of travel [by auto] and an “unsafe” mode [bicycling or walking])
- Increased public well-being, quality of life, and better health as more residents rely on or more frequently use, active transportation modes
- Improved traffic safety
- Improved mobility for non-drivers through investments in bicycling and pedestrian facilities
- Enhanced energy conservation through reductions in the use of fossil fuels
- Respond to growing demands for non-automobility and accessibility options.

Examples from Other Jurisdictions

Policies requiring reductions in VMT have been adopted in other states. These include:

- California state law requires that per capita vehicle travel be reduced 15% by 2050 (GOPR 2018).
- Washington state requires 30% reductions by 2035 and 50% by 2050 (WSL 2008).
- Minnesota has established a goal to reduce state vehicle travel by 20% by 2050 (Bellis 2021).

Many cities have also adopted VMT reduction strategies:

- Minneapolis: reduce VMT 40% by 2040 through TOD, cycling, walking and public transit.
- Orlando: most local trips are done on foot, bike, carpooling, or transit.
- Phoenix: Ensure that 90% of residents live within one-half mile of transit and 40% commute by walking, biking, or transit by 2050.
- San Antonio: reduce average daily vehicle-miles per capita from 24 now to 19 by 2040.

(Source: https://www.vtpi.org/vmt_red.pdf)

Similar policies will be necessary in Ashland if we are to achieve the CEAP 2050 net zero emissions goal.

COMMISSION RECOMMENDATION

The Climate Policy Commission recommends that Council submit the attached recommendations to the Land Conservation and Development Commission.

POTENTIAL MOTIONS

I move to authorize the City Manager Pro Tem to forward the attached recommendations to the Land Conservation and Development Commission in order to advance statewide efforts to reduce climate pollution from the transportation sector, and reduce the cost of living for residents of Ashland and communities throughout the State.

REFERENCES & ATTACHMENTS

Attachment 1: Oregon Administrative Rule (OAR), Climate-Friendly and Equitable Communities Rulemaking Amendment Recommendations as approved by the Climate Policy Commission

Oregon Administrative Rule (OAR)

- Climate-Friendly and Equitable Communities Rulemaking -

Ashland Climate Policy Committee - Amendment Recommendations (as updated 7/08/2021)

Deletions are shown with ~~strike-through~~ and new language is shown in **bold**.

OAR 660-12 (Transportation Planning Rule)

- 1) Amend OAR 660-12-0000(3) to read: The extent of planning required by this division and the outcome of individual transportation plans will vary depending on community size, needs and circumstances. Generally, larger and faster growing communities and regions will need to prepare more comprehensive and detailed plans, while smaller communities and rural areas will have more general plans. For all communities, the mix of planned **and programed** transportation facilities and services should be sufficient to ensure **the transformation of a largely monomodal transportation system into a truly multi-modal system of transportation which ensures Oregonians who don't own an automobile can safely and conveniently travel within urban areas or urban fringe with equivalent or better access than those driving motor vehicles. The planned transportation system should also be** economic, sustainable and environmentally sound mobility and accessibility **and when combined with transportation plans of all other communities throughout Oregon achieve the State Transportation Strategy 2050 target** ~~for all Oregonians~~. Coordinating land use and transportation planning will also complement efforts to meet other state and local objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.
- 2) Amend OAR 660-12-0000(3)c to read: (c) Within metropolitan areas, coordinated land use and transportation plans are intended to improve livability and accessibility by promoting changes in the transportation system and land use patterns. A key outcome of this effort is a reduction in reliance on single occupant automobile use, particularly during peak periods. To accomplish this outcome, this division promotes increased planning **and improvements** for alternative modes and street connectivity and encourages land use patterns throughout urban areas that make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs. The result of applying these portions of the division will vary within metropolitan areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments, **transit corridors** and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while other **parts of the urban areas** ~~may will be auto-oriented and~~ include more modest measures to ~~accommodate~~ ensure access and circulation by other modes. **In all instances, alternative modes shall be designed and constructed to ensure the safety and convenience of all ages and abilities.**
- 3) Amend OAR 660-12-0005 to include the following definitions:

"Bicycle facilities, within an urban area or urban fringe," means transportation improvements that:

- a) Are designed and constructed consistent with the National Association of City Transportation Officials' [Designing for All Ages and Abilities Designs, Contextual Guidance for High-Comfort Bicycle Facilities](#) (see Figure 2), and
- b) Are suitable for use by all ages and abilities.

NOTE: LCDC and the Department cannot continue to rely upon FHWA or ODOT bicycle facility standards. Oregon has to choose to follow the “best in the nation” design standards for bicycle facilities (or preferably in the world – like those used in Copenhagen) or allow for the construction of bicycle facilities that serve that purpose in name only. Existing ODOT designs standards are ill suited for all ages and abilities. Consequently, bicycling, as a mode of travel, has not become a viable, safe and convenient mode of travel as required pursuant to the Transportation Planning Rule and the [Statewide Transportation Land Use Goal](#), adopted in 1991 and 1974, respectively. ODOT’s standards will never serve to attract the majority of the public (more than 50 percent of the residents living in urban areas of the State) whom are “interested in cycling but concerned for their safety” (see Figure 1) These people are afraid to share the roadway with autos.

Figure 1.

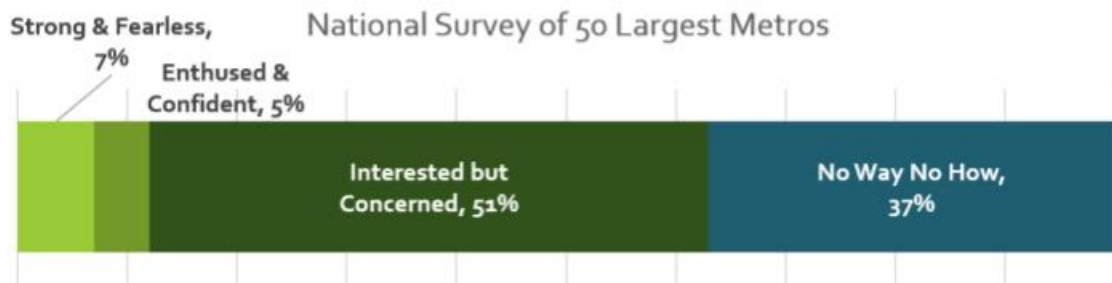
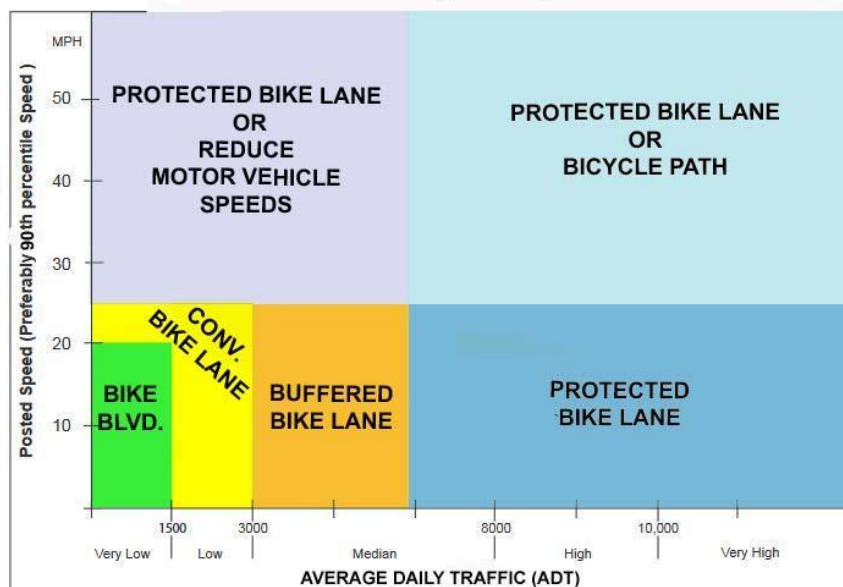


Figure 2

NACTO Contextual Guidance for Selecting All Ages & Abilities Bikeways



“Convenient bicycle and pedestrian networks,” within an urban area or urban fringe, means that residents and visitors to such areas of all ages and abilities are served by a bicycle and pedestrian system that allows safe and efficient travel, from anywhere to everywhere, and with minimal out of direction travel.

“Safe bicycle networks, within an urban area or urban fringe,” means the accident rate involving people riding bicycles, measured by using the number of accidents per year per mile of travel, is equal to or lower than the rate of accidents involving only motorized vehicles.

"Transportation Needs" means estimates of the movement of people and goods, **explicitly considering people riding bicycles and walking**, consistent with acknowledged comprehensive plan and the requirements of this rule. Needs ~~are typically~~ **shall be** based on projections of future travel demand ~~resulting from a continuation of current trends~~ as modified by policy objectives, including those expressed in Goal 12, and this rule, **and attaining the State Transportation Strategy Target for 2050 with explicit adjustments in order to reflect especially those for avoiding principal reliance on any one mode of transportation.**

Vision Zero means a plan and a discrete set of transportation improvements and transportation management measures that, when combined, will serve to ensure that every urban area and urban fringe will experience no traffic deaths and no serious injuries.

4) **Amend OAR 660-12-0020, Elements of Transportation System Plans,**

2(d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area **serving all ages and abilities, and facilitating travel between anywhere to everywhere while minimizing out of direction travel.**

2(j) A Vision Zero plan.

3(C) The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor) **and include the width (excluding the drain pan) of bicycle facilities.**

5) **Amend OAR 660-12-0035(3) to read: The following standards shall be used to evaluate and select alternatives:**

(a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan;

(b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan, **and the State Transportation Strategy 2050 Target;**

(c) The transportation system shall minimize adverse economic, social, environmental and energy consequences **and avoid disproportionate impact on minority, economically disadvantaged or culturally unique neighborhoods or communities;**

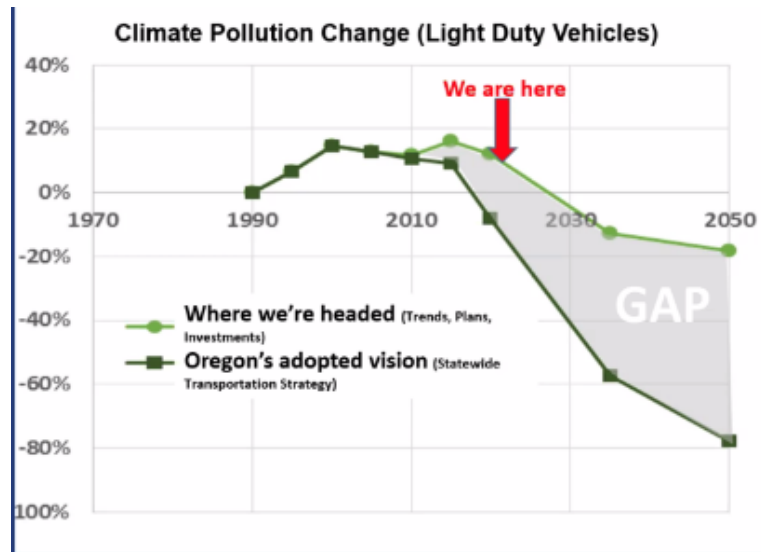
(d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation; and

(e) The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices to reduce principal reliance on the automobile. In MPO areas, **including the cities within such boundaries**, this shall be accomplished by selecting transportation alternatives which meet the requirements in section (4) **and shift planned transportation investments away from motorized transport and focus on the improvement, safety, convenience, and quality of bicycle and pedestrian infrastructure within urban area or urban fringe.**

- 6) Amend section OAR 660-12-0030(4): In MPO areas, regional and local TSPs shall be designed to ~~achieve adopted standards for~~ **increase**ing transportation choices and reducing reliance on the automobile **pursuant to standards specified in OAR 660-12-0035(6).** ~~Adopted standards are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that increase transportation choices and reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today.~~
- 7) Delete section 660-12-0035(5) which allows MPO's to adopt "alternative measures" as an alternative to reducing VMT per capita.
- 8) Amended OAR 660-12-0035(6) as follows:
A metropolitan area ~~may also~~ shall accomplish compliance with requirements of subsection (3)(e), **and** sections (4) ~~and (5)~~ by demonstrating to the commission that adopted plans and measures are likely to achieve a ~~five~~ **15 percent reduction in light-duty vehicle** VMT per capita **during** ~~ever~~ **each decade between 2020 and 2050 or an alternative rate of reduction that is demonstrated, in combination with VMT reductions within all MPO's within the state, to meet the State Transportation Strategy 2050 Target.**
~~the 20-year planning period. The commission shall consider and act on metropolitan area requests under this section by order. A metropolitan area that receives approval under this section shall adopt interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the regional transportation system plan.~~

Note: It is anticipated, that the electrification of the light duty vehicles will account for a significant share of carbon emissions reductions by 2050 but insufficient to meet the State Transportation Strategy for 2050. VMT per capita reductions will be needed at approximately 15 percent per decade between 2020 and 2050 to meet the goal. Such reductions will largely be met through increasing bicycle and walking mode shares. (see Figure 3)

Figure 3. Oregon's Pollution Reduction Target



Source: DLCD, Community Conversation Presentation, April 13, 2021

- 9) Amended OAR 660-12-0035(7) as follows:
Regional and local TSPs shall include **five-year** benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule and **set mode share targets for bicycles, pedestrians, and transit.** ~~at regular intervals over the planning period.~~ MPOs and local governments shall evaluate progress, **using the Oregon Household Travel Survey to demonstrate conformance with Section 6.** Where ~~benchmarks~~ **mode share targets** are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet **such targets** and the requirements of this rule.

Note: The interim targets help to answer the question; "how are MPO's and local governments going to reduce VMT per capita" and would also serve to focus project selection.

- 10) Delete OAR 660-12-0035(9) ~~Where existing and committed transportation facilities and services have adequate capacity to support the land uses in the acknowledged comprehensive plan, the local government shall not be required to evaluate alternatives as provided in this rule.~~
- 11) Amend OAR 660-12-0045(2)g as follows: Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and performance standards of facilities **and planned high-capacity transit corridors** identified in the TSP.
- 12) Amend OAR 660-12-0045 (3)b(B) as follows: ~~Bikeways~~ **Protected cycle-tracks** shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways,
- 13) Amend OAR 660-12-0045(d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:
(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or **bicycle** travel for short trips.
Streets with traffic volumes greater than 1,500 vehicles per day or where traffic

speeds are in excess of 20 miles per hour discourage bicycle travel and require bicycle facilities to be separated and, where speeds are greater than 25 MPH and/or volumes greater than 6,500 vehicles per day, protected from adjacent motor vehicle traffic.

(B) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile **and travel by bicycle is typically three to four miles in length (and further for electric bicycles).**

(D) Safe bicycle and pedestrian systems shall be those where pedestrian and bicycle accidents occur at a rate, when measured in accidents per mile of travel, equal those for motor vehicles collisions.

14) Amend OAR 660-12-0045(4)b(C) as follows:

In addition to paragraphs (A) and (B) above, on sites at major transit stops **and along high-capacity transit corridors within urban growth boundaries** provide the following:

15) Amend OAR 660-12-0045(5)c as follows:

c) Implements a parking plan which:

- (A) Achieves a 10 percent reduction in the number of parking spaces per capita in the MPO area **each decade between 2020 and 2050** ~~over the planning period.~~ This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;
- (B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);
- (C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, **high-frequency transit corridors**, and transit oriented-developments; and
- (D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.

16) Amend OAR 660-12-0045(5)d as follows:

d) In addition, the parking plan shall provide for an increasing share of off-street, publicly owned parking spaces to be reserved for electric vehicles (EV) leading to all off-street, publicly owned parking being reserved for EV's by 2050. EV parking spaces shall include vehicle charging stations the cost of which shall be identified in the jurisdiction's capital improvement program and the regional Transportation Improvement Program. As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:

- ~~(A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;~~
- ~~(B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;~~
- ~~(C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;~~

~~(D) Exempt structured parking and on-street parking from parking maximums;~~

~~(E) Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and~~

~~(F) Provide for designation of residential parking districts.~~

OAR 660-08 (Interpretation of Goal 10 Housing Rules)

1) Amend OAR 660-08-50(4) as follows:

4) Achieving Fair and Equitable Housing Outcomes – A Housing Production Strategy Report must include a narrative summarizing how the selected Housing Production Strategies, in combination with other city actions, will achieve equitable outcomes with regard to the following factors:

(a) Location of Housing - How the city is striving to meet statewide greenhouse gas emission reduction goals, established under Executive Order No. 20-04, by creating compact, mixed-use neighborhoods available to people part of state and federal protected classes.

(b) Fair Housing - How the city is affirmatively furthering fair housing for all state and federal protected classes. Affirmatively furthering fair housing means addressing disproportionate housing needs, patterns of integration and segregation, racially or ethnically concentrated areas of poverty, and disparities in access to housing opportunity;

(c) Housing Choice – How the city is facilitating access to housing choice for communities of color, low- income communities, people with disabilities, and other state and federal protected classes. Housing choice includes access to existing or new housing that is located in neighborhoods with high-quality community amenities, schooling, employment and business opportunities, and a healthy and safe environment.

(d) Housing options for residents experiencing homelessness – How the city is advocating for and enabling the provision of housing options for residents experiencing homelessness and how the city is partnering with other organizations to promote services that are needed to create permanent supportive housing and other housing options for residents experiencing homelessness;

(e) Affordable Homeownership and Affordable Rental Housing – How the city is supporting and creating opportunities to encourage the production of affordable rental housing and the opportunity for wealth creation via homeownership, primarily for state and federal protected classes that have been disproportionately impacted by past housing policies; and

(f) Gentrification, Displacement, and Housing stability – How the city is increasing housing stability for residents and mitigating the impacts of gentrification, as well as the economic and physical displacement of existing residents resulting from investment or redevelopment;-

(g) Livability and Transportation Choices – How the city, through its transportation planning, is ensuring that all residents have ready access to pedestrian and bicycle networks which provide practical, safe, efficient, convenient and low or no-cost transportation alternatives for all ages and abilities from anywhere to everywhere within the city; and

(h) Minimizing Cost of Living – How the city is ensuring that the cost of heating and cooling residential buildings is minimized, eliminating greenhouse gas emissions in new housing, and contributing to a reduction in emissions, overtime, from the existing housing stock.